

**PROCEEDINGS IN TERMS OF SECTION 29**

**HELD AT**



**ON 14 NOVEMBER 1996**

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PROCEEDINGS RESUMED ON 1996/11/14

(Recording commences mid-sentence)

CHAIRMAN: ... 29 of the Promotion of National Unity and Reconciliation Act. We'll be proceedings now until approximately 11.15 with the first matter or until such time as the witness has satisfactorily answered all questions put to him by the panel. The recorders and the interpreters are still under oath and after we have put the first witness under oath, we will proceed with the inquiry. Can we have your full names please - your full names.

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ROWAN FERNANDES (Sworn states)

CHAIRMAN: As I said, this is an investigative inquiry in terms of Section 29 of the Act. The Commission believes that you are in possession of information which it requires in order to fulfil its obligations under the Act. For this reason a notice has been served on you calling on you to appear here today. And I want to stress that this is an investigative inquiry. It's not a hearing at which a finding will be made against you. In terms of the Act you are obliged to answer questions which are put to you even though they may incriminate you and if you refuse to answer any questions there are mechanisms under the Act by which we can compel you to answer those questions. If you continue to refuse to answer those questions you may be prosecuted in terms of the offences section under the Act. Evidence which you give here today is not admissible against you in a court of law except where you may give differing or conflicting versions of an incident, in which case you

/may be

may be charged with perjury. You have an obligation, obviously, to be honest and truthful when you are answering questions and again, if you are not, you may be charged with perjury. You do have a right to legal representation but I understand that you have informed our investigative unit that you are happy to appear here and to answer questions in the absence of ... (intervention) --- If I may just state something. Kan ek in Afrikaans praat?

Please. --- Ek wil net graag eers weet hoe om u aan te spreek as Meneer of "Commissioner or whatever". Ek was in Pretoria gewees toe ek gesubpoena is of toe hulle die kennisgewing gedien het. Ek het met my regsverteenvoordiger gekonsulteer. Ek het 'n regsverteenvoordiger maar hy is bietjie bokant my vuurmaakplek finansieel. Ek kan hom nie bekostig nie. Hy vra R500,00 per uur. Ek het by die polisie op die vlak van hoofkantoor aansoek gedoen of ek regsverteenvoordiging kan kry. Die Suid-Afrikaanse Polisie diens op hierdie stadium verskaf nie regsverteenvoordiging aan mense wat hier getuig in hierdie tipe navra of "inquiries" nie so ek weet nie hoe om dit te benader nie. Ek voel net dat - ek is bereid om met julle te gesels en vrae te beantwoord so ver as moontlik waar ek julle kan help maar ek voel dat ek tog die regtens gehad het om "legal counsel" te hê en siende nou dat ek in diens is van die Suid-Afrikaanse polisie en hulle nie bereid is om enige iemand by te staan met regshulp nie, weet ek nie waar om te draai nie. So, ek weet nie of die Kommissie die weg sal oopsien om miskien, u weet, die rekening te

vereffen nie of ek weet

/nie maar

nie maar ek kan die man - dit is die enigste man met wie ek kan praat. Hy was my regsverteenwoordiger wat my huwelik gedoen het en al daardie goed so by keuse sal ek graag eerder met hom wil gesels. Die probleem is ek kan hom nie bekostig nie. So as ek hom - ek weet volgens die dinge van die Kommissie is daar goeters wat ek myself kan inkrimineer of dalk ander kan inkrimineer maar ek voel voordat ek oor daardie tipe goed getuig moet ek ten minste met 'n regsverteenwoordiger gesels. Ek dink dit maar net 'n fundamentele reg van my.

MNR LAX: Mnr Fernandes, is u te wete dat u regshulp kan kry ... (intervention) --- You can speak English. I can - it's fine. I'll answer in Afrikaans.

Okay. Are you aware that you're entitled to legal aid if you qualify for legal aid? --- Ja, dis die probleem. Ek kry te veel salaris in die polisie om te kwalifiseer. Jy moet R2 500,00 kry. Ek kry meer as dit. Ek kry R4 000,00 'n maand. Dan kwalifiseer jy nie vir "legal aid" nie.

It's not quite as cut and dried as that. It depends on what your - after tax deductions and all that sort of thing are - whatever is being deducted from your salary. So whatever ... (intervention)

--- Maar dis nog steeds meer as dit.

It may be more than - is it more than R2 500,00?

--- Ja. As hulle alles afgetrek het, kry ek R3 100,00, so.

Okay. There is a situation where, if you have applied and you've been refused by the legal aid board

because you exceed their means tests you can still apply to the legal officer of the Commission on an appeal

/basis  
basis to show whatever compelling reasons there are why you think you should still get a lawyer and he will consider the matter further. So it's not a closed avenue to you. The question I have though is, would your lawyer, your attorney, your legal representative be willing to act on the legal aid tariff. --- Ja, ek weet nie. Ek het dit nog nie met hom bespreek nie.

Because if he's charging you R500,00 an hour, I very much doubt that. --- Ja, ek weet nie of hy dit - maar hy het vir my gesê, u weet, dit is die "rate" wat hy vra. Toe sê ek vir hom daar is nie 'n manier dat ek dit kan bekostig nie. Ek sal die res van my lewe betaal.

You see the maximum he would be entitled to - I'm not 100 per cent sure but it would be less than R700,00 a day. That will probably not satisfy him very much. Where is he based? --- Here in Durban.

In Durban. Okay, what I would suggest we do is that we possibly adjourn this hearing to give you an opportunity to speak to him to find out whether he would be willing to work at the legal aid tariff and I will give you the full and proper details of that tariff once we've adjourned. --- Soos ek sê ek het nie 'n probleem, ek kan met julle gesels maar ek voel dat ek dalk net 'n regsverteerwoordiger moet hê. Of kan ons dalk tot a kompromie kom dan in die opsig dat as ek voel dat - as julle dalk 'n vraag vra wat ek

voel dat ek nou "legal counselling" nodig het dat ons dit kan laat oorstaan en kan ons kyk. Miskien kan ons die hele dag deurkom sonder dat die nodig is daarvoor.

CHAIRMAN: Let me just add that - I don't want to push

/you into you into sitting here without a lawyer but the fact that you have a lawyer here doesn't mean that you don't have to answer incriminating questions. ---

Ja. Nee, ek verstaan dit. Ek verstaan dit.

The Act obliges you to answer any question put to you even though it may incriminate you and your lawyer will essentially play a sort of a watching role, a watching brief. If we put to you a question that may incriminate you, you are obliged to answer it notwithstanding that you may have senior counsel here with you. So ... (intervention) --- U sien, die ding is - die enigste rede hoekom ek dit vra, as die Kommissie op die einde van die dag besluit dat julle my wil aankla vir iets, dan was my regsverteenvoerder darem hier, dat hy gehoor het wat ek gesê het dat as - of kan ek so vra? Is die transkripsies van hierdie "hearing" beskikbaar vir my regsverteenvoerder indien julle sou besluit om my aan te kla.

MR LAX: Can I explain that we don't prosecute anybody. --- Ja, I understand that - ek weet.

And the only basis upon which you might be prosecuted would be if you obstructed the Commission in the course of its duties, if you refused to answer any questions, if you lied under oath or gave conflicting evidence under oath, that might open you

up to a charge of perjury which is a normal offence.

I'm sure you're familiar with that offence. So those are the only instances in terms of which you could be prosecuted arising out of what evidence you give here.

No evidence given here may be used or may be admissible in a trial against you. So nothing you say to us can be used

/against

against you at a later stage. --- Okay. Maar as - is die transkripsie beskikbaar vir my prokureur as hy dit wil hê?

No, well not actually. The transcription of his evidence would not be available to his lawyer. It's confidential documentation that belongs to the Commission and remains confidential until such time as the Commission chooses to release it in a public sort of way. --- Kom ons vat die voorstel dan dat ons - dat ek hom gou-gou bel en hoor ons net by hom.

I would feel happier if you'd spoken to him. Maybe he should look at the Act, satisfy himself as to your rights and then we can proceed. --- Ja, ek wil nie - die laaste ding wat ek wil doen vandag is tyd mors. So - my werk is ver agter.

PROCEEDINGS ADJOURNED

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ON RESUMPTION:

(Recording resumes mid-sentence. Interpreter inaudible)

--- ... tot en met 1990, begin 1990 Januarie toe ek op 'n spesiale ondersoek na Durban toe gekom het vir ses maande of ons het gedink dis 'n spesiale ondersoek. Dit was nie 'n spesiale ondersoek nie.

Ons het basies maar net die mense kon bystaan hier en gehelp met die ondersoek van sake ensovoorts. Tydens daardie tyd het ek my verplasing gereël Durban toe en ek het hier agtergebly want my ou bevelvoerder van Vryheid was reeds in Durban gestasioneer op daardie stadium. Hy het my verplasing vir my gereël en ek het agtergebly hierso en ek het deel geword van C-seksie binne die veiligheidstak waar ek aanvanklik landverlaters gedoen het en vir

/ongeveer

ongeveer ses maande waarna ek 'n volwaardige ondersoekbeampte geword het en verskeie sake ondersoek het. Ek het in 1991 my kursus in ontplofbare stowwe en bomopruiming gedoen en ek was sedert daardie datum aangestel as inspekteur van ontplofbare stowwe. Ek het toe basies weggebreek van C-seksie af en ek is verplaas lughawe toe waar ek begin het om die in- en uitvoer van springstof in Durban hawe te beheer. Ek het dit van 1992 af gedoen ek doen dit huidiglik nog.

Van daardie tyd af is ek verplaas van Louis Botha-lughawe weer terug C R Swart toe en sedert ongeveer Januarie hierdie jaar is ek weer terug by C-seksie aangesien bomopruiming en skadeloosstelling onder C-seksie geval het op daardie stadium en ek het weer betrokke geraak by ondersoeke tot ongeveer 'n week terug waar ek oorgeplaas is as 'n tydelike diensreëling na tegniese ondersteuningseenhede. Dis waar bomopruiming nou hoort.

MR. GOVENDER: Mr Fernandes, sorry, I didn't quite catch the year that you commenced. Was it 1980, did you say? --- No, '87. 87/12/1.

