

**INQUIRY IN TERMS OF SECTION 29**

**HELD AT**

**DURBAN**

**ON**

**WEDNESDAY, 09 JULY 1997**

**SEBASTIAN JACOBUS JOHANNES SMIT**

**[PAGES 1 - 73]**

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ON 1997/07/09IN CAMERAINTERPRETERS AND MACHINE OPERATOR SWORN INSEBASTIAN JACOBUS JOHANNES SMIT (Sworn, states)

(Through Interpreter)

CHAIRMAN: With regard to the earphones, there is simultaneous translation in Afrikaans if you put the earphones on and put it on to channel 1 and whatever we say in English will be translated into Afrikaans for your benefit. --- Thank you.

This is an inquiry in terms of section 29 of the Promotion of National Unity and Reconciliation Act of 1995. It is not a hearing, but it is an investigative inquiry and, as such, it is held in camera. Any persons in this room are in the employ of the Truth Commission.

I will briefly outline the duties and obligations of the respective parties in terms of the Act. The person subpoenaed, General Smit, has the right to legal representation and he is represented here today by Mrs Kruger from Kruger Incorporated. In terms of section 31 of the Act any person subpoenaed to give evidence may be compelled to answer any question put to him, notwithstanding the fact that the answer may incriminate. Then there are various conditions applicable to this section, as follows. There must have been consultation with the Regional Attorney-General. The Chairperson of the inquiry must be satisfied that the request for information is reasonably necessary and justifiable in an open and democratic society and, naturally, the witness must have refused to answer the question. The Act also provides that any incriminating evidence that is obtained

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1A at an inquiry of this nature is not admissible against the person concerned in any legal forum - criminal court or any other institution established by law. One proviso to that is that any evidence obtained at such a hearing may be used against the person giving that evidence where the person is charged with perjury arising out of him giving a false or a misleading statement. I also draw your attention to section 39(d) of the Act, (i) and (ii), which provides that it is an offence - a criminal offence - to hinder the Commission or any staff member of the Commission in the exercise or performance of their duties or functions under the Act and it is, furthermore, an offence to wilfully furnish the Commission or a staff member of the Commission with evidence or information which is false or misleading. Are there any issues which you'd like to raise or questions which you'd like to ask before we start?

MS KRUGER: (Inaudible).

CHAIRMAN: Could you just switch the mike on, please?

MS KRUGER: The notice dated the 17th June referred to certain documentation that was annexed and which we, in actual fact, received. I just want to make sure from you, Annexure D refers to three annexures - A, B and C - which were not enclosed with that document. I don't think it's relevant. I don't know whether that was available and whether we should have received it or not.

Perhaps you can just clarify that.

CHAIRMAN: The reference to the annexure, please?

MS KRUGER: It's Annexure D. You'll see right at the outset of the document it refers to, "Aanhangsel A, B en C", and it's listed three documents.

/CHAIRMAN:

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MS KRUGER: No.

CHAIRMAN: (Inaudible).

MS KRUGER: They're not relevant to us. I just want to place it on record so that if there are questions following from those annexures, they are not available. We don't have them. And then I seek clarification from you on Annexure E. First of all, Annexure E refers to an Annexure 5 - "Bylae 5", which I don't think is relevant, and it also refers to a, "Bylae 6", which I need clarification whether that is, in fact, Annexure F annexed to your documents.

CHAIRMAN: Just correct me. Just to clarify this, just for the sake of clarity. You're referring to Annexure E -documents referred to in there and you're wanting to just clarify which those documents are?

MS KRUGER: Correct, because it refers to an Annexure 5, which I don't think is relevant to the nature, but it also refers to an Annexure 6 and I want to know whether that is, in fact, F - your document marked F - whether that was the Annexure 6.

CHAIRMAN: (Inaudible).

MS KRUGER: Thank you. I have, as indicated to you earlier, prepared a statement relating to the two notices. I have sufficient copies available for yourselves and the interpreter and then with your permission - your consent -I'll read this into the record. May I proceed?

CHAIRMAN: Please proceed.

MS KRUGER:

"I support the Truth and Reconciliation Commission in its activities in attempting to

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bring about reconciliation. I am prepared to assist in achieving these objectives. On the 25th October I gave evidence in Cape Town before the TRC in answer to two notices in terms of section 29 of Act 34 of 1995, respectively dated 7 and 11 October 1996. Numerous supporting documents were at that stage handed to the TRC. Some of those annexures are also relevant to this statement and shall be read with this statement. For the purposes of this, I'm going to repeat relevant evidence in casu. My evidence should be understood against the background of my career of 39 years in the South African Police Force. On the 27th January 1955 I joined the South African Police. A year later I was transferred from the uniform section to the detective branch, where I worked for about 10 years as a detective. On the 1st December 1965 I was promoted to an officer and I was posted at an intelligence unit. At my request I was transferred back to the detective section. On the 4th January 1967 I started working at the Durban Detective Branch. On the 1st January 1968 I was transferred to Durban South. On the 1st August 1969 I was promoted to Captain and appointed as the

Chief Investigating Officer of the Durban Southern Station. On the 1st January 1972 I was transferred to the narcotics unit in Durban as Commanding Officer. On the 1st November 1973

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I was promoted to Major. During my service in this unit I proposed that the narcotics unit should be reorganized and this led to the South African Narcotics Bureau being established. I was given an award in my attempts to combat drug abuse. On the 5th September 1978 I was transferred to the detective unit in Pretoria at head office, as Commanding Officer of the Bureau against Narcotics. On the 1st October I was promoted to ~~Lieutenant-Colonel~~. The first few months I was involved in an investigation against policemen from the branch of John Vorster. On the 1st December 1981 I was promoted to Colonel. I received an award from the Motion Pictures Association of America for my contribution in combating the copyright issue. On the 3rd January 1983 I was transferred to Pretoria as District Detective Officer. I also acted as District Commander for a short period. On the 31st March 1984 I was appointed as Deputy Detective Officer for the Northern Transvaal Division. On the 1st February 1985 I was promoted to Brigadier. On the 28th June 1985 I was transferred back

to the detective division at the head office as commanding officer for national crime units, the stock theft, 1985, the murder and robbery unit and also the narcotics bureau.

I also established the vehicle theft unit on 29th October 1986. On the 30th September 1988 I

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received an award from the Minister of Law and Order and also from the Insurance Association of South Africa, in recognition of my contribution in this area. During my career I was considered a specialist investigator. I handled difficult, sensitive and special investigations.

Amongst these investigations were those taken amongst the South African Police and I did everything I could to act against corruption. I also did the following.

Investigation against Captain Andries Stander and Captain Jack le Grange and Robert van der Merwe. On the 1st January 1988 I was transferred back to the security division as Commander of the Northern Transvaal unit. This took place as a result of that the fact that during 1987 I attended a course for senior management. I was the best candidate. I was informed by Lieutenant-General Schutte that, because of my management skills, I was being transferred back to security. Up to that stage I'd never attended any specialist

courses. I hadn't done border training in South Africa or the former South West Africa. Although early in my career I was nominated to serve on the border my seniors were never prepared to grant me leave to attend a course because of the nature of the investigations in which I was involved. Since 1956, for 32 years, I was in the detective division and concerned with investigating facts. The

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transfer to security was strange and totally new because this section worked with ideologies and collection - gleaning of information and evaluation thereof, of work that was aimed at overthrowing the State. With the take-over of command of the Northern Transvaal Security Branch, Colonel Ras was my ... (inaudible). For a period of nine months to September 1988 I was affiliated to the Northern Transvaal Branch.

Before I was transferred I was told that for a short period I would be used at the security head office. In the light of this, Colonel Ras' experience, I relied heavily on him in executing my day to day tasks. On the 1st October 1988 I was promoted to Major-General. I was transferred to the Security Branch in charge of executive services under the management of General van der Merwe, the former Security Commanding Officer. The security tasks on a national



level consisted of numerous units and they were under my control. I was dependent on General van der Merwe's leadership in respect of the management of this section, because of my lack of experience in this security division. I found myself in a transitional period and for a few months I worked side by side with General van der Merwe to learn the activities and functions of his section. It was a new environment with new staff and I was an outsider and there was no foundation of

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confidence in the structure. During the time of my appointment, the senior management of the security office had experienced officers who were my seniors - Lieutenant-General Malan, the deceased Lieutenant-General Joubert and Major Stadler. They were transferred to other sections. I came into a new area without a real in-depth knowledge of the activities of this division. You can refer to Annexure C, the organigram of the security division, as at 1st April 1988. It formed part of my previous statement. On the 1st November, a month later, Major-General Erasmus a former senior, who was already part of the Security Division, was appointed as my deputy, to assist me in executing my task. You can refer to Annexure D in this regard, organigram for the Security Division as on

1st April 1989. It was also part of my former statement. The Commanding Officers of the various units were responsible for the day to day running of their different units. In particular Brigadier Schoon and Brigadier van Rensburg had a lot of experience of the security system and I left the activities of these units to them with confidence. Up to my promotion Brigadier Schoon was also my senior. An important component of my function in 1989 was my appointment on the Namibian/Angolan Joint Monitoring Commission, which was concerned with the independence of the former

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South West Africa. I attended a number of conferences in South Africa, Angola and Cuba, in preparation for independence. It demanded a lot of time and attention and it was a high priority for the former Government. On the 1st January 1990 I was promoted to Lieutenant-General and I took over the command of the Security Branch. I was assisted by the Deputy Head, Major-General Viljoen and Major-General Beukes. With my appointment the table had already been set for the unbanning of the ANC and other prohibited organizations. Before the release of Mr Mandela I was instructed by the Cabinet, along with the former Commissioner, General van der Merwe, and was in consultation with Mr Mandela. The ANC

was unbanned on the 2nd February 1990 and shortly after that Mr Mandela was released.

As a result of political change and the unbanning of several other organizations the function of the Security Police changed, and here I want to refer to paragraph 5 and 6 and further of the document which was compiled by the South African Police, in answer to questions posed by the President, in which these changes and the nature of the changes are clearly set out. That's Annexure JJ1 to my previous statement. The focus of Group C and T shifted away from ideologically-motivated crimes to normal combating of crime. Shortly after the unbanning of the ANC I was appointed as a



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member of the steering committee which was involved in negotiations with the ANC, in preparation for the Groote Schuur Summit.

