

TRUTH AND RECONCILIATION COMMISSION

SECTION 29 INQUIRY

DATE: 21.08.1997

NAME: ABRAHAM VAN ZYL

CHAIRPERSON: Good morning and welcome. This is a Section 29 inquiry and an investigative process which is carried on in terms of the Act. The proceedings in this inquiry will be held **in camera**, in keeping with the legislative provisions. The intention is, in fact, or really, to gather information. Now in terms of that Act no one other than the members of the Commission and/or the witness and/or his legal representative are entitled and permitted to be in these proceedings. No information that has been the subject matter of these proceedings will be released to the media or will be published, unless the Commission decides to do so. In those circumstances the Commission will not do so until and unless it has given the appropriate notice to the witness and/or to his legal representative.

Further we are not going to make any findings in these proceedings. As I say it is an inquiry seeking to establish as far as it is possible, as complete a picture as possible of some of the aspects that fall within the mandate and the mandate period of the Commission. The expectation is that the witness will be sworn in or will take or will affirm, depending on which choice the witness makes. I am pleased to see that the

witness is legally represented. It is a requirement of the Act that the Commission should make sure that the person is legally represented. Just so that the process is smooth and just so that the proceedings carry on in a fair and in a judicial manner.

We will be hoping and expecting that the evidence that the witness will be testifying about, will be given in as a complete and as full a manner, and that the questions will be asked in a fair and appropriate manner, and I am here to make sure that this is so and obviously the legal representative of the witness will raise the necessary objection if it becomes clear that the questions are not fair. But equally, we will expect that the witness will be replying to the questions as fully and as informatively as the process requires.

There are a few ground rules. I am told that tea will be served at half past eleven and that there will be a lunch break at one o'clock. So the time is now five past 10, going for 10 past 10, and we are ready to start. Before we do so I would like the legal representative, Mr Du Plessis to formally place himself on record, as the legal representative of the witness, and then thereafter we will have to swear the witness in. Mr Du Plessis?

MR DU PLESSIS: The name is P J du Plessis of the firm David H Botha Du Plessis & Kruger, Johannesburg, the address being 18th Floor, CCMA Building, C/O Anderson and Ferreira Streets. We have been served with the notice in terms of Section 29. The areas of questioning as set out in points 1 to 5. My client, Mr Abraham van Zyl is ready to answer the

questions regarding those aspects the Commission wants to question him about.

CHAIRPERSON: Thank you very much, Mr Du Plessis. Once again, welcome and welcome also to you, Mr Van Zyl. We will then have to swear you in.

MR DU PLESSIS: Thank you very much.

ABRAHAM VAN ZYL: (Verklaar onder eed).

CHAIRPERSON: There are listening devices which are in front of you. I believe that if you switch to either channel 1 or 2, you will get the appropriate language. There will be a translation from English to Afrikaans and from Afrikaans to English. So you are free, everyone is free to use a language that is most appropriate for themselves or with which they are comfortable. We are ready to begin.

EXAMINATION BY MR KHOISAN: Good morning, Mr Van Zyl.

MNR VAN ZYL: Goeiemôre.

MR KHOISAN: Mr Van Zyl today, as has been pointed out by the Chairman, Mr Ntsebeza, we will deal with certain matters that are under investigation by the Truth Commission. Some of it may have relation to your pending application for amnesty. But that does not necessarily constitute a major portion of what we are going to discuss here today.

Maybe we can begin by asking you as briefly as possible to sketch your background and your career as a policeman, up to the point where you were recruited into and became a functional part of what was then known as the Civil Co-operation Bureau.

MNR VAN ZYL: Seker. Ek het in 1978 gematrikuleer te Tulbagh Hoërskool. Daarna is ek na die Polisie Kollege te Pretoria, waar ek sesmaande opleiding ontvang ek. Vandaar is ek uitgeplaas na uniform-tak te Bramley in Johannesburg. Vandaar het ek gaan werk by die Misdadaasvoorkomingseenheid te Jeppe. Daarna het ek ongeveer 'n maand diens verrig by die onluste-eenheid te Diepkloof, vanwaar ek oorgeplaas is na die speurtak, "staff affairs" te John Vorster Plein.

Ek het my laaste twee jaar bietjie meer as twee jaar in die Suid-Afrikaanse Polisie, destydse Suid-Afrikaans Polisie deurgebring te Brixton Moord en Roof. Ek was as Kommissie-offisier aangestel deur die Staatspresident. Ek is in 1988, Meimaand die diens van die Suid-Afrikaanse Polisie verlaat en het ek diens hervat by die Suid-Afrikaanse Weermag, meer spesifiek die BSB, Burgerlike Samewerkings Buro, wat 'n afdeling is van Spesiale Magte.

MR KHOISAN: Mr Van Zyl, at the time that you were recruited into the Civil Co-operation Bureau, that was May 1988, just prior to being recruited, what was your rank at the Brixton Murder and Robbery?

MNR VAN ZYL: Ek was 'n luitenant.

MR KHOISAN: Okay. Did you work under one Fernand du Toit, also known as Staal Burger?

MNR VAN ZYL: Dit is korrek, mnr die Voorsitter.

MR KHOISAN: And what was his position at Brixton Murder and Robbery?

MNR VAN ZYL: Ten tye van my bedanking was mnr Burger, het hy die rang van kolonel beklee en was die eenheidsbevelvoerder van die Moord en Roof te Brixton.

MR KHOISAN: Okay. Is it true that you were second in command of that unit?

MNR VAN ZYL: Nee, ek was omtrent derde in bevel gewees op daardie stadium.

MR KHOISAN: Okay. Now in terms of your specific recruitment into the Civil Co-operation Bureau, can you describe the process, who approached you with the idea of participation in or recruitment through the structure, and who were the persons who conducted the interview from which you were accepted into the structure?

MNR VAN ZYL: Ja, seker. Mnr die Voorsitter, vergun my die geleentheid om net so 'n bietjie van die agtergrond te skets. Hier in 1988 was daar 'n saak wat voor die Hooggeregshof te Johannesburg gedien het, waarin twee eertydse kollegas van my, naamlik Jack le Grange en Van der Merwe op skuldig bevind was aan twee moord klagtes.

Nou die aangeleentheid het, onder andere, aanleiding gegee dat sekere persone vanaf Brixton verplaas moes word. Soos dit nou toe opgeëindig het was ek die laaste persoon wat ook verplaas moes word. Ek was, ek het destyds vir genl Schutte in die verband gaan sien. Aangesien ek absoluut oortuig was dat my verplasing onnodig was. Maar nieeenstaande het hulle daarmee voortgegaan en sou hulle my verplaas as tweede in bevel by die Pietermaritzburg Moord en Roof Afdeling.

Ek was uit die aard van die saak ongelukkig oor die oorplasing, soos dit algemene kennis is, is of sal ek moet sê was Brixton Moord en Roof seker die beste speureenheid in die land, en was dit vir my 'n groot trots om daar te gewerk het en was dit vir my 'n baie groot aanmoediging deur my polisie loopbaan om met goeie werk aan die einde van die dag daar te kon uitkom.

So om dit op te som, was ek ontsteld oor die feit dat ek daarvan verplaas moes word en ek dink die gronde was toe vir my redelik goed gewees om verwerf te kon word na een of ander eenheid. Dit het toe voorgekom dat Staal Burger my toe genader het en meegedeel het dat hy, Chap Maree en Calla Botha reeds 'n onderhoud gehad het met my voormalige bevelvoerder van die BSB, Joe Verster, en dat hulle 'n aanbieding gemaak was om by spesiale magte te gaan werk. Hy het my 'n bietjie agtergrond omtrent Spesiale Magte gegee. Daar was nie veel op daardie stadium nie. En ek het ingestem om 'n ontmoeting met Joe Verster by te woon.

Die eerste ontmoeting het plaasgevind by die Ponti-gebou in Johannesburg. Mnr Verster het my die agtergrond gegee van die struktuur van die BSB, en aan my geskets dat dit 'n deel was van die Spesiale Magte wat verbonde was aan die Suid-Afrikaanse Weermag.

Sy aanbod vanuit - daar was nie, daar was uit die aard van die saak nie pertinent geskets oor wat ons toekomstige werkswyse sal wees nie. Maar sy salarisaanbod en die werksomstandighede in die algemeen het op daardie stadium vir my na 'n groot moontlikheid gelyk. Ek het die

aangeleentheid konsidereer en het, sal ek sê, ongeveer 'n week later 'n tweede ontmoeting met mnr Verster gehad in dieselfde perseel by die Ponti-gebou waartydens ek 'n aansoekvorm voltooi het om dan by die Burgerlike Samewerking Buro aan te sluit.

MR KHOISAN: Now at what stage were you informed that your application had been successful?

MNR VAN ZYL: Dit was met die tweede geval, met die tweede ontmoeting was dit daar vir ons gesê dat ons aansoeke suksesvol sal wees en ons het toe gevolglik die nodige reëlings getref om uit die Suid-Afrikaanse Polisiediens te bedank. Ek kan nie presies onthou hoe lank nadat ek die aansoekvorm voltooi het, het ek uit die Mag uit bedank nie, maar ek sal myself voorstel dat dit etlike dae daarna was.

MR KHOISAN: Okay. And in terms of the conditions of employment, before we get to that - you said that, you sketched that - I would assume that he was a colonel at that time, Col Verster.

MNR VAN ZYL: Korrek.

MR KHOISAN: Sketched the background of the Civil Co-operation Bureau. What in substance did he tell you, what was the very specific information he gave you with regard to this organisation to which you would potentially be recruited?

MNR VAN ZYL: Nee, mnr die Voorsitter, daar was nie vir ons enigsins interne inligting omtrent die BSB gegee op daardie stadium nie, behalwe dat vir ons vertel was dat dit 'n afdeling was van die Spesiale Magte. Spesiale Magte was vir my op daardie stadium bekend vanuit

nuusmediakringe en intelligensiekringe, ensovoorts. Ons is eintlik vir die eerste keer, of nie eintlik nie, ons is daadwerklik vir die eerste keer ongeveer omtrent die werksverrigtinge, die doelwitte van die BSB ingelig tydens 'n kursus wat ons bygewoon het op een van die Weermag-plase van buitekant Pretoria.

Dit sal ek sê, mnr die Voorsitter, was omtrent twee maande, ongeveer twee, drie maande nadat ons by die organisasie aangesluit het.

MR KHOISAN: So that would have been in about July 1988, that you attended that course?

MNR VAN ZYL: Baie moontlik in daardie omgewing, ja.

MR KHOISAN: Do you remember where that farm was, where that course was conducted, and what was the duration of that course?

MNR VAN ZYL: Ja, mnr die Voorsitter, die plaas is geleë - ek weet nie presies waar die plaas is nie, maar die plaas is geleë ongeveer 50 kilometer op die Pietersburgpad buitekant Pretoria. Die kursus was vanaf Maandag tot Vrydag, met ander woorde dit het vyf dae geduur.

MR KHOISAN: Do you remember who conducted this course, Mr Van Zyl?

MNR VAN ZYL: Ja, mnr die Voorsitter, daar was - twee van die persone wat ek pertinent kan onthou, was uit die aard van die saak, die besturende direkteur van BSB, dit is Joe Verster, asook later my koördineerder, Wouter Basson. Daar was ook ander sprekers, maar ongelukkig ken ek nie hulle identiteite nie, soos u wel bewus is, het ons onder skuilname

geopereer. Ek kan nie eers vir u die persone beskryf aan die einde van die dag nie.

MR KHOISAN: Okay, was one Jaco, also known as Theuns Kruger part of this course?

MNR VAN ZYL: Ja, daar was 'n Jaco gewees, ek weet nie of sy korrekte name Theuns Kruger is nie, dit is nie my kennis nie. As ek my korrek daaraan herinner, het Jaco vir ons 'n kursus omtrent die finansies van die BSB aangebied.

MR KHOISAN: Okay. Would Jaco be the same person known as J Black?

MNR VAN ZYL: Ek weet nie, ek dra geen kennis nie.

MR KHOISAN: Do you know if the same person, Theuns Kruger or Jaco had ever had a relationship with - or had ever in one or other instance been connected to Ferdinand Barnard?

MNR VAN ZYL: Ek dra geen kennis daarvan nie, mnr die Voorsitter.

MR KHOISAN: Do you know if this person Theuns Kruger as ever in prison? Jaco?

MNR VAN ZYL: Ek dra ook geen kennis daarvan nie.

MR KHOISAN: Okay. Okay, now in terms of the substance of this course, besides being told about how the finances operated and the general structures, and in terms of the general structure maybe you could flesh it out for us, but more specifically, were there any practical things that you were taught at that time?

MNR VAN ZYL: Nee, glad nie. Ons het geen praktiese opleiding gedoen nie, as u miskien verwys na skietkuns of enige dergelike tipe van opleiding, geen. Dit was net teoretiese opleiding.

MR KHOISAN: Okay. And in terms of the theoretical training, at that time, was the structure of the CCB put to you?

MNR VAN ZYL: Dit is korrek, mnr die Voorsitter.

MR KHOISAN: Okay. Can you briefly sketch what that structure was, according to what was presented to you at this course, Mr Van Zyl?

MNR VAN ZYL: Ja. Mnr die Voorsitter, ek sal dit met graagte doen. Ek wil ook net graag sê dat ek gee vir u die -ek spel vir u die strukture uit soos wat ek dit verstaan het nadat dit vir ons aangebied is by die kursus. Die struktuur het bestaan uit 'n voorsitter wat 'n generaal was, wat verbonde was of in bevel was van Spesiale Magte. Direk onder die voorsitter het die besturende direkteur geopereer by name van Joe Verster. Dan was daar verskeie streke wat verbonde was aan die BSB, waarvan ons streek, Streek Ses, een was. Elke streek, soos ek dit verstaan het, het sy eie streekbestuurder gehad, met die operateurs wat aan hom moes verslag doen en van wie die opdragte ontvang sou word. Elke sodanige streek het dan ook 'n koördineerder gehad wat aangeleenthede gekoördineer het tussen die streek, hetsy vanaf die streekbestuurder of vanaf die operateurs met die besturende direkteur en ek glo dan ook seker dan met die voorsitter.

MR KHOISAN: Okay. Was it told to you how the region could be structured?

MNR VAN ZYL: Kan u dalk meer spesifiek wees, asseblief?

MR KHOISAN: Did you get specific information on the regions, like region 1, region 2, region 5, region 6, region 7, et cetera?

MNR VAN ZYL: Nee, mnr die Voorsitter. Ek wil dit net beklemtoon dat die BSB-organisasie, omdat dit 'n kovertre organisasie was, was alle inligting wat op enige stadium aan ons verskaf was, op 'n "need to know basis" aan ons verskaf, en ja, daar was vir ons gesê dat daar ander selle en ander streke verbonde was aan die BSB, maar ek het nie geweet presies waar hulle geopereer het nie, en ek het nie geweet die identiteit van enige van sodanige persone nie, en het ook nooit enige sodanige persone ooit ontmoet nie.

MR KHOISAN: Okay. And it was told to you that you would be operating in region 6?

MNR VAN ZYL: Dis korrek, mnr die Voorsitter.

MR KHOISAN: And region 6, for the record is ...?

MNR VAN ZYL: Dit is binnelands, binne die landsgrense van die RSA, maar daar was ook vir ons gesê dat sekere van ons optredes ten opsigte van die projekte ook buitelandse gemik sal wees.

MR KHOISAN: Okay. At this five-day course did you ever have the opportunity to meet or was this person present, Eddie Webb? I think he was a general at that time?

MNR VAN ZYL: Nee, mnr die Voorsitter, ek het stellig nooit vir genl Webb ontmoet nie. Ek het egter sy voorganger genl Joubert, het ek ontmoet.

MR KHOISAN: So Genl Joubert was at this course?

MNR VAN ZYL: Nee, mnr die Voorsitter, hy was nie by die kursus nie.

Ek het hom miskien voor of na die kursus ontmoet, maar dit was slegs by die Ponti-gebou. Ek kan my nie daaraan herinner dat ek hom ooit by die kursus gesien het nie.

MR KHOISAN: Okay. Now Mr Verster, just to get ... (intervention).

MNR VAN ZYL: Van Zyl.

MR KHOISAN: Mr Van Zyl, just to get the structure correct. You had a managing director and then you had a chairman, who at that time, at the time that you were called and inducted into this organisation was Genl, Maj-Genl Joop Joubert?

MNR VAN ZYL: Correct.

MR KHOISAN: Okay. Were you ever told about what the authorising structure was, was there a structure higher than Maj-Genl Joubert, higher than the chairman? I know that at some point you made a statement relevant to the fact that there was a structure that went higher than that, and can you discuss that with this hearing, please?

MNR VAN ZYL: Ja, ek is, mnr die Voorsitter, bewus van die verklaring wat ek gemaak het en die - hoe ek die struktuur geskets het, hoër as genl Joubert op daardie stadium. Daar was aan ons gesê dat ons uit die aard van die saak 'n kovert organisasie is, en dat ons in landsbelang optree, en daar was vir ons genoem dat politici, sekere politici van ons bestaan sou gewees het. Ek sal 'n leuen vertel vandag as ek vir u sê dat die vorige Staatspresident of selfs die Staatspresident voor hom, mnr P W Botha, het

van ons - het beslis van ons kennis gedra. Ek wil egter sê dat gegewe en my ondervinding van hoe die Weermag strukture gewerk het, en ander strukture daaraan verbonde, sal dit vir my 'n baie groot verrassing wees as hulle nie daarvan kennis gedra het nie. So tot hoe 'n mate, indien hulle van ons kennis gedra het, tot hoe 'n mate dit deel was van die eintlike struktuur, dit kan ek ongelukkig nie vir u sê nie. Ek het nooit enige persoon hoër ontmoet in die struktuur as die generaal wat in bevel was van Spesiale Magte nie.

MR KHOISAN: And at this five-day course at this farm, were any course materials given to you, written material? Did you get a package, each of the persons attending this course?

MNR VAN ZYL: Mnr die Voorsitter, ja, ons het dokumentasie ontvang wat ons deurgewerk het, maar aan die einde van die kursus was elke dokument ingeneem en dit was vernietig gewees lateraan. Ons het geen dokumentasie met ons saamgeneem wat as 'n handleiding vir ons kan dien, vir toekomstige doeleindes nie.

MR KHOISAN: Okay. Now Mr Verster, when you went to this particular course, and let us just go from there. After this course you didn't become operational immediately. Is that correct?

MNR VAN ZYL: Dit is korrek, mnr die Voorsitter. Ons was meegedeel deur genl Joubert dat daar 'n ses-maande tydperk moes verstryk nadat ons die diens van die destydse Suid-Afrikaanse Polisie verlaat het, tot voordat ons operasioneel kon begin raak. Die rede daarvoor was dat daar 'n soort van 'n etiese kode bestaan het tussen die Weermag en die SAP, dat

wanneer lede van die een organisasie na die ander verwerf word, dat daar 'n tipe van 'n rusperiode toegelaat word.

MR KHOISAN: Okay. And during this rest period, the six months rest period did you receive the full salary?

MNR VAN ZYL: Dit is korrek.

MR KHOISAN: What was your salary, Mr Van Zyl?

MNR VAN ZYL: As ek dit nie mis het nie, was dit hier in die omgewing van R3 500,00 per maand.

CHAIRPERSON: Mr Khoisan, please this is Mr Verster.

MR KHOISAN: Ja, Mr Van Zyl.

CHAIRPERSON: I know you had a very engaging experience with Mr Verster. The record is going to continue showing that this is Mr Verster, whereas this is Mr Van Zyl.

MR KHOISAN: Okay, Mr Van Zyl.

CHAIRPERSON: Please.

MR KHOISAN: Mr Van Zyl, what was your salary?

MNR VAN ZYL: Ongeveer R3 500,00 per maand.

MR KHOISAN: Now at that time, at the time that you ended your career in the Police Force, you also had, I would assume, Mr Van Zyl, a package, you were given a package. Did you get a ...

MNR VAN ZYL: Nee, mnr die Voorsitter, ek het nie 'n pakket gekry nie.

Al wat ek uitgekry het, op daardie stadium het daar nie, was daar nie pakkette en goed aangebied in die Polisiemag nie. Ek het 10 jaar diens

gehad, amper 10 jaar, ongeveer nege jaar en omtrent ses maande, en ek het net die pensioengeld uitgekry wat in die omgewing was van R8 000,00.

MR KHOISAN: Okay. Now Mr Van Zyl, continuing out of that, after this six months rest period, that puts us in January 1989 when I would assume you became fully operational. Right?

MNR VAN ZYL: Dit is korrek.

MR KHOISAN: Okay. Just for the record, you spoke to us about the fact that the regions were organised in terms of cells. Was it told to you that you would handle a specific section of region 6, which is inside the country?

MNR VAN ZYL: Mnr die Voorsitter, ek het verstaan dat ons op daardie stadium die enigste sel was binne-in seksie 6. Ek glo as gevolg van geheimhoudings, mag daar moontlik meer selle gewees het in seksie 6. Ek dra ongelukkig nie daarvan kennis nie.

MR KHOISAN: Okay. Mr Van Zyl, your cell was constituted of which members?

MNR VAN ZYL: Dit was myself, Calla Botha, Chap Maree en die streekbestuurder, Staal Burger.

MR KHOISAN: Okay. The co-ordinator for region 6 as well as the broad co-ordinator of the CCB would be one Wouter Basson, alias Christo Britz. Is that correct?

MNR VAN ZYL: Mnr die Voorsitter, ek ken wel vir Wouter Basson, hy was ons koördineerder in distrik ses. Ek is

21.08.97.

MR KHOISAN

16

A VAN ZYL

ongelukkig nie op hoogte daarvan of hy koördineerder was vir enige ander streek nie.

MR KHOISAN: Okay. Now Mr Van Zyl, how did you become operational? What was the cue to you that your period of cooling-off or of rest and transition had ended and that now you would become a functional member of this covert structure known as CCB?

MNR VAN ZYL: Mnr die Voorsitter, daar was aan ons gesê dat ons vanaf Januarie 1989 operasioneel kon word. En ons het gevolglik fisies en geestelik voorberei om met ons take te kon begin in Januarie 1989.

MR KHOISAN: Okay. Now where was the - the way the CCB were structured and correct me if I am wrong, is that every region had to have an arms cache or army caches which could be used for the benefit of the purposes who were members of that structure. What was the location of the arms cache or arms caches in region 6?

MNR VAN ZYL: Nee, mnr die Voorsitter, ons het nie 'n "arms caches" gehad nie, dit is ook nooit op enige stadium aan ons uitgespel dat ons ons eie vuurwapens of enige ander toerusting wat ons mag benodig het, in enige operasie onself kon aanskaf en self kon stoor nie. Die korrekte prosedure was dat daar was 'n liggaam bekend as EMLC. Ek is nie presies seker waarvoor dit staan nie, maar dit was, soos ek dit verstaan het, 'n afdeling van die Weermag wat toerusting soos wat dit benodig sou word deur ons struktuur, aan ons moet verskaf word.

MR KHOISAN: Did you know the EMLC liaison person?

MNR VAN ZYL: Nee, ek het nooit enige van daardie persone ontmoet nie.

MR KHOISAN: Now the way the CCV operated and correct me if I am wrong, Mr Van Zyl, is that you would be receiving weapons. Where did you - where did you, were you issues with firearms?

MNR VAN ZYL: Nee, mnr die Voorsiter, ons was, ek was wel op 'n stadium van 'n vuurwapen voorsien, wat vir 'n spesifieke projek bedoel was. As u praat van of ons voorsien was van privaat vuurwapens en ons as glad nie voorsien van privaat vuurwapens nie. Ons het wel goed gedink, nadat ons by die BSB aangesluit het, omdat ons nie een privaat vuurwapen gehad het nie, om sodanige wapens aan te koop. Ons het dit privaat aangekoop en ons het self daarvoor betaal en ek is nog steeds in besit van daardie spesifieke vuurwapens.

MR KHOISAN: Okay. Just so that we don't waste time later. You said that you were issued with a weapon for a specific project. Which project was that?

MNR VAN ZYL: Mnr die Voorsitter, dit was die projek wat geregistreer was op mnr Dullah Omar.

MR KHOISAN: Just for the record, that is the same weapon that you gave one Edward Peaches James Gordon?

MNR VAN ZYL: Dit is korrek.

MR KHOISAN: Where is that weapon now, Mr Van Zyl?

MNR VAN ZYL: Ek weet nie, mnr die Voorsitter, maar die instruksies aan Gordon was toe ons die projek afgelas het om die wapen te vernietig. Ons het dit nie teruggeneem nie.

MR KHOISAN: Okay. So let's proceed. You were part of region 6. Was there a specific project that you were given charge of?

MR KHOISAN: Ja, mnr die Voorsitter, elke persoon - miskien moet ek daar begin, dat ons het byvoorbeeld 'n opdrag gekry. Elke persoon binne-in Streek Ses, as ek nou verwys na myself, Calla en Chap, ons was die drie operateurs van Streek Ses, en Staal Burger sou vir argumentsonthalwe na my toe kom en vir my vra om inligting vir hom in te win ten opsigte van 'n spesifieke persoon. Dan sal hy weer na Chap Maree toe gaan en vir hom vra om inligting te bekom ten opsigte van ander persone. Die struktuur het so gewerk dat Chap nie moes kennis dra van my projekte nie, en ek nie moet kennis dra van Chap se projekte nie. Nou ons het uit die aard van die saak dan met verloop van tyd, vir ons 'n inligtingsbasis opgebou, deur middel van nie-direkte lede. Met ander woorde lede wat verbonde was aan die buitekring. Dit is nou persone soos Peaches Edward Gordon. En ek sal nie sê dat ons daarna verwys as 'n mens inligting inwin, daarna verwys as 'n projek nie. Ek wil graag dit vir u sê dat 'n projek is wanneer daar 'n spesifieke goedkeuring verleen is om 'n aksie teen 'n spesifieke individu of 'n organisasie te verrig.