And according to your evidence you were employed



directly with the security branch from the very inception. Is that correct? --- Nee, dit is eers nadat ek met my basies opleiding klaar was en dit is so Junie '88.

1988. --- Junie '88.

So after your basic training the first place you were employed with the SAP was the special branch in Vryheid. Is that correct? --- Dis korrek, ja.

You say you only came to Durban in 1990 for a special operation - investigation. Is that correct?

/--- 'n Spesiale  
--- 'n Spesiale ondersoek, ja. Ons het aanvanklik gedink dis 'n spesiale ondersoek want daar was heelwat geweld op daardie stadium in Durban en basies waar dit op die einde van die dag neergekom het, is daar was te min mannekrag om die werk te hanteer en hulle het ouens getrek van die hele Natal af om Durban tak te kom bystaan. Ons het basies tonele gaan ondersoek. Handgrenaatontploffings gaan ondersoek, gehelp met die ondersoek, neem van verklarings, sulke goed. Ek is 'n ondersoekbeampte. Dis wat ek gedoen het.

Were you an explosives expert at that time? ---  
Nie in 1990, nee. In 1991, Septembermaand of 5 Augustus eintlik, om die waarheid te sê, is my aanstellingsdatum as bomoperateur.

So 1990 was the first time that you came to Durban for any investigations. Did you come at any time prior to that? --- Ja, ek het nie vir geen - sover ek kan onthou het ek vir geen ondersoek afgekome voor dit nie. Vir geen ondersoek. Ek was by geen ondersoek betrokke voor dit in Durban nie.

Now, when you came to Durban which unit did you work with? --- Ons het saam met C-seksie gewerk op daardie stadium - die landverlaterseksie. Soos ek u reeds gesê het, ons het op daardie stadium gehelp met ondersoeke soos ontploffings en goed plaasgevind het, het ons gehelp met die ondersoeke en dis 'n tipe van 'n integrasie gewees toe ek verplaas is. Toe het ek net van 'n hulpveldwerker, as u dit so wil stel, oorgegaan na 'n volwaardige ondersoekbeampte waar ek my eie dossiere gedra het en ... (onvoltooid)

Mr Fernandes, I just want clarity on - when you /came came in 1990 you were working with C Section. Where were you based? --- By C R Swart.

C R Swart. --- Maar ons was uitgeplaas. Ons het satellietstasies gehad. Ek het gewerk hier net anderkant die hawe. Hulle het in noordseksie, suidseksie - of die tak het so geopereer.

So you were farmed out to satellite stations. Is that what you ... (Recording interrupted. Interpreter audible on resumption) --- I wouldn't say satellite stations. It's rather a section responsible for a particular area. I worked in the southern area. That would have been Umlazi, Lamontville.

And you based yourself in C R Swart. --- My head office or my branch office was in C R Swart but we had a section office.

Where was your section office? --- I don't know exactly what the name is but it was at the Spornet ... (incomplete)

At Bayhead? --- It would have been Bayhead. To put this in perspective, what it would have implied

is that a section would have resorted under a larger section. So we would have been put in the area so that we didn't have to drive from C R Swart out to our area. We would have been at the area but we were still responsible to C R Swart office.

And under whose command were you when you were in Durban? --- At that time it was Director Davidson.

Are you speaking of the six months in which we were here on the initial investigation? During that time it was then Captain and now Director Davidson who was in charge or in command over the entire section.

/C Section,

C Section, is that right? --- No, this of the divided members. C Section had their own staff and people were drawn from all over of Natal. We received our own commanding officer, all these people who were drawn from all over Natal, and that was Davidson and he was in command of these divided members.

Where was Davidson from? --- He was from Newcastle at that time.

Who was commander of the security branch in Durban in that period? --- We had so many of them, it would be difficult but I think it was General then Brigadier Steyn. But I'm speaking under correction because I cannot clearly remember but I do think it was him.

MR LAX: Can I just come in. (Through Interpreter)  
What would his first name have been. --- We just knew him as Brigadier Steyn.

Colin Steyn? --- I think it was Bertus Steyn.  
Colin Steyn would then have been a general.

Thank you.

MR GOVENDER: At that time, 1990, the security branch as such, we have evidence had undergone a restructuring. Are you aware of that? --- That wasn't in 1990. The only restructuring which then occurred was we worked under divisional commissioners and then we started working under a regional office. That's the only difference that really happened. We became a regional office. We had divisional commissioners in Durban, Pietermaritzburg and Newcastle and then we resorted under a region rather than divisional commissioners. So then we only had one head office for the branch.

And did you have different sections like C Section

/existing

existing in KwaZulu/Natal or Durban/Natal at that time. --- Well, working in Vryheid everyone did everything but in Durban they were working under different sections. I'm sure you know by this time what the sections would have been at the branch.

Were you working with C1 and C2 Sections in Natal at that time? --- Advocate, let me ask you a question. Define me what you understand under C1 and C2. I worked in the "landverlater" section. This section worked with the investigative office. We handled with the bombs, ownership of explosives and of AKs, that kind of case we investigated. (Speaking English) Purely an investigation section. (Through Interpreter) That is how it stayed all these years and it's still the case. We've been an investigative section. We only did the so-called "landverlaters" work. If we understood that someone had left the

country it would have been my work initially to go with two or three of my colleagues to his house to talk to his parents and to determine whether the person had in fact left the country and, if so, when.

That would have been our work and to then investigate these cases from there.

Which section of the special branch was in charge of that type of work? --- That was known as C Section - C Section, Durban area.

At that time who was the commander of the C Section in Durban when you had come down? --- C Section, Durban-gebied?

Yes. --- It would now be Colonel or Superintendent Cloete and he's still in charge there.

/And where

And where was C Section based, the Durban C Section, do you know? --- At C R Swart. Which C Section are you talking about?

The C Section that was in charge of the ... (intervention) --- The C Section which I was talking about would have been based at C R Swart.

Was there another type of C Section? --- The region had their own C Section as far as I know.

What was that C Section responsible for? What type of work did that C Section do? --- That C Section, we did not deal with them in that regard. You have to understand that they were not in charge of us. We didn't resort under them. There were different desks at the security branch and, if I understand it correctly, they would have dealt with terrorism. What that would have entailed, I don't know because I never worked with them.

But the type of work that you were involved in with the C Section that you'd come down to work with was involved in tracing people who had left the country or had come back, isn't that so? --- That is the case.

These were termed terrorist also, wasn't that so? --- Could you repeat that.

These people were termed terrorists also, is that right? --- At that time we referred to a person who left the country and received military training as a terrorist but not just a person who left the country. If the person did not receive military training, we would not have referred to them as terrorists, we would have referred to them just as "landverlaters".

Now, Mr Fernandes, I want you to give me the /distinction  
distinction between the work that you were doing with these so-called terrorists and the work that the C Section was doing, the C Section that you referred to that were working with terrorists were doing with these - related to these terrorists. What's the difference? --- The difference would be this. The work which we did is once we determined who left the country - as far as I understand it, it was their task, these other people, with regard to people who infiltrated back into the country, to track them down and to arrest them. At the end of the day, those persons who were arrested in that way we would then have investigated the case once they were arrested. But as I have explained I never directly linked with the particular C Section which you are referring to in

this regard that at that time I wasn't doing investigations. I would then not have investigated terrorist cases. That is at that time. I would have investigated cases where people were found who were in possession of AKs or when there was a bomb explosion or something like that. I would have investigated those. I could not give a lot of testimony with regard to what those people did. I never worked with them. I don't know exactly what they might have done.

We simply knew that they were responsible for the so-called terrorists or whatever you would want to call them, to arrest them and to obtain the information and to arrest them once they returned to the country. That's as far as I understand what their activities would have been.

You said you came down to Durban to do a special investigation. What ~~was that investigation?~~ ---

/Advocate,

Advocate, as I've said earlier we thought that we were coming down for a special investigation. You can't draw people from all over the province without good cause. So they called it a special investigation but it turned out that it wasn't a special investigation at all. During the first week here we discovered that we were simply additional members of the branch to just assist the branch generally speaking with the gathering of information. That was all. There was no particular investigation that we were linked to.

Have you during your period come across or met a man by the name of Colonel Andy Taylor? ---

Everyone in the branch would have known Colonel Andy Taylor.

What was his position in the special branch?

--- I got to know him as a colonel. I don't know exactly how to state it. He was a colonel but I never worked with Colonel Andy Taylor. In fact I know very little about Colonel Andy Taylor. In fact I wonder if he would be able to identify me.

Did you meet him when you were here in Durban in 1990? --- I was never formally introduced to him.

In the branch it is here as the Commission. You would know who he was. You might not co-operate on the same matters but you would know. You would ask people, "Who's that person?" and they would tell you, "That's Colonel Taylor" and that's as much as I knew about him at that time. Until this time, I could say that I know Colonel Taylor but just as I know the Commissioner. It's just another policeman who worked there.

Do you know what position he held within the branch? --- I later understood that he was the

/commander

commander of C Section. I did not know that in 1990 when I started. And that's as much as I know of Colonel Taylor. Where exactly he fitted into the hierarchy, I did not know. Whether he was fourth in charge or fifth in charge, I simply would not know.

Did you know where he was based? --- No, I did not know where he was based. At that time we were removed to the regional offices or area offices and where exactly Colonel Andy was placed, I would not know. I only saw him when I went to the regional office then I would see Colonel Andy there at the regional office or maybe he might have come to Durban



branch and we would have seen him there but I would not have known where his office was. I was never officially in his office. As I've already said, I had no direct working interaction with Colonel Taylor which would have given me cause to know where he was based.

Your transfer took place in 1991, you say? ---

No, middle of 1990.

Middle of 1990. --- That is when I came to Durban or rather that's when I was officially moved to Durban. I stayed here. We simply sent the papers to Vryheid to inform them that I was no longer working there.

And during that time some time you took a course in explosives? --- That was the next year in 1991.

And you were continuously in Durban from 1990, is that correct? --- That is correct, Advocate. I wouldn't say continuously. I did investigations all over the country. I would go for a week to do an investigation here and then a week over there. So

/continuous  
continuous might not be the right word but I was based in Durban all that time. I resorted under the regional office and then later under an area office and than back to the regional office and back to the area office.