The committee consisted of myself, Mike Louw of National Intelligence, Fanie van der Merwe of Constitutional Development, Jacob Zimmer, Mr Matthews Phosa, Mr P Maduna of the ANC. I attended the Groote Schuur Summit from the 2nd to the 5th May 1990. As a result of this I was appointed as member of the sub-committee, amongst members of the ANC and members of the security division of the SAP. The function of this committee was to implement the aims of paragraph 5, which reads as follows:

'... In order to curb violence and intimidation from whatever quarter effectively.'

I attended the follow-up summit, the Pretoria Summit on the 6th August 1990 and the next day I accompanied President Mandela to visit Mr Mac Maharaj after he was arrested on the grounds of his alleged involvement in Operation Vula. I was closely involved with the process of change and gave my whole-hearted support to it. You can see Annexure E in this regard - organigram, Security Division, 1990, also included in my previous statement. As a result of the extent of my management tasks I restructured the Security Division and the following changes were implemented on the 1st October 1990. An

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outsider and expert, Major-General A Preiss, was appointed to the Minister's Office, to be involved with interpretation, planning and information. The inspectorate under command of Brigadier le Roux was extended to advise me on Security Branches land-wide. An internal auditing section was created and Captain Meiring was recruited from the Security Division of the Finance Section. This measure was made additionally to the two persons from the Auditor-General's office who were responsible for auditing on a continuous basis. Refer to Annexure F,

organigram, Security Division, October 1990.

Group C with the Head, Major-General Engelbrecht, was transferred on the 5th November 1990 from the detective section and appointed as overriding Commander of Group C, because of his knowledge of combating ordinary crime. The objective was to give training to those persons who weren't knowledgeable on ordinary criminal investigations, to ensure that their focus could change. Group C had the following components: C10, formerly Vlakplaas, combating of terrorism and crime; C11, research, terrorism; C12, terrorist statistics; C20, investigation; C21, detentions and C22, hijackings. In this regard refer to Annexure F. With the political change in the country the Security Police underwent a complete paradigm shift in

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the light of history and the onslaught the shifting of a lot of members who had been closely involved in this period was always very difficult. It was one of my main tasks as Commanding Officer to motivate these people. I upheld the change as positive throughout and tried to motivate members, so that they could see themselves as part of the new South Africa, and I want to refer to a few speeches which I made in the period January 1991 to February 1993, concerned

with the process of constitutional change and the restructuring of the South Africa Police Force. In these speeches the emphasis is placed throughout on accepting change, positive motivation and utilisation of personnel, impartial policing and the establishment of relationships with the community. My attitude in supporting this process of change is clearly reflected in these speeches. See Annexures G1 to G6, speeches, also included in my previous statement. I am instrumental towards the establishment of the criminal - division for combating crime on the 1st April 1991, which consisted of a crime information service, which was incorporated with the old security detective division, the criminal records centre and the forensic science laboratory.

I was appointed as commander there. Major-General Viljoen was appointed as head of the  
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investigating unit, with Major-General Beukes as the deputy. The reason for this change is closely related to the change of politics of the country. Crime is getting out of hand and there were more assaults at this stage as a result of political changes.

The focus was placed on the investigating of crime and activities involved managing information, investigating crime, forensic investigation and management records - see the organigram and Annexure H. On 26th June

1991 I arranged the first conference of the newly-established NBO with the private sector. In 1992 I created a new unit, the organized crime unit, aimed at infiltrating syndicates of crime. I was also appointed as member of the Police Council and was concerned with the restructuring of the South African Police and the compilation of a strategic plan. I also consulted National Commissioner Fivaz and Mr Zuma and Phosa of the ANC on a future Police Service. On the 1st January 1993 I was appointed as Deputy Commissioner and the 1st November Deputy Commissioner for Administration. My specific duties and responsibilities can be seen in my letter of appointment. The conference with the private sector led to the National Crime Combating Council, which became a reality in 1993 and here you can refer to Annexure K and the letter of the 22nd December 1992. When I

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left - retired from the SAP on 31st May 1994, this followed the report of Judge Goldstone on the 18th March 1994. I have dealt with this later in paragraph 5. I didn't see my way clear to staying while there was a cloud hanging over me, despite the assurance given me by the former State President, Mr de Klerk, that the matter would receive priority attention and investigation being carried out expediently.

To date I have never been confronted by any investigating team of the police or asked to make any such statement. As background information, it's important to give an exposition of the involvement of members of the South African Police in the planning, authorization, funding and execution of covert operations directed at unlawful and banned organizations. Lieutenant Viljoen was responsible for this period that I was Commanding Officer of the Security Division.

It was not part of my line function to first approve operations or necessarily to take note of that. Recommendations made to the Commissioner for approval were referred to the Minister. The involvement of the SAP in the planning of covert operations should be seen in the light of the national management system referred to earlier. The State Security Council was established in terms of the Security Information Act and State Security Council Act No 64 of 1972, comprising the

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State President and certain Ministers, including the Head of the South African Defence Force, the Commissioner of Police and the Directors-General of the Department of National Intelligence, Foreign Affairs and Justice. The State Security Council had a Secretariat, which was divided into components, including a strategic



communication branch. This communication branch made recommendations to the State Security Council, which allocated certain terrains to the South African Police for departmental management. According to my knowledge, this included labour areas, counter-revolutionary, students and also the legal terrain. These particulars should be clear in the minutes of the Security Council. Some terrains were identified and each department had to decide on its own to establish certain fronts and which actions to take. In 1990 I took command. With my transfer to the Security Branch it came to my knowledge that certain covert operations were already authorised and funded. During 1991 a complete investigation was done into the covert operations a report was made to the State President. I requested the National Secretary to give me a report, but I was told that the Kahn Report would be made available to the Truth Commission. The South African Police's base of information determined the

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base of information (?). Certain persons had to be evaluated in gaining information. The Minister of Law and Order had to approve everything. I took knowledge of the authorization of covert operations. It was the general practice to identify projects and for which authorization was necessary

and to give a memorandum to the Minister.

All Stratcom projects with regards to politics was terminated in 1991. This Act was revoked on the 31st March 1993. Since the 1st April 1993 the approved projects in terms of the Accounting for Secret Services Act of 1978 were financed. The document dated 11 April 1994 was made available by the South African Police, in which the handling of the account for these secret services is apparent. Ministerial approval for projects was a prerequisite and the Commissioner was the accounting officer.

Refer to Annexure CCC to my previous statement. Evidence replying to the notice dated 23 June 1997. My involvement in the incidents mentioned in the notice came to light for the first time during the publication of the Goldstone Report dated 8th March 1994. I think it's important just to comment briefly on my evidence given to the Goldstone Commission. I appeared before the Goldstone Commission on the 16th March, after certain revelations made by General Holomisa on the 14th March 1994 and speculative

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reporting on the second in command, which was to have been involved in some irregularities, including train and hostel violence and the issuing of weapons to Inkatha now appears before the Commission as

clear in the transcription was a result of a request of the former Commissioner Van der Merwe. The Commission was clearly never intending to give me an opportunity to answer the allegations. I was not informed on what I would be questioned on and I was given less than 24 hours to appear. The way in which the interrogation took place is also clear. I was never confronted with details such as a date, time or place where I was to have given authorization or a command for the organizing of train or hostel violence. I was never confronted on any allegations concerning the distribution or manufacture of weapons. See Annexure M. After being questioned, I issued a statement for **handing** to the State President. From the annexures to my statement, it's clear that the evidence concerned particular matters and that it was devoid of all truth. Allegations by the Commission that I was involved with the Riaan Stander investigation. Allegation that I took a foreign trip to investigate a matter and that I had disapproved this. Allegation that Colonel de Kock was paid by the South African Police to be quiet. Allegations that I would

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have terminated the investigation into Lieutenant Piet Botha. See Annexure N in this regard. After appearing before this

Commission I asked the Commissioner of Police to insist that the Minister of Law and Order should request Judge Goldstone to hold a full and public investigation on all these allegations before reporting. This request was also directed to the former State President on the 17th March 1994. I would have liked to have had the opportunity to respond to the allegations against me, to state my case properly and to test the evidence on which it is based. If the Goldstone Report and evidence later given by Mr Q in the hearing of Colonel de Kock is compared the reason for requesting this is obvious. My career was destroyed as a result of unsound evidence and what makes it more shocking is that Mr Q denies that he made these allegations. Paragraphs 4 to 6 deal with this. See Annexure O, letter Minister Kriel to Mr de Klerk. The only allegations concerning my involvement in violence and the provision of weapons in the Goldstone Report on page 2 alleges that Mr Q, Chappies Klopper, during his first meeting with the Commission, made certain information public.

[Break in recording] '... under the command of Colonel Eugene de Kock was involved from 1989 in violence aimed at

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the destabilisation of South Africa. It was involved, inter alia, in the organization of train violence and hostel violence. The operations were under the command of Lieutenant-General Basie Smit, now Deputy Commissioner of the SAP and Major-General Krappies Engelbrecht, now head of the Department of Counter-Intelligence of the SAP. Lieutenant-General Johan le Roux had full knowledge of and was involved in these activities.'

Further in the report on page 12 a memorandum is referred to, compiled by investigating officers Major du Plessis and Major van Vuuren. It is based, it is alleged, on information given by Mr Q, which indicated the following.

'The manufacture of guns was initiated by Generals Basie Smit and Krappies Engelbrecht with the support of the Inkatha leaders referred to earlier, for the purpose of orchestrating violence. This also involved crash-course training to IFP members in the use of weapons and hand grenades."

These allegations are denied in the case against Colonel de Kock, which resulted from the report, and during the cross-questioning of Mr Klopper, Mr Q, the witness, denied that he in any way made these allegations

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in paragraph 74 to the Commission. On page 1705 the following statements are made to Mr Klopper and I'm going to quote from here.

'But did you give him information about this operation that the train and hostel violence took place under the command of Lieutenant-General Smit? --- No.

Was General Smit in command of the train and hostel violence? --- No.

You didn't say this? --- No.

Did you say that the train and hostel violence took place under the command of Smit and Engelbrecht? --- No, Your Honour. FOR JUSTICE

Again, you didn't give this information? --- This is correct.'

On page 1712, the second allegation is repeated.

'Once again, did you say to them that this project, the manufacturing of weapons, was initiated or in any way launched by Generals Smit and Engelbrecht? --- No.

And that they did it with the support of the Inkatha leaders referred to above, Themba Khoza and Victor or Humphrey Ndlovu - I'm not sure which of the two? --- No, I was not speaking about those Generals.'

See Annexure P in this regard. In particular, I wish to reply to the notice of 24th June

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1997, as follows.