MR KHOISAN: Okay. Mr Van Zyl, just to understand it correctly, you had people who were aware and people were unaware members of this Civil Co-operation Bureau. Is that correct?

MNR VAN ZYL: Korrek.

MR KHOISAN: And you would be an aware member.

MNR VAN ZYL: Dit is korrek.

MR KHOISAN: In that you had been properly inducted and informed of a range of issues.

MNR VAN ZYL: Dit is korrek, mnr die Voorsitter. Ek was terdeë daarvan bewus dat as 'n lid van die binnekring, was ek terdeë daarvan bewus van wie my werkgewer was, naamlik die Suid-Afrikaanse Weermag, vanwaar ek my salaris verdien het, asook wat die doelwitte was. In die geval van 'n indirekte lid, daardie persoon het nie geweet, was nie veronderstel om my identiteit te ken in die eerste plek nie. Hy was ook nie veronderstel om te weet vir wie hy werk aan die einde van die dag nie, of wie hom enigsins gaan vergoed vir watter dade hy ook al moes verrig nie.

MR KHOISAN: Okay. Now in terms of the way the thing were structured, you were an aware member and you were involved in various projects. Before we get to Calla Botha and all of these other people, we are talking about you, Mr Van Zyl and I don't want to get the record wrong. Mr Van Zyl, you were an aware member and so would you have been associated with Project Goldie?

MNR VAN ZYL: Dit is korrek.

MR KHOISAN: Would you have been associattd with Project Choice?

MNR VAN ZYL: Mnr die Voorsitter, Projek Choice was die projeknaam wat gegee was vir Streek Ses. Met ander woorde, die sel waarin, wat

bestaan het uit myself, Staal Burger, Chap Maree en Calla Botha. En dan het elke lid van daardie sel weer 'n projeknaam op my eie gehad, waarvan my projeknaam was Goldie.

MR KHOISAN: No, we will get to that, that was the, just for the record, Project Choice was the project which involved the employment of people in region 6, among other things.

MNR VAN ZYL: Ek glo so, ja.

MR KHOISAN: Okay. Now besides Project Goldie, are you aware of Project Bliss?

MNR VAN ZYL: Nee, mnr die Voorsitter.

MR KHOISAN: Okay. Now what is the Matthysen Bus Company?

MNR VAN ZYL: Mnr die Voorsitter, wat eintlik gebeur het. Daar was, Staal Burger was baie goed bevriend met die destydse besturende direkteur van Matthysen Busvervoer. Dit is totaal 'n privaat maatskappy. Hulle was skoolvriende, hulle as saam lede van die Mag, ek dink hulle was destyds gestasioneer te Mondeor, as ek dit nie verkeerd het nie. En dit is 'n totale - dit was 'n totale privaat besigheid. Ons het egter, nadat ons die diens van die Suid-Afrikaanse Polisie verlaat het, om vir onself 'n dekking te kon gee, is ons na Matthysen Busvervoer, waar ons van wie se perseel ons af gewerk het, sodat ons die indruk kon skep dat ons eintlik verbonde was, as privaat individue, aan Matthysen Busvervoerdienste. Ek wil dit beklemtoon dat ek het nooit enige van my projekte hoegenaamd, enigiets van my betrokkenheid by die Weermag aan mnr Matthysen, Chris Matthysen, genoem nie. Ek wil dit ook beklemtoon dat Matthysen

Busdiens nie 'n kovertte of 'n dekkingsorganisasie vir die Weermag was nie, of 'n front organisasie nie.

MR KHOISAN: Did you ever in any statement either infer or state specifically that this was some kind of a front for the SADF?

MNR VAN ZYL: Ja, mnr die Voorsitter, ek het, maar soos wat ek dit nou vir u verduidelik het, is dat dit wat ek wou interpreteer op daardie stadium, was dat Matthysen Busvervoer wel 'n front organisasie was vir myself en vir Staal en vir Calla en vir Chap, maar nie 'n front organisasie was vir die Weermag self nie.

MR KHOISAN: Okay. Very well, Mr Van Zyl. Now this Matthysen Bus Company, it was used as a way to besides providing a way in which you can have a legend for your deeper work, for your more covert work.

MNR VAN ZYL: Ja.

MR KHOISAN: It was also a mechanism through which you could deposit money.

MNR VAN ZYL: Kan u dalk meer spesifiek wees?

MR KHOISAN: Did you - did you personally or do you have any knowledge of anybody at any time who was connected to the structure, the firm known as the Civil Co-operation Bureau, ever deposit money or have knowledge of people depositing money into the account of the Matthysen Bus Company?

MNR VAN ZYL: Mnr die Voorsitter, nee, ek dink daar is miskien een aangeleentheid waarna ek kan verwys. Ons het geld ontvang, meer spesifiek myself, 'n bedrag van

R30 000,00 wat ek moes aanwend om vir myself 'n voertuig in die hande te kry. Nou om ons dekking by Matthysen Busvervoer geloofwaardig te laat lyk het, het - was die kontantgeld deur Staal aan Matthysen gegee. Wat hy vir hom gesê en hoe hulle dit gereël het, ek was nie daarby betrokke nie. En Matthysen het dan met ander woorde, die voertuig vir ons aangekoop met 'n maatskappytjek. Dit was maar net om vir ons geloofwaardigheid te gee, maar mnr die Voorsitter, ek dra van geen ander gelde kennis wat deur Matthysen Busvervoer na ons toe gekom het of na enige ander struktuur van die BSB nie.

MR KHOISAN: Okay. So that was your cover, your legend as such?

MNR VAN ZYL: Dit is korrek.

MR KHOISAN: Okay. Now besides Project Goldie, is there any other project that you personally have knowledge of or were part of or who have been connected to?

MNR VAN ZYL: Geen, mnr die Voorsitter.

MR KHOISAN: Okay. Now for the purposes of having a candid discussion here, in this investigative interview, can you sketch some of the elements which involved the catch-all of Project Goldie, which is your project.

MNR VAN ZYL: Ek verstaan nie u vraag nie, herhaal dit vir my, asseblief.

MNR VAN ZYL: Okay, let me put it to you this way. The attempt to kill the then Adv Dullah Omar, or the current Minister of Justice, Dullah Omar was under the umbrella of Operation Goldie.

MNR VAN ZYL: Dit is korrek, mnr die Voorsitter.

MR KHOISAN: The hanging of a foetus in front of the house or on the premises of Archbishop Tutu, would have been under the umbrella of Operation Goldie.

MNR VAN ZYL: Mnr die Voorsitter, nee, ek weet nie, dit was nie my projek gewees nie. Ek meen, ek wil net graag weer eens vir u die scenario skets, wanneer 'n mens praat van 'n projek. Ek interpreteer en ek beklemtoon dat dit my eie persoonlike interpretasie is, soos wat ek my opleiding verstaan het, en soos wat ek die sisteem verstaan het. Dat wanneer daar gepraat word van 'n projek, dan moes ek met ander woorde, 'n voorstudie gedoen het. Dan moes ek 'n skriftelike aanbieding gedoen het aan my streekbestuurder. Op 'n latere stadium is 'n mondelingse en skriftelike aanbieding gedoen aan die besturende direkteur. En dat die besturende direkteur dit dan sou aangebied het aan die voorsitter. Dit is hoe ek 'n projek sien. Ja, ek sê ek was wel betrokke by die aapfetis insident, maar ek kan nie vir u sê of dit 'n - dit was nie 'n projek van Goldie gewees nie. Ek het nooit 'n skriftelike aanbieding gedoen wat ek nou vir u kan sê dit was die doel van daardie projek en daar was vir my fondse beskikbaar gestel uit Projek Goldie uit nie. Dit was net 'n gewone opdrag.

MR KHOISAN: Would that have been Project Apie?

MNR VAN ZYL: Nee, mnr die Voorsitter, dit was maar sommer net - ons het dit net genoem sommer Projek Apie grappenderwys, dit was nie 'n - daar was nooit - die ophang van die fetus, vir argumentsonthalwe, in die

jaard van mnr Desmond Tutu, was nie 'n geregisteerde projek van Projek Goldie nie. In ander woorde een van my projekte nie. Dit was dood eenvoudig net 'n opdrag wat ek gekry het wat daar vir my gesê was "vat hierdie fetus en gaan doen dit daarmee".

MR KHOISAN: And the Early Learning Centre bombing would have been under the auspices of ... (tussenbeide).

MNR VAN ZYL: Projek Goldie, ja, mnr die Voorsitter.

MR KHOISAN: ... Project Goldie.

MNR VAN ZYL: Ja, korrek.

MR KHOISAN: And which other operations would have fallen under the umbrella, and considering the fact that here we are trying to get as much information as possible, because we are going to put it to you later on about amounts of moneys that were released in respect of this project, so maybe we can go through a list of incidents that may have been connected to Project Goldie, besides those that have come out in the courts or in the newspapers and so on.

MNR VAN ZYL: Ja. Nee, kyk, mnr die Voorsitter, as ek vir u kan verwys na my eintlike amnestie-aansoek. Daar deel ek wel met die volgende gevalle. Die eerste een is die Evans-geval. Die tweede een is die Omar-geval, die derde ene is die aapfetus en die vierde een is die Early Learning Centre-geval. Nou vir doeleindes van Projek Goldie, was ook die Evans-aangeleentheid nie my spesifieke projek nie. Mnr die Voorsitter, ek het nie 'n aanbieding gedoen op die - oor hoe mnr Evans geïlimineer moes word nie. Dit was 'n projek wat deur Chap Maree moes

gehanteer geword het, onder sy projeknaam. Ek was dood eenvoudig 'n opdrag gegee om van my buitekringpersoneel betrokke te kry om die projek tot uitvoering te bring. Ek hoop u verstaan my - hoe ek dit vir u probeer verduidelik. As ek kyk na die Omar-geval was dit my projek; die uitgawes wat aangegaan moes word, het uit Projek Goldie uitgekom. As ek kyk na die Early Learning Centre-geval was dit my projek en die uitgawes het uit my - uit Projek Goldie gekom. As ek kyk na die apiegeval, was dit nie my projek nie. Ek weet nie wie s'n dit was nie. Ek was bloot eenvoudig net gevra om 'n sekere handeling te verrig, maar dit mag seker wees dat daar geld uit my projek uitgetrek was, sonder my wete of selfs met my wete. Ek kan dit nie vir u sê nie. U kan my maar daar lei in dié verband.

MR KHOISAN: Okay. Let me put it to you that there was a burning down of a printing press in Hinds Road in Athlone.

MNR VAN ZYL: Dis korrek.

MR KHOISAN: And that would also have been under the auspices of Project Goldie.

MNR VAN ZYL: Dit is korrek.

MR KHOISAN: And that's what I am trying to get to, I am trying to assist you, as it were, Mr Van Zyl, to try to assist the Commission to talk about those incidents that are sort of just there that don't appear as such in your application for amnesty or haven't been part of discussion in the Press or stuff like that. This is an in-house, shall I say an **in camera** matter here. We are trying to, for the purposes of broader investigation

and you are protected as such. We need your assistance, your help as such. Now this is the issue of the Esquire Press, it is something that the press - the press on Hinds Road in Athlone, is something that we have found out as a result of investigations, and it would be easier for us if you could maybe develop this thing, because Goldie wasn't just happening in the Western Cape, if I am correct. Right?

MNR VAN ZYL: Mnr die Voorsitter, nee, ek verstaan totaal die verrigtinge hier, en wat daar van my verwag word. Die enigste rede, of daar - die enigste rede hoekom die geval van die afbrand van die drukkerij asook die uitbrand van 'n mikrobussie nie in my amnestie-aansoek verskyn nie, is omdat ja, ek erken ek het sulke aanbiedinge gemaak onder die naam van Goldie, maar ek was bedrieg deur my buitekringpersoneel, wat ek gebruik het, aangesien ek vandag nog nie eers weet of die drukkerij werklik waar bestaan het nie. Dit is in die eerste plek. Die tweede punt ten opsigte van die drukkerij is dat dit is my uitdruklike inligting dat daar nooit enige poging aangewend was deur my onbewustelike lede om die plek te gaan afbrand nie, en dan nodeloos om te sê dat dit wel nooit gebeur het nie.

Ten opsigte van die mikrobus, was ek totaal en al bedrieg deur 'n ene Ismail wat een van my agente was, asook deur Gordon Peaches, en volgens my kennis het die bussie dan nooit bestaan nie, en is daar dan ook nooit so 'n bussie uitgebrand nie. En op instruksie van my regsman het ek dan in terme van die Wet nie vir daardie twee gevalle aansoek gedoen om vrywaring nie. Maar u is welkom om vir my enige vrae daaromtrent te vra.

MR KHOISAN: I am just trying just to set a foundation here, Mr Van Zyl. Mr Van Zyl, now the burning of the buses and during the elections in Namibia, and the - shall I say the attempt to disrupt the Namibian elections, that also came out of the Goldie budget, isn't that correct?

MR DU PLESSIS OBJECTS: Yes, Mr Chairman, at this stage I must intervene here and object to this line of questioning. We were issued with a notice in terms of Section 29, where nothing of what Mr Khoisan is now asking about, is actually mentioned. Now we don't have any problem. Mr Khoisan, before the session, informed me that he was also going to do a broader questioning on and about the amnesty application of Mr Van Zyl, which we are obviously prepared on in the sense that we did prepare the amnesty application on his instructions. So we are prepared to answer questions about that, but I would at this stage, ask Mr Khoisan through you, Mr Chairman, to limit the questioning to the amnesty application and surrounding factors, as well as point 1 to 5 in the Section 29 notice, and to limit the questioning to that and not to question about matters regarding alleged incidents which took place in foreign countries, including Namibia. So those are my instructions at this stage.

MR KHOISAN: Can I reply to that, Mr Chairman?

CHAIRPERSON: Mr Khoisan?

MR KHOISAN: Yes, in terms of this particular matter that I just raised with Mr Van Zyl. I raised it in terms of the fact that Mr Van Zyl is called to answer questions in relation to his connections to known and nefarious

gangsters in the Cape Town and in the Western Cape area. Is that matter as part of the reason why he is being called here? The gangsters?

MR DU PLESSIS: Yes, Mr Chairman, it reads, point number 1

"Recruitment and tasking of Edward Peaches
Gordon and other known gangsters on the Cape
Flats."

We are willing to answer questions relating to the recruitment of these people. So perhaps Mr Van Zyl could firstly be asked to address the Commission on that matter and I will later on indicate how far we are willing at this stage to answer questions about his tasking as such.

MR KHOISAN: Mr Du Plessis, I am not, we are going to deal with the recruitment. I am talking about a list of incidents. Right now we are talking about Project Goldie and what are some of the incidents or acts which ensue out of that project and the use of the funds from that project, and as Mr Van Zyl well knows he also had recruited Iska Kardien. And I just raise that as one of the examples of incidents or acts which ensue out of and under the auspices or the umbrella of Operation Goldie, and I am just asking him to confirm it, whether any acts like that occurred under the budget of Operation Goldie.

MR DU PLESSIS: Yes, Mr Chairman, I think I must indicate and if necessary to address you on that we will do that. We will answer any questions relating to any alleged incidents which too place within the borders of the Republic of South Africa. I think I must make that clear.

CHAIRPERSON: Yes. Now do I understand your objection, Mr Du Plessis, to be that your instructions are that any questions relating to occurrences outside the borders of South Africa, would be reserved by your client?

MR DU PLESSIS: Yes, Mr Chairman, unfortunately that has to be our line and our attitude, because of the fact that it is common knowledge that the Commission cannot give amnesty to any person regarding any incidents which took place in a foreign country, such incidents, such amnesty or even if it could be given, would not be binding on any foreign country. And my instructions are unfortunately to take this line and if necessary, to have it contested in the High Court. I can address you more fully on this, if necessary at this stage or at a later stage.

CHAIRPERSON: Okay. Maybe we need to deal with this matter at this stage even, and is that the only basis?

MR DU PLESSIS: Well, Mr Chairman, yes. Let me just refer to the Act. I am fully aware of the fact that the Act as such empowers this Commission in terms of the heading of the Act itself, to - and I quote here

-
"Investigation and the establishment of as complete a picture as possible, of the nature, causes and extent of gross violations of human rights committed during the period from the 1st of March 1960 to the cut-off date

contemplated in the Constitution, within and outside the Republic."

I am aware of that.

But firstly, Mr Chairman, it will have to be indicated that it will have to refer to gross violations of human rights; such incidents obviously will have then to be established first also by the investigating team, as being a gross violation of human rights.

Secondly, then Mr Chairman, I will then refer to the Act itself. As I have said the basis or one of the grounds then will be that in terms of decisions of the Commission itself, it was said that any acts committed outside the Republic, the Commission will not be able to give amnesty for. So we have to take that into consideration.

Secondly, I think it is trite law that this Commission will not be able to bind any authority in any foreign country to its granting of amnesty to any individual. So that, and my client will obviously be prejudiced as far as that is concerned.

I am aware of the fact that in terms of the Act, that is Section 31(3) that no incriminating answer or information obtained from Mr Van Zyl then here today can be used against him in any court of law, except for certain exceptions which obviously are not important here now. But once again, whatever he says here can be disclosed by the Commission, without his permission obviously, although he has to be notified of it, but that can be disclosed.

Our submission is that if that is the position, if he can be disclosed, and in view of the fact that any foreign country cannot be bound by any decision of this Commission, that obviously he will be entitled and especially, in view of the fact that for an incident like the one mentioned by Mr Khoisan, Mr Van Zyl has not applied for amnesty, and that the foreign country can then not be bound by any decision of this Commission and that even by the mere disclosure of evidence which he cannot stop, unless obviously he gets an interdict from the Supreme Court or High Court.

In view of that factor he can be severely prejudiced, and therefore, he would be entitled, in my submission, to claim privilege against disclosure of incriminating evidence.

Now I know it could be argued that Mr Khoisan is not asking at this stage for any specific information about commissions, any commission of a deed, for instance, Namibia. He is just asking whether it was a project. But in terms of the authority which I can quote - there are numerous cases in that regard - but I think one of the prominent cases is **Magmoed v Janse van Rensburg & Others**, which was reported in South African Law Reports 1993(1) South African Law Reports page 769 and further, especially -and I refer to 820, 819 and 820, where it was said that

"In the sphere of law of evidence, a privilege may be described a personal right to refuse to disclose admissible evidence. One such

privilege is that against self-incrimination. In terms thereof a witness may refuse to answer a question where the answer may tend to expose him to a criminal charge. The privilege is that of the witness and generally, must be claimed by him."

And that is why it is essential that Mr Van Zyl must, as we are now doing, claim this privilege.

"Where the privilege is claimed the Court must rule thereon."

I am fully aware that this is not a court of law, but it is a quasi judicial proceeding, which in my submission, has to be conducted on the same basis as far as the law of evidence is concerned.

Then specifically, I want to refer to page 820, where the Judge refers to judgments of **S v Heymann** -

"The avoidance of incriminating replies may not be a simple matter by any means. As observed in **Queen v Boyes**, a question which might at first sight appear a very innocent one, might by affording a link in a chain of evidence, become the means of bringing home an offence to the party answering."

And also with reference to **Inre Westinghouse**, there is a further point -

"Once it appears that a witness is at risk then great latitude should be allowed to him in judging for himself of the effect of any particular question. It may only be one link in the chain or only corroborative of existing material, but still is not bound to answer if he believes on reasonable grounds that it could be used against him."

Now lastly, Mr Chairman, I wish to refer to Section 31(1) which indeed states that Mr Van Zyl would be bound to answer such incriminating questions, but it is very clear that this is in fact then qualified by Section 31(2) which says -

"A person referred to in subsection (1) shall only be compelled to answer a question or to produce an article which may incriminate him/her if the Commissioner has issued an order to that effect after the Commission ..."

And I wish to underline this -

"... after the Commission has consulted with the Attorney-General who has jurisdiction, has satisfied himself that to require such information from this person is reasonable, necessary and justifiable in an open and democratic society, based on freedom and

equality and has satisfied itself that such person who has refused to, is likely to refuse to answer."

Now the third one obviously is now clear, that we are likely to refuse these questions, to answer these questions, but then I will have to enquire from this Commission whether the riders in 2(a) and (b) has in fact been attended to. And I submit that although the Act is, not very clear, it clearly says subsection (2)(a), clearly relates to the Attorney-General who has the jurisdiction regarding the territory where the incident occurred or the alleged criminal offence was done.

Then I would have to enquire from this Commission whether it has in fact consulted with the Attorney-General who has jurisdiction and what exactly the consultation was about and what exactly the outcome was.

Secondly, I would submit that Section 2(b) refers to the fact that the Commission must satisfy itself that to require such information from such a person is reasonable **inter alia**, necessary and justifiable - but reasonable, is the one I wish to underline and I submit, with respect, that it could only be reasonable to expect Mr Van Zyl to answer to these questions regarding alleged incidents in a foreign country, if he is duly protected and if the conditions of subsection 31(2) have been fulfilled. Otherwise it would not be reasonable to expect him to answer to such questions, if it could lead to prejudice to himself.

In view of my submissions, I would submit, Mr Chairman, that it would be unreasonable to expect him to answer to these questions, if the - or if the conditions mentioned in (2)(a) and (b) have not been fulfilled.

Those are my submissions and I am therefore instructed that Mr Van Zyl, at this stage, prefers not to answer any questions relating to any incidents relating to a foreign country.

CHAIRPERSON: What's your attitude to the provisions of Section 4(a), specifically 4(a)(1), 4(a)(3) and (4) of the Act?

MR DU PLESSIS: Just grant me one moment, Mr Chairman. 4(a)?

CHAIRPERSON: 4(a)(1) - I mean 49(a)(3) and (4).

MR DU PLESSIS: Yes, Mr Chairman, the position is that obviously Mr Van Zyl wants to assist the Commission as far as possible.

Now may I just mention, and I actually said to Mr Khoisan before we started with these proceedings, that Mr Van Zyl is and was the very first person who made disclosure about covert organisations existing in the Republic of South Africa, after the State President or the prior State President, Mr F W de Klerk actually requested that these people should come forward and make full disclosure. He was the very first person - where no one else was willing to tell in front of the Harmse Commission which was a cover-up from the beginning to the end - I submit, Mr Van Zyl was the only person who was willing to come forward and disclose and to make a clean breast of it, to assist the authorities to get to the bottom or as Mr F W de Klerk put it, "om die ding tot op die been oop te kloof". He was the one who assisted.

Now he is still willing to do it, Mr Chairman, but my submission on his behalf is that he cannot be blamed to uncertainties which is contained in this very Act. I submit that obviously he is obliged and is willing to help the Commission to fulfil its functions, as contained in Section 4. But, Mr Chairman, with great respect, it is very clear that before he can be expected to do it, the legislature specifically enacted Section 31(2). It cannot just be ignored for the cause, and may I say it is a very laudable cause. We have to get to the bottom of everything which happened, which had to do with gross violations of human rights, and Mr Van Zyl is willing to do it.

But I submit, with great respect, that you cannot ignore Section 31(2). And if you do it, Mr Chairman, obviously it is unfair to Mr Van Zyl. I do not know how or perhaps you can explain to me, what Section 31(2) would mean and what the stipulations - what exactly has to or is meant by "consultation with the Attorney-General who has jurisdiction", and how exactly you view Section 2(b). But these subsections cannot be just ignored, and if it is ignored, and if Mr Van Zyl does not claim privilege, the position is that he cannot be heard at a later stage, when these things are brought against him, he cannot be heard to complain then.

It will not help him to say then but I was trying to assist the Commission and I was trying to assist the Chairman in these inquiries; now you are holding it against me. Then it will be said to Mr Van Zyl, it is very clearly stipulated what the procedure is, you were legally represented, your

attorneys or your counsel knew the authorities, so why didn't you claim privilege. So we have to claim privilege, Mr Chairman.

CHAIRPERSON: No, I just want to be able to make sure that I understand your legal argument. The essence of your objection, as I understand it, seems to be that you are saying relevant to X offences, omissions, events that took place outside the country, the Act does not provide any protection to consequences that might ensue as a result of a testimony that might be given in these proceedings, and I agree with you entirely, that there doesn't seem to be any provision there. As I understand it, it is for that reason that some of X omissions and offences that might have been relevant and which your client might have been persuaded ordinarily to apply for amnesty in relation thereto, have been omitted in his amnesty application, precisely because there is no protection for him in the event he discloses evidence of a nature that might constitute a criminal offence or lead to civil liability in a foreign country. Is that the main thrust of your submission?

MR DU PLESSIS: That is exactly so, Mr Chairman, with respect, and then if you just from that point onwards, if one then takes the argument further, it will be (a) I could not ask for amnesty as you correctly pointed out. It could be a crime or civil liability, something which is committed in a foreign country. Or, which may be viewed by that foreign country as such, and because of the fact that he couldn't ask amnesty in the Republic of South Africa, and the Commission cannot protect him. I submit that

then especially it is important that the Commission should fulfil the conditions in the subsection (a) of Section 2.

For instance, if this Commission could ... (intervention).

CHAIRPERSON: Yes, I understand.

MR DU PLESSIS: ... approach, say for instance a Namibian authority.

CHAIRPERSON: No, I understand, I understand that submission.

MR DU PLESSIS: Yes.

CHAIRPERSON: I don't intend to ignore the provisions of Section 31, both (1) and (2).

Now what would your attitude be if it seems apparent and it is clear from the Act, that there are protections, implicit in the Act. In terms of which some evidence might not even be forming part of the final report, precisely because of considerations such as those that you have raised. And that's the one question.

The other question, is given the nature of these proceedings, which are different from the proceedings in an amnesty application, which by its very nature are proceedings that take place in public, and therefore would be the evidence led there as evidence that would be accessible to both internal and external jurisdictions, evidence in a Section 29 inquiry, quite apart from being evidence which is information gathered at an information gathering exercise, is protected in so many terms by the provisions of Section 29. Section 29(5) makes it very clear that -

"Whilst due regard to the principles of openness and transparency will be taken into account, the Commission may ..."

In other words the Commission has a discretion -

"... declare that any article produced or information submitted in such 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 at any proceedings in a court of law."