You were transferred to the security branch in Durban. Is that correct? You transfer ... (intervention) --- I was transferred from security branch Vryheid to security branch Durban.

Which section did you get transferred to in the security branch? --- As I've already said, we came

to assist here, to assist the people here, to help them out but then I remained with C Section or that is what is was known. Each section had a name. North would have been November Section. We were C Section because we did investigations and so-called "landverlaters".

Was Colin Steyn still the commander of C Section when you were transferred in 1991. --- Colin Steyn was the general in charge of the entire Natal at that time.

Who was the commander of C Section when you were transferred to C Section? --- Colonel Cloete.

Was he still commander? --- He remains the commander until this day. This is if we're speaking of the same C Section. The "landverlater" and investigative C Section, that's what I'm talking about. Colonel Cloete would have been in charge of investigations.

I get the indication from you that in fact there were C Sections, isn't that so? --- We've already discussed this moments ago.

So you were under the command of Cloete in  
/C Section,  
C Section, what's called C Section. Was there a number given to that to distinguish it from ... (intervention) --- I was always confused by these things. I don't know whether we were C1 or C2. Some days we were referred to as C1 because we did investigations and on other occasions we were referred to as C2 when we did "landverlater" work. I would like if I told you whether we were C1 or C2. We just referred to ourselves as C Section.

Okay. Did you engage in any work together with the other C Section that was present? --- The only work which we would have co-operated with them on is if a person was arrested. And if it were to be discovered that he had explosives or such in his possession, then we would have taken over the investigation. So the moment a person had been arrested he would have been handed over to us under these circumstances and then in terms of Article 29, or whatever the case might be, we would then deal with it, build up a case and eventually take it to court. That would have been the only linkage between ourselves and the other C Section.

Do you know of the existence of askaris within the security branch? --- Any member working at the security branch since 1988 knew that askaris existed.

I never had the ~~privilege to meet one~~ or to work with one. If someone is claiming that he worked with me and if that person was an askari, I would not have know it. I had nothing to do with the askaris. I did investigations and I would not have needed an askari to help me with my investigations.

CHAIRMAN: Mr Fernandes, did you receive any training /in explosives in explosives prior to 1990 or 1991? --- No. I did do a riot course in which they gave us the basic identification of the various explosives but that would have been the extent of my training prior to that in an official way.

So before you came here to Durban you did not work with explosives? --- No. We were prevented from working with explosives because we were not

trained explosives operatives. There's no way that an explosive operator would allow you to touch explosives if you weren't a trained operative.

Can you tell us the names of the people that you worked with in C Section - other members of the whatever it was called, a unit or the branch that you were in? --- The person who was here yesterday, Mr Bennetts, Colonel Cloete, in fact Tjaard Fourie whom you know well. Tjaard would also be able to tell you who all worked there - if this in 1990 that we're talking about. Tjaard Fourie. Let me try and think who else would have been here. K P ... (intervention)

K P Niemand, Chris de Jager and that's as far as I think the people who worked there. Oh, there was also Oom Fivey. Maar julle het al met Oom Fivey gepraat. (Last phrase not interpreted - Commissioner intervenes)

André Fivas. --- It would have been André Fivas.

How do you know we've talked to André Fivas?

--- Me?

How do you know that we have talked to him? You've just said that you've already - you said we've talked to Oom Fivey. How do you know we've talked to André Fivas? /--- There

--- There were people who saw you enter his office. That is all. That's how I understand it. That would have been hearsay from my side. I would just have heard it. I don't know it on a first-hand basis.

So somebody told you that they saw Fivas walking into this building? --- No, we would have seen some of your staff walk into Fivas' office and talk to

him there. At least that is what I heard.

Who did you hear that from? --- Ek weet nie.

Quite sure you don't know who it was? --- I'm not quite sure from whom I might have heard this but I will tell you if I can remember. But I couldn't give testimony about that. I just can't remember from whom I heard it.

Carry on. --- Oom Fivey worked there and those would have been the people who worked there. Oom Tjaard would be able to give you all the information. He worked there longer than I had.

Botha? --- I did not work with Hentie Botha.

He was not in C Section. He would have worked in the office at the security branch Durban. He would have worked there but he never worked with me and he was never in my section.

What section was he in, Hentie Botha? --- I don't know. I think Hentie Botha worked with intelligence. That's as far as I understood it. The Commission must take into account that there were in excess of 130 persons working at security branch in Durban and I cannot remember exactly who of these would have done what but as far as I know he worked with intelligence.

/Robbie

Robbie Cook? --- Rob Cook wasn't with security branch. Robbie Cook is a well-known policeman in Durban. Most of the policemen in Durban would know him.

Did you ever work with him in any incident, operation, any ... (intervention) --- Robbie Cook was in charge of the reaction unit. If we received

information that there would have been firearms at a particular house, we would have contacted Robbie Cook so that his people could assist us. There was a letter from head office that no member was allowed to penetrate homes or do investigations of a house without the assistance of the reaction unit. Murder and robbery used them, the vehicle section used them as well as security branch, we used the reaction unit.

Sean Fourie? --- Sean Fourie did work with me in C Section, yes. He did the "landverlater" work with me but Sean never carried dockets during the time that he was there.

MR LAX: Can I carry on? What about Johnny Graaf?

--- That is right, Johnny Graaf also worked in that section. I've forgotten about him. I don't know him.

Van Loggerenberg. --- I don't know him either.

And what about Van den Berg, Budgie? --- Budgie never worked with me, not as far as I can remember. He was a technical person. I know Budgie. He was a technical operative.

Did you know other people? Mark Hager, Digs Thomas? --- Let me just ask the Commission something. The Commission law would this override the Official Secrets Act.

It does. --- Are you entirely sure of that?

/Because Because I don't want to be guilty of breaching the Official Secrets Act by placing people in places and to tell who was where.

Mr Fernandez, as you know, as we've already explained to you nothing you say here can be used in a

prosecution against you including a prosecution under the Official Secrets Act. --- Thank you.

You can understand that Parliament wouldn't have intended us to investigate matters of this nature if people like you could use the Official Secrets Act to not tell us what we want to know. It would defeat the whole purpose of our Commission. You understand that so you are ... (intervention) --- I didn't want to offend you. I just wanted to make sure.

I just want to make it clear that the Official Secrets Act has no bearing on us. I know you've signed an undertaking in terms of that Act but that's irrelevant to us and not of relevance to this inquiry.

So I was asking you about Mark Hager. --- I don't know him.

Thomas? --- I don't know him.

What black members did you work with? --- Phiri, George Madlala and who else might have been there? Sibisi, Pat Khumalo. All of these would have been old CID staff who then became investigators - who came to the security branch from the CID section. They would have carried dockets themselves.

You said someone Madlala. What was his name? --- George Madlala or Madladla.

Was he in C Section with you or ... (intervention) --- This C Section to which I'm referring to, these

/people people would have worked in also.

Now, you said you didn't really know Hentie Botha particularly well. Is that right? --- I don't actually know Hentie Botha.

But he was also an explosives expert. ---

Hentie Botha at that time - I know that he was an explosives person but in 1990 I did not yet receive training as an explosives person. I had no links with him at that time. Hentie Botha at that time moved to the regional office if I can remember correctly. So I never actually worked with Hentie Botha with regard to explosives, not at any time. He would have been my predecessor.

How many of you were trained as explosive experts? --- Would that have been during the time in which I was trained?

No, within the branch. By the time you'd been trained. --- At that time there would have been 11 or 12 of us if that many. You must remember that many of these were not active. They might have become a senior colonel sitting in an office and that's why they trained us younger guys so that we can do the outside work.

It's quite a specialised task being a bomb disposal person and ... (intervention) --- It is specialised work.

And it's something that you'd all be quite proud of, isn't it? --- We would have been.

I mean, you'd feel good that you'd obtained that particular qualification. --- Of course, that is the case. At the end of the day, if in Albany Grove in 1994 /just just before the elections there would have been a bomb, that would have been the last major bomb which I've disposed of and of course there's a certain pride involved with bomb disposal because you're providing a



service to the community. That was a service which I've done so many times. I would have done 120 scenes during my lifetime of bomb disposals and I probably will do another 120 if I survive.

You see, I notice from your blazer that there's Bomb Disposal Association. --- Yes, we have such an association in Natal which we founded ourselves. The Western Cape also has such a unit. Yesterday I wore my official police jacket.

The simple point I'm trying to make is this, is you guys are a select group of people. You're proud of what you do. You're specially trained to do it and therefore one would expect you all to know each other?

--- Certainly we know each other. I know Hentie Botha but I never worked with Hentie Botha. I never did a bomb scene with Hentie Botha. But I do know him, certainly. I would not deny that.

So it's not as if he's someone you hardly knew about? --- No, in fact while I didn't interact with him or work with him, I know him quite a lot better than I know Andy Taylor. I know Andy Taylor only from seeing. If I've spoken ten words with him in my life, that would have been a lot.

Let's just carry on briefly. So you said there were about 130 people working in the special branch in the Durban area in one or other capacity? --- That's just my estimate of course, if it was that many.

/I understand.

I understand. The main point is that there were a lot of people working in the special branch. ---

(Speaking English) There were a lot of people, ja,

that's correct.

I'd just like to recap. We have been told by other people the different sections but I want to know how you understood the different sections within the unit, just so we can get a sense of your understanding before we move on. So just describe for us how the security branch was divided up in sections and what each section did, as you understand it? ---

(Through Interpreter) As I understand it, you would have an admin section. Then there was C Section who did the "landverlaters" and investigations. That is the section of which I was a part. Then we would have had a North Section responsible for gathering information. We've had a South Section for the similar - and the West Section and a Central Section.

Just slow down a little bit. Just slow down a bit. You've got an admin section, a C Section, a North Section which is responsible for intelligence?

--- North, South, West and Central ...  
(intervention)

What I want to ask you is - if you'll just little to me, we'll go a little bit more detailed. North, South, East, West implies a sort of geographical jurisdiction ... (intervention) --- Dis korrek.

... rather than a subject matter or a kind of classification of work. --- (Speaking English)  
Not that. It was just the area

Now, what I'm wanting to know from you is obviously within C Section you had North, South, East, West,

/different  
different people took responsibility for different

areas. No? --- That's not the case. C Section was an investigative section. So if an incident occurred in North Section then C Section would have sent some of the investigative officers to North Section. I did cases from Dwedwe all the way down to Scottburgh. Within C Section there was no such geographical differentiation.