Paragraph 1(a) of the notice. I never gave authorization for the manufacture of Zip guns during 1989 or any other period.

Paragraph 1(b) of the notice. I never played a role during the 1990s or any other period in the financing of the home-made weapons to the Inkatha.

Paragraph 1(c) of the notice. I never gave authorization for submitting false claims with the aim to obtain police financing to ensure the purchase or manufacturing costs of these illegal weapons.

Paragraph 2. I never discussed this with General Nic van Rensburg, any of the alleged projects referred to in paragraph 1 of the notice.

Paragraphs 3(a) to (d) of the notice. I have no evidence concerning the incidents referred to in paragraph 1 of the notice.

Paragraph 4 of the notice. I deny any involvement in the alleged projects and I never received any authorization or instructions from my heads to carry out such a project.

Paragraph 5. I was never involved in negotiations with Mechem. I have taken note that allegations concerning my alleged

involvement with the provision of weapons to Inkatha was made by Colonel de Kock in his evidence in his case, but these allegations  
/are denied.

1A are denied. I never received a request for providing weapons from Colonel de Kock, General van Rensburg or General Engelbrecht.

I never requested a cost calculation to be made or for a false claim to be introduced and I never received a claim from General van Rensburg in this regard and at no stage did I request General Engelbrecht for an example of the weapons, and I was never shown any such example. The allegations that a covert operation of such a nature should be approved in such a way is absurd and here I wish to refer to paragraph 4 of my statement.

Evidence answering to the notice of 17th June at paragraph 1. I have no first-hand knowledge of the planning, establishment and functioning of the project, Operation Marion. I heard about it via the media for the first time, and during the hearing in which General Malan and other Generals were being accused Senior Advocate J Booyens on the 23rd January 1996 consulted me to prepare me for the defence of Colonel Botha, and during this consultation I was informed in more detail on the Marion project. During the mentioned consultation I was referred to Annexure G of your notice of a



meeting which was to have taken place on the 8th November 1988. It was the first time that this meeting of the 8th November 1988 and Operation Marion by name were brought into relation with one another

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and in paragraph 6.3 this is dealt with fully at paragraph 1.2. I am not aware of the role of subordinates in the SAP, whether being the Security or Detective Branch and their involvement in supporting the Marion project, including the authorization of offensive actions against selected targets.

In so far as these subordinates were informed at a meeting on the 8th November 1988 with senior military officers I refer to 6.3 in paragraph below.

Paragraph 6.3. On the 8th November 1988 I was with General van der Merwe at a meeting with senior military officers in the Liberty Life Building. During this meeting no mention was made of information concerning the project Marion. I did not play any role in supporting the South African Defence Force and Inkatha in ensuring that Caprivi trainees would be given bail and would be hidden away so that they could not be traced. The details of the meeting are as follows. Information was given by the military section of the South African Defence Force that a group of Inkatha members would be trained for deployment in

Natal. The persons would have been involved with the protection of the Minister Buthelezi, the Chief Minister of KwaZulu, and the Zulu King. The possibility was mentioned that because these persons were trained by the Defence Force and they weren't really well-grounded in

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law enforcement, that they could exceed authority in exercising their protection task. If these persons were to be arrested by the South Africa Police for exceeding the law then it would come to light that the South African Defence Force was involved with the training of Inkatha members. The revelation of this fact would be an embarrassment for the Defence Force and that's why they requested the South African Police's help if such a problem should arise. They were to assist in gleaning information on grassroots level. Mention was made by the South African Defence Force of good liaison between the Defence Force and Captain Louis Botha of the Security Branch in Durban. In the light of this, a few weeks prior to this I started working at the Security Branch head office and I am not sure to whom the Defence Force was referring. I enquired about Captain Botha's position. A request was lodged to the South African Defence Force that if any of these trainee persons should break the law they

should not immediately be arrested but a special team of detectives should handle the matter. These detectives had to be informed of the situation in KwaZulu/Natal. I immediately responded that such an arrangement could not be implemented. If one of the persons broke the law it would have to be reported and investigated and the law take its natural

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course. It would be impossible to determine beforehand which detectives would be involved and what they should know. They couldn't be informed on something before it had happened. Detectives investigate incidents. General van der Merwe then responded that ~~each matter should~~ be handled on its own merits. It was not possible to act pro-actively because the virtue of the offence would determine the outcome. Depending on the nature of these offences bail could be arranged with the Attorney-General, but it was stated clearly that if bail was determined for a member he would not be able to function in the unit while the case was not completed. It was never proposed that this person could be removed from the area. There was consensus that the persons could have information which was available and it was proposed that members of the South African Defence Force should liaise with the Security Division Commanders

on how this information should be managed and utilised. I also arranged a meeting and attended one with the Security Section in Natal, senior Military Officers, 21st November 1988. During this meeting the commanding officers were informed that the South African Defence Force was training Inkatha members, who would be redeployed in Natal and would be used for protection of Minister Buthelezi and the Zulu King. The information potential of

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the members was discussed and I proposed that the Defence Force should take up this matter with the commanding officers. I offered a permanent member of the South African Police ~~to be involved~~ with the co-ordination and management of this information. I proposed Brigadier Erasmus should investigate this. Because this group of people would not form part of the existing information structures it was necessary to investigate the creation of channels of communication and the processing of information. I requested the commanding officers to take up this matter with the South African Defence Force and to request information and also to come up with the possible problems and solutions. A further meeting was arranged for the 28th November 1988 with the commanding officers and the Defence Force. I was not present at the

follow-up meeting. I never received any feed-back on what was discussed at that meeting.

Paragraph 1(4). I did not hold any meeting or negotiations with senior Inkatha members as to the achieving of the aims of the Operation Marion or the investigation of crimes committed by Inkatha's defensive group. Comments on this document attached to the notice dated 17th June 1997 at Annexure A and C. During the compilation of the documents I was affiliated to the Detective Branch Head Office as overall Commanding Officer of the

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specialist units, the Bureau for Combating Crime, murder and robbery and stock theft.

I was no way involved with these documents and the compilation thereof, and from the nature of the posts that I held I was not aware of any documents used by the security situation. I, during consultation with Senior Advocate Booyens, refer to paragraph 6.1.1, for the first time became aware of these documents. Ad Annexures B, D, E and F. During the compilation of these documents I was affiliated to the Detective Branch and Head of the specialist units, murder and robbery and stock theft. I was not involved in compiling these documents and I have no knowledge of the documents of the security situation of the country. It

is the first time I became aware of it. Ad Annexure G, the notes taken by the Defence Force on these meetings were never made available to me for approval or notification. During consultations with Senior Advocate Booyens referred to in 6.1.1, I for the first time took note of this document and its contents. See paragraph 6.3. Ad Annexure H, I and G. I was in no way involved with the compilation of the documents. It is the first time I have become aware of the existence of this documentation. Ad Annexure K. I was in no way involved with the compilation of the document. It is the first time that I have become aware of the



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existence of the documentation. I was never approached by the Defence Force to undertake a visit with the Defence Force to Minister Buthelezi. Ad Annexure L, I was in no way involved with the compilation of the document. It is the first time that I have become aware of the existence of this documentation. I was never approached by the South African Defence Force to visit Minister Buthelezi with the Defence Force and I never undertook such a visit. Ad Annexure M, I was in no way involved with the compilation of the document. It is the first time that I have become aware of the existence of the documentation. I was never

approached by the Defence Force to visit  
Minister Buthelezi with the Defence Force  
and I never undertook such a visit."

This statement was signed on the 8th July 1997.

CHAIRMAN: Shall I give you the copy back?

MS KRUGER: Thank you.

CHAIRMAN: (Inaudible). --- I confirm the contents  
of that.

INAUDIBLE TALKING ON TAPE

CHAIRMAN: Thank you, Mrs Kruger. We are going to take  
a short adjournment now, in the light of the statement  
made by General Smit.

SHORT ADJOURNMENT



/ON RESUMPTION:

1B

ON RESUMPTION:

SEBASTIAN JACOBUS JOHANNES SMIT (Still under former  
oath)

CHAIRMAN: I just wanted to clarify the question of  
those annexures. If you can just take me through that  
again. They are on my notes, on my pad, but if you can  
just for the sake of the issues you raised - I have all  
the annexures properly numbered accordingly. We changed  
the numbering system for our own purposes and then I got  
all confused. The first one you referred to was  
Annexure A.

MS KRUGER: (Inaudible)

CHAIRMAN: Right, got it, ja.

MS KRUGER: (Inaudible) ... to us or not. They weren't included.

CHAIRMAN: (Inaudible).

MS KRUGER: Yes, it was just for purposes of the record. And, secondly, Annexure E, which is minutes of State Security Council. You see there's a document that they refer to on the page where it says, "Item 9", "Bylae 5", which I don't think is relevant. And then there's a document that says, "Bylae 6", next to item 10, agenda item 11. And I enquired whether that, in actual fact, referred to your annexure, Annexure F.

CHAIRMAN: (Inaudible).

MS KRUGER: Then the point I wanted to make is that document wasn't annexed either, so there weren't any comments in the statement that reflect on those annexures.

CHAIRMAN: (Inaudible) General, if we can then - if you can just switch your mike on, please. The National Joint or National Security Management System, we are familiar with that description. --- Yes, I do. I didn't serve on any of these systems, but I know the system. I was,

/however, not

1B however, not involved in it.

How did you acquire knowledge of that system?

--- When I gave the report in October last year, that was the first time ever I analyzed it in toto. When I accepted my appointment at the Security Division I became aware of security committee systems. I didn't serve on any of those committees, however. I served on one committee after I accepted the appointment at the main office. It was the co-ordinating committee, which



was put together of the three branches, and I also sat on that committee. I can also add that at certain times I was invited - or once or twice - I can't remember exactly how many times - to inform Cabinet about certain issues in the State Security Commission as new things were found out or discovered.

Before you moved to headquarters and before you were appointed in a senior post within the Security Police, were you involved in any way with any of the management structures at lower levels? These would have operated at district level and - for example, each magisterial district would have had one and so on. ---

No, not at all.

When you became Head of the Security Branch clearly that would have necessitated a great deal of briefing. You would have had to be filled in on a whole range of things. How ~~did that happen?~~ --- One must firstly look at the system and how the system operated.

The South African Police consists of various branches.

I now know more about it than I did in 1988 or 1989, because I did some research. The information was brought to table by means of information notes and there was much information from the security system that was evaluated in sub-

/structures. One

1B structures. One of National Intelligence's personalities then took this to the State Security Council.