MR DU PLESSIS: Yes.

CHAIRPERSON: Now would your submissions still hold, if that was indicated? I don't know what Mr Khoisan is going to argue, but if that was indicated as yet another protection for purposes of these proceedings, not an amnesty application that was held in public. Assuming that the rest has been turned around, to how would the Prosecutor-General in Namibia and Zimbabwe and everywhere else, access information that has been disclosed at these proceedings?

MR DU PLESSIS: Yes, Mr Chairman, if I may answer to that. I think it is very clear from Section 29(5) that it is totally in the discretion of the Commission and I would submit with all due respect to you, Mr Chairman, that you cannot give my client any assurance at this stage or any other stage for that matter, with respect, that this information will not

be disclosed. It is not, with all due respect, for you to give him that assurance. It cannot be given in terms of subsection (5); subsection (5) makes it clear that until the Commission determines otherwise. My client will have absolutely no control over this. As I say he may - he may approach the Supreme Court for an interdict, but he has got no guarantee that this evidence will not be made public, and as I say, with all due respect, you cannot give him that assurance today. If you could, it could obviously be reconsidered.

CHAIRPERSON: Why not?

MR DU PLESSIS: Well ...

CHAIRPERSON: Why would I not be vested with the power? I am the chairperson of a subcommittee of that Commission.

MR DU PLESSIS: Yes, Sir, I would ...

CHAIRPERSON: And to that extent it would be a matter of minutes. The full Commission is sitting today and tomorrow.

That is even assuming that I don't have the power and I would like to think that I do have the power.

MR DU PLESSIS: Yes, I am aware that you are part of the Commission, Mr Chairman, but this subsection does not give you the authority to give an assurance that information will not be disclosed. It says -

"Until the Commission determines otherwise."

Now with all due respect, you may tomorrow feel it necessary to rather retire and go farming and there would be another Commissioner placed in your position, with all due respect.

You, as I say, this subsection does not make provision for a procedure whereby the Commission can make a decision not to disclose any information for now or for the future. It says -

"Until the Commission determines otherwise."

And the Commission, even if the Commission makes a decision today or tomorrow that it will not disclose at any stage any information given by my client, then the Commission cannot bind its own discretion in terms of subsection (5).

Once again, Mr Chairman, I want to say immediately, I am not doubting your word, not at all, but unfortunately the legislature who is responsible for this piece of legislation, thought it fit to cast it in these terms, and it is not sufficient, with all due respect.

CHAIRPERSON: Now do I understand you to be saying, assuming the correctness of my indication that there is a protection from the point of view of these proceedings. I quite concede that in an amnesty application there is just no protection because of the nature of those proceedings. Do I understand you to be conceding that if I am right in my reading of the position, that there is a protection and certainly in Section 29, that your client's fears would have been adequately addressed? That is I am saying, if I am right, I am not saying I am right.

MR DU PLESSIS: Yes, Mr Chairman, I will, with all due respect, I will have to say that you are not right, to submit that at least. Yes, well, if you want to know if under those circumstances you would like to or you would answer to the questions, I would say the position is that my instructions

are that should you make such a decision that there is adequate protection, that we insist that there is not adequate protection. We obviously are not satisfied at this stage even that the qualifying sections (2)(a) and (b) have been complied with, but be that as it may be. The position is that I am instructed that should you find that there is adequate protection, that we will have to ask leave or we will have to refuse to answer those questions and the matter will have to be tested and contested with all due respect, in the Supreme Court, if necessary. So that certainty could be arrived as far as it is concerned. That I say with all due respect. We are not here to quarrel with the Commission at all.

CHAIRPERSON: No, I understand. Now just lastly, before we break for tea ...

END OF TAPE 1 - SIDE B

MR DU PLESSIS: Mr Chairman, may I ...

CHAIRPERSON: On a close reading of subsection (5), what do you say to the - please don't interrupt the proceedings. Just sit down there, please don't interrupt the proceedings, we are still busy. And in fact, you are not required to be present. Mr Terblanche, I will - I need a few more minutes with this gentleman. I need a few more minutes in private with the counsel. I have not asked these people to be in.

Please.

MR DU PLESSIS: Mr Chairman, sorry, Mr Chairman, may I just before you proceed, just point out the gravity of this position. Now I know Mr Khoisan only referred now to tasking of Gordon Peaches as to certain

aspects in Namibia, sorry, Isgak, in fact, but let's not with all due respect, fool around here, because we all know that there are matters of much more gravity with which this Commission would then like to deal with, in spite of the fact that it is not mentioned in the notice we got, but we won't be complaining about that at this stage. But the fact is, we can, for instance, refer to the Lubowsky matter. Now which is obviously very serious in view of the fact that Adv Lubowsky was murdered. It is very clear from the proceedings which took place in an inquest in Namibia that that was in fact the position. But now, even more serious than that, as far as my client is concerned, is that he has been held responsible by an inquest court in Namibia, without having been heard, without having been invited or subpoenaed to be present, and that he has been now held responsible in the Judge's verdict for or at least taking part in the murder of conspiring with other people to do so. So we are not talking here about matters which are really not important. They are severe, very severe gravity as far as my client is concerned. So we cannot deal with this lightly.

CHAIRPERSON: No, I appreciate that, Mr Du Plessis and that is precisely why the matter has not gone any further than what Mr Justice Levy has done. That jurisdiction is not jurisdiction here. Your client, for as long as he remains here, is as safe as he can be, as the Bank of England, which also was not safe from the point of view of the robberies that have taken place, but then that's history.

MR DU PLESSIS: That is our point, Mr Chairman.

CHAIRPERSON: I just want to during the tea adjournment to consider the peremptory nature of the injunction in subsection (5), where it says -

"Information submitted as such investigation shall not be made public. whether the effect thereof is not firstly to say, you will never have to make this public."

Of course, I see that there is a rider "until the Commission ..."

MR DU PLESSIS: "Determines otherwise."

CHAIRPERSON: "Determines otherwise". And it seems to me, and this is what I would like you to consider during the tea adjournment, that especially in view of an application of this nature, where there was a definite application that was made, and it was raised that there is a protection in Section 29, seems to me that before a determination by the Commission is made, the Commission would have to give notice to the party who had raised an objection on the basis of which such information cannot be made public. It is only then and only then, after that party has raised an objection that the Commission would have to make a determination. It is at that stage in my view, that the party who would be adversely affected, would then seek an injunction of the Supreme Court, of the High Court, to interdict the Commission from making such a determination. But these are just thoughts that maybe you want to take into account during the tea adjournment.

MR DU PLESSIS: Yes, Mr Chairman, I don't want to waste any time. I just want to say that I would with all due respect, agree with everything

○ you have said so far, but that is exactly my point. This Commission, as far as this inquiry is concerned, in terms of Section 29, has not got the power to give my client the assurance that information will not be made public at any stage. That is the least we will require to answer to such questions. If that assurance can be given and if you are not entitled to do it in terms of Section 29(5), unfortunately we will not be able to answer questions. As I say, with all due respect again, without now trying to preempt the matter, my instructions are to, until this section stands as it is, unless it is obviously then taken to Parliament and changed, my instructions will be to take it to higher authorities to test my views.

CHAIRPERSON: Thank you very much, Mr Du Plessis. There is another matter - you saw media people rushing in here. Are we going to have to argue that as well?

MR DU PLESSIS: No, as you see, Mr Chairman, that we are two very attractive gentlemen and I needn't be (indistinct).

CHAIRPERSON: Oh, yes, can you call the media, please, just for two, three minutes.

MR DU PLESSIS: May we ask that you stand with us for the picture, Mr Chairman?

CHAIRPERSON: Yes, I will at some stage, and I am sure the moustache is not a disguise.

MR DU PLESSIS: We have been growing that for many months now.

CHAIRPERSON: Okay, thank you.

PHOTO SESSIONCOMMITTEE ADJOURNSON RESUMPTION:

CHAIRPERSON: Let's resume our proceedings. Mr Khoisan?

MR KHOISAN: Yes, thank you, Mr Chairman. In terms, in respect of this legal back and forth between counsel and Mr Chairman, I would like to put on the record that the Chairman has mentioned many of the points which I would have raised and with which I concur. Further I would reserve any further comment on this matter in terms of compelling Mr Van Zyl to discuss some of the other stuff with us, until later on in these proceedings.

I would also like to place on the record that counsel is - and Mr Van Zyl is in possession of a statement he made, that's Athlone CR, Athlone MR396/8/89, and it is the statement made by Mr Van Zyl to Lieut-Col E L Collier and the date of that statement is the 20th of February 1990.

CHAIRPERSON: I will obviously need time to consider my ruling in this matter, and Mr Khoisan, I suppose, if you are able to carry on, and bearing in mind the recent application of the nature that was brought by Mr Du Plessis, please proceed.

MR KHOISAN: Okay. Thank you, Mr Chairman.

MR DU PLESSIS: Mr Chairman, just before Mr Khoisan proceeds, he referred to this statement. We are, in fact, in possession of the statement. I couldn't, I just couldn't follow why he mentioned the statement.

MR KHOISAN: Yes, I just wanted to state for the record that the investigative unit has made that statement available to Mr Van Zyl.

CHAIRPERSON: Yes, okay.

MR DU PLESSIS: Mr Chairman, I may just mention and I think I should put it on record that that statement, as Mr Khoisan is aware, was taken down while Mr Van Zyl was in custody in terms of Section 29 of the then **Binnelandse Veiligheidswet** and the question as to the admissibility of that statement in evidence, for instance, even before the Commission eventually. I am not talking about today, with the inquiry, we will have to reserve - I submit that it should be taken into account that he was actually forced to do the statement and it is very clear from the heading of the statement -

"Ek weet en verstaan dat ek 'n verklaring moet
aflê ..."

I just want to underline that word, but I just wanted to mention it in passing. As you please.

CHAIRPERSON: Thank you very much, Mr Du Plessis. Mr Khoisan?

EXAMINATION BY MR KHOISAN (cont): Okay, Mr Van Zyl, to proceed. Do you know the person named or known as Edward James Gordon alias Peaches?

MNR VAN ZYL: Ja, mnr die Voorsitter.

MR KHOISAN: And is it true that you met this person in October 1988?

MNR VAN ZYL: Dit is korrek.

MR KHOISAN: Okay. Mr Van Zyl, you told the Commission earlier that you became operational in January 1989. Is that correct?

MNR VAN ZYL: Dis korrek.

MR KHOISAN: Okay. And can you describe for us the circumstances under which you were introduced to or met the person known as Edward James Gordon, alias Peaches?

MNR VAN ZYL: Seker, mnr die Voorsitter. Ek het op daardie stadium in 1988 my enigste broer, jonger boetie, Jan van Zyl, was toe verbonde aan die voertuigdiefstaleenheid te Kaapstad. En ek het hom geskakel telefonies en vir hom onder die indruk gebring dat ek op soek was na 'n beriggewer in Kaapstad, wat ons kon help met diefstalaangeleenthede, en ek het die - ons dekking van Matthysen Busvervoerdiens aan hom voorgedou. Jan het aan my meegedeel dat hy - uit die aard van die saak het ek vir hom gesê dat die beriggewer wat ek soek verkies dat dit 'n persoon moet wees wat al vantevore in die tronk was en wat kontakte in die sogenaamde onderwêreld sal hê.

Dit het toe so gekom dat Jan ene Peaches of Edward Gordon aan my identifiseer het. Hy het sy telefoonnommer aan my verstrekk, waarna ek hom 'n dag of twee daarna geskakel het en 'n afspraak met hom gemaak het en hom kom sien het.

MR KHOISAN: Okay. Mr Van Zyl, do you - did you know at that time that Mr Gordon alias Peaches was a leader of a notorious gang in Cape Town by the name of The Dixie Boys?

MNR VAN ZYL: Dit is korrek.

MR KHOISAN: Did you know that this person had been accused of several offences and had either proven or by allegation, been connected to several serious crimes, including rape, murder and robbery?

MNR VAN ZYL: Mnr die Voorsitter, ek kan my nie daaraan herinner dat ek geweet het dat hy of 'n rekord gehad het, 'n SAP-rekord, of dat hy enersyds of andersyds daarvan aangekla was van ernstige misdrywe soos daar nou aan my geskets was nie. Maar ek moet erken dat ek wel onder die indruk was dat die persoon soos Peaches nie 'n leliewit agtergrond gehad het nie.

MR KHOISAN: Okay. And this person, Peaches Gordon, at that stage you used one of your many aliases to introduce yourself to him. Was it the alias of Theunis de Wet?

MNR VAN ZYL: Ja, mnr die Voorsitter, ek het eintlik nie vir doeleindes van - ja, eintlik vir doeleindes van operasionale funksies het ek net twee aliases gehad. Die een was Andries Rossouw. Dit was 'n alias wat gebruik was tydens skakeling met die koördineerder, tydens skakeling met die besturende direkteur en tydens skakeling met die voorsitter. My ander alias, soos u korrek genoem het as Theunis De Wet, was ook 'n operasionale alias wat ek gebruik het, waarna ek met buitekring persone gedeel het.

MR KHOISAN: Okay. And did you meet Mr Gordon at the Cape Sun on the 3rd October 1988?

MNR VAN ZYL: Dit is wel so.

MR KHOISAN: Mr Van Zyl, what was the content of your discussion with this man at the Cape Sun on the 3rd of October 1988?

MNR VAN ZYL: Mnr die Voorsitter, ek was vergesel op daardie stadium deur my streekbestuurder, Staal, en dit was 'n werwingsproses. Die presiese inhoud van my gesprek kan ek nie uit die aard van die saak onthou nie, aangesien dit lank gelede is, maar ek kan wel vir u sê dat ek by hom wou geweet het of hy kontakte of oor die vermoë beskik het om inligting omtrent die ANC en UDF en ander verbode organisasies te kon inwin. Ek het aan hom voorgehou dat myself asook Staal, ek kan nie onthou watter naam ek voorgehou het of waarna ek verwys het, watter naam ek gebruik het vir Staal nie. Ek het wel aan Peaches voorgehou dat ons hier is om sakebelange van oorsese beleggers te beskerm, aangesien

ons wou verhoed het dat Peaches op enige stadium die vermoede moes kry of die indruk moes kry dat ons verbonde was aan een of ander Staatsdiensorganisasie.

MR KHOISAN: Okay. And when you met Mr Gordon, did you meet him with any other people?

MNR VAN ZYL: Nee, meneer, hy was nie - hy was alleen gewees. Ek het hom by die Goue Akker ontmoet en ons is deur na die Johannesburg, ag, ekskuus tog, na die Cape Sun. As my geheue my nie in die steek laat nie, was hy heeltemal alleen.

MR KHOISAN: Okay. I would like to draw your attention to Annexure 2, which is the statement of Edward James Gordon alias Peaches.

MNR VAN ZYL: Ja, ek het hom voor my.

MR KHOISAN: Okay. In point 2, in point 10 of this statement by Mr Gordon, he refers to -

"Nog 'n Blanke man in die kamer wie by 'n
tafel gestaan het."

MNR VAN ZYL: Ja, u verwys na punt nommer 11?

MR KHOISAN: Nommer 10.

MNR VAN ZYL: Paragraaf 11.

MR KHOISAN: Point 10.

"By die Cape Sun Hotel het Theunis in die
hysbak geklim en ek het saam ingeklim. Ons is
toe saam na kamer 3011. Toe ons in die kamer
gaan het die Blanke man, Theunis die deur
gesluit. Daar was nog 'n Blanke man in die
kamer, wie by 'n tafel gestaan het. Die man
was groot gebou. Ek onthou sy hare was bo-op
sy kop uitgedun en hy was bles. Hy het donker
hare gehad ..."

MR DU PLESSIS: Sorry, we seem not to have the same statement.

MR KHOISAN: Okay.

MR DU PLESSIS: We have one of Edward Gordon, but it doesn't read the
same paragraphs 10 and 11.

MR KHOISAN: No, no, hold on. Just go through that. Can we find - this
one here. Counsel has that actually.

MR DU PLESSIS: Ja, I see, we found it now. It is A18, marked A18.

MR KHOISAN: A18. It is Athlone MR 396/8/89, point 10.

MR DU PLESSIS: Thank you very much.

MR KHOISAN: Okay. To proceed with speed. Who was that other person in the room?

MNR VAN ZYL: Dit was Staal gewees.

MR KHOISAN: Staal Burger. Was there anybody else in that, that when you met Mr Gordon, that you can recall, at this time?

MNR VAN ZYL: Nee, meneer.

MR KHOISAN: Okay. Okay. There was nobody else from the Cape Town Security Branch that was with you in this?

MNR VAN ZYL: Nee, beslis nie, mnr Voorsitter.

MR KHOISAN: Okay. And in terms of your discussion with Mr Gordon,
you were - you presented yourself as a businessman?

MNR VAN ZYL: Dit is korrek.

MR KHOISAN: Okay. Okay, did you explain to him that you needed information about the ANC and the UDF in the area?

MNR VAN ZYL: Dit is wel so.

MR KHOISAN: With specifics in the Kewton area?

MNR VAN ZYL: Nie spesifiek nie. Daar was net verwys na spesifieke organisasies soos die UDF, die AND en ander verbode organisasies. Maar nie spesifiek na Kewton homself nie. Dit het die hele inligting betreffende organisasies, maar wat geopereer het oor die hele Wes-Kaap.

MR KHOISAN: Okay, and did Mr Gordon agree to participate in your project?

MNR VAN ZYL: Dit is so, mnr die Voorsitter.

MR KHOISAN: And at that point did you pay him any money?

MNR VAN ZYL: Ja, ek het vir hom geld gegee om hom aan te moedig.

MR KHOISAN: Okay, and did he - did you set up a mechanism with which you would contact him at a later stage?

MNR VAN ZYL: Ja, daar was 'n meganisme gewees. Ek het uit die aard van die saak sy kontaknommer gehad by sy woning, en ek het hom op 'n latere stadium vir hom van 'n "page" nommer voorsien wat ek gedra het.

MR KHOISAN: And so from there what was the first project that Mr Gordon conducted, what was the first action that Mr Gordon physically conducted for you, and on behalf of the CCB?

MNR VAN ZYL: Mnr die Voorsitter, dit was 'n projek waartydens ons vir Gordon getoets het. Ek het 'n pakkie aan hom oorhandig, waarvan die inhoud klippe was, en ek het hom versoek om dit by 'n sekere punt af te laai, waar dit weer opgetel was en dit was slegs 'n toets van Gordon gewees. Dit het in Kaapstad plaasgevind.

MR KHOISAN: Okay. And then what was the next thing that you did with Mr Gordon? And what was the result of this test, did you prove that he would be a trustworthy person who could carry out and discharge the functions of the CCB, with despatch?

MNR VAN ZYL: Mnr die Voorsitter, ja en nee. Die eindresultaat was dat die pakkie wel afgelaai was by die punt waar ons dit moes opgetel het.

In werklikheid het ons gevind dat die pakkie, dat daar met die pakkie gepeuter was. Dit was 'n aspek wat my bekommer het. Gordon se verduideliking was dat die pakkie, die persoon wat daarmee gepeuter het was die persoon aan wie hy dit oorhandig het. Nietemin, ek het potensiaal in hom gesien en ek was terdeë bewus daarvan dat soos die geval met baie ander dinge in die lewe, met die nodige opleiding sou hy 'n goeie onbewustelike lid uitgewerk het.

MR KHOISAN: Okay, and did you proceed to offer him training?

MNR VAN ZYL: Ek het hom geen opleiding, fisiese opleiding aangebied nie, of gegee nie. Ek dink opleiding miskien in die sin van geheimhouding oor hoe hy moet optree en wat hy moet sê, ja, dit was maar al gewees.

MNR VAN ZYL: Okay. So to understand the point correctly, you wanted

this man to be involved in a number of things. One, to be an informant for you, to collection.

MNR VAN ZYL: Dit is korrek.

MR KHOISAN: Okay. At which stage did you start to isolate specific targets for collection?

MNR VAN ZYL: Kan u dalk meer spesifiek wees?

MR KHOISAN: Okay, you met this man on the 3rd of October 1988 and you told this Commission when we began earlier, you informed us in this inquiry that you became operational in January 1989?

MNR VAN ZYL: Korrek, ja.

MR KHOISAN: So I am asking you, for the record, at which stage did you isolate him a list of targets that needed to be set-up for collection?

MNR VAN ZYL: Mnr die Voorsitter, dit moes in die omgewing van Februarie, Maart 1989 gewees het.

MR KHOISAN: Okay. Okay. And in February 1989 you met him again at the Cape Sun Hotel. Is that true?

MNR VAN ZYL: Ja, dis korrek.

MR KHOISAN: Okay. And at that time what was your discussion with Mr Gordon?

MNR VAN ZYL: My herinnering van - van Edward Gordon, mnr die Voorsitter, is dat my take aan hom was as volg en in die volgende volgorde. Ek het hom die eerste keer getaak met 'n toets met die pakkie klippe wat moes afgelaai geword het. Daarna het ek Peaches op 'n stadium in Johannesburg ontmoet om te werk aan die - om aan ons verhouding te werk, die verhouding van vertrou. Daarna het ek vir Peaches van besonderhede voorsien van ses mense. Ek kan nie hulle name onthou nie, ongelukkig, mnr die Voorsitter, en hy was versoek om te kyk of hy hierdie persone kon opspoor. Sy volgende taking was 'n betrokkenheid deelname by die Evans-projek. Daarna het ek vir Peaches getaak met die Omar-projekte. Daarna het ek vir Peaches gevra om vir my behulpsaam te wees met die apie-fetus geval. Dit is in kort hoe ek dit kan onthou hoe ek hom aangewend het, mnr die Voorsitter.

MR KHOISAN: Okay. According to Mr Peaches, Mr Gordon's statement, he says in point 17 that when he met you at the Cape Sun, this is in

February 1989, you gave him a paper which had six names on it. Do you remember the names of the persons on that paper?

MNR VAN ZYL: Nee, ek kan dit nie onthou nie, mnr die Voorsitter.

MR KHOISAN: We have here Hlonga Joseph, Nusuluthi and Laurie Nathan, I guess that would be.

MNR VAN ZYL: Dit is baie moontlik. Ek kan dit nie ontken nie.

MR KHOISAN: Okay. And so when you met him then did you give him money? Did you set up a channel in which he would receive his payment from you?

MNR VAN ZYL: Daar was - Edward Gordon was in die begin geld voorsien wanneer ek hom gesien het. Op 'n latere stadium was daar 'n reëling gemaak dat hy op 'n maandelikse basis 'n salaris sal ontvang.

MR KHOISAN: And what, according to you, would you have constituted a salary to give to this man?

MNR VAN ZYL: Wel, dit is ...

MR KHOISAN: Can you remember?

MNR VAN ZYL: Uit die eerste plek uit, dat ons gaan van sy dienste gebruik maak en in die tweede plek om vir hom gelukkig te hou, want geen mens gaan vir jou verniet werk nie.

MR KHOISAN: Okay, so you paid him what,

R1 800,00, R2 000,00, R3 000,00, how much did you pay him?

MNR VAN ZYL: Dit was nie baie - sy maandelikse besoldiging was seker maar hier in die omgewing van R1 500,00 na

R2 000,00 sal ek skat, mnr die Voorsitter.

MR KHOISAN: Okay. And did you also inform him that he needed to - that you may need him to go and work outside the country in Zambia and ... (intervention).

MNR VAN ZYL: Dit is korrek.

MR KHOISAN: And in other places, Zambia, Zimbabwe, Mozambique, et cetera.

MNR VAN ZYL: Ek het wel aan hom gesê dat hy moontlik gebruik gaan word om in die buiteland te werk, ja.

MR KHOISAN: Did you discuss the issue of drugs with him? Mandrax?

MNR VAN ZYL: Nee, mnr die Voorsitter, ek het dit nie met hom bespreek nie. Ek weet wel dat ons op 'n stadium bespreek het dat aangesien hy hier in die Wes-Kaap 'n verbintenis gehad het met 'n bende, en die bende verbintenis gehad met dwelmmiddels, onder andere, kon die aspek dat hulle in dwelms gehandel het, vir hom as 'n - wat is die woord, "cover", as 'n dekking gedien het om die buiteland te gaan besoek het, en meer spesifiek buurlande.

MR KHOISAN: Did you ever offer to provide him or facilitate this cover with providing him with Mandrax or helping him along this channel?

MNR VAN ZYL: Onder geen omstandighede nie. Ek het nie so 'n vermoë gehad nie, en ek sou dit nooit gesê nie.

MR KHOISAN: Okay. Now let's go to the specific projects. Now Peaches Gordon was used to collect information for you, for instance on Jay Naidoo. How would that have happened?

MNR VAN ZYL: Ek dink ek kon vir hom gevra het om vir my inligting te kry op mnr Jay Naidoo. Hoe hy dit bekom het en wie hy sou gebruik het om dit te bekom het, het ek hom nie voorgeskryf nie, en dit was sy eie - hy moes, hy moes dit op sy eie inisiatief gedoen het.

MR KHOISAN: Okay. Now at which stage did you give Mr Gordon the gun that was supposed to be used to kill Mr Dullah Omar, Adv Dullah Omar?

MNR VAN ZYL: Mnr die Voorsitter, as - laat ek dit so stel. Ek het die vuurwapen by Staal gekry, dit was 'n Makarov-pistool met knaldemper. En dit was hier in die omgewing van Maart, April 1989. Ek het die vuurwapen per padvervoer na Kaapstad vervoer, en ek het dit aan hom oorhandig tydens een van ons ontmoetings in Kaapstad. Ek kan nie onthou by watter - nee, ek kan nou vir u sê dit was by 'n - by 'n Wimpy Bar gewees of by 'n Golden Egg Restaurant in die Bellville-omgewing.

MR KHOISAN: Okay. That was at the Bellville Wimpy Bar, that is according to his statement, that is more or less correct.

MNR VAN ZYL: Dis korrek.

MR KHOISAN: Okay. And now what were your specific instructions, did you also provide him with a silencer?