Fine, so C Section was responsible for dealing with people who left the country in one or other capacity and that ... (intervention) --- That was for six months that that was the case. I worked with that for six months.

And then after that you did investigations and those investigations related to explosive type situations. Firearms, explosives, hand-grenades, bomb blasts, etcetera. --- Ja.

That was your sole focus? --- That is the case in 1991 after I had finished the bomb disposal training. So in the beginning I did mostly with the possession cases until I did this course and then I was able to begin working with bomb disposal and bomb blast scenes and so on.

Okay. What other kinds of cases did C Section involve itself in or shootings? --- No, we never investigated such matters. If it was investigated it would have been without my knowledge. Now, there must have been an intelligence section whose job was information gathering? --- The people in North, West, South and Central Sections, their work was to gather intelligence, to deal with informants and to gain information about the area in which they were working. /That

That would have been all. Now - so the other sections were really divided up with a different geographical area for each section and they did work across the board, across all the normal sections. Like there would be a D Section or an E Section or B Section.

--- (Speaking English) Now, who do you mean. I lost you there, sorry.

Let me explain to this as I understand it. If one's talking in terms of the security branch, one part of the security branch is called C Section. ---

Ja, die ondersoek.

Yes, but there's also be a B Section and a D Section and they'd be responsible for different work. --- (Through Interpreter) But that would have been at the head office desk. They dealt with subject areas.

No, that's what I'm trying to establish from you

--- Because the people who did the North and the South areas, they would have gathered intelligence for desks B or C or D or whatever they would have been called. There wasn't a particular person locally who would have run B Desk in Durban branch for instance. All the people who worked in the area, if they gathered intelligence on say the work of B Desk, they would have channelled that to head office which would then have arrived at the B Desk in head office where a single person would have handled it. But there wouldn't have been particular people locally who dealt with particular desks.

People weren't specifically divided up into this desk or that desk of whatever? --- Not as far as I can remember, no. But as I can say I was in the

/investigations

investigations section so I didn't actually work closely with those people. If they had a problem in their area, then we would have been called out to that area. Say for instances a hand-grenade, explosion of that kind of thing. That's how I linked with them. But the intelligence network that was running all the time, I knew nothing about that. That would have been the branch's responsibility.

Now, you've spoken about some of the people you knew and worked with you, what about Larry Hanton?

--- I know Larry but I never worked with him.

What about Sam du Preez? --- I know Sam du Preez also. He's a bomb disposal person. He dives with me but I never worked with him.

What about Wasserman? --- Lorry?

Yes. --- I know Lorry but I also never worked with him.

Okay, back to you, Mr Govender.

MR GOVENDER: Thank you. Mr Fernandes, the reason why you took up a course in explosives, do you have an interest in it? --- That is the case. Since 1988 you go and do psychometric tests to see whether your head's together and I already passed this test in 1988. You volunteer to go and do this test. You have to pass the psychometric test, then you're put on a waiting list. I waited from 1988 until 1991 before I was able to do this course. At that time it would have been the case that if you went on course you get a single opportunity to do the psychometric tests. You can never apply for it after that. You get a single opportunity for the course. You have to pass

it with an 80 per cent /mark  
mark otherwise if you don't pass it, you go home and you never get an opportunity again. But since it has changed. You can get additional opportunities but at that time you had one chance and that would have been it.

So is it correct to say that prior to your doing the course you assisted your unit somewhat with explosives. You had an interest in it, didn't you?

--- I did have an interest in it but as I've already said, Advocate, if you weren't a bomb operative yourself you would not be allowed to touch explosives.

I did in fact go with the people who worked with me in Vryheid, the bomb operatives, I went out with them.

If he, for instance, would have gone to destroy explosives, I would have been standing at the car and he would have gone to do the job. I would see the bang and that would have been it at that time. That's as much as I knew about it at that time until 1991 when I did the course.

So your interest largely was confined to observing other people operating explosives and so forth. Is that correct? --- Basically, Advocate, yes.

Now, I want to clearly understand the nature of the work that you did when you became permanently transferred to the Durban unit. What was the work - what was the nature of the work that you did? You said investigations. What did you investigate? How did you go about these investigations? --- Let me sketch you a scenario. What would have happened for instance a person would have been arrested in

Umbumbulu in possession of two AK47s. They would have contacted my office and myself and maybe another member would have

/been been sent out there. I would take over the person there, book him into the cells, take the arms from him and begin with the docket. Get the statements from the people who arrested him and so on, normal investigative work. At the end of the day, I would take that person to court. He would give testimony before the court and if the court finds him guilty, he would go to gaol. That's the work I did.

So you investigated the possession of weapons and ammunition and so forth. Is that correct? --- That is the case, Advocate.

Was that confined - was it generally in terms of general criminal investigation or was it confined to political people ... (inaudible) --- Let's see the entire matter in perspective. We did all firearm and ammunition cases which involved foreign arms or East-bloc country original arms or what at that time was considered in that way. If a person was arrested for a .38 revolver, he would have been taken on by the CIDs. If he was arrested for a Makarov, I would have taken it on.

So much of your work was seen as combatting the infiltration of weapons and terrorist, as you call them, into the country. Is that correct? --- Yes. It's a broad way of putting it.

So it was really a political investigation. A political position? --- No. No, I wouldn't agree with that. These were criminal matters. The cases

which I investigated were straightforward criminal matters. I didn't charge single person with terrorism. I investigated murder cases, possessions cases.

/(Interpreter:

Interpreter: The interpreter would like to request that Mr Fernandes please not bang on the table when he speaks. It's very difficult to hear him.)

MR GOVENDER: Sorry, Mr Fernandes, would you avoid banging on the table. It's affecting the ... (incomplete)

MR LAX: Sorry, Mr Fernandes, listen. Please don't begin to assume that we, you know, don't understand the scenario that you were working under. But really you were part of the security branch. You were involved in State security matters. As you've clearly said, normal crime and normal possession of firearms and so on that didn't involve politics of some kind or other were dealt with by the normal detective branch and really ... (intervention) --- No, I wouldn't agree with that.

Well, I don't ... (inaudible) ... listen. Let me finish before you just answer. Now, just listen carefully to me. This is not a badgering session. I want you to listen to my question carefully. Really, don't insult our intelligence by saying to us that you weren't involved in political matters. The fact that someone was or wasn't charged for terrorism is neither here nor there. You were involved, and it's quite clear to us the way your career progressed, when you first came to Durban you were involved in dealing with people who left the country. You then progressed into



dealing with people who were involved in firearms and things but people who'd left the country or coming back as armed cadres. Is that correct? ---  
(Speaking English) Ja, some of them, yes.

And then from there you did an explosives course /and then and then you became involved much more deeply in matters involving explosives. --- That's correct.

Now, none of those matters that didn't involve State security in some way or other would have been dealt with by you, whether there were explosives or not. If there were explosives and they didn't involve State security, they would have been dealt with by somebody else. --- No. No, I don't agree with that.

So all matters involving explosives whether or not they involved State security would have been dealt with by you? --- Yes. I was the inspector of explosives. From 1990 after my training I was involved in the commercial control of explosives. In other words, the storing, transport, people for instance applying for permits for two kilograms of explosives to transport it from point A to point B. Now, whether that had a political connotation or not, that person still had to get a permit from me. My colleagues and I controlled explosives. On the contrary from when I started working with explosive after my training I did bomb disposal. I would have gone for instances to a scene where there was an unexploded grenade but my basic work there as investigating officer stopped at that stage and I then worked full time in the commercial control of explosives. I'm still doing

that today.

What year was that. --- That was the end of 1991. For a very short time I returned and was still busy doing investigations at the time in bomb disposal and then I worked solely with bomb disposal and commercial control.

When did you come back for that short period and /how long how long was that period? --- Well, I returned in September and I think it was in December that I went to Louis Botha, if I remember correctly.

September to December which year, please? --- 1991. I stand to be corrected, I'm not entirely sure of the months but it was a short period.

Now, I want to take you back to some of the matters that you were involved with. Did you work on occasion with the reaction unit? --- Yes.

How many occasions? --- I can't really recall.

Many? --- (Speaking English) It depends on how much you define as many.

Well, more than 10, more than 20, more than 30? --- (Through Interpreter) I would say more than 10.

And what sort of instances were those where you called in the reaction unit? We understand why you would have called them. You don't have to cover all that territory again. We know exactly what their purpose is. What sort of - give us - now, we're talking about maybe 12, 13 incidents here. --- If we'd received information or North Section received information then they would contact us because at the

end of the day if a weapon was found, we would have to charge that person with possession. So those were the types of incidents.

So they would call you in so you could be present at the arrest, make the arrest and then inspect the scene. So because you'd have to investigate it? ---  
Yes.

You'd be there as soon as possible, etcetera.  
Correct. --- Van die begin, ja.

/Okay.

Okay. Where did these incidents take place? Just give us to the best of your memory. Take the first one you can remember, briefly describe it for us? --- I can't recall which was the first one but I did scenes throughout the entire Durban area from KwaDebeka, Umlazi, KwaMashu, Inanda, Ndwedwe.

You see, we're only talking about just over ten, somewhere just more than ten as you've said? ---  
Yes, but as I said it covered the entire Durban area. It wasn't only a specific area.

You've just said you worked in Inanda on one or two occasions. --- Yes.

Was it more than one occasion? --- Yes, I think perhaps - let me think. That was December - no, it wasn't December. Around about June '92, I told you December but in that short period when I returned. I now recall when you mentioned Inanda. It was round about June '92 I went to the airport.

So this period would have been before June '92 then when you went to the airport. --- (Speaking English) I'm speaking under correction, maar ek dink so.

That's okay. We're not going to hold you to specific dates and times. I mean, this is a long time ago already. But let's talk about the Inanda incidents that you were involved in, for example. Well, let's start there because you mentioned Inanda specifically. What did those entail? See if you can remember. --- (Through Interpreter) I think I had a case there where a man was found in possession of an AK. There was a scene there. We later had a formal inquest.

What? You had - sorry, just say that again?

--- /Inquest.