Who actually briefed you? Which people sat down with you and said, "This is going on in this section. This is going on in that section"? One is aware that one gets a whole range of documents, but in reality

people sit down with you and take you through them and spend a bit of time explaining stuff to you. Which individuals actually did that with you? --- In the first place, I want to take about the principle of knowledge if you are the chief. The information was gathered and was structured and brought to table then. In various occasions the people who drafted these documents made the presentation so that the persons in charge would get the full picture.

But which individuals actually accounted to you in that way? --- If we could have a look at security main office or main branch, every morning there was a Sanhedrin. All the desk chiefs would bring the information from the grassroots level and would then draft a concentrated document. Due to the fact that I had no background of the total set-up, I left it to the person who was under ~~me to look at~~ what was going on there. That was what I did while I was at Security Branch.

(Inaudible). --- Yes. At the previous meeting I said, and I just want to place that on record again, I do not want to divert the responsibility from myself, but if you take such a responsibility on yourself to get to know people and assist them it is taken out of the system and put back into the system again by means of a funnel.

So the only person that briefed you then would have been your deputy? --- Yes, but I have to add on many

/occasions when

1B occasions when there was an incident - I now refer to the system, but there would have been an information

note. Everything is happening outside in the country and the main branch is basically only a place where information is gathered. When a document came in, I would call one of the generals and if there is some doubt about a certain document, if I need to know anything more, I would send an information note to somebody else and if a question was asked by the Commissioner or the Vice-Commissioner or some of the other officers, I would then clear up the matter of drafting another document.

I understand that. You come into a new office and the first job you do is to familiarise yourself with the terrain, to understand the organic structure, to understand the personalities. To my mind of thinking, I would have, if I was in your shoes, I would have said to those people on that organigram, "Fill me in on your department". I wouldn't have read thousands of documents. I would have done it at a personal level. As I understand, that's how most people work when they take over a management structure. You want to get a measure of those individuals, you speak to them. You can't do that on paper. --- In principle I agree with you. I implemented a system to bring together all the commanding officers on a quarterly basis to report and to discuss, to get the information from the outside. Your statement can be 100% correct. I felt completely strange in this new environment and in a new environment the most important thing is the environment. This was my management style. To get all the information from outside on a quarterly basis to get an overview of what's going on.

/(Inaudible).

1B (Inaudible). --- No.

(Inaudible) ... the Natal Region and say, "I want to meet all the seniors. Let's have a meeting"? Introduce myself as the new Head of this branch? --- No. If I think back - if I look back at 1989, I had responsibilities for the South West Africa question. That was also a strange environment, not only on national level but also on international level. It was also a negotiating process and one had to make sure that the documents in front of you and the aspects thereof had to be given to the negotiators and most of my time in the office, if I look back now, I thought it was the most difficult year ever in my career. The document that was handed in in Cape Town on the incidents in 1989, bombing attacks were common and just to get everything on your desk that happened in the country at that stage and also to be in a completely new environment that you have to manage, the solution I saw was to have meetings with the management on a quarterly basis.

General Smit, I want to come now to your involvement with or participation in or knowledge of the State Security Council or sub-committees or inter-departmental committees of that Council. Can you - and I'm talking about you in your capacity as Head of the Security Branch - just remind when were you elevated to that position? --- I officially took over in January 1991, but during 1989 I was the Executive Head.

For the record, from your statement it's 1 October 1988 you became that. --- Yes, correct.

Executive duties and then 1 November 1988. ---

It was - Major-General Erasmus was appointed as my deputy.

/For the nine

1B For the nine months preceding, so it would have been the beginning of January 1988, you were at Northern Transvaal. --- At Northern Transvaal.

That's right. We're talking about that period then, 1988. Your knowledge of, involvement with, participation in State Security Council structures.

--- I didn't serve in any structure during 1988.

If you can just expand on that a bit. I asked you about your knowledge of ... (inaudible). --- I want to tell you except for the fact that I had an idea that South Africa was managed by a general managing body and, as I have already indicated, after I saw the whole document, what the structure looked like, my knowledge was limited to the security committees at grassroots level, where various departments and units were integrated, in order to manage the Security Forces of South Africa. At the same committees - it was the departments with the - it might have been on one or more occasions that I knew about this and informed the - the problems of the economy - when I accepted the post at the main office I became a member of the so-called KIK, the information committee which was made up by National Security, Military Intelligence and Foreign Affairs. I also on one or two occasions attended the State Security to give them information, but I was not sitting on it. The Operation Vula investigation in Natal, in order to terminate the investigation and start negotiations. I was aware of the SDK of the branch that planned the

covert operations, in that the secretary at that stage informed me of how their operations are managed and planned and that was my knowledge of the branch strategy, if they were planning something. I saw

/documents on

1B documents on decisions of the State Security Branch, when there were certain aspects that had to be attended to and I was informed by the Commissioner from time to time when decisions had to be made. I might also add that I never served on it, but there is a branch and I can't remember the terminology but it was the interpreting branch, the branch that interpreted information. General van Vuuren served on that. If I have to think back that's the name I remember, but it was DNV, if I remember correctly, the abbreviation.

The covert operations section that briefed you at that time, you mentioned in the beginning of this little explanation. You didn't say who that person was though.

At the time that person would have briefed you on covert operations and you didn't say who that person was. --- Are you referring to 1989?

(Inaudible). --- I'm not exactly sure who the commanding officer was at that stage. It might have been Brigadier Schoon or Brigadier Gerhard Erasmus at that stage.

We realise it's seven years ago and we don't expect you to remember exactly who was who. We're just trying to get your recollection of who you actually spoke to. Who would have briefed you at that time. What other duties would you have carried out while you were in charge of the Security Branch at Northern Transvaal? --- Perhaps I must just give an overview

of what happened in the Northern Transvaal over the period of nine months.

(Inaudible) ... general duties were as, "Bevelvoerder". --- No, no, I accept that, but with your permission I was just coming into a place that was /completely strange

1B completely strange to me. I would like to just enlighten you. I took over in Northern Transvaal in 1988. In the first place, I was aware of the fact that there had been two decisions at the main office. I was informed that I had to - I was transferred to Security main office. I could not contribute anything really, because I didn't know the circumstances in the Northern Transvaal. When I went to the Northern Transvaal, the first thing that had to be noted was that it was a huge corps of personnel and they were not very well-trained. I had to manage the ~~division but I didn't~~ know if I was going to be there for a month or for six months or what. At the end of the day I accepted my task as it was. In the first place it was for KwaNdebele. When I arrived there was a very disturbed and very difficult place. I tried to understand what was going on there. I contacted the two main role-players - Mhlangu - I got to know him better - and also Prince Mhlangu. I saw that the interests were clashing between the Prince and the other Mhlangu. That was one of the elements of the problems that the Security Branch had to deal with in the Northern Transvaal. The second important aspect in the Northern Transvaal was the Broederstroom incident. The whites - U Luck (?), if I can remember correctly. The other one might have been Robertson. You also know what was going on there. It was quite a big

investigation. I tried to guide the investigation. A further responsibility was in a system where sources were paid every month, when I spent much time to see what was the difference between the Detective Branch and the Security Branch. For Security Branch there is information and reports and so on. There was also a technical

1B /environment that environment that was strange to the Detective Branch, that is looking into post and telecommunication and getting information from that. I spent - I gave lots of attention to that. I was surprised that I inherited Northern Transvaal. The members were young and inexperienced. I immediately contacted Colonel Stoffberg. I gave him the order to facilitate training. That was something I initiated. I was overseas for a month while I was still at the Drug Branch. I was still the Head of the Drug Branch. During that time the conflict in KwaNdebele increased. There was elections. There were indications that it was done by the KwaNdebele Government itself. We gave Prince Mhlangu the opportunity, as well as seven of his colleagues - we took them out of the cells and we helped them to beat the deadline to be registered as candidates for the elections. It was a destabilised region and I focused my attention on that. I also gave information to security committees. The documents were prepared for me and I was briefed then to ... (incomplete)

Okay, you would have also had dealings with Venda, surely, to some extent and with Lebowa? --- No. (Inaudible) ... was Pretoria region, which was just run by Bop and KwaNdebele and the rest ... (intervention)



Okay, no, that's fine. --- No, no, I just want  
to ... (inaudible).

Just go back to issues relating to the State  
Security Council. From what you said a few minutes ago,  
your link between State Security Council decisions was  
through the Commissioner. --- Yes.

Is that what you said? --- Yes.

Through the Commissioner? --- Yes.

/And who was

1B And who was the Commissioner in 1988? Do you  
recall who that was? --- (Inaudible).

And are you saying that other than what was  
communicated to you by the Commissioner and what you  
knew through your ad hoc appearances before the State  
Security Council to brief them on specific issues, you  
knew nothing whatsoever about what was discussed there  
and what decisions were made? --- Definitely not.

Now, I just want to take you back to what you said  
in your statement here on page 20 of your typed  
statement, paragraph 6.1, and it relates to your  
knowledge of Operation Marion. You said there, "The  
first time I heard about it was through the media" ...  
(inaudible) ... referring to? --- Yes.

Can you just expand a little on that? I'm not  
quite sure what you're saying there. Are you saying  
that was the sum total of your knowledge and the first  
time you had knowledge of the project, when you heard  
about it in the media during the criminal prosecution in  
which General Malan and other Generals, "Aangekla was",  
as you state in your statement? --- That is correct.

I do not qualify this remark, but I did know about the  
training of people, the choice of words, and especially

the word, "Project". That was the first time I heard about this project.

So, if I understand you correctly, you are not saying that you didn't know about those kinds of activities, but it's the first time you heard the name, "Marion"? --- Correct.

And that it was called a, "Project Marion"? --- Correct.

Okay. The logical follow-up question is what /activities did activities did you know about? --- The only activities I knew about are addressed in the 8 November document. That was the only knowledge I had of Project Marion.

(Inaudible) ... I'd like a bit more detail from you. Really, in this document you don't give much detail about what you knew about or didn't know about, other than to say you didn't know the name, "Marion", and you knew that it was involved in some sort of protection for Buthelezi and the King. Clearly, that sort of training would have entailed much more than just that aspect, and you knew that there was that sort of training. What else did you know about it? What sort of support did you know about? What sort of - it was an important issue that was quite sensitive. You would have had to have some knowledge of it. --- No, I just want to state once again, if I have to go back to my affidavit, on page 21, I say that it was the first time I was informed about this. I have been thinking back, trying to remember if I had any contact with any Defence Force officers. I can't think of any other incident, except for the 8th November. In 6.3.1, I

expand on this. People who were to be trained and deployed to protect the Chief Minister and the King.

