

**INQUIRY IN TERMS OF SECTION 29**

**HELD AT**

**DURBAN**



**TUESDAY, 10 JULY 1997**

**JOHANNES VELDE VAN DER MERWE**

**[PAGES 1 - 86]**

1A ON 1997/07/10

IN CAMERA

INTERPRETERS AND MACHINE OPERATOR SWORN IN

MR J WAGNER APPEARS ON BEHALF OF GENERAL VAN DER MERWE

CHAIRMAN: Mr Wagner, we'd like to swear your client in, please.

JOHANNES VELDE VAN DER MERWE (Sworn, states) (Through Interpreter)

CHAIRMAN: Mr Wagner, the translation, as you know, is available on channel 1 on the earphones from English into Afrikaans. This is an inquiry in terms of section 29 of the Promotion of National Unity and Reconciliation Act of 1995. This is an investigative inquiry, not a public hearing and, as such, it is held in camera. The obligations and duties of the parties are set out in the Act and they are as follows. The person subpoenaed has a right to legal representation and he is represented here today by Mr Jan Wagner. 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 to the question may incriminate him. However, there are conditions applicable to this section as follows. There must have been consultation with the Regional Attorney-General with regard to the questions involved. The Chairperson of the inquiry must be satisfied that the request for information is reasonable, necessary and justifiable in an open and democratic society and, of course, the witness must have refused to answer that particular question. The Act also provides that any incriminating evidence obtained at an inquiry of this nature is not admissible in any court forum, except

/for one

1A for one proviso, which is to the effect that any evidence obtained at a hearing or at this inquiry may be used against the person giving the information where the person is charged with perjury arising from his giving false or misleading evidence to the Commission. Finally, just to draw to your attention the offences section of the Act, section 39, which provides that it is a criminal offence to do anything to hinder the Commission or any Commission staff in the exercise or performance of their duties and, secondly, it's a criminal offence to wilfully furnish the Commission or staff of the Commission with evidence which is false or misleading. I think that concludes my introductory duties. Is there anything that you want to say or ask before we start, Mr Wagner?

MR WAGNER: Thank you, ~~Mr Chairman.~~ No, we agree with what you have said. I think we may start with the proceedings now. We have studied the notice in terms of section 29 - specifically the aspects on which you wish to question General van der Merwe. We have prepared a short document in the form of a statement and we also took the liberty of translating it ourselves to the best of our abilities in English. The General has requested me that he can give his evidence in Afrikaans, if you don't mind. So I would suggest that we can perhaps start by him reading into the record the statement. We've given copies of both Afrikaans and English to yourselves and also to the interpreters, so maybe that is a good point of starting.

CHAIRMAN: Thank you very much, Mr Wagner. Before I start, I just want to - for the transcribers who will be

/transcribing

1A transcribing this evidence, just to reflect the names of the persons on the panel. It's Mr I Lax and Mr R Lyster. Thank you. General van der Merwe. ---

Thank you, Chairperson. I'm a retired General of the South African Police. I live at [REDACTED]

[REDACTED] On the 20th June 1997 through the intervention of my attorney, Mr Jan Wagner - Mr Chairperson, do you want me to wait for the translation or will you follow the translated copy in your possession? Otherwise I will have to slow down.

I am following ... (inaudible). --- So I can continue as normal, ja. Thank you so much. On the 20th June 1997, through the intervention of my attorney, Mr Jan Wagner, I received a notice in terms of section 29 of Act 34 of 1995. I studied the notice and documents, and reply as follows to the questions in the notice: The first question, I am handling it in the same order in which it appears in the notice. 1.1. I was never informed about Operation Marion, as such, with the exception of matters discussed at the meeting of 8 November 1988. I came to hear of it through the media. Secondly, myself and my subordinates in the South African Police Force, in particular the Security Branch investigation unit, to my knowledge played no role in supporting the activities of Operation Marion or authorising any offensive behaviour against selected targets. Thirdly, particulars about the meeting on 8th November 1988 at the Liberty Life Building between Admiral Putter and his colleagues with General Smit and myself are as follows. The meeting took place at the request of Admiral Putter. There was a short

introduction - some information on Inkatha members who  
/were trained

1A were trained through the South African Defence Force for protecting Mr Buthelezi, Head Minister of KwaZulu, and the King. Admiral Putter explained that the Inkatha members were trained offensively and not in law enforcement. There was a danger in that their conduct to protect Head Minister Buthelezi and the King might make them exceed the bounds the of law. The arrest and prosecution of Inkatha members can lead to catastrophic results for the project and embarrassment for the Defence Force. Admiral Putter wanted to know if the following were possible. (a) If a member of the unit involved should be guilty of violating the law, he should not be arrested. (b) Such a violation had to be investigated by a special team of experienced investigators who are familiar with the situation in KwaZulu and who had the necessary insight. General Smit explained such an arrangement was impractical and it would be impossible to give investigations of this nature to a special team of investigators. General van der Merwe, myself, I emphasised that each case should be handled on its own merits. It's impossible to act pro-actively in a case of this nature because the seriousness of the crime would determine the action. If a member of the unit was guilty of a crime, depending on the seriousness, an arrangement would be made with the Attorney-General for bail. In such a case a member who was released on bail should be moved from the area where the alleged crime took place. Experience has taught that the presence of a person released on bail can cause conflict in the area and tension and a negative

influence on witnesses. Admiral Putter explained further that Inkatha members were there to ease the police task. If the actions affected the

/police's activities

1A police's activities adversely they had to be stopped.

It was necessary for a person like Colonel Louis Botha, who was the confidant of Head Minister Buthelezi, to act as liaison person. Admiral Putter suggested that a joint information centre be established in KwaZulu.

General van der Merwe pointed out that the information needs of the Police Force and Defence Force varied and that such a centre would not be effective. Everybody agreed that Inkatha members did have an information potential which could be used. General Smit suggested the necessary steps in this regard to be done on a local level. The meetings were ended after it was agreed that General Smit would take the necessary steps to liaise with Divisional Commanders and Inkatha members be used as information sources. General Smit at a later stage informed me that the necessary arrangements had been made with the Divisional Commanders on a local level. I did not receive any further information about this matter. As far as the documents are concerned, there are really only two documents I want to comment on. The remainder of the documents can be handled as you wish, if you have certain questions you wish to pose. The first document, the "Third Force Concept" and I'm dealing with this on page 6 of the Afrikaans and 5 in English. A comprehensive investigation was done by various committees to the possible establishment of a third' force. The motivation throughout was to constitute force not associated with the police or the

Defence Force that could curb violence or terrorist acts. The conclusion was that such a force would be impractical and inefficient and the thought was abandoned. To my knowledge, there was never any sinister

/motivation behind

1A motivation behind the constitution of such a force. The other document is the one that I've dealt with, the meeting at Liberty Life on the 8th November 1988. The notes that were made about these meetings by the Defence Force were never submitted to me for approval and it's not clear when these notes were made. In closing, I would like to emphasise I never had any meetings with Inkatha members concerning Operation Marion. I was not involved in any way in the operation, neither did I have any knowledge of the activities of the operation.

MR WAGNER: General, perhaps it will be helpful to everybody if you could just briefly outline from about 1988 till the time that you retired which positions you held in the South African Police. In particular pertaining to this document before us. What were the positions you held? --- Thank you, Chairperson.

During 1983 I returned from Namibia to South Africa. Since 1983 I was affiliated to the Security Branch in Pretoria up to the 1st January 1986, when I became the Head of the Security Branch of the South African Police.

The post as Head of Security or Chief of Security I held until 1st November 1988, when I became Deputy Commissioner of the South African Police. On the 1st January 1990 I was appointed Commissioner of the South African Police. On the 31st March 1995 I retired on pension. So specifically, as far as 1988 is concerned,

and the document before us dealing with the meeting held with the Defence Force, I was Deputy Commissioner of the Police.

CHAIRMAN: Thanks for that overview. You just saved us asking those questions, thank you. General, one of the aspects that we would be quite interested in is in general

/terms what

1A terms what did you know about the State Security Council? What was your involvement with it? Obviously you may or may not have been a member of it at various stages, but you would have made appearances or presented documentation or so on from time to time in that forum.

If you could just give us - first starting with the time that you became Chief of the Security Police, which was in the beginning of 1986, from then you would probably have been a potential role-player in that Council in one way or another and if you could just give us some idea of what your role was and what your contact with the Council was. --- Gladly, Mr Chair. I will do this very briefly. It will not be in such detail. I will only sketch the structure. You probably have heard this already, but the State Security Council consisted of the State President, three Ministers - the Minister of Law and Order, Minister of Defence and Minister of Justice, as well as the Minister of Foreign Affairs. Some of the other Ministers, like the Minister of Finance, were also members, but they were involved on an ad hoc basis. The tasks of the State Security Council must be distinguished from the functions of the State Security Council and their functions before and after January 1990. Before 1990 it was dominant. It dealt



with all matters concerning State security and, together with the State President and the Ministers, the heads of the various departments - in other words South African Police, Defence Force, the Director-General of Justice and also the Chief of National Intelligence and the Director-General of Foreign Affairs served on the State Security Council. There was also a working commission under the guidance of a Minister. While I was

1A /involved, it was involved, it was Minister Coetzee for planning and also for doing the groundwork of the State Security Council.

The State Security Council dealt with matters of the economy and security - anything that had to do with the security of the State and with the well-being of the State. There were also other commissions or committees.

There was an MA thesis as well as a Doctorate thesis were written on the matter, but except for the heads of the departments, the others were involved in working committees. From 1986 while I was the Chief of Security Police, I served on the information branch, who supplied the State Security Council with information. It was, in other words, a sub-committee of the State Security Council. During that time I was mainly involved in the activities of the State Security Council as a member of the co-ordinating information committee, which consisted of the various chiefs of - members of the information structures. In my time it was Dr Barnard, the Chief of Military Intelligence, the head of the Security Police, who was myself, the Director of Foreign Affairs and also either him or a representative, depending on his programme. That was, shortly, the way in which I liaised with the activities. There was also the joint

management committee, which was involved in the activities of the State Security Council. There were also other committees, but I was not involved in anything else. I am not going to expand on that any further.

(Inaudible) ... those decisions ... (inaudible).

(Inaudible) ... those decisions that had been communicated to you, how would you receive notice of them? (Inaudible). --- Mr Chair, the arrangement was that

/when decisions

1A when decisions were made by the members of the State Security Council concerning a certain department, the chief of such a department who was member of the State Security Council would have to communicate the decision to a division of that certain department to execute them.

(Inaudible - microphone not switched on). ---

The joint management system consisted mainly of members of the uniform branch of the SAP. Before that a person like Colonel Wandrag and people who were directly involved in the day to day management of riots and unrest and other policing aspects which needed executive attention. Us ourselves supplied those divisions with information and intelligence and when certain aspects had to be dealt with we helped them and assisted them, but the Security Branch had an observer there, but we were not the main representative of the department. We stood under the control of the department with regard to unrest and riots.

(Inaudible) ... mind back and try and be a little bit more specific in terms of - what issues can you

recall of consequence where you were specifically involved, particularly in relation to the sorts of issues we're looking at that we've given you notice of?

I know you've given a response that, for example, if we say, "Turn to Operation Marion", you say the first time you became aware of it, as such, was through the media, other than this meeting ... (intervention) --- Other aspects that were discussed ... (intervention)

What did you mean by that in the sense that - do you mean that was the first time you ever heard the word, "Operation Marion" - those words used in that sense? The operation itself, the planning of it commenced in 1986 and

/it became

1A it became operationalized from about 1987, 1988 onwards.

The name only surfaced as "Operation Marion" very much later, but the operation itself was on the go and, as such, the things that it was designed to do began to happen and you would have seen some of those things happening and had notice of them. So I'm just trying to understand what you mean. --- Mr Chair, what I meant by that statement was that the operation as it was presented later on, like in the KwaMakutha trial, I never knew anything about. It was not brought to our attention. During the negotiations, during November 1988, we mainly dealt with the training of the members - the fact that they were trained offensively, and the fact that they were there to help with the protection of Mr Buthelezi and the King. We very briefly discussed the problems there were, but it was not elaborated upon.


The name might have been mentioned, but it didn't really make an impression on me. Later on, during the

KwaMakutha trials I associated it with that, but it was at that stage about training of Inkatha members for protection and with regards to the problems with the training.

(Inaudible) ... this operation, as such, but the name necessarily wasn't something that stuck in your consciousness, as you put it? --- Purely as far as they were a protection unit - in other words a VIP unit in Natal. It would have been used there. There was no elaboration upon that, and also that they could have been used as an information source, but after the negotiations nothing else came out, but as far as we were concerned that was that and nothing more.

MR LAX: General, just to go back to that meeting in the

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 /Liberty Life  
Liberty Life Building, November 1988, now, from what I understood from what you said to my colleague, was that the first time that you had heard of not the words, "Operation Marion", but was that the first time that you had heard of this project or this operation or this plan to provide the Chief Minister and the King with protection? Or did you have knowledge ... (intervention) --- No, Mr Chair, if it had been mentioned it would have only been in passing, but in such a way that I was never really involved. I was not involved in any decisions or negotiations or discussions. Nothing required my attention. It might have been mentioned in passing, but not in such a way that it would have been necessary for me to pay attention thereto. The first time I got involved in the training of Inkatha members was during November 1988,

not before that at all.