Inquest.

What's a GO? --- Geregtelike ondersoek.

An inquest? --- Ja. That's why I can remember Inanda.

So there was a formal inquest? --- Ja.

Where was that inquest handled? --- I think it was Verulam or Phoenix. I'm not sure. I stand to be corrected on that.

Do you remember the year or the month? ---

No, I know it was '92 but I can't remember the month.

Somewhere in '92? --- It was somewhere.

It would have been before June? --- Yes, as I said it's possible that it would have happened before June. It must actually have been before June because if I was at the airport I wouldn't have been working in that area.

Tell us about that particular incident where you went with the reaction unit to Inanda? --- If I may, I have made a statement at the inquest and I think the statement speak for itself.

I want you to tell me about it. --- I would like - I saw my statement - that was the last time I saw it at the inquest. I don't want to commit perjury now by telling the Commission something different to what was in that statement.

All we want to know is what you remember at this point in time. It may be that if you refresh your memory later you'll remember different things. That doesn't necessarily mean you're committing perjury.

--- All I know - what I can remember of the entire thing is that we'd received information that there was

/a person  
a person in possession of hand-grenades and various bits of weaponry and we went to the house and the rest of the stuff is contained in the statement at the inquest. You see I'm scared to talk about anything that is not in my statement. I made a statement at the formal inquest. Now, everything concerning that incident is contained in that statement.

Can I say to you we're not interested in what you said in your affidavit or in your statement at that inquest. --- But I stand by what I said there.

If what you said there is the truth and I've no reason to suspect otherwise, I want to know what you remember of that incident now and I'm going to insist that you tell us about it. --- All I can say is ... (intervention)

Let's go back. I'm going to take you back through what you'd told me so far. You said you received some information. Where was that information from? --- I assume that it came from a section.

So which section? --- I don't know which

section. I presume the North because it was Inanda.

Well, how did you come to know about the information? --- You see, if we were planning an action then the people were involved and were told we received information. I was not the person who would receive the information we received in this case. I don't know where it came from because we operated on a need to know basis. I was on standby

So you were on standby. And - that's fine. No, but somebody would have asked you to come along. Who was it? --- I went with Chris de Jager. The two of

/us were us were on standby. He was my senior sergeant and he asked me to go with him.

So Chris de Jager gets this information that there's going to be need for you to go out to a place in Inanda and he asks you to come along. --- Yes.

Yes, he couldn't go on his own. I was on standby and I was at C Section. In other words, if there was anything happening, then I would have to go.

Why would he handle the docket? --- Because we never operated on our own. We never went anywhere alone. As investigating officers we worked in twos. It's much easier. The one person can start taking a statement and the other one do something else.

So you were informed that there was a possibility or there was information that there were certain hand-grenades at a venue ... (intervention) --- Yes, I'm mentioning hand-grenades because I knew hand-grenades were found at the scene. That's why I'm saying hand-grenades but I can't remember the exact

words whether it was firearms or hand-grenades or what particular type of weapon.

As far as you remember there was a hand-grenade involved in this incident? --- Yes. I think there was more than one hand-grenade involved, if I remember correctly.

Hand-grenades or hand-grenade. --- No, not either. It was hand-grenades, if I remember correctly.

So you get this - obviously Chris de Jager gets informed that there's this situation where the reaction unit are going to have to go out with you and you will accompany them to a particular venue where there're

/hand-grenades hand-grenades involved and possible other firearms.

--- Ja, (Speaking English) I don't know whether the whole things revolved around hand-grenades (Through Interpreter) or whether it was some kind of different kind of weapon.

But the fact remains subsequently there were hand-grenades found at that scene. --- Yes, that's correct.

Now, how would - you wouldn't just go out to a place like that. Sommer so. You wouldn't just get into your cars and head off. --- Nee, obviously not.

The matter would be planned. You would work out - particularly if you were going with the reaction unit, you wouldn't want to get in their way. You'd sit down and there'd be a planning meeting. --- Yes, I know what you want. We would have sent out a

vehicle to go and find out where the house was and identify it. The vehicle would return. They would then draw up a little schematic representation, give it to the reaction unit and the reaction unit would then plan how they would penetrate the house, etcetera.

Precisely. I mean, that's logical. Anyone with any brains would know that that's how you would work.

And there would be a planning meeting called. You would be present, you'd be informed of precisely what the plan was so you wouldn't be in the wrong place at the wrong time and pick up a bullet by mistake. ---

Yes, the reaction unit would ensure the safety of the house before we go in to help with the searching and so on. That's the way we always operated.

There would have been a planning meeting at which /you would you would have been present and De Jager would have been present and someone from the reaction unit would have been present. --- (Speaking English) Ja, for every house we do we have - (Through Interpreter) it wasn't a proper meeting as such. We would, for instance, just meet at Umlazi police station.

Wherever it happened. Now, was André Fivas present in any of those meetings involved in that particular incident? --- Which incident are you referring to?

The one in Inanda that you're talking about where hand-grenades were involved. --- No, Oom Fivey was not there at all.

He didn't go to Inanda, that much we know. --- Yes, but Oom Fivey was not at the meeting. I had no



meeting with him. I didn't attend a meeting with him.

The only person whom I attended a meeting with was Captain de Jager, Chris de Jager, who was my captain.

When Chris spoke to the reaction unit he told them, "Here's the information. Here's the diagram of the house" after the blacks had come back with the vehicle. That's all. That's all I saw. Oom Fivey wasn't there at all and I didn't have a meeting with him.

Was Sean Fourie ever present at any of those - at a meeting of that nature? --- I don't know. You see we had a strange way of working. The investigating officers would speak to the reaction unit and the other members of the branch would assist us. We would then speak to them and tell them, for instance, "Okay, we need you just to cordon off a street" or whatever or just strengthen the security in the area. They wouldn't be present at the actual meeting where the

/investigating

investigating officers and reaction unit were talking to each other or the person dealing with the information wouldn't be there. It's not a proper meeting. It was just a discussion.

Now, what else was distinctive about that particular incident? What else was relatively unusual about that incident? --- There was nothing unusual about it apart from the fact that there was a formal inquest which means that somebody died there.

The person that died, there was something unusual. He was a PAC operative. --- The person who died? Oh.

That's not something very usual in this area.

--- I didn't know that. I wasn't aware of that.

So you don't know that that deceased in that particular incident where you found the hand-grenades and which you investigated, is that right. ---

What?

That incident. You prepared the docket. ---

Yes, but you see if there's an inquest there would be no possession case. Who could I charge?

But before there's GO there's got to be a docket and there's got to be a proper and thorough investigation and it's only once the docket's complete that one holds an inquest. Isn't that correct? ---

Yes, but - yes, I agree with you but what happens is that the moment a person dies on the scene then a different investigating officer would - you see, I can't investigate the scene of the crime or the area.

A different investigating officer from murder and robbery or the detective unit would then come and investigate the docket which would then eventually lead to a formal

/inquest.

inquest.

I've just said to you that you investigated that matter and you agreed with me that you did. ---

No, I didn't investigate the case.

What aspect of it did you investigate? ---

No, how can you investigate a case where there's no accused? You know what I mean.

I do. But the point is there was a docket opened. You went there specifically to deal with the possibility of explosives, firearms or other such

material. --- No docket had yet been opened at that stage.

No, but you were there. You were part of the process and arising out of that incident - you basically told us that you investigated that case.

--- No, I didn't investigate that case.

Do we not understand you correctly? ---  
You're not understanding me correctly. What I'm trying to emphasize is that - well, I can't remember that I investigated it. It wouldn't have been possible for me to do so because there was that kind of incident. The detective branch or somebody like that would have investigated the matter. It's similar to bank robbers being shot dead here in Smith Street. Murder and robbery - if they were involved there, if they were shot dead, murder and robbery can't investigate the case as well. There's no ways I could have investigated that case.

But you made a statement in that case anyway?

--- Yes, I made a statement at the inquest.

And from what you've told us you had no idea, even till this day till I've just told you, that the deceased /in that in that case was a PAC operative? --- I didn't know that.

And except to the extent that Chris de Jager informed you about the scene and so on, you weren't really involved in any planning either or that matter?

--- No. No, I didn't plan the whole thing.

Now ... (intervention) --- The reaction unit does it itself. If you just tell them, "This is the information", then they would take it from there and

plan how they would attack the house.

That's fine. Now, let's just - and I want you to try and think back to the incident because, as you said, it's the fact that there was an inquest that you remember that particular matter a bit better than the rest of them. What time of day did you go out to that place? --- If I recall it was late in the afternoon.

Late afternoon. --- That is if I recall correctly. But once again, as I said, in my inquest statement I gave the date and the time there.

No, that's fine. I want to hear what you remember now. If you're wrong, you're wrong. It's neither here nor there and we're fully aware that you haven't read your statement, had an opportunity to refresh your memory. That's ... (intervention) ---

I last saw my statement when I testified during the inquest.

That's fine. We want to know what you remember as of now, okay? Not what you remembered then. So it was late afternoon. What was the plan? What was going to happen? --- (Speaking English) What do you mean, what was going to happen? What happens at any scene.

Well, the reaction unit would arrive, you'd lay off /somewhere. somewhere. So what happened? --- (Through Interpreter) The reaction unit would secure the house.

Where were you going to wait and where did you wait before they did that? --- I think I was waiting in the car.

How far from the house? --- We usually don't wait very far away - 60, 70 metres away, if that. But once again I stand to be corrected. I'm not entirely sure but it was close to the house so that we could at least see the house.

Well, describe the area to us. Was it a built-up area, was it an informal settlement area? --- (Speaking English) It was a built-up area. (Through Interpreter) Yes, there were proper brick houses.

Roads? --- Yes, there was a tarred road and a big wooded area, bush, in front of the place.

Like a hedge? --- And I can tell you why I can remember that to cut the story short, whilst we were busy searching the house I was in the lounge and the other members were in the other parts of the house. I was in the sitting room and we are trained during our basic training, that's what I can remember from the inquest, if you hear "grenade" then you just get out of there and fall to the ground and I ran out of the house and that's why I remember it because I landed up in the hedge. That's what I can remember and that was also in my statement at the inquest.

So you waited in the vehicle ... (intervention)

--- Then the reaction unit would say the house has now been secured.