So just to confirm this. You're saying the first time you had any knowledge of this sort of operation or training or the implications of this training was at the meeting on the 8th November at Liberty Life building?

--- That's correct.

That you'd never even heard about it? --- No.

You see, as you will know from looking at Annexure G, which is minutes of the meeting at Liberty Life Building on 8th November, now you'll see there - this

/is now a

1B is now a minute or a memo from Colonel M van der Berg. Is that right? --- According to this document, I can't see who drafted it.

Perhaps you don't have a covering note. Okay, for your information, this is a memorandum entitled, "Uiters geheim", addressed from Colonel M R van der Berg to HSI.

MS KRUGER: Would you like to show us what you're referring to, so that if we've got it in our bundle ... (inaudible).

CHAIRMAN: We'll give you a copy of that document. It's basically just the covering letter, which annexes the minute which you had.

MS KRUGER: (Inaudible) ... he's referring to it.

CHAIRMAN: That's fine, you can take my word for it.

--- No, I accept that. Colonel van der Berg.

Did I say something else? --- You said General van der Berg.

General, sorry. --- Signed ... (inaudible) ... here.

What is HDIO? Hoofdepartement Intelligensie? I  
that Chief of Staff, Intelligence? --- Nee, HSI is  
Hoofstaf Inligting. The other abbreviation, I do not  
know what it stands for. HSI is Head or Chief Staff  
Information.

Now, you will see ... (inaudible) ... it says,  
"HGIO gee oorsig van 'Operation Marion' en die is T2 vul  
aan met betrekking tot probleme rondom offensiewe  
optrede". Do you understand that? --- Yes.

Now, you were at that meeting? --- I was, ja.

Can you tell us what the discussion or what the,  
"Oorsig", the overview that was given to you by whoever  
it

/was, what did

1B was, what did that relate to and what did it cover?

--- It related to people who were trained by the  
Defence Force for deployment in Natal and the parts I  
can remember was that it was to ensure the security and  
the safety of the Chief Minister and the King. I can't  
remember exactly what was said there, but they said that  
these people came from Natal and they could be useful as  
informants.

The people who were trained? --- That's  
correct. That was the impression I got.

Are you saying that these people were to be used  
as informants? --- No, not at all. I think they  
could be used as people who could gather information and  
that the information could then be used.

MR LAX: That was obviously an alternative that came up  
during the course of the meeting, in the light of the  
problems that were spoken about? If one reads the  
minute carefully, that seems to be the case. It was

looking at what additional value might you get from these people. --- Yes, I agree.

CHAIRMAN: (Inaudible) ... again. You notice I was a bit distracted there. I apologise for that. What was the primary role you understood of these trainees? ---

For ensuring the safety of the Chief Minister and the King.

Was that their only role, as far as you understood? --- That's correct.

Why would it have been necessary to have so many people for that purpose? --- The group that was referred to I cannot comment on.

That's common knowledge, it's been part of the public transcript of reporting on the trial and everything. It's public fact that 200 people were

1B

trained. It's a bit excessive, wouldn't you say, for that purpose? --- Looking back, yes. If it was mentioned at that stage that it was 200 people, but I am certain that 200 people were not mentioned at the meeting.

Looking back, knowing now that there were 200 people trained for that purpose, clearly that was far too many for that particular purpose? You would never have used that many people for that purpose. Two individuals. --- Both of you are learned people. If you look at ensuring safety of people, it's a relative term. The safety of groups can be mentioned but without defining their roles one would have needed groups of 50, 50, 50, for example, if we talk about the police, not the Defence Force, but the police always need 50 people to make up a complement. If you take command into

account, then people who might be sick and so on, 200 is relative. I have seen people fight over safety, where it had to be rationalised. 200 is a lot for a certain task, but objectively it could have been sub-divided into four categories.

So are you saying, General, then when you got this overview from, I think it was Colonel van Tonder - could that have been right, at that meeting, or Cor van Niekerk? It doesn't matter. --- I can't honestly recall who spoke. If you ask me today to identify any of them I doubt if I would recognise them.

It doesn't matter who. Just for the record though, the two individuals were Van Tonder and Van Niekerk. Do you recall now if I tell you those two names? Does it help you? --- Ja, I will accept that, but ... (intervention)

Do you remember meeting Van Tonder and Van Niekerk?

/--- Van Tonder,

13 --- Van Tonder, I know, but Van der Berg I won't be able to recognise him, neither Van Niekerk.

Now, you've given us a very benign perception, if I may say, of what you understood Operation Marion to be and, clearly, the people who were briefing you at that point had a very different perception and understanding of what Operation Marion was, and I'm referring you now to Annexure D of the documents which were sent to you. Do you have a copy of D? Yes. You'll see it's again a top secret document - memorandum - from Colonel van Niekerk to the Chief of Staff, Intelligence. Now, this doesn't involve you in any way. I'm just referring to it to give you an understanding of what planning had

taken place in March 1986, March/April 1986, with a view to the establishment of Operation Marion, and you'll see on page 2 of that document that, far from being protection for the Chief Minister, as you've put it, and the King, that the purpose of the project or the operation is set out there in (a), 6(a), "Steun aan Inkatha". It was basically conceived of as military support, logistical support for Inkatha. Now, you've chosen to describe it to us in a way which, as I say, comes across in a benign or uncontroversial manner.

You've described it as an operation which was to provide security for the Chief Minister and the King. You'll see there they refer to, "Veiligheid van Hoofminister" - security of Chief Minister and other Inkatha members. Inkatha action against the ANC and UDF. In other words, the para-military movement. And it is clearly understood that safety for the Chief Minister and other Inkatha leaders was structurally separate from the para-military element. Is that correct?

/--- This

1B

--- This document was drawn up in 1986, when I was not part of the system. I looked at these documents and what was said on the 8th was not this document.

So are you saying this planning took place in 1986 and the operation was implemented during 1986 and 1987 - I presume you're aware of that - people were trained and they were trained in the four separate structural groups - offensive, defensive, contra-mobilisation and VIP protection. Are you aware of that? --- Nee.

Are you saying this is the first time you've ever heard of that? --- That there were four groups?

Yes. --- Yes.

Well, how many groups did you think there were?

--- I accepted that these groups would be one group.

Did you understand that there was an offensive element to the group? (end of tape) ... [break in recording] ... were trained and they were deployed in Natal and, during the trial of General Malan, the Judge found that the attack upon the house in KwaMakutha was, in fact, carried out by members of that offensive unit.

That was a finding. That's common cause. No one disputes that. It was a finding of the Court that the offensive unit of the so-called Caprivi trainees had carried out the attack and killed the people in KwaMakutha. The Judge did not find that this had been a military operation and he did not find that the Generals who were charged in that matter knew about this or had anything to do with it, but it was quite clear that the offensive group had carried out the attack. So this knowledge about the offensive element and the training they received, the four separate groups, would have been well within the knowledge - or

/these facts

2A these facts would have been well within the knowledge of people like Van Niekerk and Van Tonder when they briefed you at the Liberty Life Building on that particular day - 8th November. In fact, the document D was prepared by Colonel van Niekerk himself - the one that you've just looked at, document D, and Colonel van Niekerk was one of the people in November 1988, who briefed you at the Liberty Life Building, and he says that he, "Gee oorsig van Operation Marion", gave an overview of Operation Marion and discussed problems concerning offensive



actions. Are you saying to us that on that day Colonel van Niekerk told you that Operation Marion was a project to supply the Chief Minister with bodyguards? Bearing in mind that document D, which was prepared by Colonel van Niekerk himself, related to - and gave a fairly full overview of what Operation Marion was intended to do, are you saying that at that meeting on 8th November at Liberty Life he told you when he gave his, "Oorsig", his overview, he told you that this was a project to provide the Chief Minister with people to protect him and the King? --- And the King - that's so.

That's it? You're sure about that? --- Yes.

Just going back to that document, and I'm sure you've read it, but just for the record, if you look at page 4 of that document ... (intervention)

MS KRUGER: (Inaudible).

CHAIRMAN: D, sorry. And D gives an outline there of what the Defence Force's input, if you like, into Operation Marion would be, and you'll see there, No 10, "Financial support to Inkatha for the para-military force". Salaries for one year - R900 000,00.

/"Opleidingsuitrusting

2A "Opleidingsuitrusting - R200 000,00, Lugvervoer" ...  
[break in recording] ..., weapons and ammunition R200 000,00, vehicles - R250 000,00. And then we look over the page, page 5, "Funding will be provided by Krygkor. It will be transferred to an Inkatha account as if it had been an anonymous foreign donor. The funding would not be traceable to Krygkor. The same goes for the purchase of weapons and ammunition. The cardinal importance of security and that the SADF support Inkatha, which must be kept secret at all

costs." (Inaudible) ... we have large-scale Defence Force support for a political party supplying salaries, ammunition, weapons, equipment, uniforms. Funding is paid through an account - an Armscor account in such a manner that it's not traceable back to the Defence Force, to make it look as though Inkatha had paid for this training themselves, and of cardinal importance, there at No 15, is that this must be kept - that that Defence Force support for Inkatha must at all costs be kept secret. Okay. --- Ek sien dit, ja.

No, in that context are you still telling us that at the Liberty Life Building on 8th November that you were told that this was a project to supply protection for the Chief Minister and the King? That's what he told you and that's what you understood? --- Definitely.

(Inaudible) ... problems with, as he puts it, "Offensiewe optrede"? What problems did he talk about? What were, "Offensiewe optrede"? --- Once again, I want to stress that the word, "Offensive" is used within the police and "Pro-active" is the word used by the Defence Force. Each person uses a certain terminology of his own. In my terminology this was seen as preventive

2A

/measures, to measures, to provide security and protection. If one looks at protection and a place with political circumstances a conflict can arise very easily and there can be an attack and a counter-attack.

(Inaudible) ... specifics that you discussed? What were the attacks and counter-attacks that you spoke about? --- In all honesty, there was no specific

problem brought to table on that specific day.

Why was it necessary to discuss these problems with you and General van der Merwe then? If you were talking in theory, I mean, what was the point of this meeting, if you were just talking in hypotheticals? There was no real problem, so what was the meeting all about? --- If one looks at the minutes ... (intervention)

Forget about the note for the moment. I mean, just ... (intervention) --- It was necessary for me to try and get the picture of eight years back. I just want to stress this. I cannot remember an incident that was mentioned. The fact of the matter was that they felt these people who were deployed would get into trouble with the law. I immediately reacted before General van der Merwe, who was a senior person. I said, "If you are asking help, it's impossible to give help if somebody doesn't know what he has to do". That's the only stage in the discussion I said that if this person was involved in a transgression of the law, I said that it was not possible to help them. I'm talking about my approach and I said if somebody was in trouble this or that could have been done.