MNR VAN ZYL: Ja, mnr die Voorsitter, die "silencer" was deel van die wapen, dit was aangeskroef aan die vuurwapen.

MR KHOISAN: And your instructions were to him, to go out and kill this man, because he was somebody that needed to be disposed of?

MNR VAN ZYL: Dit is korrek.

MR KHOISAN: Okay. Who else did you tell him to kill?

MNR VAN ZYL: Nobody else.

MR KHOISAN: Okay. You never tasked him to kill anybody else, a unionist or a church personality?

MNR VAN ZYL: Onder geen omstandighede nie.

MR KHOISAN: In the Evans matter was he ever used in the Evans matter?

MNR VAN ZYL: Dit is korrek.

MR KHOISAN: And what were the instructions?

MNR VAN ZYL: To kill Evans.

MR KHOISAN: So that's two cases now.

MNR VAN ZYL: Dit is korrek, maar ek het vir u verstaan dat met die vuurwapen, wat u bedoel het met die Makarov-pistool, en was hy uitsluitlik getaak om slegs op die Omar-projek te werk. Ten opsigte van mnr Evans, moes daar 'n mes in die spesifieke projek gebruik geword het. Dit is hoe ek u verstaan het.

MR KHOISAN: So if I understand it, the cycle of planning and execution of duties of the CCB, first there was a study, a pre-study - wat u genoem het 'n voorstudie.

MNR VAN ZYL: Dit is korrek.

MNR PETERSEN: Nou het u daardie voorstudie gedoen of wie het daardie voorstudie gedoen?

MNR VAN ZYL: Ja, mnr die Voorsitter, die voorstudie was 'n aanbieding wat ek gedoen het aan my streekbestuurder sowel as aan my koördineerder. Maar die voorstudie het ingesluit inligting wat ek ook van ander oorde kon bekom het. Met ander woorde, insette wat ook kon gekom het van 'n buitelid, soos byvoorbeeld Edward Gordon.

MR KHOISAN: Okay. Who else was used in the pilot study? Was there anybody else connected to this pilot study?

MNR VAN ZYL: Ten opsigte van watter projek?

MR KHOISAN: We are talking about that attempt to kill Adv Dullah Omar.

MNR VAN ZYL: Ten opsigte van die Omar-projek, die voorstudie wat gedoen was, die aanvanklike voorstudie, was dit slegs Peaches, dit was myself en ek het die voorstudie aangebied aan Staal en aan - in die teenwoordigheid van Christo. Ons het die projek aangebied aan Joe Verster. Dit is die persone wat ek daar kan onthou. Op 'n latere stadium, omdat die projek nie gematerialiseer het nie, het ek nog 'n persoon gebruik by name van Ferdie Barnard, om die monitering van Omar te doen. En die redes hoekom ek dit gedoen het, was dat ek het begin twyfel of die terugvoering wat ek van Peaches ontvang het, wel korrek was, of dit wel, of hy nie vir my leuens vertel het nie. Maar Ferdi Barnard was bloot as 'n inligtingsinstrument gebruik in daardie spesifieke projek.

MR KHOISAN: So for those purposes Ferdi Barnard had to come to Cape Town to do double collection?

MNR VAN ZYL: Korrek.

MR KHOISAN: Okay. And so shall I say that Ferdi Barnard is a man who reported to you on that matter and what was Ferdi Barnard's report to you?

MNR VAN ZYL: Dit is korrek. Ferdi Barnard het sekere rapporte aan my verskaf. Dit het bevestig dit wat Edward Gordon aan my gegee het. En ek kan vir u sê in kort, dat die bewegings van mnr Omar by sy huis was - daar was nie 'n spesifieke patroon nie, en die tweede rapport wat na my toe gekom het, was dat adv Omar 'n hartaanval gehad het, wat wel so is of was. Dit is maar basies die tipe rapporte wat ek ontvang het.

MR KHOISAN: Okay. So the attempt to kill Adv Dullah Omar had the concurrence and the blessing of Mr Joe Verster?

MNR VAN ZYL: Ja, mnr die Voorsitter.

MR KHOISAN: Okay. And how much money was approved for that project?

MNR VAN ZYL: Mnr die Voorsitter, ek weet nie presies hoeveel geld nie.

MR KHOISAN: Just give an approximation, that's fine. We don't want to prolong ...

MNR VAN ZYL: Ek kan vir u so sê dat ek weet daar was 'n bedrag van 15 000 eventueel goedgekeur. Sou die projek tot uitvoering gekom het.

MR KHOISAN: Okay. And when Mr Omar didn't end up being killed by Peaches Gordon, this, the weapon couldn't be used and then there was an attempt to tamper with his medication. Is that correct?

MNR VAN ZYL: Dit is korrek.

MR KHOISAN: Okay. And in terms of that particular project, did you contact - did you contact in the Johannesburg or in the Gauteng area any specialist who dealt with medications or chemicals?

MNR VAN ZYL: Ja, mnr die Voorsitter, die - ek het nie die persoon gekontak nie. Die persoon het tydens 'n selvergadering met my kontak gemaak, en dit is die Jaco, ek dink dit is die Jaco persoon wat u na verwys het voor die dag, maar ek weet nie wat sy regte naam is of sy van is nie.

MR KHOISAN: Theuns Kruger.

MNR VAN ZYL: Dit mag ...

MR KHOISAN: Theuns Kruger.

MNR VAN ZYL: Dit mag hy wees. Dit mag wees.

MR KHOISAN: Okay. And the reason I asked you earlier if Jaco knew Ferdi Barnard, and whether they had any connection, somehow relates to that, but so Jaco brought the - promised you that he will be able to get the chemicals?

MNR VAN ZYL: Dit is korrek. Hy was - hy het daar in die teenwoordigheid van Staal gesê dat hy die tablette sal kan kry en dit het toe so gekom dat hy nie die tablette kon kry nie en dat daar toe naderhand poeier vir my gegee was, maar hy is nie die persoon wat die poeier aan my gegee het nie. Die persoon wat die poeier aan my gegee het, was 'n persoon met die naam van Nick. Ek weet ook nie wat sy korrekte naam is of korrekte identiteit is nie.

MR KHOISAN: Okay. All right. Now at which stage did you meet - so when - so the poison, the powder was brought by you?

MNR VAN ZYL: Dit is korrek.

MR KHOISAN: To Cape Town and handed over to ...?

MNR VAN ZYL: To Peaches op die lughawe.

MR KHOISAN: To Peaches at the airport?

MNR VAN ZYL: Korrek.

MR KHOISAN: And then the instruction was to go and put that in - to do what with the powder?

MNR VAN ZYL: Hy moes die poeier op 'n manier oor die kos van adv Omar uitstrooi.

MR KHOISAN: Okay. And do you know what happened with that?

MNR VAN ZYL: Nee, mnr die Voorsitter, dit was na ongeveer 'n week het daar weer niks gematerialiseer nie, en dit was hier in Septembermaand terwyl ek met verlof was, dit was in 'n tydperk toe daar vir ons gesê was dat alle projekte nou gestaak is, pas nadat mnr FW de Klerk die nuwe destydse Staatspresident geword het. En ek het toe vir Edward Gordon geskakel vanaf Richardsbaai waar ek toe met verlof was en vir hom opdrag gegee of versoek om die poeier sowel as die vuurwapen, die Makorov-pistool te vernietig. Wat hy daarmee gedoen het aan die einde van die dag weet ek nie. Ek het sy beriggewing laat vaar.

MR KHOISAN: Okay. Now at which stage did Mr Gordon introduce you to or did you liaise with Neville Herold, alias Jackie Lonty?

MNR VAN ZYL: Ek het nooit 'n Jacke Lonty ontmoet nie. Ek weet nie wie dit is nie.

MR KHOISAN: Did Mr Gordon ever introduce you to a man from the Americans Gang, in Cape Town?

MNR VAN ZYL: Nee, mnr die Voorsitter, die enigste persone aan wie hy my voorgestel het was, wat ek kan onthou, is Isgak, Gakkie Herdien en dan 'n Ismail persoon, ek kan ook nie eers meer sy van onthou nie.

MR KHOISAN: And Clive Petersen and Irvin Meyer?

MNR VAN ZYL: Nee, meneer, nog nooit van hulle gehoor nie.

MR KHOISAN: Okay. Now let's go through Peaches Gordon. So he was tasked to do the Dullah Omar thing and the collection on Jay Naidoo. Did you use him to do collection on any other person?

MNR VAN ZYL: Dit mag wees, ek meen in die algemeen, was een van sy funksies om inligting te versamel ten opsigte van persone verbode aan verbode organisasies op daardie stadium of soos die ANC en UDF.

MR KHOISAN: And what was the regularity of his reports?

MNR VAN ZYL: Nie baie insiggewend gewees nie.

MR KHOISAN: How regular, how many times did he report to you?

MNR VAN ZYL: Ag, dis moeilik om te herinner. Ek het gereeld met hom kontak gehou, ek kan miskien so een keer in 14 dae die tipe van geval.

MR KHOISAN: And you contacted him at his home?

MNR VAN ZYL: Of hy het my op my "pager" kontak.

MR KHOISAN: Did you ever speak to his mother?

MNR VAN ZYL: Dit mag wees, ja. Dit mag wees.

MR KHOISAN: Okay. Now after this man came from the Harmse Commission, it ended up that he died.

MNR VAN ZYL: Dis korrek.

MR KHOISAN: Are you aware of the circumstances in which this man died?

MNR VAN ZYL: Mnr die Voorsitter, nee, ek was nie, maar ek het wel navraag gedoen, omdat daar vingers na my gewys is deur sekere persone dit onomwonde gestel het dat hulle verdink dit dat ek by sy moord betrokke was. Ek het toe wel my inligting na sy moord, wat ek bekom het vanaf SAP-kanale, was dat dit 'n bendebedrywigheid was en dat die aangeleentheid deur Moord en Roof Kaapstad ondersoek word, en dat daar skynbaar verdagtes geïdentifiseer is en dat daar beëdigde verklarings in die verband bestaan oor die identiteit van persone wat moontlik daar vir sy dood verantwoordelik kan wees. Dit is al wat ek weet. Ek het ook verneem dat die bende Americans, spesifiek by name Jackie Lonty, in alle waarskynlikheid vir sy dood verantwoordelik was.

MR KHOISAN: And you don't know this person named as Jackie Lonty?

MNR VAN ZYL: Ek het hom nog nooit ontmoet nie.

MR KHOISAN: And he has never met you either?

MNR VAN ZYL: Nog nooit.

MR KHOISAN: You never saw him at the airport on any occasion?

MNR VAN ZYL: Nooit.

MR KHOISAN: Or anywhere else?

MNR VAN ZYL: Nog nooit nie.

MR KHOISAN: Mr Van Zyl, did you contact Peaches just before - at any time just before he died, after he came from the Harmse Commission?

MNR VAN ZYL: Nee, mnr die Voorsitter, die laaste keer wat ek met Peaches geskakel het was toe ek vir hom versoek het om die wapen en die poeier te vernietig en dit is dan in Septembermaand 1989. Ek het hom nog nooit weer - die eerste keer wat ek vir Peaches daarna gesien het, en ek het nie met hom gepraat nie, was tydens my artikel 29 aanhouding by Secunda, toe hy my uitgewys het as Theunis de Wet, tydens 'n informele uitkenningsparade. Daarna het ek hom nog nooit weer gesien nie.

MR KHOISAN: So you don't know what happened to that weapon?

MNR VAN ZYL: Nee, meneer.

MR KHOISAN: You never got it back from him?

MNR VAN ZYL: Nee.

MR KHOISAN: If I put it to you that that weapon is still in circulation, would that be reasonably accurate?

MNR VAN ZYL: Ek kan dit nie ontken nie. Ek dink dit is baie moontlik.

MR KHOISAN: Now the person of Igsak Herdien was introduced to you by one Peaches Gordon. Is that correct?

MNR VAN ZYL: Dit is korrek.

MR KHOISAN: And under which circumstances did you meet Igsak Herdien?

MNR VAN ZYL: Peaches het aan my genoem dat hy vir Igsak Herdien aan my wil voorstel. Hy het vir my die besonderhede van hom gegee. Ek het hom gekontak en 'n afspraak met hom gemaak en hom in 'n hotelkamer ontmoet.

MNR PETERSEN: Sê vir my, mnr Van Zyl, het u aan hom verduidelik waarom die BSB gaan of wat het u aan hom verduidelik in die hotelkamer?

MNR VAN ZYL: Nee, mnr die Voorsitter, ek het op geen stadium aan hom verduidelik waarom die BSB gaan nie. Hy het dieselfde storie van my gekry as wat ek vir Peaches Gordon gegee het, uit die aard van die saak.

MNR PETERSEN: Sê my, het u enige geld aan hom gegee op daardie betrokke dag?

MNR VAN ZYL: Dit mag wel so wees.

MNR PETERSEN: Vir watter rede was dit?

MNR VAN ZYL: Dit is maar net om 'n persoon te motiveer om aan die einde van die dag gewerf te kan word.

MNR PETERSEN: Sê my, hoe lank na die eerste afspraak het u weer met hom in verbinding getree?

MNR VAN ZYL: Moeilik om te sê maar dit kan miskien etlike dae daarna gewees het, of miskien 'n week of twee daarna. Ek kan nie presies onthou nie.

MNR PETERSEN: En toe u weer met hom in verbinding tree, het u hom uitgenooi om u weer te sien of wanneer het die twee van u weer met mekaar kontak maak?

MNR VAN ZYL: Daar was ontmoetings gewees tussen my en Gakkie, nadat ek hom verwerf het. Van die ontmoetings was in Kaapstad en van die ontmoetings was in Johannesburg gewees. Ek kan nie vir u presies sê watter datums die ontmoetings plaasgevind het nie.

MNR PETERSEN: En wat was die idee van die ontmoetings?

MNR VAN ZYL: Mnr die Voorsitter, dit was om vir Igsak spesifieke opdragte te gee, om of spesifieke inligting in te win of om hom spesifieke opdragte te gee om spesifieke take te verrig.

MNR PETERSEN: Sê my die gelde, het u enige geld aan hom betaal toe hy afkom Johannesburg toe?

MNR VAN ZYL: Mag wees, ja.

MNR PETERSEN: En daar was geen rede vir die geld wat u aan hom betaal het nie? Hy het geen instruksies uitgevoer binne-in Johannesburg nie?

MNR VAN ZYL: Nee, Gakkie het vir my geen, geen instruksies in Johannesburg uitgerig nie, nee. Nou die rede hoekom daar vir die persone geld gegee was, was maar net om - dit was 'n tipe van 'n wortel voor die neus, as u my uitdrukking so sal verstaan.

MNR PETERSEN: Okay. Sê my, wanneer het u begin om vir hom instruksies te gee om dinge vir die BSB uit te voer?

MNR VAN ZYL: Sy eerste taking was in Augustus, Augustus 1989.

MNR PETERSEN: Wat was die taking?

MNR VAN ZYL: Dit is ongelukkig, mnr die Voorsitter, 'n buitelandse aangeleentheid en waaroor ek met respek, onder die omstandighede nie nou van wil praat nie. En sy tweede taking was dan die Early Learning Centre projek.

MNR PETERSEN: Is u seker dit was sy tweede taak?

MNR VAN ZYL: Dit kan miskien omgedraai wees ook.

MNR PETERSEN: Tydens die Early Learning Centre, het u vir Peters ook getaak met dieselfde?

MNR VAN ZYL: Nee, glad nie.

MNR PETERSEN: So hulle twee was apart, u het nooit met hulle twee self saamgeskakel nie?

MNR VAN ZYL: Nee, inteendeel. Peaches wou by my op 'n stadium geweet het of ek vir Igsak gewerf het, en ek het vir hom gesê nee.

MNR PETERSEN: So hulle het nie, basies nie kennis gedra dat ...

MNR VAN ZYL: Dat ek met beide van hulle skakel nie, nee. Tensy hulle agter my rug met mekaar gekonkel het, wat ek nie geweet het van nie.

MNR PETERSEN: Sê my hoe lank voor die Early Learning Centre het u min of meer met hom, vir hom ingelig waarom dit gaan ensovoorts?

MNR VAN ZYL: Hoe bedoel u waarom dit gaan?

MNR PETERSEN: Het u, toe hy in Johannesburg was, het u vir hom gesê dat die rede waarom u vir hom getaak het, is - het u hom al daai tyd

ingelig oor die Early Learning Centre of wanneer het u vir hom ingelig daarvan?

MNR VAN ZYL: Nee, die Early Learning Centre aangeleentheid, mnr die Voorsitter, was inligting wat Igsak aan my gegee het. Dit is inligting wat hyself bekom het, hy het vir my gesê dat daar 'n saal was in Kewtown by die Early Learning Centre wat gebruik was deur verbode organisasies en die persone vir redes wat ek dalk vir u later kan noem, en dit is op sy inligting wat ek eventueel 'n voorstudie gemaak het en aan die einde van die dag 'n aanbieding gedoen het.

MNR PETERSEN: Sê vir my, die landmyn wat gebruik was, hoe het dit, hoe het u dit gebring, per motor?

MNR VAN ZYL: Per motor.

MNR PETERSEN: So dit was nie oorgevlieg nie?

MNR VAN ZYL: Nee, glad nie.

MNR PETERSEN: Maar u het teruggevlieg?

MNR VAN ZYL: Ek het teruggevlieg, korrek.

MNR PETERSEN: U het u voertuig hier gelos?

MNR VAN ZYL: Ja, want ek het die volgende aand, het ek weer teruggekeer. Dit was, die voorval was op die 31ste Augustus, en ek het op die 1ste September, het ek met verlof gegaan en toe het ek en my vrou weer teruggevlieg, toe is my motor op die lughawe. So dit is hoe dit gewerk het.

MNR PETERSEN: Sê my het u op enige stadium 'n voertuig aan hom gegee?

MNR VAN ZYL: Op geen stadium nie.

MNR PETERSEN: So u het nooit 'n voertuig aan hom gegee vanaf u nie?

MNR VAN ZYL: Nee, nooit nie.

MNR PETERSEN: Dankie. Okay. In terme van die Early Learning Centre insident, wie was betrokke by die beplanning met die in-huis waar hierdie insident bespreek was?

MNR VAN ZYL: Mnr die Voorsitter, dit was myself, Wouter Basson, Staal Burger en Joe Verster.

MNR PETERSEN: Okay. En wat was die posisie?

MNR VAN ZYL: Hoe bedoel u wat was die posisie?

MR KHOISAN: In terme van die beplanning - in terms of the planning? The decision was to bomb the Early Learning Centre?

MNR VAN ZYL: Die besluit was en die opdrag was om die bymekaarkomplek, die saal binne-in die Early Learning Centre totaal te verwoes.

MR KHOISAN: Okay. And can you tell me where that, the limpet mine that was used in that incident, came from?

MNR VAN ZYL: Ja, mnr die Voorsitter, die spesifieke myn het ek ontvang vanaf die koördineerder, Christo Britz, tydens 'n selontmoeting toe daar aan my meegedeel was dat die projek op die Early Learning Centre goedgekeur was.

MR KHOISAN: Okay. And so you are saying that Christo Britz brought that limpet to the meeting?

MNR VAN ZYL: Dit is korrek.

MR KHOISAN: Okay. And who was also going to be used in that operation, is what, Calla Botha?

MNR VAN ZYL: Dit is korrek. Mnr die Voorsitter, sy betrokkenheid het basies gekom omdat hy 'n ploffstofdeskundige is, en dat ek nog nooit met ploffstof gewerk het nie. Ek het om daardie rede vir Staal versoek dat 'n persoon soos Calla my moet vergesel omdat ek uit die aard van die saak nie gemaklik was in die hantering van ploffstof nie.

MR KHOISAN: Okay. So what was the plan; the plan was to have this limpet and it would be detonated how?

MNR VAN ZYL: Die "limpet" sou afstandbeheer gedetoneer geword het.

MR KHOISAN: Okay. And that Deon Calitz, alias Calla Botha would handle that part of it? Is that correct?

MNR VAN ZYL: Dit is korrek, mnr die Voorsitter, in die sin van die woord dat hy het - u sien daar was 'n onsteker wat binne-in die "limpet"-myn moes ingedraai gewees het. En ek meen, ek kon dit ook gedoen het, maar ek het verkies dat hy dit moet doen aangesien hy die nodige ploffstof kennis gehad het, en ek meen, omdat enige fout absoluut fataal sou gewees het.

MR KHOISAN: Okay. And in terms of this particular thing, was it ever given, was there ever any consideration given to the fact that this was in fact a community centre, which lots of people used during the day and night?

MNR VAN ZYL: Ja, mnr die Voorsitter, daar was baie konsiderasie daaraan gegee en ek wil my graag kwalifiseer deur te sê dat dit was dan die rede hoekom ons 'n afstandbeheermeganisme gevra het om die "limpet"-myn te aktiveer, nadat ons seker gewees het dat daar geen persone teenwoordig was op die perseel nie. Tweedens, het ons toe nadat ek die "limpet"-myn aan Igsak oorhandig het, en hy dit na die Early Learning Centre vervoer het, het ek op die ingewing van die oomblik besluit om teenwoordig te wees met die aktivering van die "limpet"-myn, aangesien ek bekommerd was dat daardie myn op 'n ander plek geaktiveer sou word dan die Early Learning Centre, en ook dat dit geaktiveer sou word op 'n tydstip waar persone in die proses gedood of beseer kon word. Dis hoekom ek ook persoonlik in bevel was van daardie projek en van die aktivering van die "limpet"-myn.

MR KHOISAN: Okay. But with all due respect, Mr Van Zyl, you gave this limpet mine to a person who - did Mr Herdien have any training with explosives, did he have knowledge of explosives?

MNR VAN ZYL: Nee, nie sover my kennis strek nie.

MR KHOISAN: And a limpet mine is something that can cause quite a lot of damage?

MNR VAN ZYL: Uit die aard van die saak, ja.

MR KHOISAN: Okay. Were you aware of any other limpet mine explosions in Cape Town, in and around the time that the Early Learning Centre event happened?

MNR VAN ZYL: Ja, mnr die Voorsitter, dit het tot my aandag gekom.

Ek het sodanige inligting vanaf Gakkie ontvang. En dit was dan ook een van die redes hoekom die Early Learning Centre geteiken was, die saal spesifiek, dat persone van verbode organisasies en ek het nou deur die stukke gelees vanoggend, die name verskyn uit die aard van die saak daarin. Dit is daar waar dit verwys na name soos van Petersen en daar is 'n Malgas naam wat daar genoem word ensovoorts.

MR KHOISAN: Okay.

MNR VAN ZYL: Ekskuus tog, u het vir my gevra, ja, laat ek net gou, ekskuus laat ek net klaarmaak. En uit daardie inligting het dit gekom dat die persone daardie saal gebruik het om hulle beplannings te doen vir terreurdade in die Kaap-omgewing, en dat vanuit daardie saal, die beplanning gedoen was vir die "limpet"-myn ontploffing by die landdroshof in Athlone, sowel as by die Poskantoor te Athlone. So ja, ek het van daardie twee ontploffings kennis gedra en ek het - en dit was onder my aandag gebring dat die beplannings van daardie twee ontploffings vanuit daardie spesifieke saal gedoen was, wat ons geteiken het.

MR KHOISAN: Okay. We have to adjourn, but just before we adjourn, one final question. Were you under any pressure from higher-ups, like Joe Verster, or Joop Joubert or any other senior officer in the CCB, to carry out an action which would set an example in the Cape Town area?

MNR VAN ZYL: Dit is so.

MR KHOISAN: And who specifically was putting pressure on you to carry out this thing?

MNR VAN ZYL: Staal and Joe Verster.

MR KHOISAN: Staal and Joe Verster?

MNR VAN ZYL: Korrek.

MR KHOISAN: And that they wanted a serious incident to occur, which would set an example?

MNR VAN ZYL: Wel, ek dink laat ek vir u dit so stel. Die boodskap wat ons wou uitgestuur het aan die persone, die voorbeeld wat ons wou uitgestuur het, was dat ons wou voorkom het dat verdere dade van terreur vanuit daardie spesifieke kamer beplan word en sodoende sou ons verdere menseverlies en skade en beserings kon voorkom het. So in daardie lig was daar druk op my geplaas om die projek te finaliseer.

MR KHOISAN: Okay.

CHAIRPERSON: I'm sorry, time is pressuring me, there is a lot of pressure put by time on me. We shall adjourn until two o'clock.

MNR VAN ZYL: Dankie, mnr die Voorsitter.

CHAIRPERSON: I believe there will be lunch served, but I am going out of the building. That's why I am adjourning now. We will adjourn until two.

COMMITTEE ADJOURNS

ON RESUMPTION:

ABRAHAM VAN ZYL: (Nog onder eed).

CHAIRPERSON: This is the resumption of the inquiry. Mr Khoisan?

EXAMINATION BY MR KHOISAN (cont): Good afternoon, Mr Van Zyl. Just on proceeding, and we are back on the Early Learning Centre bombing. Is it correct that you paid Mr Isgak Herdien 18 000 before the bombing of the Early Learning Centre?

MNR VAN ZYL: Nee, dis nie korrek nie, mnr die Voorsitter.

MR KHOISAN: Are you saying that you didn't give him 18 000 before?

MNR VAN ZYL: Ek het vir hom geen geld gegee wat enigsins verband gehou het met die Early Learning centre projek voordat daardie projek afgehandel was nie.

MR KHOISAN: And when the project had been finished, when the bombing had been completed, did you give him a further 18 000?

MNR VAN ZYL: Ek wonder vir my - mnr die Voorsitter, kan ek net gou my geheue net dalk verfris met een van die dokumente, asseblief? Ag, kan u dalk my geheue verfris in watter dokument het ek daarvan, van die bedrag kennis gemaak, mnr Khoisan?

MR KHOISAN: No, I am just asking you whether you paid him R18 000,00?

MNR VAN ZYL: Dit, ek, dit klink vir my asof dit die korrekte bedrag is wat ek vir hom gegee het, nadat omtrent 'n week of tien nadat die ontploffing plaasgevind het.