Then you went in while the house was being

/searched?

searched? --- No, then we enter the house and then we start searching. The reaction unit does not do the actual searching of the house.

Okay. But you were sitting in the lounge, you said? --- No, I said I was in the lounge. Ek was

in die sitkamer. Toe ek hoor "grenade" en toe hoor ek 'n aantal skote. Ek kan nie ... (recording interrupted before translation and resumes in the middle of a subsequent question)

... to hear how you remembered the thing now. Okay? Never mind what's in your affidavit at this stage. You were in the lounge. Were you busy searching the lounge or were you just standing there talking to somebody? --- (Speaking English) No, I was busy searching the lounge (Through Interpreter) if I remember correctly.

So what were you doing? Were you looking under ... (intervention) --- Yes, there was a lounge suite and we were looking under the cushions and so forth.

And then you hear the word "grenade". Someone shouts "Grenade". ~~And what did you~~ do? --- Look, you must bear in mind the scene. Before I went to the lounge we'd already found an AK in the bedroom.

You got that personally? --- I personally found an AK in the bedroom under the mattress. But from an investigating point of view that means nothing. I can't remember whether I found it - whatever. I think I found it. It doesn't really matter who found it. From an investigating point of view if you find ammunition then it may not be moved from where it was found. I first ask for a photographer. I want to have it photographed

/exactly exactly where it was found so that when the man is taken to court I can say, "That is exactly where it was found. Here's the photograph."

Did you have a photographer present at the scene with you? --- No. No, we never take the photographers with. If we find something, then we call them.

Let's take you back again. The house is penetrated. They say, "Okay, guys, it's safe. You can come in now." How did they do that? --- What do you mean, how did they do that.

Did they radio you? Did they shout to you? --- I can't remember.

What was normal practice? --- Sometimes the guys would shout and sometimes they made use of the radio.

So you're not sure what happened in this particular instance? --- No, I'm not quite sure. I can't remember.

You go down to the house. What did you do? --- Why is this Inanda case bothering you such a lot. There were many such incidents.

CHAIRMAN: Mr Fernandes, don't ask us why this thing is bothering us. --- I can't understand. You wanted to know about scenes but now we seem to keep getting stuck on Inanda.

You'll find out why were worrying about this "Inanda saak". From the minute this thing came up you've started to look very uncomfortable and I want you to think about this and answer us as honestly as you are able to do because we have a statement about this

/incident  
incident from other members of the police force. ---  
That's fine.

All right. --- That's fine.

So don't ask us why we are getting bothered about this "Inanda saak". You answer question about the ... (intervention) --- (Speaking English) I don't want to argue with you, Sir. (Through Interpreter) There was an inquest. The inquest was disposed of. (Speaking English) And as far as I see it in the eyes of the law (Through Interpreter) the incident has been finalised as far as I see it.

Well, I don't see it like that and the Commission doesn't see it like that. You will answer questions ... (intervention) --- (Speaking English) Then do you ... (intervention)

Don't interrupt me please. --- Then you implicate me with it.

Don't interrupt me. We have told you already that you are obliged to answer questions even though it may incriminate you and you will answer the questions otherwise you will be charged under this Act. Mr Lax is asking you questions and you will answer them. --- I am answering them, Sir, to the best of my ability.

MR LAX: You see, Mr Fernandes, the reason why it's important is a very simple one. As a lawyer, of which I am one and you now that, we know of many many inquests that were conducted which were total fabrications. At this stage we've no reason to suspect that this particular inquest was or wasn't a fabrication but we have information at our disposal which forms the basis of the questions we're asking you and if you answer then /frankly frankly, and if you help us sufficiently to answer



these - clear up any queries we may have, that will be the end of the matter. --- According to me it was a straightforward inquest.

You've got to understand that we're looking into a number of inquests. We're looking into a number of cases that at face value appear to have been dealt with as closed matters. Our job is to ensure that that is in fact so. So understand that and perhaps you can change your attitude to the matter being a closed case. Nothing is closed as far as we're concerned. Nothing is closed. Everything is open.

--- I understand what you mean. You must just ... (Translation interrupted) ... Dis die eerste en enigste GO waarin ek ooit betrokke was. (Translation resumed) The rest of the time I investigated cases. So I don't know what is a correct or an incorrect inquest where a thing has been covered up or where not. That I'm not aware of because that was the only one I was involved in.

One of our major tasks as this Commission is to get to the truth. --- I understand.

And we know for a fact that the truth was covered up a lot of the time. --- (Speaking English) Are you talking about this incident?

We know of other incidents where the truth was very definitely covered up and we're following those up. We're just interested in this particular incident because your name has come up and a whole lot of other names have come up in relation to this incident and in relation to a whole lot of other incidents. And you may feel you did nothing wrong. You may feel you did

/nothing

nothing unlawful in terms of your perceptions at that time. --- No, I'm quite sure. Even my perceptions at the time now. Even my perceptions at the time now, I've done nothing wrong.

That's fine. You're entitled to that perception.

Now let us continue. I want to go back, as I said. The house was made safe by the reaction unit. How did they make it safe? Did they knock on the door? Did they have to kick it down? Did they have to shoot anybody? --- (Through Interpreter) You see sometimes they just would enter a house and then at other times they would first knock. I can't remember how they penetrated the house. That would have in any case happened out of my sight. So I don't know what happened. It don't know whether the knocked or whether they just entered.

You were called to the house to commence the search. --- Yes.

And which door did you go through? The front door or the back door? --- I think - once again, that's debatable but I think it was through the front door. But I know that at some point I did exit from the back door.

Was that before or after the grenade? --- (Speaking English) Which? The front door or the back door?

The back door. --- (Through Interpreter) No, that would have been after the grenade.

You went through the front door at first to start the search? --- I think so, yes.

Well, that's logical. You wouldn't go through the back door. --- Yes, but it depends on where

they

/penetrated.

penetrated. Sometimes they would penetrate through the back door.

Either way they would have made the house safe before they called you? --- Yes.

They would have been guarding all the entrances anyway. --- I would assume that I would have entered the front door because I think that was closest to the vehicle. So that's very likely what I did.

What was the first room off that door? ---  
The sitting room, the lounge.

So did you search the sitting room at first?  
--- No.

Why. --- You see, there was the sitting room and then the bedroom and another bedroom and a kitchen, if I remember correctly.

An average four-roomed house, right? --- Yes, that's if I remember correctly. Now, when Chris de Jager spoke to me he told me that they thought or understood according to the information that the ammunition had been hidden in the bedrooms. In other words we - even today, when I start searching a house, I start with the bedrooms. And I first searched the bedrooms, that's normal practice, and then I work my way through to the kitchen, bathroom, etcetera.

Did you search the rooms together or individually take one room? --- No, from an investigating point of view you have to take this person in the house irrespective of who it might be, take this person when you search the house.

person's attitude. Sometimes they would grab hold of him and sometimes not. I can't remember specifically whether they had a grip on this person.

/Okay.

Okay. You then find this AK47. So you think, "Well, great. Here's something now we've found".

--- Yes, I found an AK47 on the bed and I think there was also a suitcase. There were two beds in the room. I found an AK on the bed and there was a briefcase in which I found a pistol or a revolver or something.

But now, here's this man, there're two firearms you found, one or two firearms. --- No, then he would very likely have been arrested. Then somebody would actually grab hold of him and he would be arrested.

Precisely, and one would expect that? --- Yes, but there was nowhere for him to run.

Did you question him first at that stage? "What do you say about these things?" --- I can't remember. As I know myself I would most likely have asked him where he'd found these things and whose things they were. I'm an investigating officer. I would have wanted to know where they came from. So it's very possible that I did ask him. I can't remember. I can't specifically remember what I asked him and whether I asked him but I'm quite sure that I would have done so.

Okay. Now, that would have taken some time. You surely would have asked him some questions at that point. I mean, one would expect that? --- Yes, but I don't know. I might have asked something like, "Do you stay in this room" or "who else lives here",

those kinds of questions because as far as I'm concerned what's important is the probative value of our case. Can I connect this man with the suitcase. Do you understand what I mean. You're an attorney. Yes, you would know. Pardon me, I'm not trying to insult you.

/I would

I would have asked him those questions before I even went into the room, if I was you, but that's different. So that by the time you find something in the room it's clear it's his room. --- Yes, I suppose that is so. As I say, I can't remember exactly.

Let's move on now. So you didn't go into the next room. It was too small. Captain de Jager went into the next room and you went into the sitting room.

--- (Speaking English) That's correct. And then we told this ... (intervention)

And you'd been in the sitting room as short while, as you said, and you heard the word "grenade" shouted. --- Ja, we asked them to bring him through because we're going to the next room now and as I moved into the sitting room, I was still busy walking, I heard shout "Grenade" (Through Interpreter) and I'm sorry I work with explosives so when I hear the word "grenade" - I know what they can do to people - then I just run away.

So you then - what did you do? Did you run out of the house? --- (Speaking English) I ran out of the house.

Did you dive out of the house? --- (Through Interpreter) I think I initially ran but in the end I

had a wound on my arm. I think I just dived into the hedge. If I remember correctly, the hedge was sloping and I dived into the hedge.

So you looked for shelter? --- Ja, I looked for shelter. I just wanted to get away from it.

And then you say - what happened? Did the hand-grenade explode. --- No, then I heard shots.

The hand-grenade never actually exploded? ---

/No, I didn't

No, I didn't hear a hand-grenade exploding. (Side A ends) (Side B commences with the answer to a question not recorded) --- (Speaking English) Well, it was next to the deceased and, I don't know, I think we called out another explosives man to the scene.

Why? --- (Through Interpreter) You see, if you're on the scene where something like this has happened you can't get involved in the investigating yourself. You can't start gathering exhibits and so forth.

That was the precise reason why you were there.

--- Yes, I understand that but the moment a person dies on the scene then the whole thing reverses and then you can't become involved. (Speaking English) Then outside people must come and investigate.

Okay. So you called in an outside explosives expert. --- (Through Interpreter) Yes, I think that's what we did.

Who would that have been? --- I'm not sure. No, it was Sergeant - there was a man who was trained in explosives at the reaction unit, but he was outside the house. He secured the hand-grenade or made sure

that it was safe.