(Inaudible) ... your reply now, when I tried to interrupt you. You said, "These people were to be /deployed".

2A deployed". The truth is that they had already been deployed and they were already experiencing problems. It wasn't a question of anticipating things that would happen. In reality they had been deployed and there were already problems being experienced. --- I am not aware of a problem that existed at that stage or

that was discussed.

(Inaudible) ... for us. I am not saying I prejudged it, as such. --- No, I accept that.

I'm saying those are the allegations before us and that is an interpretation of the meeting and so I'm putting it to you on that basis for your comment. ---

No, no, I accept that.

Now, General, why do you think Colonel van Niekerk would have described this project or operation to you as an operation aimed at providing security for the Chief Minister and the King if, in fact, in a previous document some two years before, he had described it in very different ways? I think you will agree with me that document D, which I've referred you to, has an altogether different and more clandestine ring to it. It relates to supply of weapons. It relates to the establishment of a para-military unit. It relates to the secret banks accounts which aren't traceable back to the Government, and it also deals with the necessity to maintain top secrecy with regard to South African Defence Force support for a political party. Do you agree that what you've told us took place on the 8th November and what document D describes, we sound as though we're talking about different things altogether?

--- Perhaps I should just stress, we are talking about two years. It was a project

/that was

2A that was going on. From 1986 to 1988 there was no contact between the SADF and the police. I cannot comment on what Van Niekerk wrote in 1986 or 1988.

(Inaudible) ... any stage ask him why training was being carried out by the Army? --- If one is in a

chair for five weeks one hears certain things and I do not want to rely on G in its totality, but G does show that the request was for help and that my reaction had been that it was not practicable. I do not want to comment. One could have made a thousand plans, but something else could have happened in any case. That was my normal reaction to a request by the Defence Force.

(Inaudible) ... the training which took place of these people, did you query at any stage why this training had been carried out by the Defence Force? Surely this would have normally fallen within the ambit of the police's job, to train people to protect VIPs. Why was it a Defence Force project? Did you ask Colonel van Niekerk or Van Tonder why this training was carried out by the Defence Force. --- Ek het nie.

Did you think it was odd or did you think it was unusual or did you think it was - I mean, do the Defence Force train people as bodyguards and the like? ---

If one thinks about the years of the conflict, the Act was changed so that the Defence Force could be used to work in law and order situations - the upholding of law and order. There were cases where certain areas were policed by them. If I think back about ten years, it would not have been completely strange to me that the training would have been done by them. I don't know what all their responsibilities were.

/So your understanding

2A

So your understanding of the training that it was routine, above board and you knew nothing about the details of any problems with regard to offensive - "Offensiewe optrede"? --- Beslis.

Can you think why it would have been necessary to maintain this as a top secret project, particularly in so far as it involved Defence Force support for a political party? --- If I look back on the document, it would have been for the reasons of the financial support.

So are you saying that because State money was involved in giving support to a political party that it would be necessary to keep that secret? --- Yes, and this is just my own remark.

General, you spoke earlier, when you were giving - you were discussing the meeting and your understanding of what happened, you said, look, you were basically the new boy on the block and you didn't have much to say, but you said that General van der Merwe was the one who knew most of the stuff and was properly informed. That's how you put it. ~~ARCHIVE FOR JUNE~~ No, no, I don't to ... (inaudible) ... Van der Merwe knew or not but General van der Merwe was involved in security matters for a longer spell of time, etcetera. I'm just saying that on head office level I arrived there the 1st October and five weeks later this was the meeting with them and, in fact, my remark was that he was the senior colleague at that day and time.

You said he was the senior colleague, and he would have known much more than you. You said he would have had all the facts and figures. That's how you put it.

--- No, no, facts and figures of security matters, not this matter.

/Well, maybe

2A Well, maybe I got the wrong impression of what you were saying. --- I hope I rectified it, because that

is not what I wanted to say to you.

Do you know whether General van der Merwe knew about Operation Marion or not? --- I doubt it, because we were consulted together by Wesson on the day. My impression was not that he knew, but that was only my impression. I cannot really comment on that. It was on the 23rd January last year. That is my impression.

What was his office at that time? --- He was the Deputy Commissioner ... (inaudible) ... responsibility of the security office on my no knowledge or little knowledge of the system.

And he had previously been Head of Security Branch? --- Yes, yes, yes.

Looking back, don't you think it's strange that if he didn't know, don't you think that is a rather strange incident? This is a high security operation, involving State money. You would expect the Head of Security Branch to know and the Deputy Commissioner to know about such an operation? Let me just explain something further and that is that in 1986 and 1987, when this was happening, he was head of Security Branch. --- I doubt it ... (inaudible) ... I don't know.

Okay, but by 1987 he was Head. --- Ja.

It was already being operationalised at that point. --- Ja.

He should have known at that stage, surely? That's the question I'm asking you. --- No, I mean, that would be hypothetical. The Defence Force and National Security both had their various terrains. At the time I

/was working

2A was working there, the Defence Force would not have informed the police or National Security Services of anything they were involved in.

(Inaudible) ... Head of Security Branch in your time as Head of Security Branch, you were never informed in any way by the military or the National Intelligence of any of their operations? --- Korrek.

Even if it had involved co-ordination and co-operation with your members? --- I just want to confirm again that the co-ordinating intelligence committee was the place where information was brought to the table and where work groups were established and where these work groups interpreted the information and brought it back to the co-ordinating committee. I cannot think of any project where I was informed by the military.

Who would they be made to and who would make a decision on such a recommendation? --- The intelligence committee would make submissions to the State Security Council.

(Inaudible) ... decisions on that? --- Yes.

Would they then inform or give instruction for the carrying out of those instructions? --- The chiefs of the departments that had sitting on the State Security Council, the secretary and the commissioners that would be on the State Security Council.

I want to go back to Annexure G and point 3 of that note says that you said that the Detective Branch's involvement complicated matters. "General Smit says Detective Branch involvement complicates matters." ---

In the first place, I don't think that was what I said. I said - read further on, "What should whom have done



(?).

/If there's

2A If there's a problem with these detectives it's not practicable". This is his cryptic note. If I look at this note again I closed the door. It's no good making a promise that you can't keep. I'm not saying that that was what I said on that day, but that was my reaction. They came to ask help and I said, "You can't promise somebody something that cannot be put into practice".

General, I want to take you now to another matter which you dealt with in your written statement, and that is a meeting from which it appears from the minutes - a meeting which you had with Chief Buthelezi in May 1990.

You said in you written statement that you deny that you had any meeting. Is that correct? --- Korrek.

Okay. Now, just to give you the context in which it's alleged that that meeting took place, I'm going to refer you to a document. I don't think you have a copy of it and if you want one we can let you have one.

Perhaps we can just take a short break to let you read it through.

MS KRUGER: Is it not in the bundle?

CHAIRMAN: No. We'll just give you a moment to read it properly. (Pause) Now, it's in that context that it would appear from the minutes, being Annexure L, which refers to a meeting between yourself and Chief Minister Buthelezi, and just to paraphrase some of that stuff, if you look at section 2 of that minute ... (intervention)

MS KRUGER: Sorry, I'm not following you. I know this - you say - what is a minute? The document you are referring to?

CHAIRMAN: Yes, sorry, the document - let's call it a document then. Memorandum.

MS KRUGER: The memo ... (inaudible) ... and you say from

/this memo it

2A this memo it appears that my client attended the meeting?

CHAIRMAN: No, not - Annexure L.

MS KRUGER: Sorry, could you just be specific?

CHAIRMAN: It's not that he necessarily attended, but that he was to attend a meeting. You see there, 3 - "Komende besoek".

MS KRUGER: (Inaudible) ... you made the statement that he attended the meeting.

CHAIRMAN: No, sorry, my mistake. Again, there are just - section 2(c). "Die Hoofminister was bekommerd omdat hy die ..." - "The Chief Minister was concerned about the armed struggle being lost and he insinuated that defensive actions were still required, meaning the application of hit squads. An upcoming visit was referred to with Smit and Hani". Now, just to confirm your version, did no such - were you ever aware of any such meeting that was planned? --- I didn't receive any such invitation and I didn't undertake any such visit.

(Inaudible) ... reason why they would have wanted you to be present at such a meeting? --- No.

You on your version that you've told us so far, you knew nothing about this. At that point in time you wouldn't have known anything about it, because the only time you became aware of it was on the 8th November of that year. That was 12 days later. --- Nee.

Sorry, I'm getting confused here. I beg your pardon. Sorry, that was in May 1990. Sorry. By then you had some knowledge of an operation, but you certainly didn't know that it was anything more than, on your version, anything more than support for - VIP protection for the King and Minister Buthelezi. ---  
And on the

/3rd May, just

2A 3rd May, just for the record, I was in Cape Town at the Groote Schuur Beraad.

General, just - Colonel, I'm not sure what he was at that stage - Colonel Louis Botha ... (intervention)  
--- Ja.

What was your understanding of his role at that time, 1988, 1989, 1990? --- I just want to go back to the document. Paragraph 2, mention was made about liaison with Captain Louis Botha. This was a foreigner to me at that stage. So the facts on the 8th November, if I have to bring these into relation thereto, I became aware that he had good relations with the Minister, good liaison with the office in Ulundi.

Which office in Ulundi? --- The seat of the Chief Minister - his place in Ulundi, where the Chief Minister sits. My impression was that he had good liaison with the Chief Minister in Ulundi.

Would this be the KZP? --- Let me qualify what I want to say. My impression is that Captain Louis Botha was somebody who Chief Minister Buthelezi confided in.

And you are obviously aware that Colonel Louis Botha was later identified as the person through whom money was channelled from the police to Inkatha? ---

Korrek.

Now, I just want to take you to the second or the supplemented notice dated 24th June, I think, and just to summarise some of the paragraphs of your written statement, you stated in your written statement that the information which apparently linked you to the manufacture and supply of weapons arose through the evidence of one Mr Q to the Goldstone Commission and then again at the De Kock trial. --- Correct.

/Sorry, I'll

Sorry, I'll be with you in a minute. General, in 1989, sorry, just remind me - I know it is in your document, but where were you - what position did you hold in 1989? --- Bevel van die uitvoerende dienste van die Veiligheidstak.

Now, an application for amnesty has been made to this Commission and at this stage I'm not at liberty to release any information as to the identity of the applicant. It will, obviously, be made public in the very near future, when the person himself applies for amnesty, but the information generally is that an instruction was given to a particular individual to manufacture a number of pipe shotguns - and the colloquial term for those are Zip guns, apparently, and that the destination for these weapons was Inkatha in Natal. It is alleged in the amnesty application that you yourself gave authorization for the project. Is there any comment you want to make on that? --- Definitely not.

(Inaudible) ... question, "Do you want to make a comment?". --- No, no.

So your comment is that you know nothing about it at all then. And if that person says that when he was destroying documents, computer disks, audio cassettes, etcetera, he also destroyed documents which authorised the manufacture of the weapons and that such documents were signed by yourself, that would be incorrect, I suppose? --- Dis seker.

Were you ever aware of any plan to supply weapons to the IFP? --- Nee.

At that stage. And have subsequent events changed your view on that? Do you know of any plans which were

/undertaken to

2A

undertaken to supply - to manufacture and supply weapons to the IFP? --- Yes, when preparing for appearing in Cape Town the documents do address this to a large extent. The Goldstone Commission and the evidence in the De Kock trial and the extenuating circumstances do state that weapons were, in fact, issued.

Ja, that's correct and, in fact, there have been other amnesty applications from people who have testified to that effect that weapons were made available at various times to the IFP and, as you say, in the De Kock trial Mr de Kock himself talks about the delivery of some 6 tonnes of weapons to IFP in Natal - to Ulundi - to a senior member of Inkatha, Mr Philip Powell. Some of that is untested evidence. Some of it is in the form of a confession, because that is the legal status of an amnesty application to the Truth Commission. It's regarded as a confession. But the picture that's painted by these various statements, arising out of trials or from amnesty applications is that it was fairly commonplace practice and procedure in

the late 'eighties to provide the IFP with logistical support and weapon support. Would you agree with that?

--- I do not have any knowledge of this. I want to qualify it. Having read through the court proceedings, I read things there which I never thought could ever possibly be true. In this document you always quote a section which was relevant to the mitigating circumstances, 5.8 onwards. That really is taken verbatim from the record.

So I take it from your response that during your period of office you had absolutely no knowledge whatsoever of any support of any nature to the IFP, or am

/I wrong?

2A I wrong? --- For firearms, definitely not.

And ... (inaudible) ... in your period of office, other than the training supplied by the Defence Force, which you learnt about on 8th November 1988? --- I think the well-known one quoted is the financial support of ~~W~~AWUSA (?), the front organization of the labourers or the labour organization.

MS KRUGER: May I just at this stage determine what's the relevance of those question with regard to the notices? I just want to make sure that we're still on track with regard to the notices and we're not now moving somewhere else.

CHAIRMAN: Sorry, which notices? Oh, the subpoenas?

MS KRUGER: Ja, the subpoenas.

CHAIRMAN: No, I accept that no prior notice was given to General Smit relating to that particular incident of financial support, so if he doesn't want to answer questions on that he's not obliged to.

MS KRUGER: That's the question I want to know, whether, you know, in terms of your procedure you're limiting yourself to the notices or if you want to expand it then I can instructions and advise him on his rights with regard thereto.

CHAIRMAN: I think what we'll do, when we take a short break for lunch, we'll give you one or two or a couple more things which we would like to ask him questions on, because if we regard them as important they are questions that we will want to put to him and if he's not prepared to do so now we'll have to do so at another occasion, which we wouldn't necessarily like to do and he might not like to do that either, so if he's happy to answer them

/today then

2A today then so much the better for both of us.

MS KRUGER: No, I understand that fully. I'm just - know, there's already been duplicity in a certain sense with regard to certain questions that were asked in the previous notices and answered and I want to know what is the situation, where we are going to and what it is and then I can consult and discuss this.

CHAIRMAN: All right, well, we'll let you know.

MS KRUGER: (Inaudible).

CHAIRMAN: Yes, no, sure, we'll let you know at lunch time what questions we would like to ask and find out whether he's prepared to answer them.

MR LAX: Sorry, do you mean duplication rather than duplicity? Duplicity has a much more negative inference.

MS KRUGER: No, duplication. English is not my first language, so please ignore it when, you know.

MR LAX: No, that's why I thought I'd just clear it up.

2B MS KRUGER: (Inaudible) ... if you have a look at some of the portions at the KwaMakutha trial, when these documents were also cleared and cross-examination took place on them - those dates were clarified and at that stage it was indicated that there were certain number of mistakes, you know, on those documentation.

CHAIRMAN: General, sorry, if one looks at Annexure G, it refers to a number of different meetings. 8th November and then there was a follow-up meeting on the 21st November, and then there was a further meeting on the 28th November. It says 1989, but that's clearly a mistake. In fact, it was 1988. Are you with me? ---

I don't know if that is 1988 or 1989, but I'll concede it was in 1988.

It was 1988. I have, in fact, looked at the diary /note that  
note that relates to that meeting. --- No, no, I'll accept it.

Now, were you present at the meeting on the 28th November 1988? --- No.

No. But you set up that meeting. You arranged it. --- I have instructed the meeting on the 21st to arrange for the second meeting.

General, what did you know about or what was your involvement in or with this, "Inligting taakspan teen rewolusionêre - inligting taakspan" known as TREWITS?

--- I dealt with it in full in my previous statement to your colleagues in Cape Town. I mean, there's a detailed one and also one of the people involved with it. I mean, if you get that portion it will be fully dealt with in that.



Was Brigadier Cronje your successor in Northern Transvaal Security Branch? --- No, I don't know.

He was your predecessor? --- No, in fact, he was already off sick. I did not - there was a vacuum between myself and him.

So you didn't have anything to do with him? ---

Nothing. . No, he was - I don't know for how many months he was off sick. When I took over he was not there any more.

Now, he says in his amnesty application that TREWITS drew up lists of prominent activists for elimination, that all intelligence on targets internally and externally had to be channelled through TREWITS and then planning for action would take place, and that representatives of the Security Branch, Military Intelligence and National Intelligence met under the chairmanship of the Security Branch and, in his application, he gives as an example of

/one of the

2R one of the actions that was authorised and carried out by TREWITS, he gives as an example the murder of the Ribeiro couple. What is your comment on Brigadier Cronje's statement? --- I think it's a faulty one. I just wanted to give a brief answer. It's incorrect. The information which I've already offered to the Commission should be taken into account and then I think one must get those documents and go through it from A to Z. It's going to be difficult to respond to an allegation of a person. There's enough documentation on TREWITS, its activities, structure, co-ordination and so on. I think in the amnesty application somebody else has already given evidence on that comment.

So in your view if Brigadier Cronje says that was true he is actually lying? It's not just faulty. It's a lie. --- No, what I actually want to say is that we're speaking about time factors - time periods when certain things happened. If you consider this point important, I would like to go back to the documentation, because it's a system which operates. That question must be properly answered.

You can go back to the documents if you want to, but I'm still asking you the question. Brigadier Cronje says TREWITS, under the chairmanship of the Security Branch, drew up lists of people to be killed and they, in fact, killed people. Is he being truthful or is he not being truthful? --- That's definitely not true.

MS KRUGER: I think if I could just - to make it more particular, you can have a look at the statement already submitted - page 33, paragraph 9, 10.3.2. You ... (inaudible) ... submitted previously which you should get

2B /from the Cape  
from the Cape Town office, paragraph 9, 10.3.2 deals with TREWITS and there are also annexures to that and Annexure JJ. I don't know if you have the full record of the amnesty application from Brigadier Cronje.

CHAIRMAN: It hasn't yet been transcribed.

MS KRUGER: Because, to my mind, I know that there were certain instances where my client was also implicated in that whole amnesty application, which I attended, and, you know, certain statements were also made - were also submitted, I think, by other people with regard to TREWITS on that, so there was - it was dealt with during his amnesty application, those allegations that he made.

CHAIRMAN: It's almost 1 o'clock, and I think we'll break for a short while, during which we'll make a short list of things that we'd like to ask your client questions about and convey that to you during the course of the break.

MS KRUGER: I think you should see this not in the light of being obstructive. You know, we've been trying to be helpful all along. We've, right from the start, when my client had to testify the first time, gone around and tried to get documentation to support these things and that's why we don't want to just, you know, at this stage submit evidence which is not in actual fact correct and which we've gone through and looked at the documents. I think you see this not as trying to be difficult but, in actual fact, to assist you at the end of the day so that you have the facts as close to what they are really and what they (inaudible). --- I just want to make one remark.

CHAIRMAN: Sorry, did you want to say something else? No. We'll adjourn for at least half an hour or 45 minutes

/and be

2B and be back here at quarter to two.

LONG ADJOURNMENT

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ON RESUMPTION:

SEBASTIAN JACOBUS JOHANNES SMIT

CHAIRMAN: Do you in your written submission, and this is really addressed to both of you, so you can help me clarify this, do you deal with the second meeting referred to in Annexure G?

MS KRUGER: Yes, we do.

CHAIRMAN: At what paragraph is that, if you'll just help me?

MS KRUGER: (Inaudible).

CHAIRMAN: Okay, 23. Thanks. If we just turn to that minute, if we may, who were the three divisional commanders who were there? --- Brigadier Buchner, Steyn and Burger.

(Inaudible) ... at 6.4.1 you say that during the meeting these divisional commanders were informed. The minute, however, says that they were already informed. After introductions - they were introduced and then it was explained by you that they were already informed about the issue. --- I think that must be an interpretation. If I can read it. The introductions are made and it is mentioned that the people were already informed. I informed them at the meeting. "General Smit said that his people were already informed." That's what I am telling the meeting.

What I'm trying to clarify is did you fill them in, in which case you could have only filled them in as far as you might have been aware of what circumstances were, or

/were they

2B were they already filled in? And they may well have been filled in by other people, in which case the extent of their knowledge may have been far greater than yours.

--- Let me answer this as I can remember from that day. The divisional commanders were supposed to be made part of the information network on that day, and with regards to that part of the meeting I informed the divisional commanders about that specific task for which

the meeting was held.

(Inaudible) ... indication on to what extent each of them may have been better informed about the other activities in relation to what you subsequently came to understand as Operation Marion? --- No, I cannot comment on that.

So, I mean, if I was to take, say - were they Colonels at that stage or Brigadiers? I know Steyn is now a general but ... (intervention) --- He's a General. It's not important. I think some of them ... (inaudible) ... Brigadiers.

Ja, whatever his rank was at that time. --- I think two of them could have been Colonels and one could have been a Brigadier. Which one of them ... (intervention)

It's not that relevant. I just want it for the purpose of, say, referring to one. Steyn, just hypothetically, Steyn may have been more involved, say, by virtue of where he was posted or by some special knowledge he may have had. You wouldn't be able to comment on that in any way? --- That's correct.

Why was it decided or why was it suggested that Brigadier Mathe should not be informed about this process?

/--- I cannot

2B --- I cannot recall that part. I cannot remember it being said, but I do remember that conflict arose within the KwaZulu policing and that there were clashes of interests, but I can't remember it happening on that day.

(Inaudible) ... that you referred to that gave you this impression? --- I am not referring to a certain

incident. I'm referring to general information, which came to my knowledge that there was divided loyalties, where the people were more inclined towards the King or towards the Chief Minister.

(Inaudible) ... between the King and Buthelezi. That happened much later in the course of - once the ANC had been unbanned and once the ANC and Inkatha then started fighting for the King's - or to have the King's sway, shall we say, in relation to their activities, but at that stage there was - the King's positive or negative attitude was neither here nor there. It wasn't in issue. --- I cannot comment any further than my recollection that I have now. It's more than eight years ago.

So your evidence, as I see it, is - and you can just confirm this - is that the sole purpose of this meeting was to develop this information-gathering network? --- That's correct.

And that was only to be through the Security Branch? --- That's correct.

(Inaudible) ... leave the military people out of this network? --- The system used to be that domestic or internal security was the main task of Security and Military Intelligence was concerned with other issues. I saw the documentation in Simonstown but information terrains were specifically allocated to certain branches.

/(Inaudible) ...

2B

(Inaudible) ... mind mitigates against that suggestion is the fact that the Defence Force was involved in the training of these people and they were constantly monitoring their performance and that's clear

from the fact that they attended all these meetings and they reported on these meetings, so it doesn't make sense to me, and maybe you can expand further on that.

--- Intelligence or information is, in the first place, the responsibility of internal security forces like the Police Force, and then also Security Branch. All information was interpreted and gathered and the military branch had their own information services, as well as National Intelligence. The gathering of information and the interpretation thereof was centred at the various security components.

What is meant by clause 16 of that minute, where you say that, "Problems and their possible solutions must be identified by the divisional commanders"? ---

Page 23, paragraph 6.4. Because this person didn't form part of an existing information structure it was necessary to research possible channels of information to interpret the information. At the end of the day, people who were in the field had to be handled. Information had to be controlled and that was the explanation with regards to paragraph 16, where I said that it was not possible already to launch this information intelligence or information system.

We've questioned numerous security policemen and they all had very effective informal intelligence-gathering mechanisms - informal sources and formal sources and they never seemed to have any major problems with

/those systems.

2B those systems. So I'm not sure that I understand why this was such a problem. --- I am not trying to make it out as if it was a problem. On the 22nd, like I said

in paragraph 13, Erasmus had to investigate the matter.

Smit wanted to appoint a member permanently, but Erasmus had to investigate this. The commanding officers had to go back and determine how they cope with new information. I did not see this is a problem. I find them to find solutions thereto if there were problems. I am not a grassroots operator, but at that stage I was operating a system from my controlling command angle. I told them to analyze the problem and reach or get conclusions - solutions.

You see, the way the minute is worded is that there were - it implies that there were problems and you had to look for the possible solutions. It doesn't talk about the possible problems and possible solutions. It talks about the problems and possible solutions, and it implies that there were already problems that were needing to be looked at. So, in the light of that, what problems were these that possible solutions were needed for? --- I cannot explain the way the person drafted this paragraph. The meeting of the 21st must be seen in the light of what happened on the 8th October. Help was offered and it was available. The first thing that happened was that it was said that work was done at grassroots level and the divisional heads said that there as an offer which had to be accepted when it was necessary. Only help was offered and a problem was not discussed. The help was offered in the sense that intelligence capability was offered. Information had to be received and used.

I hear that. The fact of the matter, though, is

/that at that



2B that at that time the whole process had already been implemented. The operation was already in the implementation phase. These people had already been deployed. That is a matter of public record and, if one looks at the various court records that relate to prosecutions and so on of some of these people, it seems quite clear that some of them were already causing problems at that time. --- I do not recall that in that specific light. If you think about the meeting of the 8th, it was said that there was information abilities ... (intervention)

You're saying, "Listen, these people are creating problems. There may be a better - a different use that we can put them to", and that was the offer in a sense, and we did canvass that earlier today. --- The offer that was made was that people would have been available and I told the divisional heads that there were people available whom they could use. I was not the draughtsman thereof. I do not have a problem with the choice of words, but the problem was how these people would contact each other and to whom the information would be brought. If I look at the history now, this project never took flight.

They talk about problems here in this minute. It's that sort of problem that you would say or suggest that is being referred to? --- Definitely. We have to consolidate that meeting. It was about the offer of information to be used.

I just want to cover this aspect again, but your understanding of this operation was to provide protection for Minister Buthelezi and the King? No other people? --- That's how I recall the matter.

/When it was

2B

When it was canvassed you spoke about the necessary number being 50 at that time - that was the perception - in different shifts, as you put it - "Aflossings" was the term you used. Correct? --- That's correct.

It did not seem a bit excessive to you? That was what you say was - how they worked at that time?

MS KRUGER: I don't think the statement you're making now is quite correct. It was said, "If it is now given that it was 200 is that what you would accept?" It's a qualification.

CHAIRMAN: Sorry. The witness did say that, looking back - although that was how they worked at the time, looking back now with the benefit of hindsight, if I could add that in, it does seem somewhat excessive. It probably was more than what was actually needed at the time.

MS KRUGER: Correct. You will recall his testimony with that was with regard to an objective or subjective and qualified saying if you want to ... (inaudible) ... two people, that was given.

CHAIRMAN: Yes. No, no, that's fine. What I am confirming in essence is that it was only two people. That's the important thing. Because, clearly, if one looks at the concept documents that were prepared that set out how the project should have worked, it was intended to provide security for a lot more people, and that's clear from the documents. You saw that yourself when you read those annexures. --- Yes, the documents now available and I have to think back to 1986 ... (intervention)

(Inaudible) ... time. Now, all I'm saying is the impression you had relative to the intention of the people who created the project is very different. ---

Ja.

/If that was

2B

It that was the sole purpose, as you understood it, of the project, and I don't want to put words in your mouth - I accept you didn't even know it as a project, it was just some - let's use the term, "Operation" of some description, because you say you only heard the term, "Operation Marion" or, "Project Marion" at a much later stage. But, given that you didn't know exactly how many people were involved at that time and given that it was for protection of the King and the Chief Minister, why couldn't the police do that job, which would have been their normal line function in any event? --- As I have already told you, it is difficult for me to give a qualified answer because during that time the Defence Force was there to support the police, according to the Act. Objectively, the police might have completed that task.

(Inaudible) ... carried out by Inkatha's own people, trained by the military. Now, the question is why should they do the job rather than the police who, in your own words, could have done the job? --- I didn't have a problem with the fact that the police could have done it, but I have to qualify it in the sense that at that stage in each and every policing area there was a maximum usage of the police already.

(Inaudible) ... this wasn't the Defence Force doing the job. This was Inkatha doing the job of the police. These were all Inkatha members, specially

selected for that purpose and they were doing the work of the South African Police, not the Defence Force.

--- You are putting it to me in such a way that it came from the document but that was not what my knowledge had been at

/that time.

2B that time. I thought that they were people from the Defence Force or people trained by the Defence Force used in KwaZulu Natal. I was not aware of the fact that these were Inkatha people. It was not communicated to me.

You thought these were Defence Force people? ---

That's correct.

I'm familiar with the legislation that deals with Defence Force support for police operations and I'm sure you are too and the law is very clear on this issue and we've canvassed it with a number of other people. Defence Force operatives could only operate in this way under the control - that's the term used - under the control of police members. So that, for example, if they are doing house to house searches or if they're doing road-block duties there has to be a police officer in control of the operation. Do you agree with that?

--- I agree.

It was the Police Force then in control of this operation. --- I was not aware of any police officer being in control of that person.

(Inaudible). --- I cannot comment thereon.

You ask me a question which I did not research and I cannot answer it completely. There were many structures in place at that stage. There were, "Kitskonstabels" and other structures. People were brought in, but I did

not have the complete picture in my mind what part of the military these people were part of.

(Inaudible) ... they were members at the end of the day and many of them were incorporated into the present SAPS, albeit indirectly sometimes through other homeland structures, as they were called at that time - police forces and so on. We're talking about Defence Force

/members who

2B

members who were doing police work and the law required that they be under someone's control, particularly the police control. Which department would have exercised control over that? Which part of the Police Force would have exercised control over that? --- I can't answer that because I have no knowledge. If you ask me who did it. If it had been in Natal it must have been the KwaZulu Police.

(Inaudible) ... Brigadier Mathe was, I think, the most senior officer in the KwaZulu Police at that time.

--- (Inaudible) ... General Laas or Brigadier Laas ... (inaudible).

But either way ... (intervention) --- But Mathe was very senior too.

Yes. --- Ja.

It seems clear that he must have had something to do with it because you didn't want him involved in the intelligence side. So there's an implication there he must have been in some way involved with these people.

--- I cannot comment, because I have no knowledge.

(Inaudible) ... do some research for us on - try and go back through the documents that you may have at your disposal to follow up that aspect in the sense that

clearly if these were Defence Force people, carrying out duties that the police should have been doing, they would have been under the control of the police in some way or other, and it would be helpful for us to know how that was implemented. --- Can I just ... (inaudible) ... clarity, if I understand it correctly?

Sure. --- You see, I'm not taking notes.

Mrs Kruger, is there anything that you want to add /before we

2B before we ... (incomplete)

MS KRUGER: No, I think we've arranged that there are further questions that you will submit and we'll reply and respond to that.

CHAIRMAN: Okay, that is the arrangement then, but in the event that it may be necessary to recall your client, may we do so merely by communicating a mutually suitable date with yourself?

MS KRUGER: Yes. Could I just place on record that until mid-August - basically the whole of August - my client has got other overseas commitments, so either still in July or September.

CHAIRMAN: That's fine. Okay, well, then we will adjourn sine die then. Thank you very much. ---  
You're welcome.

PROCEEDINGS ADJOURNED SINE DIE

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/TRANSCRIBER'S