MR KHOISAN: Okay. And Mr Van Zyl, did you at any time discuss the following people with Mr Igsak Herdien; Peter Williams, Bruce Malgas, Chris Ferndale, Oschman, Glen Joseph, Merle Thomas, Peter Oliver, and a person by the name of Boetie?

MNR VAN ZYL: Van die name klink vir my bekend, mnr die Voorsitter. Dit mag wees dat ek almal met hom bespreek het. Sover my kennis strek, was dit name wat hy aan my genoem het, dit is nou Gakkie, as synde persone wat die fasiliteit van die Early Learning Centre gereeld van gebruik gemaak het.

MR KHOISAN: And did you discuss the subject of the possible elimination of these people with this man?

MNR VAN ZYL: Op geen stadium nie.

MR KHOISAN: Okay. At which stage did you task Mr Herdien to burn down the printing press on Hinds Road?

MNR VAN ZYL: Mnr die Voorsitter, ek is nie seker nie, maar is dit nie, is dit nie Edward Peaches wat op daardie spesifieke - wat spesifiek daarvoor getaak was nie en nie Gakkie nie?

MR KHOISAN: Now in the morning when we discussed this matter, we discussed it in relation to Mr Herdien. According to your own evidence you presented the fact that Mr Gordon had been tasked to deal with the Dullah Omar issue and a couple of other things. But you did, when we discussed the issue of the printing press, we discussed it specifically in relation to Igsak Herdien and it was also discussed to just sharpen your memory in relation to why that didn't appear in your amnesty application.

MNR VAN ZYL: Mnr die Voorsitter, met respek, as ek my kan korrek herinner daaraan, het die feit dat ek van die twee insidente nie gepraat het nie, verband gehou met Gordon, Edward Gordon se projekte. En ek het toe gesê dat ek nie daarvoor aansoek gedoen het nie, omrede die - ek gemislei was wat dit betref het, deur Edward Gordon. Want in die een projek van die bussie was dit Gordon gewees en 'n Ismail, 'n ene Ismail, Gakkie was glad nie deel daarvan nie. En in die volgende projek, sover my kennis strek, was dit ook Edward Gordon gewees, met alle respek.

MR KHOISAN: Okay. And did you pay for one Clive Pietersen to come to Johannesburg, with Peaches Gordon at any stage?

MNR VAN ZYL: Mnr die Voorsitter, ek het nooit 'n Clive Pietersen ontmoet nie. Wat ek wel kan sê is dat met die - met my opdrag wat ek van Staal gekry het om betrokke te wees by die eliminerings van Evans, het ek vir Peaches gevra om vir hom iemand te kry om hom te vergesel, wat hom behulpsaam kan wees. Of hierdie persoon dan wel die persoon is wat nou genoem word, ek kan dit nie sê nie, ek het nooit persoonlik geld aan hom oorhandig nie. My kontak was eksklusief met Edward Gordon gewees, en of hy vir sy vriend geld gegee het, kan ek nie sê nie.

MR KHOISAN: Okay. Now after meeting Isgak Herdien, when you first met him, did you pay him some money to come to Johannesburg for a weekend where he stayed at the Johannesburg Hotel?

MNR VAN ZYL: Dit is korrek, mnr die Voorsitter.

MR KHOISAN: And just one second. Did you pay him

R6 000,00?

MNR VAN ZYL: Net om vir 'n naweek na Johannesburg toe te kom?

MR KHOISAN: Ja.

MNR VAN ZYL: Nee, dit klink nie vir my reg nie.

MR KHOISAN: But did you pay him R6 000,00 in and around the time that you first met him?

MNR VAN ZYL: Nee, mnr die Voorsitter, ek sou nie, ek het op geen - geen binnelandse projek wat tot my kennis is huidiglik, vir Igsak Herdien R6 000,00 gegee nie.

MR KHOISAN: Okay. Okay. And do you remember that he came to the Johannesburg Hotel, as part of his sort of getting to know you, type of project?

MNR VAN ZYL: Dit is korrek.

MR KHOISAN: Okay. And at that time did you take him to the Park Lane Hotel during that weekend?

MNR VAN ZYL: Op geen stadium nie.

MR KHOISAN: Okay. Who is Alex Covaris?

MNR VAN ZYL: Alex Covaris is 'n persoon by wie, met wie Staal Burger in vennootskap was wat 'n besigheid betref. Hy is die - hy is of hy was die voormalige eienaar van die Park Lane Hotel, wat volgens my kennis toe deur Staal Burger van hom gekoop was.

MR KHOISAN: If I put it to you that the Alex Covaris was part and parcel of the Civil Co-operation Bureau, would that be correct?

MNR VAN ZYL: Mnr die Voorsitter, ek kan dit nie, ek kan dit nie sê nie.

Ek het op geen stadium - ek het een keer in my lewe vir mnr Covaris ontmoet, oor 'n totale privaat aangeleentheid. Ek het nooit enigiets met hom bespreek nie, en ek kan dit nie bevestig nie. Ek kan dit ook nie ontken nie. Ek dink mnr Burger sal eerder so 'n vraag kan beantwoord.

MR KHOISAN: If I put it to you that in and around the time that David Webster was killed, for approximately several weeks, you frequented the Park Lane Hotel and had several meetings with Messrs Burger, Calla Botha, et cetera.

MNR VAN ZYL: Mnr die Voorsitter, dit mag moontlik so wees. Die Park Lane Hotel was besoek deur myself, dit was besoek deur Calla asook deur Chap op, ek sal sê verskeie geleenthede. Ek kan nie vir u sê dit was baie gereeld gewees nie, beslis nie - ek sal sê dit het eintlik baie min plaasgevind, want ons opleiding was dat ons by, wanneer ons ook al 'n rooiplan-aangeleentheid bespreek het, met ander woorde aangeleentheid wat verband gehou het met die BSB, dat dit gedoen was by geheime ontmoetings. Daarvoor was daar fondse beskikbaar gestel gewees en daar was fasiliteite beskikbaar gestel gewees.

Ja, ons het by die Park Lane bymekaar gekom, maar ek kan vir u sê ons het daar bymekaargekom byvoorbeeld, enkele gevalle wat ek van weet, wat ons ontbyt gaan nuttig het. Maar daar was nie, dit was nie 'n bymekaarkomplek waar daar enige projekte van die BSB uitsluitlik bespreek was nie.

MR KHOISAN: Okay. And did you at any time meet one Ralph Fell, who was the food and beverage manager at the Park Lane Hotel, which was owned by Staal Burger and Alex Covaris?

MNR VAN ZYL: Ek het verskeie van sy personeel ontmoet, mnr die Voorsitter, dit is baie moontlik dat ek hom ontmoet het.

MR KHOISAN: Okay. And did you at any point have meetings in, I believe it was Mr Burger's car, and when you were having these meetings, you also have consultations with other parties, on the telephone, which was located in this car?

MNR VAN ZYL: Nee, mnr die Voorsitter, ek kan my glad nie daaraan herinner dat ons enige ontmoetinge in Staal se motor gehou het nie, en miskien as u dalk meer spesifiek kan wees, kan ek dalk 'n beter antwoord gee, maar dit lui by my geen klokkie nie.

MR KHOISAN: Would I be correct to say that after May 1st, your visitations to the Park Lane Hotel became very, very infrequent, if at all? 1989.

MNR VAN ZYL: Mnr die Voorsitter, verskoon my, my - laat ek die vraag vra, maar wat het op Mei die 1ste gebeur, wat het, hoekom na Mei die 1ste?

MR KHOISAN: That is when one David Webster was killed.

MNR VAN ZYL: Nee, meneer, ek dink nie dit het enige rol gespeel, die dood van wyle dr Webster het geen, geen ontmoetings van ons sel meer gemaak of minder gemaak nie. My kennis omtrent die dood van wyle dr

Webster is absoluut zero, ek het nie eers geweet van sy voortbestaan nie, totdat ek in die koerante gelees het van sy moord nie.

MR KHOISAN: Okay. Did you have any knowledge of a list of targets in region six, at which stage you discussed this list of targets with persons, who were your compatriots in this CCB?

MNR VAN ZYL: Mnr die Voorsitter, daar was op 'n stadium 'n lys aan ons voorsien met name. Elke een van ons het een of twee name op die lys gekry. Ek kan nie eers onthou - presies nou onthou wie die persone was wat op my lys was nie. Ek dink amper as ek nie verkeerd is nie, was dit dr Alex Boraine se seun, maar dit was nie 'n "hit list" gewees nie, dit was bloot 'n lys wat uitgegee was waarop daar met name en meer intelligensie omtrent daardie persone moes bekom geword het.

MR KHOISAN: Mnr Van Zyl, stem u saam dat dit was 'n teikenlys?

MNR VAN ZYL: Nee, mnr die Voorsitter, dit is presies wat ek nou gesê het, dit was nie 'n teikenlys nie. Dit was 'n lys gewees wat vir ons gegee was ten opsigte van persone ten opsigte van wie daar meer intelligensie bekom moes word.

MR KHOISAN: Would I be correct to assume that there were academics on that list?

MNR VAN ZYL: Miskien kan u my geheue verfris, ek weet van geen ...

MR KHOISAN: One David Webster, among them?

MNR VAN ZYL: Mnr die Voorsitter, ek ontken alle kennis van dr Webster. Ek het nog nooit, soos ek so pas getuig het, ek het nog nie sy naam gesien of van hom gehoor tot voordat ek deur middel van die

nuusmedia ingelig was omtrent sy dood nie. So ek ontken dat ...
(tussenbeide).

MR KHOISAN: Would there be church people on that list?

MNR VAN ZYL: Ekskuus?

MNR PETERSEN: Kerkmense. Church people, church leaders.

MNR VAN ZYL: Nee, ook nie wat ek kan onthou nie.

MR KHOISAN: One Beyers Naude?

MNR VAN ZYL: Dit is seker moontlik, maar ek kan my glad nie herinner dat sy naam op die lys was nie. Ek sal vir die Voorsitter moet jok as ek dit moet sê.

MR KHOISAN: Okay. Did you ever see a list with the name K Nclaba?

MNR VAN ZYL: Dit lui geen klokkie nie.

MR KHOISAN: Andrew Borraine?

MNR VAN ZYL: Ja, mnr die Voorsitter, ek het vir u gesê dat Andrew Borraine was een van die name van die persone wat aan my gegee was, ten opsigte van wie ek meer intelligensie moes kry. Ek moes bevestig of hy steeds by 'n adres in Kaapstad woonagtig was. Ek kan nie, ek glo amper ek het vir - ja, vir Peaches gebruik om vir my die inligting te gee. Ons kon hom egter nie opspoor nie. Ons het gevind dat die inligting ten opsigte van die adres wat verskaf was van hom, was verouderd gewees.

MNR VAN ZYL: Frank Chikane?

MNR VAN ZYL: Ek kan my verbeel dat sy naam op die lys was, maar dit was nie 'n naam wat aan my gegee was nie, en ek kan ook nie vir u sê, mnr

die Voorsitter, wie vir watter lid van my sel die instruksie gegee was om inligting ten opsigte van hom te bekom nie.

MR KHOISAN: Winnie Mandela?

MNR VAN ZYL: Nee, mnr die Voorsitter.

MR KHOISAN: Jay Naidoo?

MNR VAN ZYL: Ek kan dit nie erken nie, ek kan ook nie ontken nie, ek kan nie onthou nie.

MR KHOISAN: Did you ever task anybody with the duty of doing collection on one Jay Naidoo? Collecting information or possible early study of Jay Naidoo?

MNR VAN ZYL: Ja, mnr die Voorsitter, ek het reeds vroeër daarna verwys. Dit was 'n naam wat gegee was vir Peaches om inligting ten opsigte van hom te bekom, in Kaapstad. Dit is korrek, maar dit was nie 'n voorstudie gewees nie, dit was bloot 'n inligtingsinsamelingsfase.

MR KHOISAN: Now in your own knowledge of the CCB and in your workings, did you ever liaise with any other, through any other channel with any other institution, for instance, the security police?

MNR VAN ZYL: Nee, mnr die Voorsitter, ek het nie op 'n professionele nie, nog op 'n vriendskapsvlak met enige van daardie lede geassosieer, veral wat my beroep betref.

MR KHOISAN: Did you ever liaise with or interact with memberes of what was then as has become known as Vlakplaas?

MNR VAN ZYL: Nee, mnr die Voorsitter, ek ken niemand van die Vlakplaas nie. Ek het nog nie eers vir Eugene de Kock ontmoet nie.

MR KHOISAN: Okay. You never met anybody from Vlakplaas at the Park Lane Hotel?

MNR VAN ZYL: Nee, mnr die Voorsitter. Die enigste persoon wat wel op 'n latere stadium aan Vlakplaas verbonde geraak het, was 'n persoon Ben van Zyl, wat saam met my by Brixton was. En daarna by my gewerk het in my privaat besigheid vanwaar hy na Vlakplaas is. Ek het nie geweet van sy betrokkenheid by Vlakplaas nie, en ek het ook nie met hom geassosieer op enige stadium tydens sy betrokkenheid by Vlakplaas nie.

MR KHOISAN: Now Mr Van Zyl, you worked at the Brixton Murder and Robbery Squad, didn't you?

MNR VAN ZYL: Dis korrek.

MR KHOISAN: And maybe you are aware now, so maybe we can look at that, that the Brixton Murder and Robbery Squad on several occasions and in several incidents, has been connected to Vlakplaas?

MNR VAN ZYL: Nee, mnr die Voorsitter, ek dra geen kennis, in my tydperk of voor of daarna, moontlik daarna, dat Brixton enigsins 'n verbinding gehad het met Vlakplaas nie.

MR KHOISAN: And Mr Van Zyl, have you ever in any of your projects, obtained any information from any other institution other than the Civil Co-operation Bureau in respect of targets or in respect of operations of the CCB?

MNR VAN ZYL: Op geen stadium nie.

MR KHOISAN: Okay. Can I draw your attention to Annexure 4, and - "streek ses, doelstellings". It is a document that relates to your project.

Was your project Project Goldie?

MNR VAN ZYL: Dis korrek.

MR KHOISAN: Mnr Van Zyl, as u mooi na hierdie dokument kyk, dan sal u sien daar is -

"Datum, reeksnommer, voorskot, aan wie, bewysstukke en besonderhede."

Heel bo-aan die dokument.

MNR VAN ZYL: Ek sien dit, ja.

MR KHOISAN: Voorskot sal natuurlik die bedrag voorstel wat betaal is op die spesifieke tydstip, waar byvoorbeeld dienste gelewer is ensovoorts. Is dit korrek?

MNR VAN ZYL: Mnr die Voorsitter, wat voorskot beteken hier is dat ons moes geld bekom het, sê vir argumentsonthalwe ek was in Johannesburg gebaseer gewees, en my streek was die Wes-Kaap streek. Dan vir my om in Kaapstad te kon uitkom moes ek van padvervoer of van lugvervoer gebruik maak en vir daardie rede sou ek dan voorskot getref het. Met ander woorde, of getrek het kontant om my in staat te stel of 'n vliegtuigkaartjie te koop of vir brandstof te betaal; as ek dan in Kaapstad arriveer, om vir my hotelkamers te betaal, om vir etes te betaal, om geld vir my agente te gee wat ek hanteer het. Dit is wat die voorskot beteken, ja.

MR KHOISAN: Ja, en aan wie - Rossouw is u?

MNR VAN ZYL: Dit is myself.

MR KHOISAN: Elke bedrag wat langsaan u naam staan, sal aan u uitgemaak word.

MNR VAN ZYL: Ek sal dit so aanvaar, ja.

MR KHOISAN: En as u heel kyk aan die regterkant, dan sal u sien daar is besonderhede.

MNR VAN ZYL: Ek sien dit.

MR KHOISAN: By besonderhede kan ons aanvaar dat daar waar dienste gelewer staan, is wanneer die betrokke agente iets vir u gedoen het?

MNR VAN ZYL: Nee, nie noodwendig nie, mnr die Voorsitter. Dit kan wees wanneer daar kwitansies ingehandig was, veronderstel ek vir - om geld te verreken, wat ek ontvang het, wat ek ontvang het as gevolg van voorskotte trek.

MR KHOISAN: So u het dan 'n voorskot vir 'n sekere rede getrek, is wat ek kan aflei. Sê vir my die ander een is projekte, projekte uitgawes. Sal dit nou die uitgawes wees wat vir die projek spesifiek gebruik is?

MNR VAN ZYL: Mnr die Voorsitter, ten eerste, ek kan eintlik nie die vraag antwoord nie, want ek het hierdie dokument nog nooit gesien nie. Ek het hom nie opgetrek nie, ek het nooit met so 'n dokument gewerk nie. So met ander woorde, die persoon wat die inskrywings op die dokument gemaak het, moet eintlik daardie vraag antwoord. Ek sal vir u graag wil help, maar hoekom hy die inskrywing in 'n sekere kolom geplaas het, kan ek ongelukkig nie sê nie.

MR KHOISAN: Kan u gou kyk by die volgende blad, kan u net omblaai?

Kan u my sê watter datum het die Early Learning Centre plaasgevind?

MNR VAN ZYL: Dit het plaasgevind op die 31ste Augustus 1989.

MR KHOISAN: Kan u kyk na die inskrywing op die 8ste September 1989? Dit is net so op die tweede bladsy.

MNR VAN ZYL: U praat van 8 September?

MR KHOISAN: Die 8ste September, ja.

MNR VAN ZYL: Ja, dit is op bladsy 3, het ek hom, ja.

MR KHOISAN: Daar is 'n bedrag van R30 000,00?

MNR VAN ZYL: Dit is korrek, ja.

MR KHOISAN: Kan ons aanvaar dat dit die bedrag is wat betaal is aan mnr Isgak Herdien, ter lewering van die bedrag?

MNR VAN ZYL: Dit is nie 'n bedrag wat betaal was nie, mnr ja, maar wat gebeur het, is dat die bedrag van

R30 000,00 was goedgekeur gewees. Van daardie R30 000,00 het Gakkie R18 000,00 ontvang. Die R7 000,00 was 'n balans wat ek teruggesit het in die projek op Adv Omar. Die R5 000,00 was die balans wat ek aan Staal gegee het. Wat hy daarmee gemaak het, kan ek nie vir u sê nie.

MR KHOISAN: O, want ek sien nou langsaan dit, tussen bewysstukke is daar sertifikate ook, iets soos 'n kwitansie wat u dan ingedien het vir die 30 000. Dit is hoekom ek vra of daardie hele bedrag van R30 000,00 uitgemaak is of nie?

MNR VAN ZYL: Nee, dit was nie aan hom spesifiek uitgemaak nie, maar ja, daar was R30 000,00 getrek, maar ek wil ook vir u sê dat ek het ook

nie daai geld getrek nie, dit was deur Staal getrek gewees. Ek was in Kaapstad waar ek dit ontvang het.

MR KHOISAN: Sê my, met die geld wat u vir hom gegee het, het hy afgegaan Johannesburg toe om die geld te ontvang of het u dit in sy rekening geplaas?

MNR VAN ZYL: Nee, mnr die Voorsitter, soos ek nou net gesê het is dat Staal het afgevlieg Kaapstad toe. Hy het vir my die geld hier oorhandig, en ek het vir Gakkie in Kaapstad betaal.

MR KHOISAN: Okay, mnr Van Zyl, did you at any time put money for Igsak Herdien in any account? If I put it to you, let me put it this way, let's shorthand it. If I put it to you that Igsak Herdien used the accounts of certain people which you would then use to put that money in, for which you got paid.

MNR VAN ZYL: Nee, meneer, beslis nie so nie. Absoluut nie so nie. Die enigste persoon in wie se rekening ek wel weet wat ek geld inbetaal het, was in Edward Gordon se rekening, maar dit was toe nou sy salaris gewees en as ek hom byvoorbeeld nie gesien het op die einde van die maand nie. Onder geen omstandighede het ek vir Gakkie enige geld in sy rekening of in enige ander rekening inbetaal nie.

MR KHOISAN: Okay. So in terms of this particular document, there is, I mean, we are talking about, and this is considering the fact that this is just one document for 1989. Okay? That relates to 1989. We are talking about - we are talking about a figure of - and that's, what's it,

113 000 - well, let me say, at least in and around 100 000 for some of these, for some of the amounts here. Let's say, give or take a few here and there. We say that we are sitting here with, on the one side, with 176 000.

MNR VAN ZYL: Dit mag so wees, mnr die Voorsitter.

MR KHOISAN: So can you tell us, I mean, approximately, you were the co-ordinator, you were the person in charge of Operation Goldie, and according to your understanding of it, and given the fact that we are proceeding with an investigation because the Treasury also has to account for money spent in respect of CCB projects.

MNR VAN ZYL: Ek aanvaar dit so, ja.

MR KHOISAN: Okay. And how much money did you receive as the person, what can you account for? Do you have any accounting of how much money you handled in Operation Goldie, for the period that you handled that money, from 1980 ... - and assuming that you became operational in 1989, 1989 in January, as you say.

MNR VAN ZYL: Mnr die Voorsitter, ek kan ongelukkig geen verrekening aan u gee uit my kop uit, van hoeveel geld ek ontvang het, wat se geld ek ontvang het en hoeveel ek teruggegee het nie. Hier is enkele van die gevalle wat ek wel kan onthou. Dit is vir my onmoontlik. Daar was behoorlike dokumentasie daarvan gehou. Dit was deur die nodige kanale teruggestuur na die administratiewe kantoor van die BSB en ek kan ongelukkig nie vir u verdere kommentaar daarop lewer nie. Ek wil ook vir u noem dat mnr die Voorsitter, dat ek sien nou hier op die

spesifieke dokument, is daar geld wat getrek is as voorskot nadat ek alreeds vanaf Projek Goldie, nadat ek alreeds uit die BSB bedank het.

MR KHOISAN: Okay, but I mean you - we are talking about one year of active service in the CCB as such, right?

MNR VAN ZYL: Korrek.

MR KHOISAN: And you were the person in charge of Operation Goldie.

MNR VAN ZYL: Dis korrek.

MR KHOISAN: And that this particular period of your life was something that you will not forget very easily because it affected your entire life after that. Is that correct?

MNR VAN ZYL: Dis korrek.

MR KHOISAN: And do you know how many agents you handled, how many unaware members you brought into the project, besides the ones that you have told us about, besides Igsak Herdien and Peaches Gordon, which you account for?

MNR VAN ZYL: Daar is niemand anders nie, maar gaan voort, ja.

MR KHOISAN: There is nobody else?

MNR VAN ZYL: Nee.

MR KHOISAN: Okay. Do you know one Jeff, a drug dealer in Johannesburg?

MNR VAN ZYL: Glad nie.

MR KHOISAN: Okay. You never met any of the criminal element in Jo'burg in respect of this work?

MNR VAN ZYL: Nooit.

MR KHOISAN: Okay. You only operated in where, in the Western Cape?

MNR VAN ZYL: Dis korrek.

MR KHOISAN: Okay. But you did make trips and we won't get out of it, you did make trips out of the country.

MNR VAN ZYL: Nog nooit nie, mnr die Voorsitter.

MR KHOISAN: You are under oath, Mr Van Zyl.

MNR VAN ZYL: Ek is onder eed. Ek het nog nooit ten tye van my betrokkenheid by die BSB of BSB-belang, ooit, ooit, ooit uit hierdie land uitgegaan nie. Nie eers na Swaziland nie.

MR KHOISAN: Or Namibia.

MNR VAN ZYL: Of Namibia. Nee, ek was nog nooit nie. Ek het ook nie 'n vals paspoort gehad nie.

MR KHOISAN: Okay. And now in terms of - in terms of this man, Ferdi Barnard. Who was responsible for him? Was he an aware or unaware member?

MNR VAN ZYL: Mnr die Voorsitter, ek kan nie vir u sê of hy 'n bewustelike of 'n onbewustelike lid was nie. Wat ek wel vir u kan sê is dat ek het rede om te glo dat hy 'n bewustelike lid was. Ek erken dat ek hom getaak het om vir my behulpsaam te wees op die Omar-geval. Of hy vir - vir wie anders hy gewerk het, kan ek ongelukkig nie vir u sê nie, maar ek het 'n goeie vermoede dat daar wel iemand anders moes gewees het wat hom hanteer het.

MR KHOISAN: Calla Botha?

MNR VAN ZYL: Ek weet dat Calla het met hom skakeling gehad, mnr die Voorsitter. Tot hoe 'n graad hy hom hanteer het of aangewend het, vir sy projekte, kan ek ongelukkig nie kommentaar op lewer nie.

MR KHOISAN: When did you meet Donald Archerson?

MNR VAN ZYL: Ek het hom nog nooit ontmoet nie, mnr die Voorsitter.

MR KHOISAN: Okay. So Ferdi Barnard, do you know if he had a relationship or worked for one Jaco?

MNR VAN ZYL: Nee, meneer, ek weet nie, ek ken nie vir Jaco nie.

MR KHOISAN: Did he appear in any in-house related to any activity involving a project in region six, that's Ferdie Barnard?

MNR VAN ZYL: Op geen stadium nie.

MR KHOISAN: Who is Johan Verwey?

MNR VAN ZYL: Ek ken hom nie.

MR KHOISAN: Would I - can you confirm whether that person might also be Ferdinand Barnard

MNR VAN ZYL: Dit kan moontlik wees, ek kan dit nie onthou nie.

MR KHOISAN: Okay. Now in terms of your activities in region six, on how many occasions did you meet with Jack van Staden?

MNR VAN ZYL: Mnr die Voorsitter, ek het - dit is moeilik om presies te sê op hoeveel geleenthede. Ek het hom ontmoet twee keer voordat ons - voordat ek aangesluit het by die BSB. Ek het hom daarna ontmoet of gesien tydens ons kursus aanbieding op die Weermag-plaas buite Pretoria. Ek het hom gesien op die geleenthede wat ek aanbiedinge gedoen het, ten

opsigte van my projekte. Ek het nooit met hom sosiaal verkeer nie en ek staan onder korreksie, maar ek wil vir u sê dat ek glo nie dat ek hom op enige ander geleentheid gesien het nie.

MR KHOISAN: Okay. So Jack van Staden was the managing director of the CCB? Joe Verster.

MNR VAN ZYL: Joe Verster was, ja.

MR KHOISAN: And that was also his name, Jack van Staden.

MNR VAN ZYL: Ek glo so, hy kan seker u beter sê daarso.

MR KHOISAN: Okay. And in the whole of region six, besides Operation Goldie, what other project did you ever come in contact with?

MNR VAN ZYL: Mnr die Voorsitter, die enigste projek wat ek mee in kontak gekom het buite Projek Goldie was die Evans-projek, en dit was nie 'n projek van Goldie gewees nie. Ander gevalle geen wat ek kan aan dink op hierdie stadium nie.

MR KHOISAN: Did you ever hear of Project Crawler?

MNR VAN ZYL: Nog nooit gehoor daarvan nie.

MR KHOISAN: And Project Direksie.

MNR VAN ZYL: Nog nie.

MR KHOISAN: Project Colbourne?

MNR VAN ZYL: Glad nie.

MR KHOISAN: Project Sandbox?

MNR VAN ZYL: Glad nie.

MR KHOISAN: And Project Grease?

MNR VAN ZYL: Ook nie.

MR KHOISAN: Okay. Do you know of any time when members of the CCB may have engaged in any activities which verged on criminality as part of a financial project, to obtain money?

MNR VAN ZYL: Ek dra geen kennis daarvan nie.

MR KHOISAN: Okay. Now Mr Van Zyl, when you were arrested under Section 29, and I guess that's the period when your statement was taken, your statement we referred to earlier, relating to Athlone MR396/08/89, of which you have in Annexure 1.

MNR VAN ZYL: Ja.

MR KHOISAN: Earlier referred to. Did you on that occasion brief one Isgad Herdien about what he should say when he as interrogated in respect of CCB activities?

MNR VAN ZYL: Nee, mnr die Voorsitter.

MR KHOISAN: Were you in the same cell?

MNR VAN ZYL: Ons was nie in dieselfde sel gewees nie, maar ek erken ek het hom gesien op 'n geheime manier, as u dit so wil noem, in my - nee, ek is na sy sel toe. Maar ek het hom geensins enigiets voorgesê van wat hy moet sê nie. Al wat ek vir hom gesê het is dat hy maar kan samewerking gee en hy hoef nie hom te bekommer nie.

MR KHOISAN: Okay. Did you ever in and around the time that you left the CCB, get involved in an enterprise or a company known as TRC?

MNR VAN ZYL: Dis korrek, mnr die Voorsitter.

MR KHOISAN: What is TRC, for the record, Mr Van Zyl?

MNR VAN ZYL: Mnr die Voorsitter, dit staan vir Tactical Risk Control. Dit is 'n besigheid wat myself, Leon Falck en Mike Richards begin het. Dit is 'n suiwer sekuriteits-besigheid. Ons het sekuriteitspersoneel gehad op daardie stadium, wat baie min was, seker in die omgewing van 20. Dit was 'n suiwer besigheidstransaksie. Tactical Risk Control of ook soos dit bekend is as TRC, is vandag 'n "pty" besigheid, waar myself, my broer, Jan van Zyl en my vrou, Brenda van Zyl, direkteure is. Ek verhuur omtrent 150 sekuriteitspersoneel en ons het 'n afdeling wat privaat kriminele ondersoeke doen.

MR KHOISAN: And did you employ members of the CCB, ex-CCB members in this operation?

MNR VAN ZYL: Nog nooit nie.

MR KHOISAN: Did you know that this business was the subject, had at some point been the subject of an investigation?

MNR VAN ZYL: Nee, meneer.

MR KHOISAN: Okay. Do you know if this business was ever involved in any action which could have been considered an activity which would have been problematic to the State?

MNR VAN ZYL: Ek dra geen kennis daarvan nie en enige persoon wat dit wil ondersoek is baie welkom om dit te doen.

MR KHOISAN: Okay. Now did you have any contact with any persons from Directorate Covert Collection, Mr Van Zyl?

MNR VAN ZYL: Nee, meneer, ek het nog nooit enige persone van DKI ontmoet nie. Ek het wel later verneem dat Chap Maree en Staal, nadat hulle by die BSB weg was, na DKI toe is, en as u na hulle twee verwys, ja, ek het met hulle, ek het met hulle nou skakeling, maar ek het nie geweet - ek het nooit met hulle skakeling gehad gedurende die periode wat hulle aan DKI verbonde was nie.

MR KHOISAN: Okay. And did you ever work with a man called Steve Bosch?

MNR VAN ZYL: Nee.

MR KHOISAN: Or Rocky van Blerk?

MNR VAN ZYL: Glad nie.

MR KHOISAN: Or Dawie Fourie?

MNR VAN ZYL: Glad nie.

MR KHOISAN: Do you know anybody in Executive Outcomes?

MNR VAN ZYL: Nee, ek ken niemand daar nie.

MR KHOISAN: Do you know Steve Calcroft?

MNR VAN ZYL: Ek ken hom glad nie.

MR KHOISAN: Louis Luitingh?

MNR VAN ZYL: Ek ken hom glad nie.

MR KHOISAN: Greg Corbett?

MNR VAN ZYL: Ook nie.

MR KHOISAN: Jeff Price?

MNR VAN ZYL: Glad nie.

MR KHOISAN: Okay. And have you ever or do you have knowledge of the fact that TRC, Tactical Risk Control has ever been involved in an activity which may have been connected to Third Force violence in this country?

MNR VAN ZYL: Dis absolute onsin, mnr die Voorsitter.

MR KHOISAN: I am just asking, I am just - I am just going through the fact that Tactical Risk Control - now when was Tactical Risk Control formed, Mr Van Zyl, exactly?

MNR VAN ZYL: In 1990, mnr die Voorsitter.

MR KHOISAN: And you set this up purely as a security firm?

MNR VAN ZYL: Dit is korrek.

MR KHOISAN: A security company.

MNR VAN ZYL: Dit is so.

MR KHOISAN: Okay. Now Mr Van Zyl, let me draw your attention to - okay.

MNR PETERSEN: Mnr Van Zyl, het u ooit weer met Gakkie in verbinding getree na die CCB-aktiwiteite?

MNR VAN ZYL: Dit is so, meneer.

MNR PETERSEN: In verband met wat was dit?

MNR VAN ZYL: Mnr die Voorsitter, ek was hier omtrent in 1992, einde, genader deur familie, Gamieder-familie. Die man van die huis was vermoor hier by sy besigheid, 'n nagklub in Johannesburg, ag, in Kaapstad, en ek was betrokke met die ondersoek van die moordsaak, en in daardie verband het ek vir Gakkie genader om in 'n poging wat hy vir ons

met die ondersoek behulpsaam moet wees. Hy kon dit egter nie doen nie, en ons het die saak sonder sy hulp opgelos.

MNR PETERSEN: Baie dankie, mnr Van Zyl.

MR KHOISAN: Now Mr Van Zyl, let me draw your attention to the final annexure here, that is Annexure 10, "heads of argument, Lubowski". Were you aware of the fact that Mr Christo Britz, also known as Wouter Jacobus Basson was keeping a diary?

MNR VAN ZYL: Ja, mnr die Voorsitter, hy het 'n dagboek gehad. Ek kan hom ongelukkig nie vir u beskryf nie.

MR KHOISAN: Okay. And in terms of this diary, when did you first come to know about this diary?

MNR VAN ZYL: Mnr die Voorsitter, dit is iets wat hy vandat ons, vandat ek hom ontmoet het en hy by ons by die - by ons selvergaderings aangesluit het, het hy altyd die dagboek by hom gedra of 'n notaboek vir daardie doel.

MR KHOISAN: And did you know about a man called Donald Archeson?

MNR VAN ZYL: (No audible reply).

MR KHOISAN: Are you refusing to answer that question?

MNR VAN ZYL: Dit is korrek so, ja.

MR KHOISAN: Thank you. We will get there. For the record can you state why you are refusing to answer that question?

MR DU PLESSIS: Mr Chairman, perhaps I can come in here. We are claiming privilege because as far as we are aware the only purpose with questions like these would be to link or question my client about foreign

matters, in foreign countries, and as I have already indicated, we are not willing to answer questions about that at this stage.

MR KHOISAN: Now Mr Staal Burger's name was also Bert Brummer?

MNR VAN ZYL: Dit is korrek.

MR KHOISAN: And let me draw your attention to page 26 of the heads of argument listed as Annexure 10. Do you have that in front of you?

MNR VAN ZYL: Ek het hom hier voor my, ja.

MR KHOISAN: What is "doopdag", was it an operation of the CCB?

MNR VAN ZYL: Ek het nog nooit daarvan gehoor nie, ek dra geen kennis nie, mnr die Voorsitter.

MR KHOISAN: Did you know that - did you know that there were elections going on in Namibia and that the CCB had some projects relevant to that?

MNR VAN ZYL: Ja, ek gaan nie daardie vraag antwoord nie.

MR KHOISAN: And you are refusing to answer this question?

MNR VAN ZYL: Ja, mnr die Voorsitter.

MR KHOISAN: And your reason for refusing to answer this question?

MR DU PLESSIS: Mr Chairman, just perhaps to save time. I think we can just put on record that any questions relating to Namibia, we will at this stage, for the reasons I have set out already, refuse to answer.

MR KHOISAN: Okay. Who is Riaan, Mr Van Zyl?

MNR VAN ZYL: Ek ken nie sy regte identiteit nie. Hy kan nou voor my staan dan sal ek nie eers weet wie dit is nie.

MR KHOISAN: But Riaan, you know of Riaan? Do you know a certain person by the name of Riaan who was an aware member of the CCB?

MNR VAN ZYL: Ek wil my verbeel dat ek al die naam gehoor het en dit mag wees dat ek al die persoon ontmoet het ook, mnr die Voorsitter, maar ek kan - ek kan geen identiteit aan daardie naam koppel of 'n gesig vir daardie doel nie.

MR KHOISAN: Okay. Did you ever attend an in-house in Rosebank, in 1989?

MNR VAN ZYL: Mnr die Voorsitter, ek het die enigste in-huis wat ek bygewoon het, by die Rosebank Hotel het verband gehou met die projekte ten opsigte van Adv Dullah Omar.

MR KHOISAN: Okay, this is where the final preparations were made for the assassination of Adv Dullah Omar.

MNR VAN ZYL: Korrek.

MR KHOISAN: And Nic Verbeeck, that is also an alias for ...?

MNR VAN ZYL: Ek weet nie vir wie dit is nie, mnr die Voorsitter, maar ek weet ek het wel met die Nick persoon geskakel op, ek dink twee geleenthede.

MR KHOISAN: Could it be that Nick Verbeeck was Staal Burger?

MNR VAN ZYL: Nee.

MR KHOISAN: Do you know Fred?

MNR VAN ZYL: Nee, mnr die Voorsitter.

MR KHOISAN: At which stage, Mr Van Zyl, did you and your fellow CCB people in 1989 decide to take cover?

MNR VAN ZYL: Mnr die Voorsitter, ek weet nie presies waarna die vraag verwys nie. Daar was nooit aan ons gesê om - ek weet nie, miskien moet u dalk net meer spesifiek wees, dan kan ek dalk die vraag antwoord.

MR KHOISAN: Could it be that somebody was arrested, one Donald Archerson and after that the CCB decided that everything had to be cooled down?

MNR VAN ZYL: Nee, mnr die Voorsitter. Ek het bedank uit die BSB uit in Oktobermaand. Ek moet vir u sê dat nadat mnr FW de Klerk, die vorige Staatspresident, ingesweer was, het die - het die aktiwiteite in ons sel afgeneem, definitief.

MR KHOISAN: Okay. Now in terms of the activities of the CCB as a whole, you are saying that you were active only for 10 months, right?

MNR VAN ZYL: Myself, ja, mnr die Voorsitter.

MR KHOISAN: And that while you were active Operation Goldie is the only thing you were associated with? For the record, you are saying ...

MNR VAN ZYL: Ja.

MR KHOISAN: And that there is nothing else that you have a connection to?

MNR VAN ZYL: Niks anders behalwe wat ek vir u vandag hier gesê het nie.

MR KHOISAN: And there is absolutely no reason why we should assume anything other than what you have told us?

MNR VAN ZYL: Ek sal baie bly wees as u my glo van dit wat ek gesê het. Daar is geen rede om enigiets anders te vermoed nie.

MR KHOISAN: Now in terms of region six, Mr Van Zyl, did you ever at any time task anybody in Cape Town to do collection on one Anton Lubowski? In Cape Town. This is not in Namibia, this is inside South Africa, in Cape Town, when Anton Lubowski was in Cape Town, did you task any one of the following people; Peaches Gordon, Erwin Meyer or Isgak Herdien, alias Gakkie, to do collection on Anton Lubowski?

MNR VAN ZYL: Mnr die Voorsitter, kan u my dalk net so 'n tydjie gee om net met my regsverteenwoordiger te konsulteer, asseblief? Dankie, mnr die Voorsitter.

Mnr die Voorsitter, op advies van my regs-verteenwoordiger, met respek, sal ek nie, verkies om nie daardie vraag te antwoord nie.

MR KHOISAN: To the arguing of putting other stuff here, we need to put before you, but in terms of the criminal element in Cape Town, the fact that you were associated with some of the most nefarious criminals in this town, to wit, Peaches Gordon, Isgak Herdien and Erwin Meyer, Ismail and Clive Pietersen, alias Clivey.

MNR VAN ZYL: Ek ken nie vir Clive nie, ook nie vir Erwin nie, mnr die Voorsitter

MR KHOISAN: Okay. Was that okay, was that on the level with your bosses, the fact that these people were some of the most notorious people in this town, that you were in the employ of the Government?

MNR VAN ZYL: Ja, mnr die Voorsitter.

MR KHOISAN: They considered this fine?

MNR VAN ZYL: Korrek.

MR KHOISAN: Okay. Now in terms of that incident, did you have any knowledge of any, did you at any time task any of your operatives in Cape Town to do collection on one Colleen Williams and one Robbie Waterwich?

MNR VAN ZYL: Op geen stadium nie, mnr die Voorsitter. Ek het die name gesien in die dokument wat aan my gestuur was. Ek weet nie wie hulle is nie. Ek het absoluut geen idee nie.

MR KHOISAN: Okay. Just on that particular question that I just asked you earlier, maybe you can turn to - this is the statement of Peaches Gordon and that's Annexure 2, I believe. Okay. And point 28, and this is Peaches Gordon's statement that was taken - I will give it to you, the same statement that we talked about, his statement to Lieut-Col L E Van Collin.

MNR VAN ZYL: Wat se, sê net weer wat se paragraaf, is dit, meneer, en watter bladsy?

MNR VAN ZYL: Okay. That's page 8, paragraph 28.

CHAIRPERSON: Excuse me, can we just take a short adjournment at this stage, I just want to go to the men's.

COMMITTEE ADJOURNS

ON RESUMPTION:

ABRAHAM VAN ZYL: (Nog onder eed).

EXAMINATION BY MR KHOISAN (cont): Do you have the exact place in that statement of Peaches Gordon?

MNR VAN ZYL: Ek het dit voor my, ja, dankie.

MR KHOISAN: Okay. And he says for the record, in point 28:

"Die volgende dag omstreeks 13:00 het ek vir Erwin in Kewtown ontmoet. Hy het my meegedeel dat hy die oggend vir Theunis ontmoet het in die Claridges Hotel en aan Theunis vertel dat hy die Kombi gebrand het. Erwin het gesê dat Theunis hom R4 000,00 betaal het. Erwin het baie R50,00 note gehad by hom, en vir my R100,00 gegee. Hy het toe die geld spandeer."

Ontken u dat u op enige stadium hierdie man gewerf het as 'n agent of 'n ding vir die BSB?

MNR VAN ZYL: Ja, mnr die Voorsitter, ek ontken dat ek ooit met 'n persoon geskakel het met die naam van Erwin. Ek glo wat hier gebeur het is dat Peaches het 'n verkeerde naam in sy verklaring gesit, want ek ontken nie dat ek wel 'n bedrag van R4 000,00 aan Ismail gegee het nie, vir dieselfde projek vir die uitbrand van die projek nie. So die name is ongelukkig verkeerd.

MR KHOISAN: So kan dit miskien wees dat hierdie Erwin een Ismail is?

MNR VAN ZYL: Korrek, mnr die Voorsitter.

MR KHOISAN: Okay. En waarvoor is hy getaak?

MNR VAN ZYL: Mnr die Voorsitter, dit was, soos ek reeds gesê het, vir die bussie wat moes uitgebrand geword het, wat toe later geblyk het nooit

bestaan het nie. Nommer eerstens, en tweedens, uit die aard van die saak was dit toe nie uitgebrand nie, want die bussie het nie bestaan nie.

MR KHOISAN: Nou hoekom het u na Paasnaweek in 1989

R4 000,00 in Peaches Gordon se rekening gesit?

MNR VAN ZYL: Na die Paasnaweek?

MR KHOISAN: Ja, dis wat sy verklaring sê hierin, op dieselfde bladsy.

Punt 30.

MNR VAN ZYL: Mnr die Voorsitter, ek kan nie onthou of die bedrag wat ek hom betaal het, of in sy rekening gedeponeer het, R4 000,00 was of nie. Ek erken dit nie, ek ontken dit ook nie. Maar as ek sy paragraaf verder lees dan het die geld verband gehou om hom in 'n finansiële vermoë te plaas vir hom en 'n onbekende persoon aan my, om na Johannesburg te kom om vir my behulpsaam te wees met die projek van mnr Gavin Evans.

MR KHOISAN: Dit is ene Clive Pietersen?

MNR VAN ZYL: Dit mag so wees, mnr die Voorsitter, ek het hom nooit ontmoet nie.

MR KHOISAN: Okay. En daar kan miskien wees dat - that they are plane tickets to prove that they travelled together, one Peter Gordon and one Clive Pietersen.

MNR VAN ZYL: Ek neem so aan, ja.

MR KHOISAN: Okay. Now let us say to you that - I don't believe that you are telling this Commission all that there is to be told. Why did - why was your car taken away from you by the CCB?

MNR VAN ZYL: Mnr die Voorsitter, ten eerste, ek is eintlik teleurgesteld om te hoor dat daar enigsins gesuggereer word dat ek nie eerlik is met die Kommissie nie. Tweedens ... (tussenbeide).

MR KHOISAN: No, I am just saying it is possible.

MNR VAN ZYL: Tweedens, my motor was by my weggeneem omrede ek uit die organisasie uit bedank het, en dit was die reëling reg aan die begin dat sal jy die diens van die organisasie verlaat dat jy alles moet teruggee. Ek moes inderdaad ook die (onduidelik) masjien wat ek gehad het, teruggee het. Ek moes alle toerusting wat aan die Weermag behoort het, moes ek teruggee.

MR KHOISAN: Now Mr Van Zyl, in terms of this can it be also that - because we are going to get to a couple of other things, but can it be that your car was taken away from you so that you could be held hostage to the Military? Maybe because of statements that you had made? Or maybe they were concerned about you just being out there?

MNR VAN ZYL: Mnr die Voorsitter, die rede hoekom dit by my teruggevat was, glo ek was omdat ek uit die diens bedank het. Ek kan dit nie ontken nie, wat ek wel vir u kan sê ja, hulle was vir my kwaad gewees. My verhouding met Staal, my verhouding met Chap, my verhouding met Joe Verster, was van nul en geen waarde gewees nie. Ons het nie met mekaar skakeling gehad nie, en ek moet vir u sê dat ek het eintlik meer oor my skouer gekyk vir hulle as wat ek oor my skouer gekyk het vir my eertydse vyand.

MR KHOISAN: And was this car given back to you at some point again?

MNR VAN ZYL: Dit was wel vir my teruggegee op 'n stadium.

MR KHOISAN: And why?

MNR VAN ZYL: Ek glo hulle wou my gesindheid daardeur gewen het.

MR KHOISAN: Was it maybe - at what point was your car taken away from you, when exactly?

MNR VAN ZYL: Ek weet nie presies wanneer nie, mnr die Voorsitter, maar dit was, ek vermoed hier in Oktobermaand gewees, laat Oktober, miskien baie vroeg in November, en ek weet dit was toe weer vir my teruggegee 'n tydjie daarna, 'n paar weke daarna, en 'n paar dae later weer weggevat.

MR KHOISAN: Would I be correct to say that the CCB operated on the basis of if-you-talk-you-die?

MNR VAN ZYL: Ek kan, ek kan dit nie sê nie. Ek dink 'n mens kan maar aanvaar dat persone wat verbonde is aan organisasies soortgelyk soos die BSB, moet dit dalk in gedagte neem, ja.

MR KHOISAN: In what relation, in what connection did you ever hear the name Brand Visagie?

MNR VAN ZYL: Nog nooit gehoor daarvan nie.

MR KHOISAN: Okay. Did you ever go to Natal?

MNR VAN ZYL: Nee, nie - ek was al in Natal, maar nie op BSB-besigheid nie.

MR KHOISAN: Did you ever go to Natal in 1989?

MNR VAN ZYL: Ek mag daar gewees het, mnr die Voorsitter maar glad nie op BSB-aangeleenthede nie.

MR KHOISAN: You never met Andy Taylor?

MNR VAN ZYL: Nog nooit nie.

MR KHOISAN: Hentie Botha?

MNR VAN ZYL: Glad nie.

MR KHOISAN: You don't know these people at all?

MNR VAN ZYL: Glad nie.

MR KHOISAN: And you never went there on CCB business?

MNR VAN ZYL: Nog nooit nie, mnr die Voorsitter.

MR KHOISAN: There is nothing that you know which is relating to CCB activities in terms of weapons? Are you telling this Commission that?

MNR VAN ZYL: Korrek.

MR KHOISAN: Okay. You don't know anything relating to a project by the name of Pacman, do you?

MNR VAN ZYL: Nog nooit daarvan gehoor nie.

MR KHOISAN: You were never on a project where - which involved the lifting of arms?

MNR VAN ZYL: Nog nooit nie.

MR KHOISAN: Arms caches?

MNR VAN ZYL: Nog nooit.

MR KHOISAN: Okay. Besides the CCB, did you ever meet any other people from Special Forces?

MNR VAN ZYL: Nog nooit nie.

MR KHOISAN: And you are saying that you have never ever met those people?

MNR VAN ZYL: Dit is korrek, mnr die Voorsitter.

MR KHOISAN: Okay. Besides the five-day course that you attended at your induction to the CCB, did you ever attend any other course?

MNR VAN ZYL: Nee, mnr die Voorsitter.

MR KHOISAN: Did you ever go to any meeting other than one that was expressly for CCB purposes, more broader?

MNR VAN ZYL: Glad nie.

MR KHOISAN: Okay. Can I draw your attention to BSB document at page 5, the document that's Annexure 5?

MNR VAN ZYL: Ek sien hom voor my.

MR KHOISAN: Okay. And in terms of this particular document, I want to draw your attention to an area which deals with the year plan, and I will find it for you right now. Okay. It is an area called the year plan, drawn up by one Jack van Staden. That's in the middle of the document. Okay. You have never seen this document before?

MNR VAN ZYL: Nee, mnr die Voorsitter, ek het nog nooit die dokument gesien nie, behalwe ongeveer 'n week gelede, toe my prokureur dit aan my getoon het.

MR KHOISAN: Okay. And in terms of this particular document, when you studied it, when it talked about the plan of the CCB, the personnel plan of the CCB, that's right in the front here.

MNR VAN ZYL: Ek het dit vlugtig deurgelees, ja.

MR KHOISAN: Okay. Now in terms of the financial plan, you were in charge of a project. So I guess you should have had some understanding of how some parts of the financial plan worked, right?

MNR VAN ZYL: Korrek.

MR KHOISAN: Okay. Now in terms of this financial plan, that's made mention here in 2.1, do you agree with it? Begroting, befondsing, inkomste, suborganisasie, aanvraag, aanwending van fondse, versekering van fondse, buitelandse deposito's. In so far as it relates to you, is there anything here that relatively responds to - because you controlled one project, so you should have had something to do with finances.

MNR VAN ZYL: Mnr die Voorsitter, al wat ek met finansies gedeel het, hierdie is vir my totaal onbekend. Al wat ek daarvan geweet het is dat ons het 'n vorm gehad, van 'n aansoek vir voorskot en ons het 'n vorm gehad van, wat geken was as verrekening van voorskot. Dit is die enigste finansiële vorms waarmee ek en in my Projek Goldie mee gedeel het.

MR KHOISAN: Did you keep an exact account - did you keep perfect records, good records, because you were working with State funds, right?

MNR VAN ZYL: Mnr die Voorsitter, ten opsigte van ja, wanneer ek geld ontvang het, en wanneer ek dit teruggee het, het ek eenhonderd persent behoorlik rekord daarvan gehou, maar ek het nie rekord, ek het nooit 'n afskrif gehad van 'n aansoek vir voorskot of 'n afskrif van 'n verrekening van voorskot vir doeleindes van eie boekhouding nie. Dit was ons nie toegelaat gewees nie.

MR KHOISAN: But when you dealt with money which was essentially the money of the South African taxpayer, did you give that - did you keep an account of it and hand that to the relevant authorities?

MNR VAN ZYL: Baie beslis.

MR KHOISAN: And who was that relevant authority that you dealt with?

MNR VAN ZYL: Wel, ek het my geld ontvang of vanaf Staal of vanaf Wouter Basson, en ek het dit terug oorhandig, of aan Staal of aan Wouter Basson.

MR KHOISAN: Were there any occasions when you had occasion to sign down in the diary of one Wouter Basson? And I refer to "dagboek van Wouter Basson" for 1989?

MNR VAN ZYL: Dit mag wees, mnr die Voorsitter. Ek dink, ek kan my dit verbeel.

MR KHOISAN: Okay. Now Mr Verster, I mean, Mr Van Zyl, in terms of this particular document, what is really - what interests me here particularly, is this thing of the structure that is mentioned here. It is on page 7, I believe.

MNR VAN ZYL: Ek het hom voor my.

MR KHOISAN: Now when you were inducted in the CCB and in the process in the year in which you learned, you learned as you went along, is this sort of the legend that was built-up generally of building up this firm known as the CCB, under this kind of a structure?

MNR VAN ZYL: Ja, mnr die Voorsitter, nie in die besonderheid soos wat dit hier op die - in die dokument aangetoon word nie, maar ek dink daar is

'n baie groot ooreenkoms tussen wat ek getuig het vandag en wat die struktuur in hierdie dokument weerspieël.

MR KHOISAN: Now when you made a statement earlier, in another - at another time and place and in another time and space, you discussed a structure of the CCB?

MNR VAN ZYL: Korrek.

MR KHOISAN: Something similar to this, but not quite like this. Right?

MNR VAN ZYL: Dit was, soos ek sê, dit is iets wat my - die struktuur wat ek geskets het weens die - weens die kennis tot my beskikking en hoe ek dit verstaan het, is meer of min wat hier is, maar dit is nie in dié besonderheid as wat dit in hierdie dokument uitgebeeld is nie.

MR KHOISAN: So if I put it to you that the CCB in its whole life spent in and around R100 000 million of taxpayers' money, or close on that, and what you are telling this Commission today, is the project which was the umbrella for most of the internal projects, Project Goldie, spent what, R100 000,00?

MNR VAN ZYL: Dis al wat ek van weet, mnr die Voorsitter. Ek het geen kennis van wat die totale begroting was van die BSB of die totale uitgawes nie, maar ja, dit wat verwys na Projek Goldie, as dit so op die dokument staan, dan kan ek dit nie betwis nie, dan is dit seker korrek.

MR KHOISAN: But you know, this is only one little document relating to Project Goldie. We don't know the - you cannot estimate how much money, you were the one in charge of that project, you cannot estimate

how much of the taxpayers' money of South Africa was actually used in Project Goldie?

MNR VAN ZYL: Ja. Nee, ek kan dit nie doen akkuraat nie, mnr die Voorsitter, maar wat ek wel vir u kan sê is dat as ons kyk na die projekte soos wat ek dit geskets is aan die Kommissie, dan klink R100 000,00 ook vir my te veel. Want daar was nie - ek het nie veel gedoen nie. U weet, dit was 'n - ons was in 'n - ek was in 'n nuwe struktuur, ek was in 'n struktuur vir 'n baie kort tyd. Maar as ek aanvaar 'n R100 000,00 dan is dit 100 000, maar ek kan nie vir u sê dat Projek Goldie, wat betref Streek Ses as die grootste projek gewees nie. U moet ongelukkig my eertydse kollegas vra maar wat het in hulle projekte aangegaan.

MR KHOISAN: So Calla Botha had his own projects?

MNR VAN ZYL: Dit is korrek.

MR KHOISAN: And Staal Burger had his own projects?

MNR VAN ZYL: Dit is korrek.

MR KHOISAN: And ...

MNR VAN ZYL: En Chap Maree het syne gehad.

MR KHOISAN: And Chap Maree had his own projects. So you were responsible for the Western Cape?

MNR VAN ZYL: Dis korrek, ja.

MR KHOISAN: And the Northern Cape too, I would assume?

MNR VAN ZYL: Nee, meneer.

MR KHOISAN: Who was responsible for the Northern Cape?

MNR VAN ZYL: Net die Wes-Kaap. Sover my kennis strek, was - ek was in die Wes-Kaap gewees. Ek weet nie of daar enigiemand spesifiek aangewys was vir die Oos-Kaap of die Noord-Kaap nie. Ek weet Calla was in Transvaal, die destydse provinsie van Transvaal. Ek weet dat Chap Maree was in Natal gewees. Dit was basies die streke.

MR KHOISAN: Chap Maree was in Natal?

MNR VAN ZYL: Korrek.

MR KHOISAN: And he handled activities in Natal?

MNR VAN ZYL: Wel, ek dra nie kennis van sy aktiwiteite ongelukkig nie.

MR KHOISAN: But you know their projects?

MNR VAN ZYL: Ek ken ook nie hulle projekte nie.

MR KHOISAN: You don't know anything else except Project Goldie?

MNR VAN ZYL: Dit is korrek.

MR KHOISAN: Project Choice.

MNR VAN ZYL: Ek glo ek het al die - Choice, ja, maar mnr die Voorsitter, Projek Choice is die administratiewe projek van Streek Ses. Dit is nie 'n projek ten opsigte van die eliminerings van 'n spesifieke persoon nie. Dit is die administratiewe projek van Streek Ses.

MR KHOISAN: And this Matthysen Bus Company, when you referred to it in code among each other, you must have referred to in a project, without referring to Matthysen, so it must have been a project, because sometimes the way the structure was set up, there were projects.

MNR VAN ZYL: Nee, ek verstaan nie u vraag nie.

MR KHOISAN: You didn't have a code for Matthysen Bus Company between you?

MNR VAN ZYL: Glad nie. Matthysen Busdiens, daar was geen -daar was geen verband tussen die Weermag en Matthysen Busvervoer nie, absoluut hoegenaamd geen.

MR KHOISAN: Okay. Now take us through the process of when something moves from - to the final stage, which is, I guess the red plan, right? If you are planning an elimination.

MNR VAN ZYL: Ja.

MR KHOISAN: And let's talk about the things that you are prepared to talk about here, which is the Dullah Omar example.

MNR VAN ZYL: Okay. Wat gebeur het, mnr die Voorsitter, is dat 'n teiken word vir my of aangewys ... (tussenbeide).

MR KHOISAN: By wie?

MNR VAN ZYL: Deur die streekbestuurder of deur die koördineerder, Wouter Basson. Dan bekom ek meer inligting ten opsigte van die teiken. Ek moet 'n plan beraam oor hoe daar teen die persoon opgetree moet word en wat daar teenoor daardie persoon gedoen moet word. Dan dit noem ons 'n voorstudie. Daardie voorstudie bied ek dan aan aan die streekbestuurder en aan die koördineerder. Daarna gaan die - word die voorstudie aangebied aan die besturende direkteur. Die besturende direkteur gaan bied dit aan aan die voorsitter, en daarna as dit goedgekeur word, staan dit eers bekend as 'n projek. Dit is hoe ek dit verstaan het.

Daar mag dalk - mnr Verster mag dalk vir u 'n ander interpretasie gegee het daarvan, maar dit is eerlikwaar hoe ek die sisteem verstaan het.

MR KHOISAN: So in terms of this you have, the person who tasked you is Joe Verster, just in respect of Adv Dullah Omar. The person who conceived up and gave the order that this man should be removed from society, is Joe Verster.

MNR VAN ZYL: Dit is die persoon, mnr die Voorsitter, wat die hoogste op was in die BSB struktuur, met wie ek persoonlik geskakel het ten opsigte van die uiteindelijke projek van mnr Dullah Omar.

MR KHOISAN: Ja, we are trying to establish a line of command here.

MNR VAN ZYL: Ekskuus tog, meneer?

MR KHOISAN: You had direct contact with Joe Verster.

MNR VAN ZYL: Dit is korrek.

MR KHOISAN: In respect of the killing or the proposed plan to kill Dullah Omar.

MNR VAN ZYL: Dit is wel so, ja.

MR KHOISAN: Okay. So he is the highest ranking person.

MNR VAN ZYL: Met wie ek daar geskakel het, ja.

MR KHOISAN: And then Staal Burger.

MNR VAN ZYL: Onderkant mnr Verster.

MR KHOISAN: Yes.

MNR VAN ZYL: Ja, en dan die koördineerder wat onderkant was.

MR KHOISAN: Wouter Basson.

MNR VAN ZYL: Dit is korrek en dan was dit ek.

MR KHOISAN: And then you?

MNR VAN ZYL: Ja.

MR KHOISAN: And then one Peaches Gordon.

MNR VAN ZYL: Ditis korrek.

MR KHOISAN: So that's in terms of that particular project. Did it concern you or did you get - did it, what was going through your mind when these other guys would leave the country for periods of time, like Chap Maree, et cetera? Did you know that they were leaving the country on a regular basis in 1989? Chap Maree, et cetera, et cetera.

MNR VAN ZYL: Mnr die Voorsitter, ek dra geen kennis, besliste kennis dat of Chap Maree of Staal of Wouter of Verster of Botha die land verlaat het gedurende my tydperk van wat ek betrokke was by die BSB nie. Soos ek vroeër vir u gesê het, is dat ons handeling was - almal het sy handeling geheim gehou, want dit was ons opleiding. En ons moes dit so doen om die sukses van die BSB te kon handhaaf.

MR KHOISAN: Okay. Did you know about Gwen Lister? Do you know the name Gwen Lister?

MNR VAN ZYL: Ek het al die naam gehoor, maar ek was nie - ek dra geen kennis ten opsigte van die naam wat betref 'n spesifieke projek of enige persoon wat daarmee gewerk het nie.

MR KHOISAN: This person was never, any subject of any work that you have done?

MNR VAN ZYL: Beslis nie.

MR KHOISAN: You are under oath.

MNR VAN ZYL: Beslis nie.

MR KHOISAN: I put it to you that in terms of this particular thing I am going to ask the Chairman right now - do you want to ask a couple of questions here?

MR PETERSEN: I think that in terms of this particular thing, in terms of Coleen and Robbie Waterwich, did you ever make reference to them and that incident, that bomb incident, in any statement you had made?

MNR VAN ZYL: Nee, mnr die Voorsitter, al wat ek kan onthou en ek het ook al my geheue verfris deur dokumentasie te bestudeer, ek sien hier het ek op 'n stadium kennis gemaak van of eerder melding gemaak van die ene Williams dame wat skynbaar in 'n bomontploffing sou dood gewees het, waar sy en 'n ander persoon die bom sou geplant het. As dit die persoon is na wie u verwys, kan ek ongelukkig nie vir u sê nie. Ek weet ek het haar, dit is inligting wat ek destyds van Gakkie af ontvang het, mnr die Voorsitter, en soos ek sê my, ek kan onthou dat hy vir my gesê het dit was 'n halfsuster van Peter Williams, maar of dit so is, ek kan dit ongelukkig nie bevestig nie.

MNR PETERSEN: En waarvandaan het u die inligting gekry dat hulle was mense wat betrokke was by 'n bende wat destyds bekend was as die Kewtown Youth Movement?

MNR VAN ZYL: Ek het dit by Gakkie gekry.

MNR PETERSEN: Nou het u op enige stadium van die mense, was u op enige stadium van hierdie mense in kennis gestel, voordat die ontploffing gebeur het?

MNR VAN ZYL: Die name was wel aan my genoem gewees.

MNR PETERSEN: Robert Waterwich en Coleen Williams?

MNR VAN ZYL: Nee, ek kan nie onthou of die naam Coleen Williams aan my genoem was nie of Robert Waterwich nie, dit lui nie by my klokkies nie. Die name wat wel in my verklaring daar staan, en ek verwys spesifiek na my 29-verklaring van Ferndale en die ses name noem ek wat daar staan, is name wat ek kan onthou het, wat Gakkie aan my genoem het as synde persone wat aan verbode organisasies verbonde sou gewees het.

MR PETERSEN: Was there at any time any action taken by you or did you task anybody at any time to maybe tamper with the weapons of the enemies of the State, as the founding statement of the CCB is that you had enemies, which you had to "maksimaal ontwrig".

MNR VAN ZYL: Nee, mnr die Voorsitter, ek het, soos ek reeds vroeër getuig het, die enigste wapen wat ek ontvang het vanuit die struktuur, of andersins, wat ek op enige stadium aangewend het, vir enige projek, was dié spesifieke Makorov-pistool. Daar was glad nie daarmee gepeuter gewees nie. Ekskuus, en dan die "limpet"-myn wat ek ontvang het. As u na dit wil verwys het, die wapen. Maar daar was geensins daarmee gepeuter gewees nie, hoegenaamd nie.

MR PETERSEN: Nou daardie - now we were on that limpet mine. Just before the Athlone incident happened. just before the Early Learning

Centre incident happened, you informed us that you were under pressure, that I believe, was it Joop Joubert, Genl Joop Joubert that he was absolutely upset that there should not be another limpet mine explosion in the Western Cape. Is that true?

MNR VAN ZYL: Nee, mnr die Voorsitter, die verklaring sou skynbaar na bewering gemaak gewees het deur mnr Verster, aan mnr Burger, want mnr Burger het dit aan my oorgedra, telefonies. Ek kan ook net vir u sê dat ten tye van die ... (tussenbeide).

MNR PETERSEN: Nou wat het hy vir u gesê telefonies?

MNR VAN ZYL: Hy het vir my gesê dat ek die projek van die Early Learning Centre nou moet afhandel, omdat hulle nie wou gehad het dat daar, dat die persone wat verantwoordelik was vir die plant van bomme, in die Wes-Kaap omgewing en wat van daardie saalfasiliteit gebruik gemaak het, enigsins weer 'n kans gegee moes word om verdere terreurdade te pleeg nie.

MNR PETERSEN: Het u geweet dat daardie plek die Early Learning Centre was 'n kleuterskool gewees, waar kinders, klein kinders skool gegaan het by 'n crèche?

MNR VAN ZYL: Mnr die Voorsitter, ek is heeltemal daarvan bewus. Ek wil dit egter vir u noem dat soos kerke gebruik was in die verlede, om terreurdade te beplan, so was skole ook beplan gewees.

MNR KHOISAN: Okay. Nou in terme van hierdie Williams-geval, kan u Williams - can you tell us under oath now that you had - that you or anybody that you know had nothing to do with that incident?

MNR VAN ZYL: Wat se insident is dit nou meneer?

MR KHOISAN: This incident in which Coleen Williams and Robbie Waterwich died?

MNR VAN ZYL: Ek weet nie, as ek, ek sê vir u onomwonde, ek was glad nie daarby betrokke nie. Ek dra ook nie kennis van enige persoon wat daarby betrokke was nie. 'n Mens weet ook nie hoe dit gebeur het, u kan dalk my u weet, net inlig ter inligting, ek weet nie.

MR KHOISAN: No, I am just asking, because you were involved in a limpet mine explosion subsequently and that by allegation was an incident that occurred in a, or that a limpet was used that incident.

MNR VAN ZYL: Hoegenaamd was ek nie daarby betrokke nie en ek dra ook nie kennis van enige persoon wat daarby betrokke was nie.

MR KHOISAN: Did you ever meet a person by the name of Andy Muller in Cape Town?

MNR VAN ZYL: Andy Muller?

MR KHOISAN: Ja.

MNR VAN ZYL: Nee, glad nie. Ek dink ek het die naam al gehoor, van 'n privaat speurder, indien dit dieselfde persoon is, ek weet nie of dit so is nie.

MR KHOISAN: Or Smit?

MNR VAN ZYL: Watter Smit?

MR KHOISAN: Right now he is Commissioner Smit. He is currently a Commissioner Smit of Veiligheids ...

MNR VAN ZYL: Nee, ek ken hom nie.

MR KHOISAN: And you never met Bellingham?

MNR VAN ZYL: Bellingham van?

MR KHOISAN: Riaan Bellingham.

MNR VAN ZYL: Nee, glad nie.

MR KHOISAN: Van Vlakplaas.

MNR VAN ZYL: Nooit, ek het geen Vlakplaas-lid nog ooit ontmoet nie.

MR KHOISAN: Nog nooit?

MNR VAN ZYL: Nog nooit.

MR KHOISAN: Okay. Look, we want to ask you about questions which are outside the country, but I am going to request the Chairman if we have an adjournment, where we can actually - when I can put some points to him about actually compelling you to answer some questions, because we believe that we cannot fully conclude this particular section of the investigation without getting to that, because it involves incidents that we have been tasked to find out about, you know. I will put it to you that some of the buses that were burnt in Namibia during the elections, those were Cape Town people. Those were buses from Cape Town which had gone to support the Namibian election and that there are people that have brought statements before the TRC that need investigation. But I am going to ask for an adjournment and then we can present our argument on that to the Chairman.

CHAIRPERSON: How long an adjournment do you want, Mr Khoisan?

MR KHOISAN: About 10 minutes is fine, Mr Chairperson.

CHAIRPERSON: Mr Du Plessis?

MR DU PLESSIS: Yes, Mr Chairman.

CHAIRPERSON: Do you have no objection to an adjournment?

MR DU PLESSIS: No, no objection.

CHAIRPERSON: All right. We adjourn then until quarter to four.

COMMITTEE ADJOURNS

ON RESUMPTION:

CHAIRPERSON: Mr Khoisan?

MR KHOISAN: Mr Chairperson, it is very late in the day and at this time I would like to you know, address some of the concerns of the investigative unit in terms of this particular hearing that has ensued here today. When we originally called Mr Van Zyl to a hearing today, he was called to answer questions in reference to the following issues. The recruitment and tasking of Edward Peaches Gordon and other known gangsters on the Cape Flats, the tasking of gangsters and other CCB members to penetrate the Kewtown Youth Movement and conduct surveillance on leading activists. The bombing of the Early Learning Centre and/or circumstances and all information concerning the circumstances in which Robert Waterwich and Coleen Williams died.

In terms of this we have looked at point 2.1, that's one particular issue which is of concern to us, and that goes directly to the heart of what these hearings have been about today and what it will be about tomorrow and what it has been about on Monday and Tuesday. That is to pursue our

deeper investigation into the organisation known as the Civil Co-operation Bureau, the CCB. So that we can present as full a report on this organisation, its functions, what it actually was involved with and how this affected the people of this country, both inside and outside the country. Also, how the resources of the Republic of South Africa and people inside the Republic of South Africa were used in carrying out the functions of the Civil Co-operation Bureau.

With respect, Mr Chairman, we earlier today came across an obstacle and that obstacle is of course, as we see it, very well detailed in Section 31 which is the compellability of witnesses and the inadmissibility of incriminating evidence given before the Commission.

Section 31(1) states:

"Any person who is questioned by the Commission in the exercise of its powers in terms of this Act, who has been subpoenaed to give evidence or to produce any article at a hearing of the Commission, shall, subject to the provisions of subsections (2), (3) and (5) be compelled to produce any article or answer any question put to him/her with regard to the subject matter of the hearing, notwithstanding the fact that the article or his/her answer may incriminate him/her."

Our position is that in terms of Section (2) -

"A person referred to in subsection (1) shall only be compelled to answer a question or to produce an article which may incriminate him/her if the Commission has issued an order to that effect, after the Commission has

- (a) consulted with the Attorney-General who has jurisdiction,
- (b) has satisfied itself that to require such information from such a person, if it is reasonable, necessary and justifiable in an open and democratic society, based on freedom and equality, and
- (c) has satisfied himself that such a person has refused or is likely to answer a question or produce an article on the grounds that such an answer or article may incriminate him/her."

Our position is that you know, we cannot really proceed to discharge our mandate of the investigative unit of the Truth and Reconciliation Commission, which is to gain maximum insight into events which have

occurred in the period of our mandate, and to present as full as possible a picture of these events that have ensued in this time-frame, if we cannot get people like the witness before us today, Mr Van Zyl, to answer questions in respect of the CCB, in that as has been stated by Mr Van Zyl, through his attorney, he cannot answer questions outside the country, as it affects the activities of the CCB, outside the country. That for us is a bit problem.

In respect of this we have proceeded to satisfy what we believe are the terms that are laid down, at least in subsection (a). We have consulted with the Attorney-General who has jurisdiction and we have a copy of that consultation relevant to Section 31(2) of Act 34/1995, in respect of Messrs Verster, Van Zyl and Basson alias Britz.

We are therefore calling upon you, Mr Chairman, who is presiding at this hearing, to make a ruling in respect of compelling the witness to answer all questions as it relates to the activities of the CCB, outside the country.

CHAIRPERSON: What do you say on the question of the submission that there is no guarantee that the protections that seem to be in place in the Act, will not avail the witness? And what is your reply to the fact that the Attorney-General must be a foreign Attorney-General?

MR KHOISAN: Okay. On the first question, Mr Chairman, the foreign authorities, the authorities outside the country is the Attorney-Generals in other countries, and nations who may feature in the area of questioning, cannot access this material, until and if they are handed this material by

the Truth and Reconciliation Commission, which is essentially concerned with matters which are relating to South African citizens. They do not have this information in their possession and I don't see any reason by precedent where any material gained from an inquiry such as this one, an **in camera** Section 29 inquiry has ever been handed to any Attorney-General in any country other than South Africa.

In respect of the jurisdiction of the Attorney-General, who has jurisdiction in this matter, we believe that this goes directly to the issue of planning. All of these matters in relation to the Civil Co-operation Bureau were planned in South Africa. We have heard evidence before this Commission on many - on other occasions where it has been put to us that these matters were planned by its own - by the way it was set-up, most of the Civil Co-operation Bureau's main personnel were located in South Africa, and their headquarters were located in the area which is within the jurisdiction of the Attorney-General who has been contacted in respect of this matter.

So what we say to that, is that we are not going to hand this material to those Attorney-Generals outside the country and there is nothing to point to the fact that we have done so before. Number two, the Attorney-General who has contacted has jurisdiction in terms of the fact that these matters were planned from the area of the headquarters of the CCB, which was in South Africa, and not in any other foreign country.

CHAIRPERSON: Now has Mr Du Plessis had sight of the consultation which you claim you have done? Do you have the letter that you wrote and then ...

MR KHOISAN: Okay. We have a letter, Mr Chairman, and we can now pass it to Mr Du Plessis so he can have sight of it.

CHAIRPERSON: What letter is this? But this seems to be a reply from the Attorney-General. Where is the letter that you ... Yes, but where is that letter?

MR DU PLESSIS: Mr Chairman, I must say that this is the very first time I have had sight of this document. I haven't had the opportunity even to read it now. May I just say that, briefly in reply to what Mr Khoisan has said. He refers to the Section 29 notice, but then he proceeds to say that the Commission is investigating in-depth the structure and workings of the CCB. We were never notified of that. We were notified of the five points and in order to assist the Commission and the investigation, Mr Van Zyl agreed, even though he wasn't fully prepared to do so, to answer all questions regarding the CCB, except those reserved, regarding foreign matters. In that regard I must say, Mr Chairman, that he should be commended for that.

To return to the point in question. I will just have to briefly read this letter and see what it refers to. The Act states that the Commission, obviously through one of its Commissioners has to consult with the Attorney-General. I don't know what Mr or Mrs Barendse's credentials are. I must say I have dealt with her and she is a very efficient person in

the way she has dealt with the documentation, et cetera, she provided to us. But we don't know what her credentials are and whether it is proper for her to deal with such consultation in terms of the Act. We will have to study that. May I just read the letter for one moment?

Yes, Mr Chairman, obviously there must have been a letter directed to the Attorney-General's office in Pretoria, which doesn't form part of the letter now handed to me. But I take notice of the contents of the letter and that there was contact between the Commission and obviously, from this letter it is clear between yourself, and the Attorney-General's office in Pretoria. I take notice of that fact.

CHAIRPERSON: Do you have any other remarks that you want to address, Mr Du Plessis?

CHAIRPERSON: Are you ready to ...

MR DU PLESSIS: Yes, Mr Chairman, just one more remark and that is that the questions we refuse to answer to regarding Namibia, I wish to draw the attention of the Chairman to the fact that there is no definition of Attorney-General contained in this Act. It also doesn't refer to any definitions, for instance, in the Criminal Procedure Act. Now in this instance, with the reply of the Attorney-General's office, dated the 21st of August 1997, I see that the Attorney-General has objection that Mr Van Zyl be compelled to answer questions relating to the Webster murder and I understand why no further questions in that regard were put to him. But the fact of the matter is that the Attorney-General of the area of Namibia or sovereign country of Namibia, could obviously have the same kind of

attitude. I can put on record that there were indications from Namibia that Mr Van Zyl may be used as a witness in any proceedings concerning, for instance, the Lubowski matter. I submit that in that sense, subsection (2) would relate to or could relate to, for all we know, to the Attorney-General of Namibia as well, and you may very well receive such a letter from him as well, stating that he has objections, and then subsection (2) of Section 31 would not be fulfilled.

CHAIRPERSON: Are those your submissions?

MR DU PLESSIS: Yes, Sir, I can just say that I repeat, I don't want to repeat what I have said. I ask you to take into consideration everything I have said, also earlier today, regarding, for instance, subsection (2) and the fact that I would submit that reasonableness and fairness will not be served if a person is forced to answer incriminating questions which could later on lead to the fact that he is not afforded a fair trial, even if it is in another country or when proceedings to extradite him is instituted in the South African court. That is all.

CHAIRPERSON: Thank you, Mr Du Plessis.

RULING

This is an application in terms of Section 31 of the Act by a witness in a Section 29 inquiry. I think the main thrust seems to me, of the application, is that firstly, before this witness can be compelled to answer any questions put to him, especially when the subject matter is relevant to a foreign country, taking into account the spirit of averments in the preamble in the Act, should be that the act or offence in relation to which

such question is intended to be made, should amount to a gross violation of human rights as defined in the Act.

The same leg, as I understood it, on which this application is made, is that on the strength of the averments in **Magmoed's** case, the witness is entitled on the basis of privilege, to invoke the protection that has been provided by this Act, relevant to privilege, and to claim the privilege as he has rightly done.

The submission was made that although this is not a court of law, it is however a quasi judicial body and to that extent the ruling of **Magmoed's** case should equally be applicable in the circumstances.

The third basis is that before, in any event, the witness can be compelled, Section 31 should be activated, especially subsection (2) thereof.

Fourthly, as I understood the position, the protections that are in the Act, not only in Section 29, but elsewhere, are not available to the witness, and therefore, the witness would be prejudiced if the information were to be extracted from him, by way of this process.

I would like to draw of course the attention of the applicant to the protections that one gets in, for instance, Section 38 with regard to matters of confidentiality of information.

It seems to me Section 38(1) makes it abundantly clear that -

"Every Commissioner and every member of staff of the Commission, shall with regard to any matter dealt with by him or her, or

information which comes to his or her knowledge in the exercise or performance in the carrying out of his or her powers, functions or duties as such a Commissioner or member preserve and assist in the preservation of those matters which are confidential in terms of the provisions of this Act, or which have been declared confidential by the Commission."

So it is clear to me that it is possible for this Commission to declare certain matters as being confidential.

So it seems to me that the main thrust of the application is whether or not this Committee which is a subcommittee of the Commission, is in a position to safeguard the interests of the witness, in so far as any information which is made available to this Committee, may prejudice his interests, and/or the interests of others, in foreign countries. I take notice of that possibility, even though there were no submissions to that effect.

The first question I would like to deal with, is whether or not I am satisfied that there has been consultation with the Attorney-General having jurisdiction.

The Attorney-General was consulted, as I understand, on the 21st - in fact, on the 18th of August and on the 21st of August, in letters written to him by the National Director of Investigations, Adv Glen Goosen, acting in his capacity as such.

It is also clear that the head of the Western Cape Investigative Unit has written letters, especially relevant to Mr Van Zyl and Mr Britz, and acting as they did in their capacity as such. They are members of the Commission and in particular, Adv Glen Goosen, is the National Director of Investigations. As such is the operational head of the Investigation Unit and I am satisfied that in that capacity he represents the subcommittee of the Commission, which by resolution the Commission established for purposes of conducting Section 29 inquiries. If it were to become necessary for the evidence to be produced for the creation of a subcommittee by the Commission to conduct Section 29 inquiries, that evidence would be produced in due course.

The only question that remains is whether the Attorney-General, who has been consulted, is the Attorney-General having jurisdiction, and in particular whether it was contemplated by the Act that the Attorney-General would include an Attorney-General of a foreign country.

I accept and I concede the submission made by Mr Du Plessis that the Act doesn't define the Attorney-General, it doesn't say whether the Attorney-General is the Attorney-General in South Africa. But in all the other sections, including Section 29, in which there is mention of the Attorney-General, it seems clear to me that the Attorney-General referred to is a South African Attorney-General.

If one looks at subsection (3) of Section 29, where the Attorney-General or the word Attorney-General appears, it seems to me a close reading of subsection (3), which reads as follows:

"If the Commission is of the opinion that the production of any article in the possession or custody or under the control of the State, any department of State, the Auditor-General or any Attorney-General may adversely affect any intended or pending judicial proceedings or the conduct of any investigation carried out with a view to the execution of judicial proceedings, the Commission shall take steps aimed at the prevention of any undue delay in or the disruption of such investigation or proceedings."

It seems to me it would be stretching the language of the statute too far to argue that the Attorney-General contemplated in Section 31, due regard being given to the mention of the Attorney-General throughout the Act, that such Attorney-General was intended by the legislature to include the Attorney-General of foreign jurisdictions. That is assuming also that those who conduct the function of an Attorney-General in this country, are called in that fashion elsewhere. It may well be that in Namibia he is not called the Attorney-General or the Attorney-General is not necessarily an Attorney-General as we in South Africa understand him to be. I do not know. The one thing that I know is that within South African parlance, the Attorney-General is the Attorney-General of the nature that has been

consulted in the manner in which there is evidence before me that a consultation has taken place.

The only question is whether the Attorney-General is the Attorney-General having jurisdiction.

It seems clear from the replies that have been given by Dr D'Oliveira that he is an Attorney-General charged with investigations of the sort of matters that the Truth Commission is charged to also investigate. Except that he has a prosecutorial function, whereas the Commission has got a function to promote national unity and reconciliation.

I am satisfied therefore that there has been consultation and that the language of the Act is of a nature that compels the witness to answer questions put to him.

The only question is whether those questions will satisfy the further requirement, namely whether they are reasonable, they are necessary and are justifiable in an open and democratic society, based on freedom and equality.

I drew the attention of both legal advisers or legal representatives of both parties to provisions of Section 4 of the Act, and indeed, the preamble of this Act was referred to by Mr Du Plessis.

It seems to me that once one takes into account what was intended by this particular Act, and given also due regard, being given to Section 29(5), where there is an injunction that due regard to the principles of openness and democracy and transparency should be given, it appears to

me as much as possible questions that are put to a witness, must be answered as fully as can be replied to. Even if such questions may incriminate the witness. In fact, the way I read Section 31, it is in fact intended to say to a witness that you should reply to questions, even though you know that they will incriminate you. The Act, therefore, does not only on the basis of self-incrimination preclude the witness from answering questions put to him.

It is true that the witness may still take the view and the attitude that in spite of a ruling which I might make, to the effect that he is compelled to answer questions put to him, provided those answers are fair and legitimate and legal. It may well be that the witness will take the view that he still cannot find his way clear to replying to questions put on that basis.

It seems to me that in those circumstances the witness could fall foul of the provisions of Section 39 which provides in 39(e)(i) and (ii), especially in (e)(ii) that -

"Any person who has been subpoenaed in terms of this Act, without sufficient cause refuses to be sworn or to make affirmation as a witness or fails or refuses to answer fully and satisfactorily to the best of his/her knowledge and belief any question lawfully put to him/her, is guilty of an offence and liable on conviction to a fine or to imprisonment for a

period not exceeding two years, or both to such fine and such imprisonment."

It seems to me that the legislature was laying very great and heavy score on the integrity of these proceedings. It felt that it should provide for necessary sanctions in the event that there would be non-co-operation or refusal to make testimony available, which might be necessary for us to get a bigger and a clearer picture.

Mr Du Plessis has also raised the question of the phrasing of a submission by Mr Khoisan. Namely, that Mr Khoisan seeks now to enquire very deeply, in fact far deeper than was contemplated in the notice that formed the basis of a subpoena.

I believe that that is something that can be argued when the nature of the question that is put, in fact, becomes clearer and apparent. I do not believe that it is something that we can prevent before we have understood whether the question is in fact outside the four corners of the documentation and information that have been provided in the subpoena.

In any event, it seems to me that it would be remiss of an investigative inquiry, which is basically an inquisitorial process that seeks to find out and inquire, subject of course to rules of fairness, especially procedural fairness. It would be remiss of an inquiry not to want to find out, not procedural details, but content details of issues, provided there has been sufficient notice that such questions will be around those matters in relation to which there has been notice.

The only question that seems to stand over, is whether any information that forms part of these proceedings, can be made public or whether any information that forms part of these proceedings, can be made available to an Attorney-General of a foreign country by the Commission.

There has been a concession or so I understood it, by Mr Du Plessis, that if it were so, that there are protections such as I have indicated, then the basis would fall away. The only submission he made in that regard was that in that event, in the event I make a ruling that his client is compelled to answer questions, then his instructions are to ask for leave to test the correctness of that finding in the High Court.

I must say immediately that a finding will be made by me and all that I will be prepared to do in these proceedings will be to say that my finding can be set aside by an application in the Supreme Court, or rather in the High Court, as it is called these days.

However, I cannot force the applicant and the witness to answer to questions. I can only on his refusal after I have made a finding that compels him, draw his attention to the penalty provisions that I have indicated.

In all the circumstances of this matter, therefore, I find that firstly, questions can be put and we will play it by ear as to whether the questions are fair and legitimate, but in so far as they refer to a foreign jurisdiction, in these proceedings, unlike in amnesty proceedings, there can be no fear

that there will be any prejudice to the witness, because the peremptory provisions in Section 29(5) will be such that the contents of those disclosures shall not be made public.

I have the authority, not only as a presently acting Deputy Chairperson of the Commission, head of the Investigative Unit, but as a member of that subcommittee or the Commission charged with conducting Section 29 inquiries, I have the authority to say and this is an undertaking, that no information that emanates from the conduct of these proceedings relevant to a foreign country shall be made public or to any foreign jurisdiction, certainly not in circumstances where the witness has not had an opportunity to be heard, to influence a decision to the effect that this information should remain protected, because of the circumstances under which it was given, and especially in view of this application.

It seems to me therefore, that since that was the only basis, quite apart from the other technical bases on which the application has been brought, that the application was made, seems to me and this is my finding, that the Act provides sufficient protection for the information to be made available and this is done in circumstances where the witness and his own interests are being taken into account.

I therefore rule that Mr Khoisan will be entitled to put questions to the witness, and that where these questions are necessary, justifiable, in an open and democratic society, based on freedom and equality, such questions shall have to be answered. But I can only go so far as to say the witness will be compelled to answer those questions. If, however, the

witness refuses, then the witness would take into account that the Commission is entitled to invoke the provisions of Section 39.

MR DU PLESSIS: Thank you, Mr Chairman. May I just ask, I have been handed a copy, apparently not for my own use, of this letter received from the Attorney-General, Pretoria. I may just say that it is not conceded that he is a person that has any jurisdiction in any foreign, any matters which may be referred to as from a foreign country or regarding a foreign country, but may I ask that it be handed up as part of the record, should it be necessary later to refer to it, so that it could form part of the record.

CHAIRPERSON: Very well, Mr Du Plessis.

MR DU PLESSIS: Sir, just a further point then. Obviously my instructions regarding the decision and the right which the applicant, the witness may have to take it under review to the proper authorities, remain the same. Furthermore, you have mentioned the subpoena issued to Mr Van Zyl and I wish to point out then that he also avails himself to the right not to answer any questions which falls outside the notice or the subpoena he received, points 1 to 5. I submit that that would just be fair. He tried to be fair to this Commission, with respect, to answer fully to points 1 to 5, which I submit he has done. But we have now to insist that the investigation then be limited to points 1 to 5, as far as today's procedure is concerned. If at a later date another subpoena is issued to Mr Van Zyl, obviously the circumstances may change. But obviously the investigator or in this case. Mr Khoisan, who issued the subpoena, was

free to indicate the areas in which the Commission or the investigative unit then, would like to question Mr Van Zyl and chose to indicate points 1 to 5 and therefore Mr Van Zyl will at this stage then limit any answers which he will give to those five points.

CHAIRPERSON: Thank you very much, Mr Du Plessis. Mr Khoisan?

MR KHOISAN: Thank you, Mr Chairman. I would say that in terms of points 1 to 5, as indicated by the counsel for Mr Van Zyl, cannot, I submit, fully be discussed in terms of - without a fuller understanding of the organisation to which that subject matter is related, which is the CCB. But nevertheless, we can proceed and see how far we get. I believe that that's where the first problem arose. So maybe we should go right back to where the first problem started, which is point 71 of Annexure 1, of the statement of Mr Van Zyl. I believe that's where we were at about four hours ago. That's the exact point where the problem started.

Just for the record, Mr Van Zyl is being questioned about a statement that he made on the 2nd of - on the 20th of February 1990, which he signed on that day, and the statement was made to Lieut-Col L E Coller. I believe it was when Mr Van Zyl was being held under Section 29. We found point 71, I believe it is on page 27 of the statement.

MNR VAN ZYL: Ja, korrek, ek het dit.

MR KHOISAN: Okay. In terms of this person, Igsak Herdien ... (intervention).

CHAIRPERSON: I just wanted to find out, I am not ready, I am not able, let me put it this way, I will not be able to sit further than five today, and

I don't know where we stand. Because if it is clear that you will not have finished by five, then maybe this is a convenient stage to adjourn so that arrangements can be made for a mutually suitable date to reconvene. So I need your guidance, Mr Khoisan.

MR DU PLESSIS: Mr Chairman, I have no objection to arrange another date.

CHAIRPERSON: Can you make your submission, Mr Khoisan relevant to that?

MR KHOISAN: Okay. Mr Chairman, I think that we may have to find another date to you know, resume these proceedings, but until that time, maybe because we have wasted a lot of time with this legal back and forth, and maybe we would like to get to some issues here, because you know, the Commission has to also make good use of the resources of the people of South Africa.

CHAIRPERSON: No, we have not been wasting time, Mr Khoisan. We have been very, very keen to deal with matters of conflicting rights, and I think the witness has got rights, and he has been trying to assert them as strongly as he can. So it has not been a waste of time.

MR KHOISAN: With due respect, Mr Chairman. Just to resume here. As Mr Van Zyl found page 27 of his statement, his affidavit.

MNR VAN ZYL: Ek het dit gedoen, ek het dit voor my.

MR KHOISAN: Okay. Now Mr Van Zyl, did you at any time - do you recognise that particular part of your statement?

MNR VAN ZYL: Ja, korrek.

MR KHOISAN: Okay. Now in August 1989, what was the purpose of sending one Isgak Herdien to the then South West Africa, now known as Namibia?

MNR VAN ZYL: Mnr die Voorsitter, as ek dit nou, wat ek my geheue verfris, want ek moet dit vir u meld dat ek my nie op enige buitelandse aangeleenthede voorberei het nie. My herinnering of die gebeure herinner my aan die feit dat voertuigregistrasienuommers, besonderhede van voertuig-registrasienuommers was aan my verskaf, en dat ek hierdie besonderhede aan Gakkie gegee het, om na Suidwes-Afrika te gaan en om die bewegings van die voertuie te monitor.

MR KHOISAN: Okay. When you talk about monitoring the movements of the vehicles, were those the people who were in the leadership of Swapo, the South West African People's Organisation?

MNR VAN ZYL: Nee, mnr die Voorsitter, dit was taxi's gewees, dit was huurmotors gewees.

MR KHOISAN: You sent one of your agents to go and monitor taxis, Mr Van Zyl?

MNR VAN ZYL: Ekskuus tog?

MR KHOISAN: Why did you send him to monitor taxis?

MNR VAN ZYL: Dit was my instruksies gewees van Staal af.

MR KHOISAN: Okay. And so what was his report to you; he monitored the taxis and what was that about? He came back and he reported to you and what was his report to you?

MNR VAN ZYL: Ek staan nou onder korreksie, maar as ek nou my reg herinner aan die hele aangeleentheid, het dit daaroor gegaan dat dit taxi's was en mikrobusse wat persone vervoer het of sou vervoer het na stembuslokale.

MR KHOISAN: Okay. Would that be part of Project Continental, which was the disruption of the Namibian elections?

MNR VAN ZYL: Ek weet nie, mnr die Voorsitter, ek dra geen kennis van Projek Continental nie. Dit was net 'n opdrag wat aan my gegee was, en wat ek dan nagekom het.

MR KHOISAN: Okay. And the Namibia stuff, just to square one point. Some of that stuff was the tasking of Isgak Herdien to go and monitor the taxis. This was handled under the budget of Operation Goldie?

MNR VAN ZYL: Mnr die Voorsitter, nee, ek weet nie. Indien daar dokumentasie is wat daarna verwys, sal ek graag daarna wil kyk en om vir u 'n beter antwoord te kan gee. Ek weet nie of die fondse, of ek aansoek gedoen het vir daardie fondse onder Projek Goldie en of daar net geld aan my gegee was nie. Ek kan ongelukkig nie vir u met eerlikheid sê hoe die, waar die fondse vandaan gekom het om vir Gakkie na Suidwes-Afrika te stuur nie.

MR KHOISAN: And when Gakkie came back to Jan Smuts Airport, you gave him his money for the operation that he had conducted there?

MNR VAN ZYL: Dit is korrek.

MR KHOISAN: Okay. And the second time he went to Namibia, what did he go and do?

MNR VAN ZYL: Mnr die Voorsitter, hy was, ek het weer 'n opdrag gekry van Staal af dat Gakkie na Windhoek moet gaan, en dat hy daar moes bystaan vir 'n opdrag. Eerlikwaar, ek weet nie watter opdrag dit sou gewees het nie, daardie opdrag was nooit aan my gegee nie. Ek het wel vir Gakkie opgestuur 'n tweede keer, en toe het Staal na my toe gekom en gesê dat die ander projekte in Windhoek, Namibia is gestaak en dat Gakkie onmiddellik moet terugkom na Suid-Afrika toe. En daar, dit was gewees omtrent om en by die 30ste Augustus, want Gakkie het net teruggekem, dit was 'n dag later, wat ek hom ontmoet het vir die Early Learning Centre projek onder in Kaapstad, mnr die Voorsitter.

MR KHOISAN: Okay. Now so you knew that he went up there to burn buses? Did he report to you, did he call you, did he call you - he was in Namibia for about two weeks, he says.

MNR VAN ZYL: Nee, ek ontken dit.

MR KHOISAN: About a week?

MNR VAN ZYL: Nee, mnr die Voorsitter, ek kan nie onthou hoe lank hy daar was nie, dit was beslis nie 'n week nie, dit was beslis nie twee weke nie. My herinnering is dat dit was 'n kwessie van 'n naweek, drie dae hoogstens wat hy daar gewees het.

MR KHOISAN: But he went there to burn buses?

MNR VAN ZYL: Hy was op geen stadium deur my aangesê om enige busse te brand in Suidwes-Afrika nie.

MR KHOISAN: But you were his handler?

MNR VAN ZYL: Dis korrek.

MR KHOISAN: Staal Burger was not his handler?

MNR VAN ZYL: Dit is korrek.

MR KHOISAN: Mr Britz was not his handler.

MNR VAN ZYL: Dit weet ek, mnr die Voorsitter, maar ek het hom ...
(tussenbeide).

MR KHOISAN: Okay, but so he went up, he went on whose instructions
to go and burn those buses?

MR DU PLESSIS OBJECTS: Sorry, Mr Chairman, if Mr Khoisan would
grant Mr Van Zyl the courtesy to finish his answers, please.

MR KHOISAN: Okay, very well, counsel.

MNR VAN ZYL: Mnr die Voorsitter, ek was sy hanteerder. Ek het nou
aan u geskets hoekom ek vir Gakkie opgestuur het na Windhoek toe,
Suidwes-Afrika, Namibia, en op geen stadium, maar geen stadium het ek
vir hom gevra om busse te gaan brand nie. Dit is 'n infame leuen as hy so
sê, dan lieg hy.

MR KHOISAN: And you never ever met him when he was in Namibia?

MNR VAN ZYL: Beslis nie, mnr die Voorsitter. Die Liewe Vader kan
my dood straf as ek ooit in Namibië was.

MR KHOISAN: Okay. Now in terms of your relationship to Anton
Lubowski, what was that relationship?

MR DU PLESSIS: Mr Chairman, at this stage I must indicate that we are
again in an area where I indicated that the witness would not answer any
questions. I heard your ruling and I obviously respect your ruling, but I

have indicated to you that should he be forced to answer questions in this area, he would reserve the right to approach the proper authorities to review the decision, and we stand by that.

MR KHOISAN: Okay.

MR DU PLESSIS: But the first point, yes, the first point I wish to - let me raise the first objection first for your decision and the first objection which I have already raised is that this is not indicated on the subpoena. So I withdraw my last or my remarks about taking it on review, although that is obviously reserved. But let me raise the objection that Mr Khoisan or the person who issued the subpoena did not indicate at all that Mr Van Zyl would be questioned on this area.

MR KHOISAN: Well, let me respond to that then, through the Chairman, please. The fact is that the subpoena was drawn up in terms of a tasking of known gangsters and we didn't determine what - all those activities. We said the tasking, the recruitment and tasking of Edward Peaches Gordon and other known gangsters in the Cape Flats, and they were tasked, and one of the issues they were tasked with, is the - that we are trying to get to in this investigative inquiry, is the nature of their tasking around Lubowski. So let me rephrase it. Let me begin right in Cape Town in Region Six. At which stage did you task Isgak Herdien or any other known gangster in the Cape Town area, to do collection or any kind of surveillance or any working relation to Anton Lubowski?

MNR VAN ZYL: Mnr die Voorsitter, ek het geen, op geen stadium vir Isgak Herdien of vir Gordon Edward Peaches getaak om op Anton

Lubowski, om met 'n Anton Lubowski Projek of enigiets wat met hom verband hou, in Suid-Afrika of in die buiteland, te doen te hê nie.

MR KHOISAN: And you are saying for the record, that at no point did you ever mention the name Anton Lubowski to Isgak Herdien or any other gangster in the Cape Town area?

MNR VAN ZYL: Dit is korrek, mnr die Voorsitter.

MR KHOISAN: Okay. And there was no collection that you know of, of Anton Lubowski in the Cape Town area?

MNR VAN ZYL: Ekskuus tog?

MR KHOISAN: There was no surveillance or any kind of intelligence-gathering operation relevant to Anton Lubowski that in one way or another involved any gangster in the Cape Town area?

MNR VAN ZYL: Dis korrek, mnr die Voorsitter.

MR KHOISAN: And you are saying that for the record?

MNR VAN ZYL: Ek sê dit.

MR KHOISAN: Okay. And in terms of his work in Namibia, do you know if he met with or consulted with Staal Burger?

MNR VAN ZYL: Nee, mnr die Voorsitter, sover my kennis strek, beslis nie.

MR KHOISAN: Okay. And you never had any discussions with him in relation to his time in Namibia? You just sent him up and he came back and you paid him?

MNR VAN ZYL: Dis korrek.

MR KHOISAN: You never had any consultation with him, he never gave you a report about the fact that "ek het daai busse gebrand en so-en-so, ensovoorts."

MNR VAN ZYL: Nee, mnr die Voorsitter, hy het uit die aard van die saak vir my verslag gedoen na sy eerste terugkoms. Na sy tweede terugkoms was daar geen verslag om te doen nie, want hy was dood eenvoudig opgestuur. Ek dink hy was daar - ek weet nie eers of hy vir 'n dag daar was nie, en toe het ons hom onmiddellik gevra om terug te kom. So nee, daar was nie ten opsigte van die tweede geleentheid 'n verslag van hom gewees nie.

MR KHOISAN: So on which occasion did he go and burn the buses and disrupt the Namibian elections?

MNR VAN ZYL: Op geen stadium nie, mnr die Voorsitter.

MR KHOISAN: Okay. And you are saying, for the record, that you had no relationship to any matter in South West Africa? Because the reason why I am saying this, counsel, and why I am trying to get to this, is because this concerns your client and your client has been sent a list of documentation, a wide range of documentation, which you have had time and he has had time to study, and it involves this matter, because the fact is that the other aspect, point 5, concerns the connection between Wouter Jacobus Basson, Christo Britz and yourself. That means the relationship between yourself as an operator ... (intervention).

CHAIRPERSON: Mr Khoisan, put questions to the witness. You are arguing now, put questions to the witness, to form a basis for your argument, if there is going to be any.

MR KHOISAN: Okay. Well, what I am putting forth here, is that I want to address, I want to go to and pull your attention to Annexure 10, Mr Van Zyl. That is the heads of argument in Lubowski, and that is relevant to point 2.5 of the subpoena as it has been drawn up.

MR DU PLESSIS: Well, Mr Chairman, I must object. I cannot see any connection between the two. The plain language of point 5 is the connection between Wouter Jacobus Basson and the witness, and the English there is clear; what connection and the witness has explained this man was a co-ordinator of Region Six and he has fully set out the relationship between him and Wouter Basson. To go now and stretch it to a diary and to any other operations which the CCB may or may not have been involved in, is just not fair. I ask you to rule against Mr Khoisan, that in terms of this subpoena his questions are not permissible.

CHAIRPERSON: Let me just first hear the question, Mr Du Plessis. What is your questions, Mr Khoisan?

MR KHOISAN: Okay. The question is, the question, Mr Chairman and Mr Van Zyl, the question is to you, did you at any time receive any tasking from Mr Basson in respect of or meet with him, in respect of any project in Namibia, well, then known as South West Africa?

MNR VAN ZYL: Nee, mnr die Voorsitter.

MR KHOISAN: And you at no time discussed with him or got tasked about carrying out any project in Namibia?

MNR VAN ZYL: Nee, mnr die Voorsitter.

MR KHOISAN: Okay. All right, you know, if the witness is replying like that then I don't see any further need to proceed. I think what we should do is actually maybe work towards adjourning these proceedings so that we can actually redraw the subpoena and actually state, put on a wide range of issues, and then in that way ... (intervention).

CHAIRPERSON: Mr Khoisan, is that an indication that you have no further questions to put to the witness?

MR KHOISAN: No, I don't. That is not an indication that I have no further questions to put to the witness, but I believe ... (intervention).

CHAIRPERSON: Mr Khoisan, please don't argue. If you have no further questions to put to this witness, don't put them. What you intend to do is a matter between yourself and your books and your evidence and anything else. If you have no more questions to put because the answers are that "I don't know, I had nothing to do with it", then, with respect, I would like to bring these proceedings to a close.

MR KHOISAN: Ja, I have no further questions at this stage, Mr Chairman.

CHAIRPERSON: Thank you, Mr Khoisan. Mr Du Plessis?

MR DU PLESSIS: Mr Chairman, yes, I have nothing further to add. My learned friend intends subpoenaing this witness, Sir, in the future, obviously he is welcome to do so. That's the authority of the

Commission, but I respectfully submit that as far as the question is concerned, in terms of points 1 to 5 of the present subpoena, the proceedings should be closed at this stage.

CHAIRPERSON: Very well then. I believe that you also represent Mr Basson?

MR DU PLESSIS: I do, Sir.

CHAIRPERSON: Or Christo Britz.

MR DU PLESSIS: I do, Sir.

CHAIRPERSON: And I believe that there has been a request that we start proceedings at nine tomorrow?

MR DU PLESSIS: Yes, if at all possible, I would appreciate it. I may just indicate that I have a meeting in Bloemfontein, I know it is my problem, but I have to catch a flight, if at all possible, to Bloemfontein at quarter-to-five tomorrow afternoon.

CHAIRPERSON: As long as you don't raise any legal arguments, we will be through by that time.

MR DU PLESSIS: I will try, Sir.

CHAIRPERSON: Very well then, these proceedings - well, these particular proceedings are adjourned to a date to be arranged, should it be necessary, in view of the fact that Mr Khoisan is contemplating to restructure a subpoena which he may rephrase. We will adjourn until nine o'clock tomorrow for purposes of dealing with the evidence of Mr Britz.

MR DU PLESSIS: Thank you, Sir. Is Mr Van Zyl then excused?

CHAIRPERSON: In the circumstances he is excused.

MNR VAN ZYL: Baie dankie, mnr die Voorsitter.

WITNESS EXCUSED

PROCEEDINGS ADJOURN