Who was he? --- I don't know. He was an ex-task force man, if I remember correctly. But we did have an explosives man but I can't remember his name. Maybe Potgieter. It's possible that it was Captain Potgieter whom we called out to the scene.

Who would have taken custody of that hand-grenade for exhibit purposes and other purposes? --- You see the detective investigating the case cannot take the

/hand-grenade hand-grenade into possession because explosives may only be handled by explosives experts and Captain Potgieter must then have taken it. But it also sometimes happens like this. You see, at our offices it might have happened that the scene had been secured and when that was done he had taken the hand-grenade and given it to me and asked me to lock it up. That could also have happened. That is normal practice. And then we just put in a statement. For instance, if he lives in Hillcrest and he would ... (intervention)

All I'm trying to find out from you is what happened to the hand-grenade. --- Well, the hand-grenade would have been booked in in an SAP13 and then photographs would have been taken and then it would have been destroyed.

Surely someone would do an affidavit to day that, "I'm an explosives expert. I've looked at this hand-grenade. I've satisfied myself as to its make. There was this or that problem with it" or "There was something wrong with the detonator" or whatever? ---

Yes, somebody would have made - the explosives

operative would have made such a statement.

That'll be in the inquest. --- It ought to be in the inquest. I can't remember who made the statement.

Anyway the bottom line was that ... (intervention) --- It might even have been myself.

Okay. I think that's all I really want to know about the scene. You then made an affidavit about what happened and it went into the ... (intervention)

--- (Speaking English) No, I got summonsed for the formal

/inquest.

inquest.

And you gave ... (intervention) --- (Through Interpreter) I went to testify at the inquest.

Did you give evidence. --- Ja, ek het getuig, ja.

MR GOVENDER: Mr Fernandes, you say you knew André Fivas. He was part of your unit, is that right? ---

He was one of our older investigative officers, yes.

How well did you know him? --- It's difficult to define but I would know him as well as members of the Commission probably would know one another. We were colleagues at work. I would not have known him in a private capacity. I would not have visited at him home and vice versa but we would have been colleagues at work.

Would you have known the type of work that he was involved in? --- To a certain extent, yes, I would have known. At least I think so.

To what extent? --- The security branch as you probably know by this time always worked on a need



to know basis. So, as I've said, I would not have known what Colonel Andy Taylor did because I wasn't granted that. What I would know of André Fivas is that he did investigations and that I assisted him in investigations. I would have taken statements for his dockets and so on. That's what I would have known about his work. Oom Fivey did the larger scenes because he was an experienced investigative officer and we assisted him and that is the extent of my knowledge of his activities.

Now, is it correct that within the branch itself /there there were certain desks - the PAC Desk, ANC Desk and that sort of desks? Is that correct? --- That is correct.

Tell us about these desks and how they operated?  
--- A desk would be called a desk but it would be a co-ordinator. Someone who would co-ordinate the information from the various sections, put the information together and pass it through to the region. So we would call it a desk although it wasn't actually a desk in that sense. There would have been in every section people responsible for certain matters. I wouldn't be able to remember but there would, for instance, have been Tjaard Fourie who would have been responsible for ANC. Oom Fivey would have been responsible for PAC. And so various people would have taken care of different matters as co-ordinators who would have been appointed in that sense.

So you say Fivas was co-ordinator of the PAC Desk? --- I'm not quite sure whether he in fact ran the desk but I did know that Oom Fivey handled

information concerning the PAC. They always called Oom Fivey "Pacman" because he handled the PAC information. If you have information concerning the PAC, you would give a copy to Oom Fivey and that's as far as I know. What exactly he would have done, that wasn't granted to me to know that. Exactly the nature of the information he handled and how he handled it, I did not know.

And did you know that Fivas handled PAC askaris?

--- No. It would not surprise me if people handled sources. Of course the security branch handles sources but I never met any of my colleagues sources. I would

/not know

not know who their sources would have been. It simply doesn't work like that in the security branch. You don't know what the sources would be of the person next to you.

So you wouldn't be able to confirm or deny whether Fivas was handling PAC askaris as his source?

--- I would not know that, no. I knew that Oom Fivey would have had sources but who the sources would have been or how they figured in things, I would not have known.


MR LAX: It's obviously - utterly obvious that if he was working with PAC matters, he'd have a PAC or a number of PAC informers. I mean, that's pretty obvious, isn't it? --- It is indeed obvious but he would not only have dealt with PAC.

That was his major focus, wasn't it? --- As far as I could understand it, it would have been his major focus but who exactly his sources would have

been or whether they were askaris I would not know.

MR GOVENDER: You wouldn't know the identities of those people? --- No, that is simply something no one would know.

Who would know? --- Probably the person who pays the claims to the sources and the person who actually handles the sources. If I had a source then no one else would have know who my source was. I would have known the identity of the source. He would have had a number. And at the payments offices where I would collect his claim, they would have had records of the identity of the source but not even my colleague or my peers nor my supervisor would have had the information. The issue is not the person but the information. They

 /didn't didn't care who the person would have been. It is the information from the source that would have been the key factor.

Were you involved in any of these desks, you personally? --- I never did any work in those desks because I was too junior in terms of rank to handle that kind of matter. My knowledge also with regard to the particular desks was extremely limited in any event so there would have been no way in which they would have allowed me to work on it at that time.

Now, Mr Fernandez, you said earlier in your evidence that the guns that you were responsible for recovering were of foreign origin. Is that correct?

--- That is the case. Particularly Eastern-bloc arms. I know they make Berettas, for instances, in Italy and so forth but we dealt particularly with

Who was in that house, just to side-track for second? Who was in that house? --- There was one /black black man in the house.

Only one man? --- As far as I can recall, yes.

By the time was it dark? --- I can't remember. I don't know. I can't tell you.

Now, you search the bedroom and you find an AK47 under the bed - under the mattress. --- (Speaking English) Under the mattress and I left it just like that. (Through Interpreter) You see, at that stage I might have left through the back door to go and tell somebody outside to go and find a photographer to come to the scene. That is possible. That's why I'm saying I'm not sure about the back door.

Then you would have searched the next bedroom?  
--- Yes. We would have left it there and then we would have moved to the next room. But due to the cramped nature of these houses, Captain de Jager first moved to the other room and I moved into the lounge and at that stage, when I moved into the lounge that's when I heard "Grenade". The man was behind us.

Can I ask a question? Surely ... (intervention)

--- It wasn't just us present in the house. The reaction unit was also around the premises.

I understand that. I wouldn't expect otherwise. At the time you're in the bedroom you find a man. The man's with you, right? Is someone holding him or is he just standing there or what? --- No, I think is the reaction unit is busy with the job and they find somebody - you see, I think it all depends on the

East-bloc origin arms.

And what was the reason for you only responsible for foreign origin and not local weapons? What was the reason for that? --- That was a directive from security branch head office at that time which said that the C Section investigations would handle all of these. There was a circular at that time to all the police stations and all the branches that if Eastern-bloc arms were found, it would have to be handled by our office. That came from head office and I wouldn't know the reasons for it.

MR LAX: Really, Mr Fernandes, please. Don't insult our intelligence again. The reason to me is patently obvious why East-bloc countries were involved because the two major liberation movements used East-bloc  
/firearms  
firearms and weapons and so on. I mean, it's pretty obvious, isn't it. --- (Speaking English) That's probably why the directive was issued.

Yes. So, I mean, it would have been common knowledge to you that that would have been the main reason. --- Ja, obviously.

MR GOVENDER: So are you accepting that you knew that at that time? Are you saying that you knew at that time that the reason your unit concentrated on foreign origin weapons was because they were weapons used by the liberations movement, is that correct? ---

Yes. Obviously it's the case. We were part of the security branch. It's as simple as trying to investigate vehicle thefts without looking at the vehicles. We would have to look at the arms that came in with the people and that's why we paid attention to

those arms. But I must add to this, every person who owned an AK would not necessarily have been a terrorist or someone who had left the country. I had several cases which were simply criminals who owned these arms. For what it's worth, I had no single case where I accused a terrorist of owning arms.

Yes, of course, but that's then coupled with the fact that as the security branch you were responsible for the security of the State. Is that right? ---

Yes, that is the case.

And you saw your campaign as a war against what you terms as terrorists, isn't that so? --- I would say, yes. I wouldn't necessarily use those words but that's what it comes down to, yes.

And much of your investigations and your actions as /a member a member of the security branch and the branch itself was directed at uprooting political activists who had been out of the country or who were in the country or who were active in the country, isn't that so? ---

Yes. (Speaking English) If they have left the country for military training and coming back, finding them so we can speak to them. (Through Interpreter)

Yes, for the purpose of speaking to them indeed.

So you were at war in other words. Is that correct? --- Yes, although it wouldn't be war in the general sense in which people would understand it.

Certainly they were the enemy. In that sense, yes.

So you regarded them as the enemy and you operated in that fashion. Isn't that correct? ---

Yes. Basically, yes. Although it would not be the same as war circumstances. If I caught the guy, I

would have caught him and then he would have to face a court of law and there say what the situation was. If it was a situation of war, you would deal with him differently and that's why I say it wasn't really war.

MR LAX: Can I just come in here again? Look, Mr Fernandez, your role in the security branch was part of the total strategy to meet the total onslaught of that time and that was - it was - from the point of view of you and other people in the branch and other people in the security forces you were fighting a war.

You were fighting a war against the liberation movements, against communism as you saw it at that time and let's not make any bones about it. I think that that was the situation as it's been put already by representatives of the SADF, by ex-Commissioner van der Merwe, Coetzee and



/a whole a whole variety of other witnesses who've already appeared before this Commission in other places. And it's pretty obvious to me that that's what informed your mind at that time. That's how you would have seen your task and your - the Afrikaans word "gesindheid" comes to me. Correct? ... (Recording interrupted for unknown reason) ... --- I felt that I had a professional task to fulfil. I never felt as if I was at war.

But to the extent that your job entailed, for want of a better word, fighting those people involved in the armed struggle against the State as you saw it, their activities were unlawful and you had a professional job to do and you were part of that fight. Correct. --- Yes.

Okay, let's leave it at that. That's fine.