That was in the context of a formal meeting between yourself and General Smit and somebody from the military? --- As far as I can remember, Admiral Putter, Van Niekerk and General van Tonder might have been there as well. I cannot remember exactly, but he might have been.

(Inaudible). --- Nee, hy sou heel waarskynlik ook by gewees het.

Now, at the meeting somebody - I think it was Colonel van Niekerk - HDIO - Hoof - what does that stand for? Chief of Staff ... (intervention) --- Hoofstaf, Inligting, something like that.

Inligtingsoperasies. Chief of Staff, Intelligence Operations. --- That's correct, yes.

CSIO. --- Ja. Dit behoort te wees Hoof Direkteur, Inligtingsoperasies, I think, and that would /have been

1A have been General van Tonder at that stage, I think.

(Inaudible). Sorry, Annexure 'G. It says, "HDIO gee oorsig van Operasie Marion" - "CSIO gives overview of Operation Marion" ... (inaudible). --- Direkteur, Spesiale Take, or something and I think it would have been Brigadier Cor van Niekerk.

That's right. "Vul aan met betrekking tot probleme rondom offensiewe optrede". Now, can you just tell us, from what you recall, what this, "Oorsig" was, and if you look down, I think, at paragraph 11 on that same page you'll see the same person, "Gee geskiedkundige oorsig" - "Gives an historical overview of Operation Marion". Sorry, that was actually at a different meeting. You may not have been at that

meeting. Wachthuis, 21 November. --- Nee, ek het nie daardie vergadering bygewoon nie.

Okay, let's stick to the first meeting then, where he says, "Gee oorsig van Operasie Marion". Secondly, he talked about problems with offensive actions. If you can just tell us what you recall the sort of overview - "Oorsig" - that Van Tonder gave you at that meeting.

--- I would gladly repeat what I can remember, but I must add that the guidance (?) is not clear in my mind any more. As far as I can remember, it was about the training of people who were trained in secret in the Caprivi. The aim of the training was to create a protection unit that would be available to the Chief Minister and the King and his household. It was made clear that these people were trained offensively as members of the Defence Force. They did not have knowledge of the legal aspects and law enforcement per se and, therefore, it might have happened that when they acted in some incident they would have

/acted offensively,

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acted offensively, like the Defence Force, and they might have used maximum force and not minimum force, as the police were trained to do. That could have resulted in these people clashing with the law and transgressing the law. When a person acted in the protection of the King or the Chief Minister, these people might have been arrested. If they had to end up in court afterwards without the case being researched and this had to be done by trained detectives.

So your understanding at the end of the meeting was that this was a Defence Force operation to provide the Chief Minister and the King and his family or

whatever with protection? --- That's correct.

Now, there are some aspects which I will raise, but first I want to take you back to another annexure which will be there in front of you, and I think it's Annexure E or D, and it's a memorandum dated 16th April 1986, which is from - I think it emanates from Colonel van Niekerk - the same person who talked to you at that meeting or who was present at the meeting. --- Ja.

Now, I'm not suggesting that you've ever seen this document, or you may have, you know, since the trial of General Malan and others, but it's, from what you've said, the first time that you knew about Operation Marion was in 1988. I just want to place this document in that context. Now, it's clear from this document dated 16th April 1986 that there was substantial planning that was put into Operation Marion at least 2½ years before the meeting that you held in 1988, and you'll see there, it says, "Operasie Marion" SA ... .. (inaudible) ... "The name list of the first 165 members, the name of the operation".

/(Inaudible) ...

1A (Inaudible) ... paragraph 2 of the operation, and then over the page, 6(a) they deal with the various aspects.

The first one is, "Steun aan Inkatha" - support to Inkatha, and there are five or six sub-categories, one of which is security for the Chief Minister and there's no mention, you'll see, of the King. 3. is "Inkatha optrede teen die UDF en ander. Met ander woorde die para-militêre vermoë" - in other words para-military capabilities. (Inaudible) ... contra-mobilisation and inligting, etcetera. And then we have on page 4 of that document the proposed financial and other support -

logistics, "Uitrusting", etcetera, "Uniforms, wapens, ammunisie". Do you have that one? --- Thank you, I do have them.

(Inaudible) ... spending of a large amount of money on this operation - over R2 million. And then on the following page there is details of a highly secret method in terms of which funding for the operation would be paid through an Armscor account, which would not be traceable back to the Army and then, finally, a point which is made relating to the cardinal - "Kardinale belangrikheid van sekerheid" - "The cardinal importance of security in that the SADF support of Inkatha must be kept secret at all costs". (Inaudible) ... was the operation which was described to you in 1988. To what extent did it coincide with the description of Operation Marion which is found in this document? You've told us basically that - you gave a short overview and said that it was to provide protection for the Chief Minister and the King. Now, I think you'll agree that the sort of plan which is envisaged in this document is a different sort of thing altogether. It has a very clandestine ring to it. It's

/clearly meant

1A clearly meant to be kept secret. It involves not only safety but, as a very separate aspect, it involves the offensive element. We're talking about large numbers of people. There they envisaged 165 people. In fact, the final number who were trained were 206 people. Can you comment on what you were told in 1988 and in this document which was presented in 1986? --- During our negotiations in 1988 the operation was already in progress. It had been for a certain time. It was about



the protection of the Chief Minister and the King. With regard to the use of these people as information sources it was clear to me that the initial planning never really got off the ground. They had problems with the use of the people and they wanted to see if a different arrangement could not be made so that these people could be used more effectively. Some of these aspects might have been discussed, but I can't remember that. What struck me at that stage was that these people were trained for the protection of the Chief Minister and the King, but they were not trained properly. They were trained offensively and we could not use them, except if steps were taken to ensure that this project would not become an embarrassment for us. They asked if we could help to get this project off the ground.

Can I just follow up on one aspect. In 1988 you began to explore the possibility of the use of these people as an intelligence course, as an information source. Is that correct? --- The possibility of doing this was mentioned when we discussed it, yes. At the meeting for the first time it was mentioned and it was decided that the possibility should be investigated.

/(Inaudible) ...

1A (Inaudible) ... 6 document, it was clear that that was always the intention of the project, was to use them for that purpose. So it comes as somewhat of a surprise that 2½ years later, only for the first time is it actually being considered that they are an information source, when it's quite clear if one looks at that annexure we've just given to you that at item 6(a)(v), "Inligting" is a specific aspect that the project was intended to cover. Do you see what I'm saying? ---

Chairperson, it's very clear that the initial planning which was undertaken and the further course of events of this operation didn't really, in practice, take on any form or shape. If you look at the initial information given prior to 1988, it was clear that up to that stage we didn't know about the operation or it would not have been necessary to inform us. Secondly, if we look at the problems which were raised at the discussions, it's also evident that we did not have any prior knowledge about their training or were not involved in any way or it wouldn't have been offered at the meeting. So the initial idea was to use them and the Defence Force might have tried to do this but failed in their efforts and that is why they then decided that we should be drawn in to see if we couldn't assist in making a success of this project.

On other aspect that I need to follow up with you is the question of - as you've explained it to us and correct me if I'm wrong - one of the issues here was to deal with problems that would arise, in the sense that if people would get into trouble you wanted to have some sort of process by which to ensure - not you - I'm saying they, the Defence Force. Let's correct that, before I create

/the wrong

1A the wrong impression. The Defence Force were looking to have a process in place by which people who found themselves in trouble with the law would be able to be, in a sense, a process to ensure that the investigations would be dealt with in a sensitive way, that bail would be able to be obtained for them, and in one way or other that they would be removed from the area. Exactly what

that means -you've said that you understood that to be taken to another place so that they wouldn't cause problems for the witnesses and the investigations, and so on, and that's your understanding of it. The crux of what I'm getting to is that this was something that would be happening at some point anticipated in the future. Is that correct? --- That is correct, Chairperson.

Now, in reality, and you may not have been aware of this necessarily, and I'm not suggesting that you necessarily were, in reality those problems were already happening. If one looks back at a number of court records and so on, those people were already involved in troubles of one kind or another. There were already potential prosecutions pending against them and investigations, and there are allegations of many more but at least some we can verify. Now, the impression you're giving us is that the meeting spoke about things that would happen in the future. The information so far is that, in fact, there were problems already existing that needed to be dealt with and that what you were, in fact, being asked for was to help deal with those problems then, rather than in the future. ---

Chairperson, perhaps one aspect which needs to be put clearly. This is the way I put it during the meeting, that if a person should be guilty of some or

/other offence,

1A other offence, then we could arrange, with the assistance of the Attorney-General, again, according to the merits of the case, what to do - that was the best we could do, but there was a clear understanding that it was a condition that such a person should be removed

from the area where the incident had occurred. On that occasion no cases were discussed where problems did exist, with the exception of one case, and it wasn't clear to me - Luthuli's name was mentioned. There was something said, but I cannot remember the circumstances of the matter, but the name is familiar to me. Apart from the fact that mention might have been made of the particular case which was problematic, it was aimed really at handling future cases and not cases that had already taken place. You can see from all the notes and everything that it was aimed at the future and not at what had happened in the past, because at no stage were we informed in the past on any past cases. It was the first time that any possibility was presented to us.

You see, if I read that cryptic note ... (end of tape) ... if you look at the first point there - the first clause of that note, these two individuals - well, the first one gave an overview of Operation Marion. The second one filled in with regard to problems around offensive conduct. One way of looking at it is that it dealt with existing problems around existing conduct, not just future conduct. And that would then accord with the fact that there were, in fact, problems at that time and that's why the matter was being discussed. I'm just offering that to you. That is one of the allegations that has been made to us and so it's my duty to put it to you,

/in a sense.

1B in a sense. --- I am not in a position to comment whether such problems did exist at that period of time and whether this was the underlying motive for holding the discussions, but those problems which had already

occurred weren't submitted to us but concerned the further utilisation of this unit and how we could prevent offensive actions from their part leading to the whole project failing.

If there were those sorts of problems, they weren't really playing open cards with you. --- Yes, it was definitely not submitted to us.

General, can you tell us why this project was a secret one? It seems to me that if the protection of two high-profile persons such as the Chief Minister and the King is a very worthy and lawful pursuit, what was secret about this whole operation? Why was it necessary to keep it secret? Why was it - you mentioned earlier on that it may become embarrassing for the Government or the Defence Force. Could you just clarify that aspect?

--- Chairperson, it's difficult to explain why the Defence Force handled it in this way. I was not involved in the planning and at that period of time when the matter was brought to us those people had already been trained in secret in the Caprivi. They had been trained in offensive actions. They had been employed in Natal secretively, so if it should come to light then it would have been an embarrassment to the Defence Force, but why it had been necessary to do it in this fashion is difficult to explain, especially in the light of the fact that there was no way in which 200 people could be used to protect the Chief Minister and the King and do this secretively,

/other than

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other than if the idea had been that these people were to work unnoticed at gatherings and public meetings of the Chief Minister or King, so that if something was

planned nobody would know about their presence in offering protection. That could possibly have been the reason, but we didn't discuss that. So at this stage I'm just giving my opinion, without being able to say to you that this was the overriding reason why the Defence Force did it, but personally if I have to look at the circumstances I would deduce that it was to ensure that those people were there and that other people didn't know that they were there and they had to be able to move around unnoticed amongst people and in that way observe without other people being aware about them.

General, why was it necessary for the Defence Force to provide this training, when it was actually a police function, in fact, to provide that sort of protection? It seems somewhat surprising to me that here we have Defence Force personnel carrying out police duties. Why was that necessary? --- Chairperson, I don't think it's a secret that in the past the Defence Force played a prominent role in so far as security actions in South Africa were concerned. They regularly assisted us in KwaZulu/Natal as well with some of our activities and our field of work and elsewhere in the country they were also used for the same purposes from time to time, but then I also have to add that the Defence Force itself always wanted to be right at the forefront, and my personal opinion was that it was again a case where they wanted to show that they had the initiative, that from their side they really were making a concrete contribution and with

/the approval

1B the approval of the State Security Council they had introduced this project, which was being tested in

practice and ultimately had failed the test.

The legal structure at the time - the legislation and so on - you'll be aware of this - it's quite true that the Defence Force can actually provide assistance to the police, but under very strict criteria and under very strict supervision and control. For example, road-block duties, search operations, and so on, where they seal off an area and then house to house searches take place. We're familiar with all that sort of process, but under all circumstances if the police (?) do act in that sort of civilian police duty way they are required to be under the control of the police. Is that not correct? --- Chairperson, no. Firstly, it's so that where the Defence Force assisted us they were under their own control. They were not under our control.

(Inaudible) ... here, I'm not talking about command. We've discussed this matter with a number of other people over the last couple of months. As I understand it, the Defence Act requires Defence Force personnel executing police type functions and where they are assisting the police internally to be under the control, not the command - they have their own command structures. One understands that, but at all times they were required to be under the control of the SAP and SAP members. So that, for example, where there is a combined operation, the SAP officer in command can actually give instruction that personnel do not do certain things or they would take instructions, although they would still be under their own commanders, the actual individual troops, as such. Do you see the

/differentiation?

1B differentiation? --- Yes, but I have to say that in practice it usually happened in the following way. We did joint planning. The South African Police determined which terrains, as such, should be handled by the Defence Force, but after a decision has been made that they would handle particular activities, they then carried these out under their own command and control. We didn't do that. So what I'm trying to say is the South African Police didn't in any way control or command the activities of the Defence Force. We merely did the joint decision-making and we had the authority to determine the particular activities outside the ambit but where a decision had been taken for them to be involved in particular tasks and to execute these and assist us, then they were under their own command and control. We didn't control it.

That contravenes the Defence Act, with all due respect and is very irregular, as you've put it. The Defence Act is quite specific. I can go and do the research and show you the precise sections but, I mean, your other senior officers have accepted that that is a correct exposition of the law as it was at the time and, in fact, for example, when we did the seven-day war hearing in Pietermaritzburg, the issue of the role of the Defence Force in that instance was discussed with those senior commanding officers at that time and they all conceded the point that very clearly the Act makes it clear that although the Defence Force have their own command structure they are under the control of the police when they execute those functions. --- It's not clear to me what you understand, "Under control". If you understand under control that the South African



Police had

/to supervise

1B to supervise the way in which they executed their tasks - in other words, we had to have an observer to see what the Defence Force is doing after this task had been allocated to them, to ensure that the task was being carried out in a way that legal prescriptions were met, this did not happen in practice. What did happen in practice is that when a joint operation was to take place, planning was done. The South African Police had to have the necessary authority to allocate a task, but once we'd allocated something to the Defence Force they had to accept responsibility and liability for the way in which they executed this task. We definitely from our side did not appoint any person to go and ensure that the task was being done in a particular manner to meet requirements. It didn't happen that way.

We don't need to canvass this thing any further. I think the simple point I'm trying to say is it wasn't on a specific - to ensure they did their duties in the proper way, but the problem is that you have troops who are not trained in civil methods. The police are trained in those methods. The Defence Act therefore requires that there be proper co-ordination and then proper control - that's the term that's used - as opposed to command. That it could have been done in the way you suggest I don't dispute that. Let's leave that for the time being.

CHAIRMAN: General, I want to go back to this document, Annexure D. Now, everything that you've told us this morning relating to this operation and what you understood about it is that it was to provide protection

for the Chief Minister and the King. Now, this stands in complete contrast to the document, Annexure D, which consistently

/refers to

1B refers to support to Inkatha. Now, that document is littered with references to support for Inkatha, and I'd like you to just try and deal with that aspect. For example, if we look at, on page 2 of document 4, paragraph 5, on the third line, "Dat daar 'n duidelike onderskeid" - "That there was a clear distinction between support for KwaZulu and support for Inkatha", and it goes on and then 6(a) is very specifically, "Steun aan Inkatha" - "Support to Inkatha". It's a political party. It's not a person and it's not a king. It is a political party, at that time - well, it was a cultural movement at that time. It's since become a political party. No mention in this document is made of the King. Now, there's been repeated reference to the King and his family and his people. There is no reference to the King in any of these documents. I've never seen any reference to the King. Now, that's what may have been told to you on the 8th November 1988, but there is no reference to the King. There's a reference to Inkatha, repeatedly, and under Inkatha there is, 6(a) of Document D, there is, "Veiligheid van die Hoofminister. Veiligheid van ..." - "Security of the Chief Minister, Inkatha leaders, Inkatha action against the ANC/UDF. In other words, the para-military capabilities, contra-mobilisation", which was, as we know, it's a sort of another word for propaganda related issues. Information, etcetera. Now, these are all sub-categories of, "Steun aan Inkatha", as opposed to,

"Steun aan KwaZulu", the KwaZulu Government, which was a completely separate thing altogether and then under 7(a) of that document, "Belas word met die steun aan Inkatha" and then it's, "Skakeling met Inkatha in hierdie verband"

/is through one

1B is through one Mr M Z Khumalo, the President of Inkatha's personal assistant. And then under 7(a)(ii), "Opmerking -'n skriftelike kontrak ..." - "Remark - a written contract has already been concluded between Inkatha and Mr Swart to train a para-military force". So the point I'm making here, and then, of course, at the end of the document that the money is paid through an Armscor account or through Armscor into an Inkatha account - this is paragraph 11 on page 5 of that document. "As if an anonymous foreign donation has been received. So that Inkatha paid itself for all the services. This also goes for the purchasing of weapons and ammunition. The cardinal importance of security in that the SADF gave support to Inkatha, especially, and that this had to be kept secret at all costs." You're giving us a very, very different story. You're telling us that this was simply a project that was secret, probably so that people could mingle with the local population, and it was a project to provide security or safety for the King and the Chief Minister. Now, how does that match up with what we're seeing in this document, which appears to me to be very, very clearly clandestine, secret support to a political movement? Inkatha is mentioned throughout. Can you please try and bring those two aspects together? The documents speak for themselves. I'm confused. --- As I have already

indicated, I was not involved in the drafting of the documents. I cannot explain to you why this document and the guidance, as you put it now, are in conflict with each other but if one does look at this document, it is clear that it is about the security of the Chief Minister. The support to Inkatha, and I suppose this also includes the

1B

/security of security of the Inkatha leaders and also this mention of para-military actions, etcetera, was not discussed with us at that stage. One should always keep in mind that this document was drafted on the 6th April 1986. It came from HSI, the Chief of Staff, Intelligence, of the South African Defence Force. I accept that it was not a document that would have been at that stage policy of the Defence Force which would have been approved. This document might have been drafted for approval, but not approved at that stage. I do not have the specific paragraph with me, but the protection of the Chief Minister and the King is mentioned in further documents.

The ideas put forward here as it was on that document was not necessarily approved in that form and it was not necessarily practised or put into practice like that, but I am drawing conclusions from the documents. I do not have first-hand information, therefore, about it. The Defence Force would be in a better position to expand on the motivation and why we were contacted and why they were liaising with us on this project.

Well, if somebody can show me a document which says that this was a project to provide security for the King, I'd like to see that document. I haven't seen one yet. --- The King is mentioned in one of the other

documents. I will go and do some more research.

Can we leave it on the basis that you'll look for that aspect and give it to us a bit later. --- Yes, we will look at it.

There are lots of meanings given to this word, "Offensive". How did you understand the offensive training? What does that mean to you? --- As far as /offensive training offensive training was concerned, from a police point of view, offensive meant that when a person acted and if he saw it necessary to act, he would have acted with maximum force and not with minimum force as provided for in the law.

1B

You see, other people who have testified from the police side say that they didn't understand that as maximum use of force. They said they just understood the word to mean preemptive. --- That might be the case, but offensive as I understood ... (intervention)

Not preemptive - pro-active. I beg your pardon. Pro-active was the term used. Any pro-active action. So they didn't say - it basically just meant in anticipation of something happening, that's all. ---

I have always understood it that the Defence Force people were trained as soldiers. If there was contact with the enemy they had to kill them. It was not about trying to arrest this person.

Well, I agree with you. That's how I would understand it, personally, and that would be the differentiation, obviously, and that's obviously also the plain meaning of the word, in a sense, when used in its plainest meaning, but, ja. All I was putting to you was that that's how others - your colleagues - seem to

have understood it. Just to continue with this issue about what your understanding of Operation Marion was and what the Defence Force's understanding of what it may have been, you've said earlier - a few minutes ago - that Annexure D may well not have been approved by the Defence Force. I just want to take you to another annexure. It should be Annexure L in your bundle there.

At the bottom

/of the page.

1B of the page. It's probably got 122 on it in the bottom right-hand corner. Now, this again is a memorandum which emanates from Colonel M van den Berg. It's dated 2nd May 1990, and the reference on it is, "Marion" at the top right-hand corner, and then it's to Directorate, Special Tasks, Operation Marion. "Hoofstaf, Intelligensie se besoek aan Ulundi" - "Chief Staff, Intelligence, visit to Ulundi". And you'll see there that under 2(b), "The Chief Minister was worried because he was losing the armed struggle and insinuated that offensive action is still needed, meaning the use of hit squads". Now, I'm not suggesting you had anything to do with that or even knew about that meeting, but it gives some clarity to what the word, "Offensiewe optrede" means in the context of Operation Marion and it provides some clarity to what both the Defence Force and the Chief Minister of KwaZulu understood to be the nature of the assistance given to the Chief Minister by the Defence Force. Do you see that document? Have you studied that document before? --- I have, thank you:

Would you like to comment on the document? ---

Yes. Once again, I can only make my own deductions from what is contained in this document. If one looks

at the document it is clear that the project, Project Marion, as such, did not give the Chief Minister the feeling of security that the Defence Force wanted. The Chief Minister was concerned because he was losing the armed struggle and offensive action is still a need. If I read this correctly no offensive action had taken place by then. It is still a necessity or it is still needed. I do not have any more information than contained here, but

/I think at I think at that stage there had not been any offensive action, but it was a need and because it was not occurring the Minister felt that he was losing the armed struggle. With regard to hit squads, I have no information about that. This is the first time it was mentioned. I want to say that I do not think that what is said here does not necessarily say that offensive action had been taken. The impression can always be created that because there is not offensive action and because there is a need therefor the Minister feels that he is losing the armed struggle.

(Inaudible) ... as I said earlier was that at any rate by May 1990 there were numerous cases now pending against various people, numerous allegations, and we've received numerous allegations that these trainees now were involved in various offensive activities, and by that we're talking about shootings, killings and so on.

I say, "Allegations", because many of these things have never come to court. The witnesses were all killed in one way or another or they were too afraid, so I don't want to put it any higher than that, but in reality that seems to have been the situation. You will have heard

of the case of Mbambo and Others. I think Judge van der Reyden did that case. It's quite a case - they were trainees - well, there were three of them. Two of them were trainees. One wasn't. One was, in fact, a policeman, as I understand it. But Judge van der Reyden was quite clear in his understanding that these were hit squads and ordered an investigation to be carried out, and those chaps are still in gaol at the moment. So the point I'm making is on the ground clearly the allegations are that this activity was on-going by that time and in the light of that, if one

/then takes the

1B then takes the Chief Minister's concern that he was losing the war, the struggle, as he put it, the armed struggle, there was, de facto, a low-intensity war on the go. One is not casting blame on who was responsible and why it happened. ~~The fact is~~ we know that's what was happening at the time. So it just puts your comments in a slightly different light, if you know what I'm saying. Maybe you want to change your comment in relation to that. --- Mr Chair, I can only comment on the documents before me. The facts you have given me might be correct, but I have no first-hand information.

It would not be fair for me to comment on that or to draw conclusions therefrom. I accept if that is the case it would place this in a different light, but I have no information thereon. I can only comment on the documents before me and with regards to that other conclusions can be drawn.

(Inaudible) ... that I'm not trying to mislead you in any way then obviously your comment stands. General, in the light of this document - now at that stage you



were Commissioner of Police. Is that correct? ---  
The 2nd May, yes, that's correct.

This document is evidence of a meeting between a very senior member of the Defence Force and a very senior member of a homeland government and they are sitting in Ulundi, having a meeting, minuting the meeting, discussing the, "Aanwending" of hit squads. Would you regard that as a lawful and regular discussion? If this had come to your knowledge, would you have conducted any investigation into it? --- As it is noted here, the use of hit squads, if that is the correct conclusion, the intention would definitely have been to transgress the law. If it had

/been brought

1B been brought to the attention of the SAP we would have had to investigate.

You see, if you look below that, it says, "Komende besoek", and there's reference there to the possibility of Major-General Basie Smit going with the Chief of Staff, Intelligence, Mr van Tonder - General van Tonder - to meet with the Chief Minister. Do you know anything about that? --- No, definitely not. As far as I know, no such visit took place.

You see, if you just go to the document before that, which is - I don't think you have this document, but we can show it to you if you wish. It is also a memorandum from Colonel van den Berg dated 6th November 1989. I can show it to you in a minute. I'll just read to you what ... (intervention) --- I've got it.

Do you have it there? It's got 116 at the bottom of the page. Yes. If you look on page 2 there - this is now from - signed by Brigadier van Niekerk - and he

says, "The general impression is that the Chief Minister is looking for guidelines with regards to his struggle against the UDF, as well as the future political development". And then the follow-up meeting was the one which we referred to a minute ago, which was some months later, in May 1990. So we have reference there on the meeting of 6th November to, "Die algemene indruk is dat die Hoofminister leiding of riglyne soek met sy stryd met die UDF", and then we have another meeting in May 1990, where he says, "Die Hoofminister was bekommerd dat hy die gewapende stryd verloor en daarop gesinspeel dat offensiewe optrede steeds 'n behoefte is -- bedoelende die aanwending van, 'Hit squads'". I'm just broadening that meeting of 2nd May

1B

/1990 to let it  
1990 to let it be seen in the context of an existing concern or worry by the Chief Minister, expressed the previous year in November 1989, that he was looking for, "Leiding of riglyne in verband met sy stryd teen die UDF", and to me just as an observer, looking at these documents, it seems to be very clear evidence of unlawful intention. That people were looking for ways and means in terms of which they could assist the Chief Minister in his struggle against the UDF, to the extent where he emphasised to Colonel van den Berg that it would be necessary to unleash or, "Aanwend", the application of hit squads. It seems to me, as an observer of these documents, to be very clear intention of criminal activity. --- As it is noted here and as you correctly said, it is expressed in that document of May 1990, yes, that is the case but one has to keep in mind that this is a one-sided version by Colonel van

Niekerk about what the Chief Minister might have said. It is his version. Whether or not it is correctly stated or whether or not the intention is correctly expressed is another matter. If it had not been - if there are no other conclusions that can be drawn from this, I agree with you that hit squads had to be used to guide the struggle in a certain direction.

If you just look back at what was taking place in those days, 1986 through to 1990, and how the State, how the police, how the army, how the State Security Council, how they viewed the ANC or the UDF and I'm just going to read to you a couple of extracts from other State Security Council documents. I don't think you have them with you, but we will be happy to let you have them. Sorry, if you'll just bear with me for a minute.

--- Do you mean



/document A?

1B document A?

There is a specific reference that I want to read to you, but we'll find it. Sorry. I apologise. If you'll just bear with me for a couple of minutes. I'll just read from my notes here, where I've summarised the contents of the document. I will find the document. The one is a letter from one Colonel T Erasmus - that's who the document emanates from, but it's addressed to all the member of the State Security Council, "Guidelines for a total strategy against the UDF", and then under the word, "Opdrag" it says, "Die opdrag is dat die UDF as 'n ..." - "The command is that the UDF had to be neutralised as an organization that's dangerous to the State", and the UDF has been the internal arm of the ANC/SACP and the descriptions

include that the UDF engaged in unrest and intimidation.

It directly and indirectly promoted the objectives of the ANC/SACP. Groups like COSAS were an instrument of the ANC. COSAS was used to carry out acts of terror against the police. It was a UDF plan to systematically wipe out local government leaders. It was the most important body in the internal revolutionary onslaught.

UDF - violence was intertwined with ANC terror. Difficult to differentiate between the two and the UDF was in favour of violence. Now, this is a document emanating in 1985, August 1985, and this is apparently the view of the State Security Council on the UDF. Now, do you agree that from this document it's clear that there was very little distinction made between the internal revolutionary onslaught of the UDF and the external threat of the ANC? --- Yes, I agree. The point of departure was that the UDF supported the

1B /onslaught of  
onslaught of the ANC/SACP alliance. The UDF was very closely involved in the struggle and was a part of overthrowing the Government.

And then if we go to another document, which was April 1986. Again, "Riglyne vir 'n strategie ..." - "Guidelines for a strategy against the revolutionary battle against the RSA". It's on the letterhead of the State Security Council in Cape Town and it's dated April 1986, and it says, "In the final analysis of the strategic analysis, two aspects are clear that South Africa is internally captured within a spiralling threat, which cannot be brought under control by the security forces alone", and it goes on to describe the external threat to South Africa. So again they are

distinguishing between the external threat posed by ANC and other groups and they're contrasting that with what was happening to South Africa internally - "Die RSA intern vasgevang is in 'n stygende bedreigingspiraal wat nie deur veiligheidsmag aanwending alleen onder beheer gebring kan word nie". Now, do you agree that that was common thinking at the time that South Africa was getting deeper into an internal conflict, as well as facing an external conflict from the ANC? Does this document correctly reflect the thinking at the time?

--- Perhaps I should put it like this, Mr Chair. The point of departure had been that the situation was deteriorating gradually because of the announcement of a state of emergency and that the actions of organizations like the UDF and other people who worked with the ANC/SACP alliance, it became necessary to co-ordinate all people who could help to defend South Africa against the onslaught.



/Just a comment

1B MR LAX: Just a comment on what I heard you saying, and maybe I misunderstood you, were you implying that the state of emergency contributed in a way to the on-going spiral of unrest? --- No, what I mean is that the state of emergency indicated that existing law could not cope with the situation. Exceptional tasks and capabilities had to be given to the forces.

You see, we are in possession of various amnesty applications from very, very senior people, particularly in the Defence Force, and we're not at liberty to disclose who those people are. They don't involve you and those amnesty applications will obviously be made public at some later stage, but they understand this

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very much to be the thinking at the time, that South Africa was facing threats externally from the ANC and they dealt with those threats externally through various ... (end of tape) ... [break in recording] ... very, very similar onslaught internally from the UDF, which they understood to be the internal wing of the ANC and it's apparent from these amnesty applications that guidance was given from the higher echelons of Government that the internal threat and the external threat were to be treated in the same way. That the UDF internally was to be viewed in the same way as the ANC was viewed externally and that they were to be, in the same way that the ANC externally was to be attacked and, "Uitgewis en uitgerooi" - these are the sorts of words that are used - so were the UDF to be dealt with internally, and very, very specific examples are given of how action was taken, in order to give effect to this guidance from the higher echelons of Government. Do you want to comment on that? --- Chairperson, I would be

/glad to do

2A

glad to do so. It is true that the internal actions were just as much as a threat as the ones launched from outside and it was viewed in the same light. In fact, I would put it in the following way, is to say that the Government's point of view before 1990 saw it as a total onslaught, which had landed us in a situation of war - a state of war - but I want to put it very clearly that I'm not aware that any instruction was given or, in that respect, any guidelines set down that the same form of violence used on the border in war situations should be applied within the boundaries of South Africa. I was never given any notification and I was never present



where any such command or guideline should have been issued, but what is true is that the perception did prevail amongst the ordinary people - man in the street - that through amnesty applications and as a result of these kinds of points of view this perception is clear did exist. Some of the structures did allow this kind of perception to be created amongst people, but I'm not aware of any specific instructions or commands to this effect, either by the Government or Government structures.

No, I agree with you in the sense that there do not appear to be written guidelines to this effect. There are some State Security Council minutes in our possession which relate to specific incidents. For example the Cradock four, where there was a signal which was given and it was alleged that it was interpreted ambiguously, but the inquest found that it was an order to kill, but I think we are talking about much broader guidelines here. Now, there don't appear to be such guidelines, but the fact that there were not guidelines does not necessarily

/mean that people

2A mean that people were briefed or instructed to carry out certain things and this is what we are learning from certain amnesty applications, that in the absence of written instructions or guidelines that this was the understanding of people, that they were to go out and do that and they refer to large numbers of people who were killed and I'm sure you're aware of some of the people who have applied for amnesty with ... (inaudible) ... (intervention) --- Yes, I am aware and it's correct the way that you've presented it.

And you yourself have applied for amnesty in respect of a specific incident which at the time clearly would have involved you in criminal prosecution and a lengthy prison sentence, but that was regarded at the time as being an action which was taken to counter the internal threat against the country. Am I right? ---

That is correct, Chair.

So, you see, I think that you're being a little bit coy, if I may use that word, or shy when you seek to describe the intentions or actions of the Defence Force or the Chief Minister with regard to Operation Marion in the context of what you've just discussed and what you've just said about the internal and the external threat against South Africa. It seems - from these documents, it seems that Operation Marion was - or a reasonable understanding of Operation Marion could be that it was in operation, which was directed to counter that very threat, that internal threat. ---

Chairperson, I've dealt with specific documents in the context with which each was presented and once again I think it should be emphasised that in all the cases these are documents which give a

/one-sided version

2A one-sided version by an individual - Brigadier van Niekerk - and how he understood certain statements. So, in the light of that, in my opinion, you'd have to have all the circumstances and all the facts and take all of this into account to be able to make a full deduction on what actually took place and that the Marion project did, in fact, include hit squads and so on, according to the documentation which I have before me this is not evident. Not in any information that's been conveyed to

me. You could make these kind of conclusions but you need to use this on the basis of other facts, not contained in the documents before us.

Ja, no, I'm not making any conclusions at all. I'm saying that, bearing in mind what you've said about the internal and the external struggle and how it was viewed at the time and what we've learnt from amnesty applications, and looking at these documents, I'm saying is it not a reasonable assessment or judgment of Operation Marion that it was an operation which was set up in order to counter that very internal threat which we have been talking about. I'm not concluding by any means that it was. I'm saying is it not a reasonable interpretation to say that it was set up to counter that internal threat by offensive means.

CHAIRMAN: Can I maybe just put it slightly differently to you in this way. The way one can look at it in a sense is to say, "We have a climate that has been established". That climate we have already agreed a broad framework, an outlook if you like - and the outlook is one of the total onslaught and a total strategy. We don't have to rehash that here. And the nature of the struggle, in essence,

/that was being

2A that was being waged between external and internal forces on the one hand against the existing Government of the time, and that is, in essence, the atmosphere, if you like, within which these documents were written at the time. That we agree on. --- Korrek, Voorsitter.

In that light then what I think my colleague is trying to say is that if one understands that context these documents and an interpretation which he says is

reasonable is consistent with that context. That's really what he's saying. Did I put it correctly?

MR LAX: Yes.

CHAIRMAN: Do you understand me? --- I am following, but that then would mean that it cannot necessarily be concluded from these documents, but from the total circumstances. It would, of course, be possible if these documents were placed in a different perspective and the person concerned would then be able to make that kind of conclusion in a different light.

All I'm saying is the context determines a particular consistency of understanding and by the same token if somebody was to come after the event and give a different version which then didn't accord with the context, one would say, "But that doesn't make sense, in the light of the context", if you see what one is saying. --- No, Chairperson, there were different steps - different measures were instituted. I don't think you could deduce just from the circumstances that that document can be interpreted in one way that Marion was aimed at bringing into effect these hit squads. That may have been in the sub-conscious among some of the members involved, but if you look at the whole matter from the

/point of view

2A point of view of all the parties involved and judge it on that basis, you would have to say the possibility also exists that this could have been intended as a protection unit and that some of the members who were involved, as a result of the circumstances you've sketched, began to apply it in a different context.

(Inaudible) ... that one takes an overarching context and atmosphere which then, in a sense, gives some people direction which they then tend to follow and then that leads to a particular consistent path of conduct if you look, and we've seen - certainly, if you took KwaMakutha as one instance, Judge Hugo didn't doubt for one moment that those - that trainees - not those trainees - that trainees committed that offence. He was absolutely crystal clear on that. The issue was which trainees in particular and under what circumstances, but he wasn't in any doubt that it was trainees who carried out that operation. So what I'm saying is, to use the Afrikaans word, you can, "Lei af" in a sense the one logically follows the other, but I agree with you there may be other interpretations as well.

MR LAX: And obviously those interpretations are interpretations or ~~perspectives and motives~~ which we are in the process of gathering. That's why we're having these hearings. That's why you received your - or you will receive your notice in terms of section 30. We're saying to people, "This is what appears from the documents. Give us another explanation, so we can understand whether this context was different", and it's quite right to say that this is one view. There are obviously many other views and we are in the process of  
/gathering those

2A gathering those views. --- Thank you, Chairperson.  
I just wanted to state that I'm not avoiding making some conclusion that would be harmful to the Defence Force, but I really need full facts and I need all the other parties to have a chance to give their point of view and this particular part of the document is rather one-

sided. You can't judge an opinion it.

(Inaudible) ... misunderstand one another. What I putting to you, in essence, is one version that could be drawn. I'm not saying that's what I personally think at this stage of the game. One would want to hear all the different perspectives before one came to some sort of a conclusion. So just in case there's a misperception there.

CHAIRMAN: Mr Wagner, I thought we'd have a short break now. Have some tea. Will that suit you?

MR WAGNER: It's an excellent idea, Mr Chairman.

SHORT ADJOURNMENT

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/ON RESUMPTION:

2A ON RESUMPTION:

JOHANNES VELDE VAN DER MERWE (Still under former oath)

MR WAGNER: Mr Chairman, we assume the General is still under oath. But during the adjournment we had a quick look for those references to the protection of the King that was mentioned earlier this morning and I would like the General to read that into the record and then we may proceed.

CHAIRMAN: Thank you very much. Yes, you are still under oath, General. If you could just read us that reference. --- Thank you very much, Mr Chair. It is in document A at the bottom of the page, which is numbered 59 under, "Needs from the needs statement". The page number is 59. "Training and use of additional people for the protection of the King and the Chief Minister".

Is that the only reference? --- Except for VIPs are mentioned otherwise. This is the only one I am aware of.

General, there's just one aspect I wanted to pick up on and that was the issue of these people who received this training and you said you understood them to be members of the Defence Force. --- No, members of Inkatha, but as we understood they were under the control of the Defence Force.

Under the control of the Defence Force or the command of the Defence Force? --- That's correct. I am not sure if they were - it was not treated as this. They were under the control and they got their payment from them.

Obviously this was quite unusual that people would receive training from the Defence Force who weren't

/actually members

2A actually members of the Defence Force, as such, although they may have been under their control and, in particular, the members of a sort of a non-State structure like Inkatha. It was quite unusual, wasn't it? --- Under other circumstances that would have been strange, but the Defence Force was involved in the training of people outside the borders of the country.. In that sense it is that strange. What I want to say is that if one looks at the involvement of the Defence in, amongst others, training and help to other states, this would not have been completely without - fall without that definition.

Just so we can have clarity, who was actually trained or what assistance was given to organizations out of the country or countries - other foreign countries - as far as you are aware? --- Amongst others in the case of Namibia. The people who were trained were used also in Mozambique. There were people there who were trained by us - people from Renamo, as far as I can remember. I think there were also BCP people who were also trained, as far as I can remember - people from Lesotho.

There have been allegations that, for example, the Lesotho people were trained in camps. The allegation is, as far as I can remember, that they were in the East Griqualand area or on that border area with KwaZulu/Natal and East Griqualand, that there were some camps there and that obviously they would have been opposed to Lebowa Jonathan at that stage. Is that what your recollection is? --- Yes, they trained some of the Lesotho people. I think they were BCPs, but I do



not have any facts in that regard. I am relying on information I had around it, but if I remember correctly they did train BCP people.

/(Inaudible) ...

2A (Inaudible) ... whether Unita was supported in this way at all? --- Unita was supported actively. That was no secret. They gave supplies to Unita. That was done openly and it was never denied.

Just as a matter of discussion, there was also talk at various stages that, for example, in the Zimbabwean situation that some of the people like Musorewa received assistance via South Africa. --- I have no knowledge thereof.

What about the support for, for example Malawi, for President Banda? There's talk that some of our personnel went and trained his special forces and some of his police and so on. We did, as far as the South African Police was concerned, give help to Malawi for training. It was done officially by means of the Department of Foreign Affairs, but I have no knowledge of the Defence Force's involvement, but I accept that it might have been on the same basis.

Would you have received, for example, assistance from other countries in training methods for the police?

For example, things like forensics. As Commissioner of Police, you would have been aware of some of those things I would think. Forensics, maybe questioning methods, that sort of thing. --- Yes, we often liaised with other police services and exchanged information. I cannot remember specific instances where their experts were used. There were such cases, however, where we gave them information with regard to

the youngest developments. There was always this interaction between the police services.

I want to now turn back to that meeting of the 8th  
/November and

2A November and just pick up on something you mentioned, and that is you mentioned the name Luthuli came up in that meeting and I wondered if you might, now that you've had a chance, since it occurred to you, whether you may be able to expand in any way on what you recall about the discussion in relation to Luthuli and whether you, in fact, recall anything more than that. --- I can remember the name, but not the circumstances.

Do you know which Luthuli was being referred to there? --- No, I only remember the name. I cannot put this into a certain context. The name, however, does ring a bell, but I cannot remember the circumstances or the context.

I don't know who that Luthuli was either. It may possibly have been the Luthuli who had been placed in charge of the Caprivi trainees during the course of their training at the Hippo Camp in Caprivi and mention may have been made of him at that meeting. I don't want to speculate whether it was, but I will put to you some allegations which have been made by this person himself, and you haven't been given notice of this because it doesn't in any way relate to you at all. It doesn't reflect on you. It doesn't implicate you at all. The person concerned, Luthuli - his first name is Daluxolo Luthuli, and he was the political commissar - that's how he styled himself - of the Caprivi trainees and he spent the six months with them at the Hippo Base at Caprivi and he returned with them. According to the statement

he has made he was arrested in Mpumalanga Township here near Durban in early 1988, before your meeting, before your Liberty Life meeting, which was in November 1988.

So,

/according to

2A

according to Luthuli, he was arrested in early 1988 - I'm not quite sure when - March or some time - and he was charged with or he was held as a suspect with regard to several murder cases, I think, and he was detained and he alleges that the South African Police contact person between the Chief Minister and the Defence Force, Lieutenant or Captain Louis Botha, intervened at that stage. Are you aware now that Louis Botha was the contact man between - or the link man between the Chief Minister and the Defence Force with regard to the Caprivi trainees? --- Louis Botha was a confidant of Mr Buthelezi. The Defence Force asked if he could act as the liaising person, but General Smit managed that. He was, however, available for that reason. I do not know if he was the liaising person further on. I didn't manage it further on.

This is a bit of an aside but, in fact, the documents that we have confirm that he was involved as a liaison person at an early stage, you know, long before your 1988 meeting. Now, would it have been regular or irregular or correct procedure for him, as a member of the South African Police, not to have informed his Divisional Commissioner or Regional Commissioner or you, as Commissioner, of his involvement in what was obviously a secret Defence Force operation to train certain people? Should he have told you about it? Should he have told his Regional Commissioner, who then

would have told you about it? --- It depends what the nature was of the liaising and if in the circumstances in Natal if he viewed the circumstances of such a nature that he had to report on that. I cannot really judge this, because one has to keep

/in mind that

2A in mind that the circumstances in Natal was different from other provinces because of the continuous violence.

The demands made on our people in especially KwaZulu was different. One would not, without having all the facts, be able to determine whether or not it was necessary for him to report or not. If such liaising did, in fact, take place and if he thought that the liaising was not that important that it was unnecessary to report.

Right, I'll get back to the topic I was dealing with. According to the statement of this man, Luthuli, he says that Louis Botha had a meeting with Brigadier Buchner, who at that stage was Divisional Commissioner in Pietermaritzburg, I think, or he may have been head of the Security Branch at that stage in Pietermaritzburg, and that, as a result or flowing out of the meeting between Louis Botha and Brigadier Buchner that Luthuli was taken -was released from detention and he was taken to a hiding place. He was hidden, basically, in effect. I'm not quite sure where it was.

I think it was at one of the training camps up in Zululand - Mkuze Camp, something like that - and that he was - no, it was, in fact, a Defence Force base. It was a South African Defence Force Military Intelligence base in the Drakensberg area, according to the statement, and that he was taken there, according to his statement, in

order to prevent the local - whoever they were - murder and robbery people from investigating crimes that he was facing in Mpumalanga Township and that this was facilitated by Louis Botha and Brigadier Buchner. Do you know anything about that? --- I am not exactly sure what is the date when this was supposed to have taken place. The reason why I ask this is that Brigadier

/Buchner had

2A Buchner had been the Commissioner of the KwaZulu Police at a certain stage. I'm not sure if this is in his capacity as Commissioner of KwaZulu Police or in his capacity as member of the Security Branch. It has to be mentioned that he was the Commissioner of the KwaZulu Police. I have no knowledge of the alleged involvement of Colonel Louis Botha, as he was then, Captain, with regard to this matter. It never came to my attention at any time and we didn't receive any information relating to that.

I think it was during his period of office as Divisional Commissioner or Head of the Security Branch in Pietermaritzburg before he was sent to KwaZulu. I'm not absolutely sure, but I'm pretty sure it was.

MR LAX: If I can just help. My recollection is that in November 1988, thereabouts, he was transferred or seconded to the KwaZulu - or, in fact, it was in early 1989, I beg your pardon. Early 1989 - in April 1989 he was seconded to KwaZulu and prior to that he'd been based in Pietermaritzburg.

CHAIRMAN: So the allegation - sorry. --- Ja, that's correct, Mr Chairman, that's correct.

So the allegation is that this man, Luthuli, was arrested by local police, that he was either charged with or he was held with respect to charges which may have been later put to him, relating to criminal activities in Mpumalanga Township and that, as a result of the intervention by two members of the police, Louis Botha and Brigadier Buchner, he was moved into hiding, in order to prevent the follow-up investigations. ---

I have no knowledge.

Obviously, you would agree that if that was the case

/- I'm not

2A - I'm not suggesting it was the case at all, but that's the allegation - if that is correct, it clearly would have been evidence of obstruction of the course of justice, to name but one criminal offence? --- Yes, definitely.

General, I think we may have finished with questions relating to the issues which arise in the subpoena which was sent to you. We might come back to them, and in the meantime we'll go on to deal with matters which arose out of the Trust Feeds issue. ---

As ek kan help, graag, Voorsitter.

Can you tell us when you first became aware of the possible involvement of members of the police, either in the form of Captain Mitchell or the special constables who were subsequently arrested for those murders? Obviously you would have been made aware of the murders themselves, probably on the date that they happened, because it was a big incident. --- Ja.

But it wasn't for some time that suspicion was cast on members of the police and perhaps you could just

give us some background regarding that. --- When exactly did this take place? I do not have the facts in front of me.

I think it was the 12th December 1988. --- At that stage I was the Vice-Commissioner - Deputy Commissioner. The matter was given to Jaap Joubert. There were certain allegations that the police were involved from the start. The order he received was that he had to do everything possible to make sure that the case was properly investigated and that all the requirements had to be complied with. That was shortly after the incident took place. I was not directly

2A /involved. It was involved. It was under the command of General Conradie, but I was, however, informed from time to time and I did have knowledge thereof. I also know that the Minister was informed, because the incident was regarded as extremely serious.

Now, did you have working with you or under you Brigadier van der Westhuizen, Langenhoven and Kritzinger? --- It is General van der Westhuizen now. He was attached to the investigative unit and Langenhoven - Neels Langenhoven, Brigadier, was also involved in the investigative unit. Kritzinger, I can't really place. General van der Westhuizen and Brigadier Langenhoven were responsible for special investigations.

Now, was this regarded as a special investigation, this Trust Feeds incident? --- Yes.

And were Brigadier Langenhoven and Van der Westhuizen requested by you to become involved in this investigation? --- No, I only knew about it. I only took note of it. Conradie, the Chief of the

investigative unit - perhaps I'm - there was tension between General van der Westhuizen and Brigadier Langenhoven and the representative of the Attorney-General and the person involved in the investigation. Because of that there was a request, due to this tension, that we had to discuss the matter with the Attorney-General. Myself and General Smit saw the Attorney-General concerning the matter, to deal with the tension that existed. We also had an interview with Frank Dutton, to determine where the problems exactly were. I cannot remember if we made arrangements for Van der Westhuizen and Langenhoven to be taken away from the investigation. I am not sure what steps were taken with

/regard to the

2A regard to the discussions and negotiations. If I have to recall it, the problems were ironed out at that stage and they would try to get along with each other. The tension had to be alleviated. As far as I can remember, that was the result of the negotiations. We spoke with one of the Attorney-General's advocates who was involved in the investigation. We didn't speak with him but we did speak with the Attorney-General himself.

Was that Mike Imber? --- Mike Imber, that's right.

Because, you see, the information which we have received from then Captain Dutton was that from what he experienced at the time and his dealings with Van der Westhuizen and Langenhoven, he believed that, far from assisting him with the investigation, that he came very quickly to understand that their very specific role was to try to persuade him not to go ahead with the investigation and not to go ahead with the prosecution



of Captain Mitchell and, as a result of that, he had a discussion with the Attorney-General. He informed the Attorney-General that he believed that Van der Westhuizen and Langenhoven were attempting to place obstacles in the way of his investigation and that he requested the Attorney-General to contact you about it to ask you to take these people off the case, and Mr Imber, the Attorney-General now retired, confirms that he telephoned you and he advised you that these two Generals or Brigadiers were placing obstacles in the way of the investigation and he requested you to withdraw them and you did so immediately. Do you have any comment on that? --- Ja. That is possible. I am not sure what the result of our

2A negotiations was. It was, however, not a matter of their obstructing the investigation but as Dutton and Imber informed us, and I have no doubt about this, was the point of departure, completely different approach towards the investigation. They came to other conclusions than Dutton did. I cannot remember who the advocate was who was in charge of the investigation. It wasn't Mike Imber himself, one of his advocates was involved. There was also a serious problem between Irons (?) and Langenhoven because of certain orders he gave that they acted upon in a different way. There was some sort of a clash between those, because of things that were done. Because of this Imber said there's a clash of personalities. This was not going to work. I'm not sure, but it is possible that we might have removed them, to help along the investigation, but neither one of these people said that somebody was

obstructing the investigation. That could not be tolerated. Colonel Dutton, as far as I can remember, made very good and thorough notes in the diary. We had to make sure that the air was cleared. When we left we were sure that we had dealt with everything. Everybody accepted that it was a clash of personalities and that the matter was concluded.

General, I'm just asking you in this sense, just to offer you a different perspective, if you like, or a different - just a different approach perhaps. In the cold light of day now, looking back, these people are saying that's what happened. At the time they may have put it to you because of the sensitive nature of the relationships on the basis that there was a personality conflict, but, in reality, looking back, they're saying

/the problem

2A the problem was that these people were interfering in the investigation in a negative way. They may have put it to you on that basis at the time. I don't dispute that, and if one looks at it, for example, in the light of the Trial Judge's comments in the case - Judge Wilson heard that case. He asked for an investigation into that whole - what he called, "The cover-up". He believed there was a clear cover-up being perpetrated at the time. So, clearly, they may have put it to you euphemistically, if you like, on the basis that, well, there's a clash of personalities, but in reality that wasn't what was going on and there's enough evidence to suggest that at this stage. --- Thank you. Now that you mention this, because of Judge Wilson's judgment we ... (end of tape) ... [break in recording] ... again the complete report. I would like to give that report to

you. I do not want to say anything now while during the original investigation, when everybody had their opportunity to give their perspective, I think it would be unreasonable towards other people who are involved. But I will - if I remember correctly, there was a complete report of retired Regional Magistrate Kriegel. I would like to give that to you.

It would be very helpful for us, thank you. ---

It is in the files, but it ought to be available. I would be surprised if it is not available.

In fact, you know, with regard to the alleged cover-up, evidence was given at the trial by special constables who were subsequently arrested and charged that they were removed from the area and hidden for very lengthy periods of time and that during the period during which they were hidden they received their police salaries month after

/month and they

2B month and they were hidden again on one of these training camps somewhere in Natal and then - for a period of a few months and then were integrated into the South African Police - KwaZulu Police, I beg your pardon, at a time when there were warrants out for their arrest and there's apparently a mechanism within the police - a screening mechanism whereby if somebody applies for employment with the police a form that is filled in. I forget what it's called - a J56 or something - and one can check whether there are any outstanding warrants for a prospective candidate or applicant for the SAP and, notwithstanding the fact that there were these forms which had been filled in relating to these special constables, they were integrated into

the KwaZulu Police and continued their duties there as policemen and they testified that when, some 3½ years after the Trust Feeds incident, when Captain Dutton reopened the file, very, very shortly after he reopened it and continued with the investigation, those four or five special constables were immediately removed from their duties wherever they were posted at the KwaZulu Police and were taken again into hiding and they were hidden at the house of a particular Inkatha chief down the South Coast, who is presently a member of the National Parliament, Chief Khawula, an IFP member, and it was at that house that they were all arrested by the South African Police and charged with murder. So it was that aspect which came out at the trial which Judge Wilson said should be investigated. Now, there has been contact with Magistrate Kriegel and, from what he has advised us, no formal inquiry - commission of inquiry or investigation took place. I'm not quite sure what the reasons for that

/were. He did

2B were. He did produce a very small report, but I understand a report to have explained the reasons why an inquiry didn't take place. So we are not going to learn anything from that report of Magistrate Kriegel. Were you aware of those allegations which were made at the Trust Feeds trial of the hiding of the special constables? --- With regard to that, I would have to get the reports to determine what exactly happened. I cannot give a complete version to you directly from memory. I know complete investigations were done, but I will have to get the information to be able to give that to you. If it is acceptable to you, I would have them

find the information and make the report available to you.

Now, when the Attorney-General decided to charge various people, including Captain Mitchell, Captain Rose, Lieutenant van der Heever and the others, including the special constables, according to evidence which was given in court, you made arrangements for senior counsel to represent certain State witnesses who gave evidence at that trial, including Brigadier Marx.

--- That is correct, Chairperson, and that was as a result of the fact that there had been a request by these persons that during their hearing, because of the nature of the allegations made and the incriminating possibility that from the outset they should be assisted by legal representatives. We did discuss this with the Attorney-General and I'm not sure if somebody was made available, but there was a request for legal representation. If I'm correct, our legal division recommended to comply with the request, but this information I will also have to get for you, but this matter did arise. How exactly it developed I cannot tell

/you now,

2B you now, but it is true, the request was made.

Yes, it was made, as you say, and it was complied with. It was organized by the legal officer for the South African Police, Tommy Reed, and a senior counsel by the name of - I think his name was Van Zyl - represented Brigadier Marx and at the trial Judge Wilson expressed his extreme surprise at the fact that public money was being spent on senior counsel to represent a State witness. Somebody - he said, in fact, in his

career as a Judge, he'd never heard of such a thing, where a State witness was independently represented by counsel at the expense of the State, whereas obviously in the nature of a prosecution the Attorney-General or his deputy, the State Advocate, represents and leads evidence from State witnesses. That is how prosecutions are run, and Judge Wilson said that he wanted that aspect to be examined as well, that State money, at your request, was being spent on senior counsel to represent a State witness. --- Chairperson, once again we acted there on the recommendation of our member of the legal division, in consultation with the State Advocate, who considered and weighed up all the facts and, in the light of that, it was his opinion that it would be fair and reasonable towards Brigadier Marx to give him such representation. It was on the grounds of this that we complied with the request. We were not involved ourselves in the run up to the trial. We had to allow ourselves to be led by the legal division and their particular member and the Attorney-General's office.

Did you regard that as unusual, that a State witness be represented by independent senior counsel?

--- Yes,

/definitely. That

2B definitely. That is why we asked that they should have a thorough look at all the circumstances and in the light of that determine whether it was necessary, but it was their opinion that it was necessary and also reasonable and fair.

Now, according to information which has been made available by Magistrate Kriegel, he states that he met with General Smit - Basie Smit - and one Grovè. Do you

know who Grovè was? --- General Wouter Grovè. He was at that stage a member of the Detective Branch. He was the Head of the Detective Branch till recently, when he retired.

And at that meeting Magistrate Kriegel said that he would announce his finding in public or he would make his findings public. He indicated that he would call for a public inquiry into - specifically into the actions of the South African Police in covering up the investigation into the Trust Feeds murders and, according to him, General Smit said that he should not make his findings public, that he should hand his report and his recommendations for a public inquiry to the Minister. --- No, I will have to check there and determine what developed. I accept that Smit would have made a full report on this but I cannot offhand give you information. I do know, as far as I can recall, that the Regional Magistrate Kriegel was requested by the Minister to do the investigation so his report should have gone to the Minister, but I will have to check this. In other words, what I wanted to say is that it would have been for the Minister to decide whether to make the matter public or not. I think that might have been the consideration, that the Minister asked for the

/investigation and

2B

investigation and he must decide how to handle the matter further, but I will have to get the facts for you. I am relying on my memory here and it's not very clear to me.

In fact, the report was handed to the Minister, who has never made it public. General, just one issue arising out of what we've spoken about, you mentioned a

bit earlier in your evidence the question of special constables as opposed to, say, these trainees, and I just wondered if we could canvass that and just try and seek from you some perceptions about the training they received and why they were needed and so on. Nothing was specifically referred to in our subpoena, but I wondered if you might be willing to try and share with us on that aspect. --- As far as the use of special constables is concerned, they would be trained differently and dealt with differently to the ordinary member of the South African Police, yes.

MR WAGNER: These were the Caprivi guys now?

CHAIRMAN: No.

MR WAGNER: In general.

CHAIRMAN: (Inaudible) ... a whole lot of other work. As far as you can remember, when was it decided to adopt this course of training people to be special constables, as they were then called, or some people refer to them as, "Kitskonstabels". That was the sort of popular term. --- Yes, Chair, as far as that is concerned, I'm not going to be very specific. It would have been around 1987, perhaps 1986 - 1987 - around then, and the consideration was purely to train people who we could use for guard duties and other duties where the services of the South African Police who were properly trained and who

/were paid

2B were paid highly could not be used in relation to other workers, and that was the original consideration for using these constables. The project didn't reside under the Security Branch. It was separate from this. I think it was under General - there was a particular



person, a special person who was in command of this originally. It further developed as a result of the fact that some of these special constables distinguished themselves in the way they did their work. Their training was quite brief. Later it was extended and it concerned mainly law enforcement and those aspects needed to do the tasks for which they were appointed, but as the circumstances developed they were, in the course of time, also used along with other members to give support to members in certain actions.

If you can remember, what was the sort of time frame in which that initial concept changed to one of support, rather than of, as you put it, the sort of lesser level duties like guard duties and so on? ---

I think it went hand in hand with the increase in the workload of the South African Police as a result of the unrest situation nationally and also as a result of greater demands being placed on the South African Police to maintain law and order. Looking back - it didn't fall under me, I just took note of their employment and development, but as far as I can remember, as the circumstances necessitated it and made it more difficult for the South African Police with increasing demands on them, they had to use these people in a different capacity.

Can you comment on why it is in this province in particular almost all the people who were selected for

/this training

2B this training were drawn through IFP structures and selected on the basis that they were IFP-aligned people?

--- I have no knowledge of this. No complaint has ever been brought to my attention and it was never

necessary to analyze this.

(Inaudible) ... personal knowledge that in the Pietermaritzburg region, where I'm from, that the, "Kitskonstabels" were specifically recruited from the ranks of IFP people and IFP-supporting areas. You don't bear any knowledge of that? --- No, we weren't that closely involved, especially not in KwaZulu/Natal. It wasn't a factor as far as we were concerned.

Another factor is that there are allegations by some of the people who were trained as, "Kitskonstabels" that during their training at Koeberg they received certain lectures and certain - for want of a better word - propaganda lectures, if you like, in pretty much the same terms that other conscripts would receive. I mean, I myself was in the SADF. I did my national service. One was subjected to a certain amount of propaganda, as one would expect - orientation, and so on, but these people speak of videos - gruesome, horrendous videos that were part of their training and some of them claim that they were told that these were the acts of the UDF and this is what was happening to their brothers in the areas and one of their roles was to fight the UDF. ---

Chairperson, no, I'm being very honest. I'm not prepared to comment on that. No complaints were brought to my attention. I'm not aware of this having been dealt with in the media or anywhere. It's the first time it's come to light.

(Inaudible) ... our work and people who have applied

/for amnesty and

2B for amnesty and so on have made these allegations about their training. --- Chairperson, I was not involved

in the training and in no way was it brought to my attention that this kind of training was being offered.

I think the person involved and who presented the lectures will be able to help you.

MR LAX: Looking back at the whole exercise of, "Kitskonstabels", what is your evaluation, if you like?

As somebody who was at a very high level, looking back at the sort of effectiveness of the, "Kitskonstabel" exercise, the implications, the consequences and so on, how would you, if you were asked to pass judgment on it as a highly-experienced police officer, looking back, what would you be able to say about it? ---

Chairperson, as in the case of any project there were advantages and disadvantages. There were some of these special constables who were really excellent in their work. They gave excellent service and excelled and we could incorporate them in the South African Police Force quite easily. But it's also true that this whole endeavour became problematic to us eventually, because it developed in such a way that whenever the special constables performed the same duties as the South African Police and they had a lot of privileges which the SAP members didn't have, it caused dissatisfaction, and we had not employed them as fully-fledged members. Many of these special constables were not suitable for this and we had to have some process to treat them fairly as well, so that everything could be complied with and nobody would be prejudiced unfairly as a result of the conversion which we instituted. But seen as a whole, I think it would have

/been better

2B        been better to expand the police from the start and this would have been less problematic.

I want to share with you the opinion of a person who came to command the riot unit in Pietermaritzburg - the internal stability unit, as it was subsequently called, and we asked him during our seven-day war hearing what he thought about the special constables and he very candidly said to us he thought it was the biggest mistake the police had ever made and that it had a very, very negative impact on the violence. It, in fact, contributed greatly to the increase in violence in the areas. Looking back, that was his candid view. I just wonder what your comments might be in relation to that sort of statement. --- Chairperson, it really varied from place to place. There were some areas where the special constables really in all respects gave excellent service, to such an extent that I think some of the people, even in Johannesburg, insisted that we should increase this project drastically, employ more special constables, and in many cases the point of departure was that they were rendering a better service than the permanent members, but at this point of time you wouldn't be able to judge everybody on the same grounds. There were cases which were problematic. You'd have to distinguish between the members and we were obliged to incorporate them eventually, because of the dissatisfaction amongst the members, who felt they were being exploited and they weren't being given the recognition they deserved. But to say that they, as a whole, contributed towards the unrest and violence, I think that's exaggerated. It would rather be limited to specific units.

/(Inaudible) ...

2B (Inaudible) ... Midlands, Natal Midlands, at any rate. --- I cannot comment on that, but that is possible, but, as a whole, you cannot say that.

CHAIRMAN: Just for the record, these remarks were made by a Director, Daan Meyer, who is Head of Public Order Policing presently in Pietermaritzburg, and he was talking about the training and deployment of, "Kitskonstabels" or special constables in the greater Pietermaritzburg, Midlands area, and he said because of their highly partisan role, in the sense that they were taken only from the ranks of Inkatha members, because of the nature of their training, which has been described by my colleague, and because of their subsequent behaviour on deployment in the Midlands area, he felt that it was one of the biggest mistakes the police had ever made and this is a man who was, in effect, in ultimate control of these people, or he came to be. Now, can you gainsay that if that is his opinion? ---

Chairperson, once again, that is his opinion. It may be a valid one but before I can really give my opinion I would have to discuss this with all the other parties involved. So I would say it's possibly valid in respect of that area, but I don't have the facts and I haven't had contact with all the other people involved to hear what their impressions are, so it's difficult for me to say that yes, in all respects it is the true situation, but it may be.

Mr Wagner, we would like to just break without leaving the room, just for five minutes, just to see whether there's anything we want to round off with, if that suits you. We don't want to call the General back

unnecessarily. We just want to have a look to see whether

2B /there's anything there's anything that we want to finish off with. In the meantime is there anything that you want to say - remarks that you want to make?

MR WAGNER: No, Mr Chairman. Do you want us to leave the room.

CHAIRMAN: No, no ... (inaudible).

MR WAGNER: Okay, thanks.

MACHINE SWITCHED OFF

ON RESUMPTION:

CHAIRMAN: Thanks for that opportunity. We just needed to make sure we didn't miss a few things that still needed covering. General, one aspect we haven't canvassed yet is the whole question of TREWITS and, because of your connection to Security Branch, that would have been a logical place to have had some area of involvement. Can you tell us what you know about TREWITS and how you were involved, and so on. ---

Chairperson, yes. TREWITS stands for counter-revolutionary intelligence task team. It was instituted as a result of a need which developed in the information community to get the information gathered by the different persons and parties and co-ordinate it and to also ensure that the gleaning is proper and that this information is evaluated, especially with regard to persons of the ANC/SACP alliance, which was the definition which we used at the time. They were considered to be terrorists in their underlying areas. We wanted full particulars on those persons, with a view to activities on the border, and that was the chief

objective of TREWITS.

(Inaudible) ... internal people? --- As far as it concerns members which are opposing groups internally, the idea was also to collect information with a view to

/planning action

2B planning action with regard to limitations and other possibilities. I have said this before the Amnesty Committee, and I can repeat it again, that there was a perception which developed amongst people that TREWITS undertook the same kind of action across the borders of the country and within the boundaries of the country. That no distinction was made. This has been raised. I am aware of it, that most members were under the impression that the targets of TREWITS internally were handled with the same objective as externally was the case.

I'm not sure that I've understood you correctly. You're saying there was this perception amongst members that that was the case. Was that, in fact, the case? --- No, that was not the case. Definitely not. As far as internally was concerned, the aim of TREWITS was very clear and I am not aware that they deviated from it at all. Just to collect information with a view to planning actions within the ambit of the law, co-ordinate this action by means of limitations, restrictions or other legal recourse, but to look at all possibilities. There was never the intention that the internal situation should be handled the same way as external target, but because of the way in which external targets were handled this caused the impression that internal targets were dealt with in the same way.

Chairperson, I just want to draw your attention to the fact that the perception was amongst the ordinary man in the street, not the person actually the information, the TREWITS member. I mean the ordinary people who had anything to do with collecting information - ordinary members of security branches. I cannot comment on others, but I encountered this perception amongst some

/of the members

2B

of the members of my own Security Branch now that the amnesty applications are being handled. It's clear and if the Amnesty Committee put it to me I said that such a perception did exist and I can fully understand that this could have happened.

You are no doubt familiar with the amnesty application of Cronje, Jac Cronje. --- Ja.

I think you act in that one - no, you don't. ---  
I did give evidence.

Cronje's allegation was that TREWITS drew up hit lists. --- Yes, I explained this to the Amnesty Committee. This perception arose as a result of the particulars gained with regard to persons abroad and that is where the whole confusion arose. All these persons were going to be dealt with in the same way, but that was not actually the case.

(Inaudible). --- Ja, beslis, Voorsitter. Maar nie net hy nie, Voorsitter. I also encountered this perception amongst other members, not only Jac Cronje.

General, some very senior people who would have been in the know and, unfortunately, I can't say who it is at this stage, because it's from an amnesty application, but some very senior people have made the same suggestion that Cronje made and with particular



reference to, for example, the Ribeiros, who were internal people. So I'm just saying it's not just a perception that, for example, someone at Brigadier Cronje's level, but even higher than that - other Generals, for example. --- Chairperson, I can only speak from my experience at this stage. I never had anything to do with TREWITS where they acted in this way, so that I can say, "Well, according to that it's

/true, they

2B

true, they acted in the same way internally as externally". According to my negotiations they did make a distinction and I never saw any guidelines or commands of this nature indicating the same action.

TREWITS was initiated in about January 1988. ---

Ja, dit is korrek, Voorsitter.

And at that stage you were already - what was your post? You were Deputy Commissioner? --- I was still Chief of Security Branch.

How would you have been involved with TREWITS? What role would you have played in TREWITS at that point? --- Chairperson, we made a representative available and I think we also were responsible for the chairperson of TREWITS. We gave information to them and received information back. There was this continuous exchange between us.

(Inaudible). --- As Chief of Security, no, I was not personally involved, but in so far as the system was concerned.

(Inaudible) ... conception of that as an organ, so to speak, you were involved in the strategic thinking that led to its coming into existence, if you like?

--- Chairperson, if I remember correctly, the need for

TREWITS actually came from National Intelligence. It wasn't from the Security Branch, as such, but the need did exist amongst the information community to coordinate and evaluate, analyze this information, so I would say that the thought arose with Intelligence, but was a common need.

If I could put it to you in another way then, it is possible that you yourself may be mistaken, in the sense

/that you didn't

that you didn't have personal knowledge of any of this sort of thing, if people say that's what was done. Maybe you were the one that wasn't necessarily informed.

--- Chairperson, we did liaise regularly with our representatives and I can hardly think that there would be a policy amongst the ranks of TREWITS, without our representative, who was the chairperson at that stage, knowing about it, when we discussed matters we looked at the activities of TREWITS and to what extent they were goal-oriented, where there were deficiencies and this never came to light. I would not be able to deny if somebody were to allege that at a meeting of members they put these kind of points of view, but it was not policy. It wasn't handled in such a way that it ever came to my attention.

To the best of your knowledge and understanding, no drawing up of hit lists and then the evaluation of those people as targets for elimination took place?

--- In the country, no, but overseas, yes.

In terms of externally, what instances are you personally aware of where people were actually eliminated or were - efforts were made to eliminate

people? What instances are you aware of? --- The one case I mentioned in passing on the grounds of members consulting me, that was how I was involved. I know of such an incident. It was in Swaziland. There was one incident where they acted in Swaziland and where a member of Special Forces acted in Botswana. A member of the Special Forces executed the task. The matter for which I was personally involved, for which I asked amnesty or applied for amnesty. There was also the one incident in Lesotho,

2B /the incident the incident in Lesotho in 1985. As far as I know, it was alleged that it took place with the consent of a commission in 1980 when the Defence Force went over and killed a couple of people. There were many incidents, but I can't remember them off the cuff now.

So you're not aware of any other instances of internal hit lists being compiled by - not necessarily by TREWITS but by other elements of the police or the Defence Force? --- No, not hit lists per se, not in the country, no.

And yet, as you know, it has actually come up in a number of instances, particularly before the Courts, where these allegations have been made and there have been some convictions in relation to them, for example.

What was his first name - the Eastern Cape, the Motherwell case, the Motherwell bombing case, for example - Gideon Nieuwoudt, I beg your pardon. --- No, it was not a result of a hit list.

(Inaudible) ... wasn't one, but the other one - you spoke about the Cradock four, for example. --- No, they were also not on a hit list, except if you are

talking about the signal Van der Westhuizen would have sent.

(Inaudible) ... different way. Let's not talk about hit lists per se, but clearly people were evaluated. People were identified as possible targets and then they were, to use the language, taken out, if you'll excuse using that language, but that is, in fact, the language that was used. People were executed or assassinated or whatever the term you want to use, and it seems to have happened. --- Yes, definitely. According to the

2B

/amnesty applications, amnesty applications, that is the case. That happened more in cases where members were personally involved with the activists and due to that and other circumstances they then decided that these people had to be taken out. It didn't come from a hit list.

You know, if one looks, for example, at some other people who have applied for amnesty and Mr Wagner is, in fact, their attorney and has co-operated with us to help us find their remains and so on, clearly those people also in the course of their work identified certain targets, made decisions at certain points in their involvement with those people to eliminate them in one way or another. --- Yes, that's correct.

MR WAGNER: Sorry, Mr Chairman, for the record, this is not really connected with TREWITS. Where the question was in connection with TREWITS. This was at that specific level that this happened.

CHAIRMAN: Sorry, Mr Wagner, I did indicate earlier that we were moving sort of away from TREWITS - I thought I'd made that clear - into a more general

terrain, if you like. Now, how do you, in a sense, feel, as a person who at a later stage would have been at the top of the chain of command, if you like? Do you feel any personal responsibility for these sorts of acts - not personally, some sort of vicarious responsibility?

--- I made it very clear to the Amnesty Committee - as a matter of fact, we also made a presentation, that's the four former Commissioners, we said, due to the circumstances, the things were expected from our people, the pressure on our people and in certain cases incidents in which we were personally involved which created a certain perception

/with those

2B with those people. We accept complete and total responsibility where we were personally involved. We also accept legal responsibility.

MR WAGNER: That document is the document that we incorporated in all our amnesty applications, being the document of 21 October last year. I think I have one copy here if you haven't seen it and if there's a need for that, I can at the end of these proceedings hand you this copy, if you want to.

3A CHAIRMAN: (Inaudible) ... more in the nature of a question leading to a further question, if you like. I just wanted it on the record for today, so to speak, in this forum, because we haven't dealt with it here. How do you then respond, in the light of that, to the statements, for example, from Mr de Klerk, saying that these actions were the action of a few bad apples, as he calls it - an abberation? --- In all fairness to Mr de Klerk, he was never involved in the real struggle. He became President on the 1st January 1990. He

immediately took another road. He didn't have the vaguest idea what the struggle really entailed. If I had to be very honest, it did seem as if all our attempts to inform him did not succeed. He still doesn't understand. That's from my perspective. His predecessor, Mr Botha, would have been more and better capable of having a specific stance. To my mind, the previous Government was expected - it was expected from members of the Security Forces, and especially from the police, that in a situation that was like a war they had to adopt measures that were completely inadequate. If they dealt with the matter according to the times it would have been like a war. I also said this to the Amnesty

/Committee.

3A Committee. Members of the police decided it was completely impossible - it was an impossible task, and all that remained to do was to take drastic measures, in the hopes that the political leaders would realise this and take the necessary steps to protect the people who were involved. Mr de Klerk stood outside the struggle, while he was a Minister. He was involved in education, if I'm not mistaken, but he did not have knowledge of all these aspects, which were important for the people of the Security Forces or the members of the Security Forces. He didn't have knowledge of that. Due to his specific circumstances he moved in a different direction and also while he was State President he did not have anything to do with it. That is why one can understand why Mr de Klerk does not have the necessary understanding.

(Inaudible) ... personal capacity, but in his capacity as leader of the then ruling party of the country, the National Party, and in relation to that obviously many of the people involved would probably have been members of the party themselves - many of the people carrying out these instructions and just your comments in that regard, because, in essence, he's saying that you guys - yourself as the then Commissioner and a chief player in the security apparatus, if you like, in the Security Forces, and your other colleagues in those forces - he's saying you were a bunch of criminals, basically. That's what he's saying. --- But, as I have already said, it is due to not knowing what was going on, due to the fact that he did not know the essence of the struggle. He never in his life stood at the grave of a policeman who died in the struggle. He did not have those emotions. He

/did not

3A did not experience those - that suffering. He experienced it from an angle, sitting in an armchair, while a war was going on, raging around him. I can understand that he does not understand really why people acted in certain ways and why people under certain circumstances committed certain acts which would not have occurred under normal circumstances.

MR LAX: (Inaudible) ... one associated issue and that is the use of premises - not regular ordained police premises, but the use of houses, safe houses, farms - you will have read about these recently in the press, and you may well have known about them when you were Deputy Commissioner, Commissioner and Head of the Security Branch. What was the police's - your view of

the use of such premises? --- In security circumstances it is an international use to use premises that cannot be identified with the State where people who had to be protected can be housed, where training had to be given to informants and agents. That is an international way of dealing with things, having such premises.

CHAIRMAN: (Inaudible) ... aspect of those premises and that is that they weren't just used for training purposes and so on and debriefing. They were also used for interrogation of suspects and it's really that aspect, I think, my colleague is focusing on.

MR LAX: Yes, I was going to move on to that. They were used for interrogation of suspects and in at least three instances which we have become aware of through applications for amnesty, they were used to kill people and to bury them. --- That was, of course, never the intention, to use those premises for those purposes, but /it is logical

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it is logical that as circumstances developed that certain incidents occurred there. There was no such policy that the police would use the premises for those purposes, that premises must be acquired for those purposes, but while it was available to members that members would have used it for those purposes.

CHAIRMAN: And were you aware that they were being used for those purposes? --- No, I did not have any knowledge.

What would you have done had you become aware that they were being used for those purposes? --- It would not be fair to answer that. One cannot say anything with hindsight. It's easy to say that I would



have taken the necessary steps. If we had known about that we could have prevented lots of suffering, but it would be unreasonable towards those people if I had not made any decisions at that stage.

Just to move on to another aspect altogether, allegations have been made, again in amnesty applications, about the manufacture and supply of weapons to Inkatha, and other groups as well, and these allegations have not only been made in amnesty applications, they've also been made by Colonel de Kock and other people, and we have amnesty applications which coincide four-square with Colonel de Kock's allegations relating to the source of the weapons, almost the precise quantity of the weapons and their destination and the people who received them and for what purposes they were intended to be used. Could you make some comment on what your knowledge is of that?

MR WAGNER: Mr Chairman, the other groups, who would that be? That is now apart from Inkatha. Who would the /other groups

3A other groups be?

CHAIRMAN: Well, we mentioned some of them externally and so on already - Umita, Renamo, people like that, and then internally, for example, there are allegations, that for example, an organization like AmaAfrika in the East London area received arms - the Viduka (?) - those sorts of allegations. Sort of similar vigilante-type organizations. For example, in KwaNdebele the Amabutos and so on. The same sort - obviously, not necessarily on the same scale, but again instances where firearms were used by people and provided by people and so on.

--- I had no knowledge of that. I was also not

involved in any applications where members asked for amnesty, where it was necessary to comment on that. I have no information.

In brief, the allegations are to the effect that senior members of the police liaised with a subsidiary of Armscor by the name of Mechem, and that requests were made to produce pipe guns - otherwise known colloquially as Zip guns - and that these were manufactured, paid for and delivered to various personalities in Natal, Ulundi.

MR LAX: The other allegation was that weapons which had sort of passed a safe date, if you like, and were due to be destroyed, were also passed on.

CHAIRMAN: So there are two levels. The one is the manufacture of weapons, sort of home-made weapons, if you like. The other is that these were either excess weapons or out-dated weapons, if you like, that were no longer useful and were therefore disposed of in that way. --- I have no knowledge of any incidences of this nature. Except for the allegations by De Kock and the others I've never heard about this.

/General, just

3A

General, just to turn to another aspect which we've alluded to really in the course of discussion, but we haven't directly focused on it as such. There were various documents prepared at various stages through the State Security Council and other instances, which speak about the principles of counter-insurgency warfare, of counter-revolutionary methods and so on. McCuen, for example, was a well-known author in that regard and one Fraser produced a document which would have been widely circulated, certainly at your level, which would have provided some of the underlying philosophy, if you like,

of how the State would go about its total strategy and dealing with the total onslaught, as they saw it at that time. Are you familiar with those documents? ---

Yes. I cannot deal with every aspect thereof, but I do have knowledge of the general tenor of that.

But you would have had sight of them at some point in your career and they're not that outrageously secret or anything of that kind. McCuen's book is a best-seller in the world in many respects, but the simple basis and the proposition is that in the light of what we spoke about - we spoke about an atmosphere previously - the context of a state under seige, if you like, one of the aspects that both Fraser and McCuen both touch on and give focus to is the notion of State-sponsored terrorism, if you like, and that phrase does actually appear in Fraser, for example - and in McCuen - but not in that - I'm paraphrasing this in a sense. Would you be in a position to agree or disagree that, in essence, many of the acts that we are now looking at as part of our Truth Commission, in fact, could be characterised on one level as State-sponsored terrorism?

/--- Mr Chair,

3A --- Mr Chair, I would like or prefer to put it a bit differently, in saying, that the State per se gave the necessary support thereto, that would be not be correct.

What I would be willing to say is that the situation that arose due to the actions of the previous Government, amongst others, the circumstances that were created that the Security Forces had to combat, in view thereof it became clear to many of the members that there was no other way to combat this than by using the same methods as the enemy.

You see, what you say makes sense because that's precisely what people like McCuen and Fraser talk about is using the methods of the opponents against them and therefore where one sees methods of terror being applied against the State and its supporters one then, in turn, uses those same methods back, so to speak, and that's consistent in terms of a philosophy and an approach, and you're going one step further in a sense and you're saying also out of the experiences of the people on the ground in having to meet those methods, they, in turn, them applied the very same methods back, so to speak, as one way of dealing with it. Do I understand you correctly? --- Yes, that's correct. In so far as the circumstances are concerned that these people were involved in, where members made themselves guilty of these acts, that would have been the case.

Just one last aspect. You delineated, when you spoke about how the State Security Council operated, you drew a line from 1 January 1990. You said before 1 January 1990 this is how things worked. What really changed after 1 January 1990, apart from the fact that

/Mr de Klerk

3A Mr de Klerk came into operation as State President? What else changed in the way things operated? --- Before 1990 the State Security Council was, in fact, the place where all the decisions regarding internal security as well as the well-being of the State was taken. After January 1990 the State Security Council, the role it played became much more defined. Mr de Klerk didn't want, with regard to strategic communications, to burden the State Security Council with that. Where the Secretariat dealt with that in the

past this was immediately not done any more, and the role the State Security Council played decreased after January 1990. It was not the same organ of State power any more.

Well, what then maybe - which instance, if you like, then assumed that same command and how were the same line functions, if you like, operationalized? ---

Mr de Klerk's point of departure was that each department had to have its own responsibilities and where certain aspects were concerned the Security Forces - the police, the Defence Force - had the responsibility therefor and all those could not be dealt with by the State Security Council. He wanted to give bigger responsibility to the departments and to give less power to the State Security Council.

(Inaudible) ... that with regard to, say, the Security Forces, the two main line function departments would have been the Defence Force, on the one hand, and the police on the other. Did they then assume a much more direct responsibility in terms of strategic planning, in terms of operations, in term of all those aspects, or was there some other structure? --- No, there was no other

3A /structure. Certain structure. Certain tasks were purely transferred to the department.

How did the police, for example, then - what structures did the police itself internally then set up, if you like, to accommodate this new dispensation? ---

After 1990 we in any case became involved in the new Government. We became involved in a new structure. The role of the police accordingly also changed. Before

1990 it was purely a matter of us, as it was seen at that stage, being involved in a revolutionary war. After 1990 a new constitutional direction was taken and the police had to be brought into the new structures of the transitional Government.

You're saying that the approach of the police changed after 1990, because of the sort of shift in philosophy, if you like, that De Klerk brought with him?

--- Yes, necessarily. We must keep in mind that before that the structure of the police was of such a nature that we were aimed at combating unrest, riots, which existed in a different form than after 1990. After 1990 violence increased but the form thereof changed, in the sense that it was not focused at acts of terror but that it was aimed at civilians in South Africa became involved therein.

How did you then, a Commissioner of Police, how did you seek to deal with the situation, because clearly, in fact, the unrest intensified, rather than diminished? How did the police try and deal with this?

--- By implementing all forces, as it is done today still. By implementing the Defence Force. By focusing our attention on regions where there was violence. By training our people better, equipping our people better, as far as

/possible, and

3A possible, and expanding the information network to try and kill the evil in its centre. If one wanted to answer this question properly one would have to expand a lot, but there were many things that we did do.

I want to you put to you the question and the answer that I got when we were having our hearing in

Pietermaritzburg, dealing with the so-called seven-day war there, and that took place in March 1990, and clearly all the new philosophy may not have filtered down by that point and one understands that but, nevertheless, to be absolutely blunt, I said to the person who was in charge there - this Daniel Meyer that we spoke about, Inspector Meyer - Director, I beg your pardon. I said to him, "Look, to be absolutely honest, you and I both know that if this area had been a white suburb this would never have happened". He said, "Unquestionably. You're absolutely right". And we then expanded on it and in essence what he was saying was, "Listen, we really didn't try our absolute hardest to stop this". This is what he was, in essence, saying. Because the ability of the State Security Forces to mobilise was simply not utilised in that instance and he conceded, and, I might add, so did the Defence Force guy that I spoke to, who was a Brigadier Swanepoel, if I remember rightly, at that time. How do you respond to that sort of statement? I mean I'm not asking you to take responsibility in any way, but it's just a fair comment. In the end he had to concede that that would never have happened. --- I have to be honest. Everything possible was done. You must keep in mind it was important for us to normalise circumstances in the country. Each situation that developed where violence took place gave

/way to further

3A way to further violence. I am astounded if you now tell me that people had the impression that they could have done more and they didn't do more. You must remember that each commanding officer had the responsibility of

dealing with the problems in his region. We were willing to give all possible assistance, as far as possible. We implemented everything regionally. It's difficult to explain why those people didn't tell us that there were other steps that could have been taken, because we gave everybody the opportunity more than once - we asked them lots of times what else can be suggested to counteract the situation. Except if people didn't think of certain steps at that stage and only thought about it later on, but to suggest that certain situations occurred where other actions could have been taken is ridiculous.

Let me just briefly emphasise, if I may, or at least inform you a bit better, in the sense that I'm not sure how familiar you may be with that particular instance. What happened in that instance was that - what is alleged to have happened, let's put it that way, because we haven't made a finding yet on that issue, we're still waiting for some further information before we make a finding, but what is conceded by Security Forces, and I say the police and the Defence Force both conceded the same issue, was that large numbers of IFP members and, in some cases, the allegation is that certain special constables were involved in that and riot unit people, attacked non-IFP areas and in some cases known ANC areas, and something like 40 000 people were left as refugees, arising from those incidents, and it's a period that took place not just over one day or two days, but in reality

/over a ten-day

3A

over a ten-day period, although it's called the seven-day war. When we look back, it happened over a ten-day



period. So, in that context it was a question of ... (end of tape) ... [break in recording] ... whole area, because if it had been the white suburb of Scottsville, and that was the one I referred to, that's what you would have done, and he conceded, yes, he would have. He would have had them there with helicopters in a matter of hours, but he conceded that to me. What I'm trying to say is one must understand, and I put it to him on the basis that I myself, when I was doing my national service was part of such a unit that could be deployed very quickly - an internal - a coin unit as we called them. So, I mean one understands how possible it is to actually apply the necessary resources if there's an appreciation of the necessity. But, to finish the background, if I may, the context which was clearly conceded and understood was that Inkatha was the ally of the State at that time and very much admitted and the other people were not. In fact, they were still in people's consciousness the enemy of the State. Although, you know, the order had changed, that was still the consciousness and it is in that context that he conceded the point, as I put it to him. --- Yes, Mr Chair, one must keep in mind that the main office, and I have to add with regard to Government levels, we can only act on information that we had. One cannot plan for people at grassroots level from your side. If there was a request from their side, if such a possibility was foreseen, it definitely would have been dealt with. There was never the - we never gave the impression that they could kill anybody as long as they were not Inkatha

/members. Violence

3B members. Violence was violence and if those people made such a request and told us that certain steps could have opposed violence, we would have taken those steps.

Just one last aspect, and that is we recently received a submission from what was called the Human Rights Committee and it was presented by Dr Max Colman, who for many years was chairperson of the Detainees' Parents Support Committee, you will recall, and that evolved subsequently into the so-called Human Rights Commission and then Human Rights Committee when the Constitutional Commission came into existence. The effect of what they have submitted is that in the period roughly 1950 to 1990, the 40 years before 1990, just over 7 000 odd people died in South Africa in politically-related incidents. That includes on the border. That includes a whole range of things. ---  
7 000?

7 000. And that in the period 1990 to 1994 the figure was 14 000 odd. It literally doubled in one-tenth of the time. It's a remarkable statistic. It's a shocking statistic, you'll agree. Any comment on that?

--- Yes, I know it's not an acceptable point of view, but I think facts will prove it. It's merely a case of where you are using forces and powers and you have people that want to establish power bases - different political parties - and as a result of that they get into conflict with one another. Then the result is violence. The impression that this was caused by a third force, as such - that the members of the Security Forces played a role - to me that's totally unfounded. There have been some incidents. I would

limit these to a few, who played a minor role, where some of the members of the Security

/Forces may

3B Forces may have been involved but, on the whole, I have no doubt that those incidents were really power struggles between different political parties, in particular black political parties, who really wanted to establish their power bases at that time and that resulted in the violence.

General, thank you very much. We don't have, at this stage, any further matters which we need to discuss. If it arises that there are things that we feel that we do need to canvass with you, it's possible that it could be done on the basis that we submit the issues to your attorney and to ask you to let us have answers thereto in the form of a statement or a sworn statement and, should it become necessary, but I doubt very much that it will, should it become necessary that we would have another session like this, we will contact your attorney and advise him and arrange a mutually-acceptable date.

MR WAGNER: Thank you, Mr Chairman. May I ask you at this stage, the proceedings scheduled for 4 to 15 August here in Durban, apparently the same panel will sit there and, as I understand it, to a large extent the same issues will there be canvassed, although it will be an open hearing. Now, that may result in a situation where General van der Merwe may testify at that situation. We are not sure yet how we are going to deal with that session. This is actually not - this is a different issue now that I'm addressing you on, but the notice that I've seen in terms of section 32 requires from us

to indicate to you whether we would like to make written representations or whether we would like to testify ourselves. It's very difficult for us at this stage,

/Mr Chairman,

3B Mr Chairman, to say exactly what we are going to do. It may depend on who will testify and what will be testified, but it may be that any one of my clients, including this General, may appear there and give further evidence or you may - you can even indicate to us, I assume, that you would require some of my clients to come there and testify. We may consider that and that may be the position in the end.

CHAIRMAN: We certainly haven't - we have issued a number of subpoenas - certainly none that relate to any of the people who we know are your clients, and the evidence which will be given at that hearing will relate to some of the issues which we have canvassed today, only really to give understanding and context to the so-called Caprivi trainee issue. The bulk of the hearing will focus on activities of some of the members of that trainee group later in 1988, 1989, 1990. People who formed a so-called hit squad and carried out criminal activities as a coherent unit on the instructions - on the alleged instructions of people who were members of the Inkatha Freedom Party. None of the activities of that group relate to any of the people who participated in the State Security Council decision to give the go-ahead for that trainee group or the police or the Defence Force persons. So that's the nature of the material that will be canvassed at that hearing. But, as the statute stands, people who want to give evidence may do so, provided it relates very specifically to

their role in so far as allegations are made against them. The statute gives us the right to restrict and to limit cross-examination and the giving of evidence and, from the responses that we

/have received

3B have received from many people who have received notices, it's evident that they will respond in writing to the allegations and the annexures which have been given to them in the form of their section 32 notices, but obviously you will advise your clients according to what you and they think is best.

MR WAGNER: Mr Chairman, maybe we can discuss this briefly after the adjournment. I think that would be the correct thing.

CHAIRMAN: Okay, if there's nothing further to be said then we'll adjourn the matter. Thank you very much

/TRANSCRIBER'S