MR GOVENDER: Did that scenario present any psychological problems in you in relation to how you handled suspect of this nature? --- I would not say that it caused me problems of that nature. I feel that I can say in the most honest way that I have never approached the matter in a way that I assaulted people. In my entire police career I have never been accused in any way or charged with assaulting anyone.

Whether you hit a person or not hitting a person, if your information in your investigation is correct, the person would have to face a court of law and that had been my approach all along. In that regard I can say, being at peace with myself, that my heart is clean as far as that's concerned.

CHAIRMAN: You said earlier on, you said now too, that you regarded your work in the bomb disposal unit as a

/sort

sort of community service, you're proud of that work and you feel that you have clean hands about anything that you've ever done. Is that right? --- That is right.

Nothing that you've ever done or been involved in which would give you a contrary feeling? --- No, nothing.

Okay. I just want to go back to this version that you've given us of this incident in Inanda and I want to give you a different version. I put it to you that that operation was not a bona fide operation at all, that the person who was in that house had been positively identified as a PAC operative, that it



became necessary for him to be eliminated, killed, because he had made a positive identification of a PAC informer that André Fivas was dealing with and that it would blow the informer's cover, that a decision was taken to kill that person by C Section - I'm not saying that you had anything to do with that decision but that you knew about it - that the reaction unit was brought in to do the job, that they were fully aware of what they were doing. I put it to you that no hand-grenade was ever found on the scene. I put it to you that the person was deliberately killed in that house and that thereafter a hand-grenade was supplied by a member of C Section and placed near the body, that you removed that hand-grenade and subsequently blew it up or defused it or in some way dealt with it and that the subsequent formal inquest was a fabrication and a cover-up. What do you have to say to that? --- (Speaking English) Well, I don't know who told you that story but it's possible that I went and blew it up eventually. (Through Interpreter)

We

/normally normally do clean the safes but for the rest of what you've said, I know nothing about that. If that happened, it happened in such a way that I wasn't aware of it. (Speaking English) I must deny that because I don't know anything about it. That version that you put for me, I don't know nothing about it.

And if there are other members of the police force who have made sworn statements to that effect, they would be lying? --- That's fine. (Through Interpreter) It would have that if they said that

that scenario which you have just sketched that indeed they would be lying. They must be lying. As far as I've told the story and as far as I understand it and as I've given testimony in the legal inquest, that is how it happened for me. That's how I understood the course of events. The version which you have just given to me is - in fact you're saying things which I simply did not know.

Have you applied for amnesty? --- I've not applied for amnesty.

Are you intending to apply for amnesty? --- I do not want to apply for amnesty because I've got nothing to hide. I've done nothing wrong.

Are you aware that if it is shown at a later stage that you were aware of this incident and this cover-up, it opens you to charges of murder, conspiracy to murder, obstruction of the course of justice, accessory after the fact. --- That's fine.

Do you realise that? --- I realise that clearly.

And you stick with the version that you knew  
/absolutely  
absolutely nothing about this? --- I did not know that that is how things happened. You've said things to me now which I did not know. We were pawns in this entire set-up. In the security branch you would have been a pawn. You would not have been told something if you did not have the need to know it.

If a decision like that had been taken - and information that we have makes us believe that that decision was taken to eliminate this person - who in

your section would have made such a decision? ---

I would believe that that kind of decision would be made at the head office.

Where? Pretoria? --- That would have been the Pretoria head office. I would not know who would make that kind of decision.

Who in Durban would have been the man who made that linkage with head office? Would it have been De Jager, Colonel Taylor? --- The link - we had to work through our channels so it would have worked through the regional office. If this was the case then someone in Pretoria would have decided and he would have told someone at the region who would then have come through to us.

Why do you say that? --- These were the channels in which we worked.

Why do you say it would have been someone from head office. --- You've sketched a scenario in which you said that there would have been a conspiracy and then you asked me who would have made the decision and then I said if there was a conspiracy then I would have thought that head office would have made the decision. /But I

But I wouldn't know. I don't have first-hand experience of that kind.

The question I'm asking is that you accept that it's probable or possible that such a decision was made. You didn't say no one would have given that order, the security branch doesn't operate ... (intervention) --- I couldn't say that in that particular case because I did not know. You've given this person a PAC connection and this is also news to

me. I did not know this. We all watched the news, we heard how decisions were made, but of that stuff I really know nothing.

Were you aware at the time that the security branch was involved in incidents like that? --- At that time I did not know. In the course of time of course I came to know this but at that time I did not know it. It's through the course of years as things came out. You would have heard stories and we all heard stories about Eugene de Kok and he's told his own story and the things came out but at that time I would not have known that.

MR LAX: Just one last question before we close. Did you - I want you to think back now to rumours, to things you might have known about because understand something, there's a difference between what you saw with your own eyes, there's a lot of hearsay and things of that nature. In this Commission we're not interested whether it's hearsay or not. We're going to follow everything up. So while you may not have had personal knowledge of something, you might well have known that certain things were happening or suspected that certain

/things things were happening or heard rumours that certain things were happening. People drink, they have a braai, they have a few dops at the braai, the okes talk. Isn't that so? --- (Speaking English) Ja, that's so.

That's human nature. --- Ja, that's so. It's human nature.

And to what extent were there things of that

nature that you heard about? --- (Through Interpreter) Through the course of my whole career?

Yes. --- One would hear all sorts of stories around. For instance, a barbecue, but there would never be names attached to these stories. The only stories which I knew of had to do with the people from Vlakplaas. (Speaking English) If I can be crude, if I may, "Don't fuck with the manne van Vlakplaas".

(Through Interpreter) These were the heavy guys. No one knew what they did. But people like myself, guys like me, didn't know what they really went about doing. You must understand this. I can't explain this but certainly I heard stories.

You would see that a person X was killed in mysterious circumstances and there would be word within the branch that, "Ja, that was Vlakplaas guys working there". I mean that's what happens. It's pretty obvious. --- I must say in addition that those guys were probably often given things falsely. I wouldn't know. I can't think of specific cases. I think I know what you want me to say that I would say that we heard stories about a particular murder. There's no particular incident which I can pinpoint in that direct manner.

/Okay.

Okay. --- I only know about the people from Vlakplaas and that's as much as I know.

MR GOVENDER: Just one question before we close. Mr Fernandes, going back to the incident in Inanda, if there was a planning meeting before that incident and if it was identified that the operative who was alleged to have had a hand-grenade was a PAC man would

it be necessary for André Fivas to be at that meeting, since you said that he was ... (intervention) --- (Speaking English) If there was - (Through Interpreter) please just repeat that. I didn't quite hear your story.

If it had been identified that the man in Inanda who was alleged to have had the hand-grenade was a PAC operative, any planning meeting that was held prior to that incident or raid, if you want, would André Fivas necessarily have to be at that meeting since he was in charge of the PAC Desk? --- I would imagine so. I would think that he had to be at this meeting. It would have been like myself doing work in South Section (Speaking English) without consulting the people from South Section. (Through Interpreter) If that was the case as you've said then, yes, I would assume that they would have involved him, that he would have had to be at the meeting. That would just be logical.

You've agreed that there was a meeting prior to this incident taking place. You've conceded that earlier on, isn't that so? --- There was a meeting, not a meeting in a strict sense but we had the sketch plan of the house which we gave to the reaction unit and they did their planning. There was such a meeting, yes.

/When

When was the first time were you told about this planning operation to take place before the day it happened. When was the first time before that day?

--- If I can remember this thing happened in the afternoon, late in the afternoon and since I was on

standby I was told to meet someone at a particular time in the basement. I arrived in the basement.

So you were told on the day that the incident took place, is that right? --- (Speaking English)

I think a couple of minutes before, ja.

A couple of minutes before? --- A couple of minutes before.

You perhaps were not informed about the planning of this a week in advance of it? --- (Through Interpreter) No, I would not have known about it a week in advance. I was on standby. If I wasn't on standby, I would not have been involved in the incident at all.

Do you know Piet Nel is? --- I do know Piet Nel.

Who is Piet Nel. Is he... (inaudible) ---  
Captain Piet Nel?

Yes. --- Captain Piet Nel also worked with is, that's the case.

Was he there? --- And he was not at that meeting. It was myself and Captain de Jager. We were the only people from our section who was at that meeting.

You said only - and people from the reaction unit? --- People from the reaction unit, ja. There were other members of the branch but from my section it was only myself and Captain de Jager who was at that meeting.

/Mr Fernandes,

Mr Fernandes, is there anything else that you want to tell us about, that we should know, that you were involved in while you were a member of the

security branch

CHAIRMAN: Or who other members of your units were involved with - or incident that other members of our unit ... (inaudible) --- I don't think so, Advocate. As I've said all of the time I spent in the branch, the year and a half or maybe two and a half years in which I worked at C Section I did investigations. That is what my work entailed. I did investigative work and I wouldn't know of anything that anyone did wrong or anything of that kind.

MR GOVENDER: You wouldn't know of anything that anybody else did wrong in your unit, is that right?  
--- I wouldn't know of any particular thing that anyone did wrong in that sense. There would have been guys implicated for assault and that kind of thing. But Mr Bennetts had so many cases of assault against. That kind of thing, yes, I knew about that.

Did you have any cases of assault against you?

--- No, Advocate, as I've said, in my entire police career I've not had a single assault case against myself in which I was even accused or received a warning with regard to an assault.

I think for the time being - we're not really finished. We might have to call Mr Fernandes back again at some stage. For the time I think we're complete.

CHAIRMAN: Ja, we will adjourn these proceedings now.

We won't fix a date on which we will call you back but we reserve the right to contact you and to call you back /here here at some stage in the future. --- I've got no problem with that.



In terms of the Act you may not speak to any other person about information which has been divulged here, questions which have been put to you here. Obviously we will be speaking to a large number of people. We have already spoken to people. Many of them will be people that you worked with in the past and no information may be disclosed to them. So I urge you to take account of that and remind you that there is a very stiff penalty section under this Act.

MR GOVENDER: (Inaudible) ... to place on record which we didn't at the beginning that the subpoenas had been properly served and there's been no objections to the subpoena. --- It just wasn't served on me personally.

MR LAX: Just in closing, thank you for coming. We will obviously speak to you again in the future. Thanks. --- Thank you.

PROCEEDINGS ADJOURNED

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/ON RESUMPTION: