

TRUTH AND RECONCILIATION COMMISSIONSECTION 29 HEARING"IN CAMERA"

DATE: 21-05-1998
NAME: PHILIP POWELL
HELD AT: DURBAN

CHAIRPERSON: The panel today, the first day, the 22nd of May 1998, consists of Mr Lister and Mr McAdam, Mr Powell is represented here today by his legal representative, Mr Falconer.

This is a continuation of the matter which was adjourned on 23rd of October 1997 and Mr Powell is still under oath. The proceedings will be started by Mr Powell reading a short statement into the record and thereafter the panel will take a

~~short break to consider the statement and thereafter ask Mr~~

Powell questions relating to the contents of the subpoena as well as the contents of his statement. Thank you. Mr Falconer?

MR FALCONER: Mr Chairman, thank you very much. I might also mention at the opening that Mr Powell has a document which is at this stage in Zulu and it will be necessary for him in giving

~~his evidence to make reference to this document. He has~~

requested that the appropriate arrangements be made for a translator to be available to read that document onto the record in English from the Zulu version.

CHAIRPERSON: That will be arranged as soon as he wants to do it.

MR FALCONER: Thank you Mr Chairman.

PHILIP POWELL: (still under oath)

MR POWELL: Can I start?

CHAIRPERSON: Yes, please, thank you.

MR POWELL: I appear today in response to a notice in terms of Section 29(1)(c) of Act 34 of 1995. The notice includes a number of topics in respect of which I am required to provide information.

~~This statement is made with the intention of (indistinct)~~
dealing with the various topics set out in the notice, but I wish to place on record my objections to the fact that I have been subpoenaed to appear today and that I am not here voluntarily.

~~Before dealing with the specific topics, I wish to record~~
that I, through my legal representatives, have requested further information relating to the topics contained in the notice.

I believe that the Commission has failed to properly and adequately respond to the requests for information. In ~~amplification of this, I point out that a request was made by my~~
~~legal representatives by letter on the 22nd of September 1997~~
enquiring in terms of Section 32 of Act 34 of 1995, whether I have been implicated during any investigation by or any hearing

before the Commission in a manner which may be to my detriment.

The Commission was also requested to provide full particulars of the alleged gross human rights violations which are being investigated against me and my alleged role in such gross human rights violations.

The aforementioned letter was accompanied by a request for further particulars which set out specific information requested from the Commission. I submit that the Commission has failed to properly reply to the information requested.

~~It is however, my intention to endeavour to assist the~~
Commission with the necessary information which it may require in regard to those topics contained in the notice served upon me on the 29th of September 1997. I will however, not testify before

~~this Commission in regard to those topics contained in the notice~~
which do not constitute or which are not on the information provided, linked in any way to gross violations of human rights, as contemplated in the Promotion of National Unity and Reconciliation Act, 34 of 1995 and which the Commission has not
~~identified as such in response to the requests by my legal~~
~~representatives~~

An enquiry by this Committee into matters other than those which constitute gross violations of human rights as contemplated in Schedule 4(a) of the aforementioned Act, will be ultra vires the

Act. Should the members of this Committee intend to engage a legal argument on this particular point, I request that such argument be addressed to my legal representative.

I will now provide information relating to the topics contained in the notice. Mlaba camp: The training of self protection units at Mlaba camp was lawful and carried out in terms of the provisions of the National Peace Accord.

The erstwhile KwaZulu legislative assembly at its caucus meeting held at Ulundi on the 25th of August 1993, resolved the training in terms of the self protection training project be financed from the government funds.

The necessary Treasure authority was obtained and the training was conducted on a legitimate basis. So too, did all the other aspects relating to the self protection training project obtain the necessary government authority.

The training conducted in terms of the self protection training project, must be considered within the environment of political violence throughout the Republic of South Africa at that time with thousands of people having lost their lives due to an inability of the State to provide adequate protection for all persons within the violence racked areas.

The training was devised as a means to provide the communities with a means to protect themselves, their property and the property of the government of KwaZulu.

The training of self protection units commenced during October 1993. At the time I was employed by the KwaZulu government as a KwaZulu representative in the Department of the Chief Minister.

The training of the self protection units was organised through the joint control of the Department of the Chief Minister of KwaZulu and the Department of KwaZulu Police. In essence, the Department of the Chief Minister was responsible for the administration of the self protection training project which included the logistical aspects such as supply of food, transport and sanitation. The Department of KwaZulu Police was responsible for the training of trainees, which included inter alia the supply of weapons and ammunition for training purposes.

To carry out this training, approximately 13 members of the ~~KwaZulu Police Force were appointed to assist in the training.~~

Throughout the training programme the responsibility for and control of the arms and ammunition fell within the jurisdiction of the KwaZulu Police.

I must add that the training programme was not a covert programme and was open at all times for inspection and scrutiny ~~by the KwaZulu Police, the South African Police and by~~ invitation, members of the media.

The allegation of transportation of weapons, 1st of October 1993 and 20th of October 1993: The allegations in this regard do

not constitute a gross human rights violation, nor is there any suggestion in the notice and the further information supplied in response to the request to this notice by the Commission, that such alleged weaponry was linked in any way whatsoever with any activities which would constitute gross human rights violations.

Transportation of weapons, 26th of April 1994: I deposed the statement on the 30th of May 1994 relating to this incident. The Commission is in possession of the statement. I am unable to furnish any further information in regard to this incident, other than that contained in the aforementioned statement.

~~Involvement in the Security Branch and Military Police~~

Intelligence: I was a member of the Security Branch of the South African Police Force during the period August 1986 to May 1991.

Throughout the period whilst I was a member of the Security ~~Branch of the South African Police Force and for that matter, at~~ all other times, I was not involved in the commission of any gross human rights violations in any way whatsoever.

I was also never a member of or involved with Military Intelligence, the SADF or any of its associated organisations.

~~Death of Mrs Zimo: I have no knowledge of this incident, therefore I am unable to provide any information in regard~~ thereto. With regard to the attack on a bus carrying ANC supporters at the Nkanyazeni area, I have no knowledge of this

incident and therefore am unable to provide any information in regard thereto.

Thank you very much.

MR FALCONER: Mr Chairman, that has quite a few of my own (indistinct) on it. I will however, undertake to provide you with a copy once I have managed to get it off my computer in the office, if that would be suitable with you. Regrettably I only have the one with us.

CHAIRPERSON: Just briefly, just go through ... (microphone not on)

~~MR POWELL: The first is the point that, Mlaba camp, that is training and my contention that it was legal. The background to the training, the dates and the different responsibilities of the two respective Departments.~~

~~The fact that it was not a covert operation~~

Relating to 2, the allegation of transportation of weapons on the 1st of October and the 20th of October. My contention is that the allegations do not constitute a gross human right violation and transportation of weapons on the 26th of April, I refer the Commission to my statement and point out that I have ~~nothing further to add to that.~~

Involvements in the Security Branch and Police Intelligence. I provided dates which I served and undertake that I was not involved in the commission of gross human rights

violations and furthermore that I was never a member of the SADF or Military Intelligence.

With regard to the death of Mrs Zimo and the alleged attack on a bus, I have no knowledge about those incidents and am unable to provide any further information to the Commission.

MR FALCONER: Mr Chairman, just by way of clarification and just to possibly assist you, we have followed the order of the items as they were mentioned in the notice.

CHAIRPERSON: Right, we are going to take a short break just to consider our response to the statement. With regard to the ~~matters that you are not answering questions on because you~~ allege that they don't involve human rights violations, I think I should point out that it is part of the job of this Commission in terms of Section 30 of the Act, I don't know whether you have ~~the Act with you, but Section 30 of the Act very clearly says that~~

~~if a person is implicated to their detriment, I haven't got the Act in front of me, but it says that if the decision is contemplating making a decision with regard to a person or concerning a person which is to their detriment, then certain things flow from that, we are obliged to give them an opportunity to respond.~~

~~Part of our job and we have made a number of findings or~~ contemplated findings in the words of the Act, against large numbers of people from all sides of the political spectrum, we have made findings, contemplated findings against them. It may

be and I am saying this advisedly, it may be that arising out of this discussion today, arising out of these documents we may contemplate making a finding against Mr Powell which is to his detriment, there is no mention of human rights violations there, clearly to prima facie in any event, to accept large amounts of weaponry, Eastern Block weaponry, whatever it is, the whole gambit of things that Mr De Kock says he handed over to Mr Powell, clearly to do that, is prima facie unlawful and we would expect Mr Powell to respond.

If he doesn't want to respond here today, I am not going to engage in long legal arguments as to whether you are only obliged to answer questions in relation to human rights violations here, but the probability is that in due course he will receive a notice in terms of Section 30 saying these are the allegations against you, ~~they are clearly to your detriment, they are prejudicial to deal in,~~ to transport, to stockpile unlawful, unlicensed and Eastern Block weapons, what is your response to that.

You know, if his attitude today is well, I am not going to answer it because taking possession of a weapon is not a gross human rights violation, I am not going to push it. I think you, ~~you know he would be advised during this break to think about it,~~ because at some stage we would require a response from him about those allegations that are being made by De Kock and Vermeulen and these other people.

If there is no response at all, the Commission would then have to decide whether these allegations of these people De Kock, Vermeulen, etc, are reasonable, whether they are reasonably possibly true and if they are, if we believe they are, I am not saying we have decided that, if we believe that they are, then we would be obliged in terms of our mandate to go ahead and make a finding, contemplate a finding against Mr Powell. He would be given two weeks or whatever it is, to respond to that.

If there is no response as his attitude here indicates, then the chances are that a finding is made against him, which is of a detrimental nature. If he wants to respond to those allegations about what De Kock and others have said about him ... Yes, again, this is the part where Mr Powell referred to possible legal argument, the gross human rights violations include (indistinct) ~~offences, like attempt to conspiracy and certainly again prima~~ facie, you know the receipt and dealing in that sort of weaponry is prima facie indication of conspiracy to commit human rights violations.

I am going to leave, you can respond briefly if you want to, but

~~MR FALCONER: Mr Chairman, thank you and we take note of~~
the stance that the Commission has taken in this regard.

Mr Chairman, as you will note Mr Powell has agreed to cooperate and hopefully shed light on certain of the issues that

you have mentioned in this notice and it appears to me Mr Chairman, that it is really only points 2 and 5 of your notice which seem to be a replication of one another to a certain extent, which you have adopted the approach that you are not going to pursue or press violently in regard to legal argument today.

If I can propose before we take the short break that in the meantime we use this opportunity to press on with the other matters where Mr Powell has prepared himself and brought information, we avail ourselves of that and in the meantime during the break, I will also have an opportunity to discuss the matters with Mr Powell further.

CHAIRPERSON: We are just going to take a short break, just to discuss which way we are going to go and what we are going to start with. Not long at all, and in the meantime, perhaps you can just consider that question.

Our view is that dealing in weaponry, falls within the ambit of the definition of gross human rights violations because that contemplates a conspiracy and secondly, that in any event, he would be required to make a response to those allegations in terms of a notice which will be served on him in terms of Section 30. So it is either now or later.

You know, he is not obliged to respond to a Section 30 notice, but then he bears the consequences of that.

COMMISSION ADJOURNS

ON RESUMPTION:

CHAIRPERSON: ... want to do that at the stage when you are going to deal with that particular issue?

MR FALCONER: Mr Chairman, I think it would be appropriate to do it in that way because if it is just suddenly sprung on you now, it is going to appear out of context.

CHAIRPERSON: Can we maybe call on you when we are ready to deal with that particular portion of the evidence? You will be upstairs.

INTERPRETER: Thank you Chairperson.

CHAIRPERSON: Okay, thank you very much. Okay, we resume after that short break. Mr McAdam, do you want to start with the Mlaba issue.

PHILIP POWELL: (still under oath)

MR McADAM: ~~Now once these persons had been trained, what~~
would actually be done with them? How would they be operationally deployed?

MR POWELL: To answer that, I think I must just explain to you how they were selected, because the two things are directly linked, if I may.

~~The premise throughout this training project, was that the~~
ownership of the individual unit structures, which and it was envisaged and it will be spelt out in greater detail in the Zulu document, was that the unit would be a ten person unit, that they

would fall under the direct authority of a category of people in the community.

Those would be counsellors, both elected counsellors and tribal counsellors, indunas and also amakosi themselves. And they were responsible for the identification of the people and then once they were, once they completed their training, they were sent back and they would fall under the authority of that person.

The KwaZulu government was not in any way involved in the selection or screening of the trainees and I mean, there were of course consequent problems from that but it was - the premise was that the community would decide who would be trained and the community would take responsibility for the trainees once they returned.

MR McADAM: And the reference in the documents to them being appointed as Special Constables or Tribal Constables?

MR POWELL: Yes, that is a totally separate dimension to their training as self protection units. What essentially happened was that there was a decision and it is reflected in the documentation by a Cabinet resolution of the former KwaZulu government, that the KwaZulu Police should be supplemented by the appointment of additional Special Constables and it was decided by the Cabinet that of the approximately 5 000 people that had received training as part of the self protection training project, that suitable people that met certain qualifications, would be retrained

by the KwaZulu Police with the objective of appointing them as Special Constables.

The idea was really that those Special Constables would supplement the manpower of the KwaZulu Police. The reality was that the KwaZulu Police had, I think just in excess of 3 000 people of which about 600 was still under training.

The Cabinet resolution reflects this and the logic articulated by the Cabinet was that these people would be able to take over non-specialised functions which members of the KwaZulu Police were doing, like the guarding of government buildings, gate control and also supplement the Public Order Policing, or in those days, Internal Stability Unit of the KwaZulu Police.

That project was administered purely by the KwaZulu Police and the Chief Minister's Department was very peripherally involved in it and I personally, was - I stepped back at that stage and the Brigadier, now General Dube, was the person that was primarily responsible.

In terms of actual time, it is only about three weeks, because what then happened is when the KwaZulu government decided to participate in the elections and the threat analysis changed, there was a decision to basically terminate the services of the 1 400 Special Constables, which were still under training, they were never deployed.

MR McADAM: And was it contemplated that at all times these trainees would work closely with the Forces of Law and Order once they were deployed?

MR POWELL: Yes. In fact in the - sorry - the Zulu document which was a - for lack of a better word - a manual which was circulated widely to traditional leadership, members of the KwaZulu legislative assembly, it was clearly stated that to comply with the provisions of the Peace Accord and also with a clause in the Criminal Procedure Act, that they must not seek to replace the activities of the Security Forces and it was envisaged and they were trained to establish formal liaison with Station Commanders and Police Units operating in the area.

I think that maybe by way of background here, I should just point out that the former KwaZulu government faced a very, very ~~serious predicament with Policing in the territory which it~~ administered. It is not a well known fact that the majority of the surface area administered by KwaZulu, was in fact Policed by a joint agreement by the SAP.

For various reasons the SAP was less that diligent in ~~providing any form of Policing in that area and the province has~~ ~~suffered as a consequence of that. So there was really an attempt~~ to supplement the ability of a traditional structures. The KwaZulu government had a large amount of money for instance, invested in tribal courts and the apparatus and support structures

for tribal courts, and these were seen as a symbol of the KwaZulu government's authority and they were very often attacked and burnt so they would be the kind of structures and institutions which these people would be expected to protect in conjunction with the Police.

MR McADAM: And can you just briefly outline what type of training they received?

MR POWELL: The training was really based and I would like to later on go into some detail into this. It was based on a careful study of the ANC self defence units and the training which they received.

I think that this was largely my role in the whole project. I have a Master's degree and my thesis was written about the ANC's People's War Strategy and I evaluated very, very carefully a variety of documents which I was able to obtain. One of them which I certainly will make available to the Commission, which were essentially handbooks for the establishment of self defence units.

The origin of those units was obviously in the ANC's military wing, Umkhonto weSizwe and the kind of training which was given to them, was of - there were four categories. There were what were called crash courses, which were conducted on site by people that had previously received training or by roving Umkhonto weSizwe instructors. We had wide evidence that that

was, that training was being undertaken throughout the province and we can furnish the Commission with names of venues and even people, specifically in the Midlands where I was working, who were specifically deployed to conduct crash courses.

Then there were temporary training bases which the ANC maintained in remote areas in the province where they would give week long, or weekend type training.

The third category of training would be people that were sent to the Transkei and very large number of self defence unit members were trained and the fourth would be people that were sent to Uganda, to Tanzania, to Angola.

The content of their training was obviously dictated by the category of training which they received. Those people that were trained in crash courses, would be trained in firearm use and in ~~the use of hand grenades, elementary explosives and things like~~ that.

People that received longer training, would obviously get more sophisticated training. The actual content of the syllabus of a four week training course at Mlaba camp, would really start off ~~with the first week would be primarily free of~~ adjectives.

~~The one would be to of course do all the administration and~~ processing of the people in terms of issuing them with basis equipment, uniforms, shoes, boots and things like that. A series of lectures on the, based on the Zulu manual, which they were

told about the National Peace Accord, about the requirements, about the parameters and limits which the self protection forces could work in the community. They were given lectures on self defence and the law. In other words, under what circumstances they could use firearms to defend themselves and these lectures were given by the KwaZulu Police, by certified firearm instructors, people who were competent to teach them about you know, under what circumstances they could use the weapons.

The other aspect was the safekeeping of weapons, because the KwaZulu government had issued a large number of G3 rifles, ~~pump action shotguns and .38 special revolvers to various tribal~~ structures and there was a very serious problem with these weapons being stolen - sometimes in targeted operations by the ANC and then used against, back against the IFP. That was one ~~of the other areas~~

There was also in the first week a very heavy emphasis on fitness training and discipline and then the first stages of familiarising the trainees with three categories of weapons. The first one would be of course semi-automatic rifles like the G3.

~~The weapons that were available for instruction, were supplied by the KwaZulu Police and they were G3 rifles, R1 rifles~~ and R4 rifles. Those were the three categories of weapons which they would likely come into contact with, that were issued by the KwaZulu government.

Then there were also shotguns of course, and then 9mm pistols, .38 Special Revolvers and then the other two Police weapons which were used by the KwaZulu Police which was the HMC and the Uzi machine pistol.

I have taken note of allegations that are made in the documentation that trainees received instruction in so-called East Block weaponry, that was not the case. It would have gone against the entire idea behind it, because the - on the basis of legal advice, when the project was formed, it was decided that the end result of this firearms training would be the issuing of a ~~competency certificate by a certified Police Firearms Instructor~~ and the idea behind this was that a person returning from training, who applied through the normal processes for a firearms licence, was expected by the regulations of the SAP, to furnish a ~~competency certificate~~.

There was a booming industry with unscrupulous arms dealers charging exorbitant prices to people for these certificates, so the idea was that these people would end up with a certificate which was officially issued by the government.

~~Moving into the second week, the trainees would be given a wide range of lectures on the kind of tactics and threats that they~~
could face. These would primarily be attacks on houses, on homesteads, ambushes of vehicles and busses because that was the other area where a lot of attacks were directed and then of course

the process of teaching them about the kind of attacks which they could be subjected to.

In training of this nature, there is of course always a fine line between teaching people about a threat and it becomes arguable whether, I mean, if you teach somebody about counter ambush and drills for instance, it is impossible to teach them how to counter an ambush, without teaching them how a classic ambush is conducted.

If you want me to expand on that, I can. Then there was another part of the training, which I would describe as organisational skills and this was really how to structure the work of self protection units in the community and if I may give you an example. What would happen would be that in a particular area there would be on a geographical basis, two or three units operating and these units would normally be involved in patrolling areas where there was a threat of violence at night.

They would establish observation points, because very often the attackers which would attack a community, would infiltrate along fairly predictable routes and the role of these people would be really to patrol the area at night, establish who was in the area and in the event of them identifying a group of attackers, sound an alarm. They were trained to use whistles and torches and also lighting burning tyres up on the hills to alert the whole community to the fact that an attack was under way.

Then the other sort of training which was given to them was in basic first aid skills, they were also trained in martialling skills, how they would, because this is a very important part of the Peace Accord, was the orderly regulation of marches and rallies and things like that. That was really the focus of their protection unit training and it is spelt out in greater detail in this self protection unit manual for lack of a better word.

MR McADAM: Would you agree with me that the ANC's SDU's had their origin as part of the ANC strategy to make the country ungovernable, that they had embarked on a strategy in the mid-

~~1980's of liberating regions from the National Party government~~ and those SDU's actually ensured that the National Party structures could not operate in those areas, that they would expel the Police caspirs either by petrol bombing them or digging ~~ditches on access roads, that they would enforce popular~~

boycotts, if it was decided that week that there would be a boycotting of certain shops, they would ensure that not a single member of that community went into those shops and purchased any goods, that they actually also usurp the functions of law and order, conducted People's Courts, etc.

~~MR POWELL:~~ I think that the origins of the SDU's possibly do lay in the ungovernability programme but the stated objective of the self defence units and the rationalisation presented by the ANC during the drafting of the Peace Accord, was that they were

alternative structures there to replace what they regarded as illegitimate structures which lacked legitimacy and in that sense, there was a formal agreement between the government and the ANC in clause 3.7.6, there was an agreement that all existing structures called self defence units, shall be transformed into self protection units which shall function in accordance with principles contained in paragraph 3.7 and I mean 3.7 says the law cause all individuals the right to protect themselves and their property and to establish voluntarily associations or self protection units in any neighbourhood to prevent crime and to prevent any invasion of the lawful rights of such communities.

This shall include the right to bear licensed arms and to use them in a legitimate and lawful self defence. That really was, it states here also that the parties also recognise that a liaison structure should operate between any community based self

protection unit and the Police, so as to facilitate education on citizens' rights, Police responsiveness and other aspects in respect of which there is legitimate and common interest and then of course the important clause which says the Police remains responsible for the maintenance of law and order and shall not be hindered in executing their task by any self protection unit.

Those are the things that really under lay the whole philosophy behind the self protection units, with the important proviso that in many of these areas where they operated, there

were no Policemen, there were no Police stations and that very unfortunate situation continues to this day.

This province has a shortfall of 97 Police stations for instance, and that is the kind of objective reality that this took place, it has currently, I think it is short of 17 000 Police personnel on the establishment. I think that the situation in the early 1990's was possibly worse.

MR McADAM: Wasn't it also alleged by the Inkatha Freedom Party regularly that the SDU's were behind the attacks and killings of Inkatha members, strongholds, etc, that that was frequently raised by the political organisation and there were a number of incidents also where members of SDU's were actually arrested for murders of and attacks on Inkatha supporters and were actually convicted?

MR POWELL: ~~Quite clearly the IFP amassed quite considerable~~ evidence of the role of self defence units in non defensive operations, in other words in attacks on individuals and there I would say that there was probably a common problem which both organisations have experienced and which has been recognised by the post-1994 democratic government, which has recognised that ~~both organisations trained people and that there were insufficient~~ or often non-existent command control structures and for that reason the vast majority of these people are now being retrained and absorbed into either the Army or the Police.

I mean, there certainly were and it is implicit in what I said earlier about the selection, that it is inevitable that there will be individuals that would break the law. It is a reality even in the best structured military or para-military protection forces, that there are individuals who break the law.

MR McADAM: Were you aware at the time of the SADF's strategies to prepare communities to defend themselves in operational areas, for example in Namibia, that set up the Ovambo Home Guard to counter acts of terrorism, etc?

MR POWELL: Yes, in fact there were lengthy negotiations between the KwaZulu Cabinet and the former SADF to expand the commando network into the KwaZulu area and there was a lot of promises made, but very little materialised.

There were groups of people identified by various amakosi in certain areas that were trained by the SADF, but if you want my honest opinion, there was and there is a resistance and I am very intimately involved in this process now with trying to transform the commando units into non-racial structures.

There is a resistance to expanding them beyond their traditional base, which is the white community so there were overtures made and there were requests for assistance and they were done within a clear understanding of the legal framework of the Self Governing Territories Act and the limitations.

It really ended up with the Police, the KwaZulu Police. They were the ones that had to make this happen.

MR McADAM: At the time when this concept of SDU's were conceived, was this not at a time when the Inkatha Freedom Party was at loggerheads with the TEC regarding the fact that there should be a greater degree of self determination ...

MR POWELL: ... of SDU's dates to the beginning of or the latter part of 1992 and it was not directed against the TEC. The TEC only became a fact later on and I would say that the spectre of the TEC from KwaZulu's perspective only loomed large after the beginning of 1993, when you know, the debacle about Bophuthatswana took place and the pressure or the tension between KwaZulu and the TEC mounted, but the SDU's were formed with a very humble mission, that was to protect and defend communities that were not policed and to supplement policing in those areas.

MR McADAM: Would you not agree with me that as this project developed, these tensions then developed with the central government, the TEC, concerning KwaZulu Natal's right to self determination?

MR POWELL: I think that it wasn't so much a matter of self determination, the KwaZulu government sought and received assurances from President De Klerk right up until the elections that the sovereignty or perhaps it is the wrong word, the

heard about this rally and that the delegations were rounded up and the IFP delegation given a stern warning not to collaborate with the enemy and told to flee and then the ANC delegation was summarily executed.

These cases took place in the period when all this training was actually going on?

MR POWELL: Yes. I would really stress that this may not always be apparent to people that were outside of the IFP or the KwaZulu government, but there was a very, very clear and conscious attempt by Dr Buthelezi to separate the two and the ~~institutions of the one were certainly in form, I am not sure in~~ content, separate and the role of the IFP in the establishment of self protection units was peripheral. It was in supporting and endorsing the activities of the KwaZulu government.

~~I think that maybe this confusion has its origins in a~~
 misunderstanding of the actual institutional nature of the KwaZulu government. It wasn't a government which necessarily derived its legitimacy from a multi-party system in the western sense, but it derived its legitimacy primarily through traditional structures and it was pressure from those traditional structures ~~which led to the establishment of the SPU's.~~

The militancy which you are talking about is something which - it certainly was a growing problem for the leadership of the IFP and the mere existence of different factions and

perspectives that you have alluded to, points to the fact that there were different opinions, but the IFP and Dr Buthelezi has repeatedly gone on record as saying that the organisation did not condone, it did not in any way justify, it offered no moral justification for individuals which were involved in violence and I mean your mention of KwaMashu, you will be aware that the IFP's most senior leader in that area was expelled from the Party, because he engaged in activities which were seen to be of a violent nature and which brought the name of the Party into disrepute.

~~MR McADAM: And was the primary threat for which these SPU's would act, coming from the ANC?~~

~~MR POWELL: Yes, it was, undoubtedly.~~

~~MR McADAM: You say that once the IFP agreed to participate in the general elections, there was no longer a need for the SPU's~~

~~and that's when the project ...~~

~~MR POWELL: No, no, the people that were retrenched or dismissed, were not at that stage members of the SPU's, they were being trained as Special Constables by the KwaZulu government and to be members of the KwaZulu Police.~~

~~It was certainly perceived and I am willing to develop that point in detail, that the destabilisation which were directed against the KwaZulu government were primarily linked to that~~

government's refusal to come into the elections and the destabilisation largely ended.

The orchestrated destabilisation ended at the point where the KwaZulu government and the IFP agreed to participate in the elections. The killing of IFP members and the attacks on rural communities continues to this day, and that never changed, it never stopped. The ANC continues to train people, they continue to arm people. They continue to deploy people against the IFP in this province right now. It is not something which was ever stopped, and there are very high level initiatives which I am sure

~~you are aware of right now, between the Parties. I am a member of the negotiating team to actually deal with that in a systematic way and that would include the total dismantling of all para-military structures, the resolving of a whole range of issues~~

~~relating to arms caches and weapons which have never been~~
surrendered and a whole range of things.

So that is something which never went away, but certainly the organised destabilisation, we have documentation which we can make available to the Commission, which indicates that there ~~was an orchestrated and coordinated initiative by the ANC, using trade unions, using affiliated organisations in the run up to the~~ elections to produce the same levels of destabilisation which occurred in Bophuthatswana and the Ciskei.

MR McADAM: Would you have expected the KwaZulu Police to be supportive of these initiatives to train these people so that they can maintain law and order in lawless areas?

MR POWELL: I think that that is a difficult question and I suspect after reading this here, that the basis for that question would be that the Commissioner of the KwaZulu Police was outspokenly critical of it, but I would like to perhaps explain that the KwaZulu Police was a hybrid animal, it was made up of primarily of low ranking black members who came from and who were members of KwaZulu and the Zulu nation.

~~Its upper management was entirely with very few exceptions, seconded Officers from the SAP and very often because of the way the SAP worked, Officers that were sent there because they had reached a dead end in their career and there was a lot of tension and there continues to be a lot of tension by what~~

one would, could describe as members of the KwaZulu Police who owed allegiance to the government of KwaZulu and those Policemen that owed primarily allegiance to the National Party.

That tension was there and quite clearly there were some of those white Officers who were not happy with what was happening

MR McADAM: I mean you have seen the documents where Gen During actually says that this project would result in escalation of violence, further tensions, etc?

MR POWELL: Yes. Clearly the Cabinet as it is reflected in the correspondence, didn't share his views and he was afforded the opportunity on numerous occasions again, according to the documents, to articulate his objections and I certainly can't, I was not a member of the Cabinet, but I am led to believe that he failed to convince them.

I think that you will also see from the documentation that there was consultation with other senior Generals in the SAP who held a different perspective. I wasn't privy to those discussions, but I - due to the fact that the SAP quite regularly visited Mlaba camp to inspect the premises, there must have been, I would have expected that there would have been direct intervention from Pretoria if they had felt that there was something that was going very wrong.

~~CHAIRPERSON: You see, if I can just come in here, just from~~
the correspondence which we have and which you have, it doesn't appear to me that Gen During's objection to this training, is explainable by way of the nature of the tensions within the organisation.

~~He spells out very, very clearly in his letters that he felt~~
~~that undertrained people would in all likelihood and all~~
probability, commit unlawful acts and that he as Commissioner of Police, would ultimately be civilly and criminally responsible. He uses those words in a letter to either Dr Buthelezi or to Mr

Armstrong, but he says it very clearly, he says this is not Police training, these people are going to bear arms as I understand how this training is going to evolve and I think that it is going to lead to the loss of life, either through negligence or through deliberate criminal acts.

That seems to me to be the basis for his - amongst other things - the basis for his objection. His other objections were for example how a civilian could be placed in charge of Policemen.

He makes it very clear in his correspondence that he simply didn't know how that could come about. I think it was in the letter to

~~Mr Armstrong, that it wasn't in terms of the existing legislation~~
and as I have said, that he believed that the training would or certainly could lead, to escalation of violence, those were his words as well, it could lead to the escalation of violence.

~~That is the problem that we have with this training, aside~~
from the other aspects that we will go into and you may or may not wish to answer questions on them and that relates to the use of weapons which are referred to in the other documents within that camp.

~~A very large and heavy question mark hangs over the~~
~~purposes of the training. If one has regard to these documents~~
and as I say, I don't think one can ascribe Gen During's objections to this, by saying that the KwaZulu Police had tensions between black and white Officers.

MR POWELL: I would respectfully beg to differ with you. I firstly would like to reinforce once again that there seems to be some kind of confusion between the training of Special Constables and the training of self protection unit members, and I must add that I was very peripherally involved in the Special Constable issue.

It was something which was directly handled by the Cabinet. The Generals, Gen During's concern about the establishment of self protection units were dealt with extensively by the Chief Minister's Department and I would refer you here to ~~the legal opinion that was obtained on a community guards, tribal policemen and also the fact that there was existing legislation~~ which - these people were a reality, they were armed and this sought to raise the level of their training. It wasn't a matter of ~~arming people that were ill-trained, these were people that were~~ already armed or people that were going to apply as ordinary citizens to become licensed firearm owners.

I really would like to reinforce that difference between the two. When it came to the issue of the Special Constables, there was a ~~there is an ongoing debate about the entire concept of~~ ~~Special Constables which is not only limited to this particular~~ project or experience. I mean the appointment of Special Constables went back to the 1980's and there were always problems with command and control.

statutory legitimacy of the KwaZulu government was not under question.

What certainly was of great concern to the KwaZulu government and it is articulated in Cabinet documents here, was there was a considerable fear that there would be intervention, that the KwaZulu Police would be confined to barracks, that leading members of the KwaZulu Cabinet would be detained, basically that there would be a military intervention, and I am aware that there were Intelligence documents that were given to the Cabinet which purported to support these allegations.

~~MR McADAM:~~ And in this period, there was a definite militant stance from the Inkatha Freedom Party, there are two documented cases which have been through the courts, dealt with on appeal and the convictions confirmed. The one where the induna

~~Vendwedwe was convicted of using his amakosi to execute the~~
pamphlet distributors of the Independent Electoral Commission on the basis that by handing out voter education documents at a stage when the Party wasn't participating in the election, this would encourage people then to support Parties other than the IFP.

~~That was one case, the second case was where a moderate~~
faction within the IFP, invited the ANC in KwaMashu to attend peace talks with the aim of trying to bring an end to violence in KwaMashu, that the overall leader of the IFP for KwaMashu had

But I think that one of the things which may have influenced the people that made the decision, was the fact that the KwaZulu Police unlike the SAP were involved in performing some very menial guarding tasks for the KwaZulu government, whereas for instance government buildings in the province of Natal, would be guarded by members of the NPA Security. The same buildings in KwaZulu would be guarded by Policemen, Sergeants and Constables who are being paid to be Policemen and to - and they were trained people and the feeling was really that if the KwaZulu government faced the same levels of destabilisation as other areas had experienced, that those people would be best used in the field, as Policemen and that these other less trained people, would be better deployed guarding buildings and things like that, so there was an ongoing, an active debate about this here.

~~But Gen During's own relationship with the KwaZulu~~
Cabinet was a less than healthy one and I am not well equipped to comment on it, because I was peripheral to it, but I certainly evidence, or witnessed these tensions and they did not only have to do with ethicasy, they had to do with political issues, policy issues and there was a wider problem.

~~Coming to the issue which you made about the question~~
mark that hangs over the training, if I can confine myself to the self protection unit training, I would perhaps like to cite an example, a practical example of the difference that the

establishment of self protection units made and I would point to the Richmond area.

There is a tribal area adjacent to Richmond which is called Pateni and at Pateni there were possibly as many as three or four violent attacks on the residents of Pateni a week, hand grenade attacks. They obviously felt the full brunt of the very considerable military activity that was going on in the neighbouring areas of Magoda and Ndalen.

There was a decision taken and it was done after consultation with the Police in the area that self protection units be established. They were trained, they were not - this preceded the Mlaba training, they were trained there in the area and from the day when they were deployed, there was never another single attack on the people of Pateni and to all extents the violence in the area stopped. I would say that it was not only, did the violence stop in terms of attacks on Pateni, but peace started to take off between the neighbouring areas.

On the basis of that kind of experience, it was felt that the expansion and the formalisation of these structures were very desirable.

~~MR McADAM:~~ Just going back to the Special Constable issue and as I understand it, and you have attempted to distance yourself from that issue in saying it was driven by Gen Dube, but those people I think there were 1 000 of them, they were in a

sense recalled, they had been trained in the previous month, and an attempt was made to recall them and to give them other aspects, other training in order to have them conducted as Special Constables.

That was your initiative, isn't it? There is a document here in which you initially proposed that they be part of a Rapid Response Unit in the ISU, that they - do you know that project, that proposal that Gen During was very, very against that. Again he said you know, that there is (indistinct) ISU unit in Mtubatuba and that they are doing a job and that that could be expanded, but ~~to put poorly trained or semi-trained Policemen to that unit,~~ would just exacerbate violence and that appears to be your initiative?

MR POWELL: I have read the document and I noted that there ~~was an annotation that it should be established whether I in fact~~

authored the document, and I did not author the document. It was a document which was the result of a discussion between all the role players involved. There were different ideas floated and different initiatives and some of them were implemented and ~~accepted and some of them were disregarded as unworkable.~~

~~I am not trying to distance myself from what happened, I~~ am stating a factual position. Gen During was incorrect in his assertion that I was purely a member of the IFP, I mean I was in

fact a member of the civilian government and as such I was never in charge or command of his Police personnel.

There were fairly well established lines of communication and there were senior Officers from the KwaZulu Police who were responsible for the instructors. My role was one of coordination and bringing together the self protection unit - training a whole range of resources to make sure that the project was effective and that it stayed within the guidelines established by the KwaZulu legislative assembly.

MR McADAM: Although there are documents which indicate that you were in overall command of the camp, I think you've got that document.

MR POWELL: Yes, I have, but I would suggest that the role which I fulfilled was as overall coordinator, but in terms of the lines of command and control, my role when it came to the KwaZulu Police instructors, was merely that I could request the Officers to assist with certain elements of the project, but not that I had any control. I could recommend things, I could request things, I could - but the authority lay with their senior Officers.

~~They were visible and present throughout the project.~~

MR McADAM: Why weren't these if these people were going to be inducted as Special Constables, why weren't they trained in the KwaZulu Police training camp like all other Special Constables were? It seems to us just bordering on the bizarre

that you have a self protection unit training camp put up under the auspices of the Peace Accord and then suddenly you find that you need Special Constables to (indistinct) the KwaZulu Police, so you bring them back to that same camp, give them a bit more training in I presume some Police procedures and suddenly they become Special Constables.

The most senior Policemen in the country in the homeland, is against it, because it breeches all sorts of rules of the KwaZulu Police Act. You have seen the document saying that he is obliged to ensure that people had minimum educational standards, etc, etc, and that he believes that this is going to lead to exacerbation of violence. Why weren't these people sent to a KwaZulu Police training camp, it seems ...

MR POWELL: I think that once again the documentation contains the answer to that. If you go back to the debate which took place between Gen During and Mr Armstrong at the commencement of the SPU training, where he indicated that the available Police facilities were full to capacity. The KwaZulu Police College in Ulundi was at an intake of I think between 650 or 700 members that were undergoing training during this period.

~~The Amatikhulu training facility which was the other~~
KwaZulu Police Training facility, was full to capacity, but I think it is important that the training of Special Constables was effectively aborted, and these people were never deployed. They

were never deployed, they were sent back home from the training area, they were dismissed while undergoing the necessary training.

MR McADAM: And that was linked to the IFP agreeing to participate in the elections?

MR POWELL: Well that, I mean I was not party to that decision, but there is a letter from Mr Armstrong in here, in which he indicated that there had been a decision by the sort of Executive to abandon the whole initiative and send these people home.

~~MR McADAM: There is also a statement from Gen Marte where he also said that the minute the IFP agreed to participate in the election, there was no need for these people?~~

MR POWELL: That is right.

~~CHAIRPERSON: Now you know one of the inferences that can be drawn from that, is that in fact that these people were going to be more akin to the original ANC SDU's to resist the government.~~

MR POWELL: No.

~~CHAIRPERSON: Because it seems to me strange that once the IFP said we are part of the elections, that there is no longer identified a threat from the ANC against the IFP.~~

MR POWELL: Yes. I think again, in the documentation that you have provided, one could gain some insight into the kind of information which the Cabinet was receiving which indicated to

them that there was an orchestrated programme of destabilisation against the KwaZulu government and there are numerous public ANC documents which stated that the primary reason for that destabilisation was the IFP and the KwaZulu government's refusal to participate in the elections.

I would think and I was very much a spectator in that process, that that would have influenced that decision and that the kind of disruption which was expected, would not materialise. You really are talking about the eve of the election.

A total - it is actually very hard sitting here you know, with ~~the benefit of four, five years having elapsed, to effectively~~ communicate to you the real sense of eminent destabilisation which reigned in KwaZulu at that time. I mean it was a very real thing, and it wasn't directed against the SADF or the SAP, it was ~~really directed against the kind of forces that led to the chaos~~ that occurred in Bophuthatswana.

CHAIRPERSON: You mentioned earlier on that the SPU projects began in 1992, I accept that it did and I accept that there was a need for communities to protect themselves, but there is no ~~doubt whatsoever that the bulk of these people that were trained,~~ ~~were trained in the period just prior to the elections and during~~ the time that the TEC existed, you know between 5 000 and 7 000, I don't know how many, it was at least 5 000 people were trained from October 1993 to April 1994, and you know it doesn't

assist to compare those numbers of people with members of people that were trained in 1992. Clearly there was a massive, massive influx of people into these training camps. You had to spill over into Amandleni Makleng and I think the point that Mr McAdam was making earlier on was that it appears from these documents, that these people were being trained not to combat attacks on the IFP, but to assist the IFP and the KwaZulu government or the IFP, to its what it called its right to sovereignty.

I mean if you look at the speech which you have been provided with, by the King at the time, on page 187, he barely mentioned attacks on the IFP. His entire thing is, it is a very emotional sort of speech and filled with rhetoric, but just to quote from it, he says: "I call upon you to bring about the ~~realisation of our dream, the call for freedom can no longer be~~ delayed.

We here today proclaim before the world our freedom and sovereignty and our unwavering will to defend it at all costs. The holding of elections is an immediate denial of our claim for sovereignty and determination. In this regard, there can be no ~~compromise or flexibility and I have the duty as the King of the~~ Zulu's, to express this (indistinct) clear and unequivocal terms.

If you also look at the, on page 266, the article in the newspaper quoting Mr Falgate where he says we will stop it,

referring to the election. We will make it impossible for the election to take place by embarking on a campaign of mass action, street action and disruption.

So the picture that is painted by these and other documents, you know Mr Falgate has told us himself that he ran a camp at Nkozi or somewhere, or Gezeni where he trained people to put up road blocks and that sort of thing, and deliberately designed at preventing the election from taking place.

The impression that is created by these documents is that the IFP, KwaZulu government was preparing to train a paramilitary or a defence force in order to prevent its incorporation into a federal system which it had no desire to go into, where it thought it would be swamped by other language and ethnic groups and where it had a self declared very, very powerful claim to ethnic sovereignty.

As I have said, there is very little expression of concern or fear about attacks on IFP or KwaZulu government structures. In fact as Mr McAdam pointed out earlier on, it was in that period that the IFP certainly seemed to be the Party or individuals within the IFP, certainly seemed to be the protagonists, we have these recorded cases of people in Section A, KwaMashu hostel and the pamphlet murders, where there was violence being perpetrated by IFP people who were at a fairly senior level, to prevent the elections from taking place.

Seen in that context, this massive, massive training of people, I mean we are talking in your own words, I think you said 5 000 to 7 000 people. It is difficult for us to understand that these people were being trained solely for the purposes of going back and establishing neighbourhood watches and preventing attacks on their houses. The scale of things are just so grand that the documents paint a very different picture for us.

MR POWELL: I would like to comprehensively respond to that.

I have - the IFP has noted with concern and I wish no disrespect to you in your position as a Commissioner, because we have

~~officially lodged a complaint with the Public Protector, we are of~~

~~the opinion that in this particular matter, that you have prejudged the IFP's relationship in specific with regard to the extent to which we are on the receiving end of systematic and massive~~

~~violence during that period, and we have tabled a document with~~

the TRC and I refer you to from page 87, the 1st of January to 138, which is February 1994, and even taken further which we have detailed incident by incident, the systematic killing and slaughtering of IFP people in this province.

~~To suggest that the IFP was not preoccupied with the killing of its members and burying its dead, is something which~~
just, I mean I have to strongly dispute.

The focus of the IFP was survival, and its survival was its political survival was something which was almost incidental to

its survival of the systematic onslaught. There is literally no other political organisation which I know of in the world, which has lost as many office bearers as the IFP in, with the exception of systematic genocide, where you can take 400 people who held leadership positions and remove them from an organisation.

During that period there was an intensification of the attacks against the IFP. I think that really the focus of the self protection unit programme, comes through clearly throughout these documents. I mean there is very clear statements by a whole range of role players about why people were being trained, and I think that the numbers which you are talking about, are relative to the vast areas and the communities that were directly effected.

If I can maybe give you a practical example. The selection of the first intake or the rationale behind the first intake of people for training, was that the 50 areas where the IFP was suffering the most sustained attacks, 10 people were invited or leadership in those 50 areas, were identified, were invited to identify 10 people from the area to receive training.

There was literally outrage from the other areas who had been excluded because people were dying. I mean, I could in detail reread this whole list of horrific attacks to you, but really to suggest that these people were motivated by the kind of dreams that Mr Falgate - is just not correct.

Mr Falgate was not involved in any way in the formal KwaZulu government self protection unit training project, and I - I think with good reason and retrospect, had nothing to do with him, and I know nothing about his training programme, because the objectives that we had and the way that we conducted the training, you will see in this package of documents that you have provided me, that the KwaZulu legislative assembly went as far as to issue a press statement announcing the commencement of the training.

There was no attempt to do this behind a veil of secrecy and the reasons for it, are spelt out very, very clearly and I refer you here to the document on page 269, where the Secretary of the KwaZulu legislative assembly, Mr M.R. Mzimela states that members of the assembly have decided to set up self protection units to protect rural people against escalating violence with immediate effect.

Young men will be recruited from all communities in rural KwaZulu Natal and given intensive training for six weeks. That really was in essence the reason and I think that that situation prevailed until the pressure started to really mount after the beginning of 1993.

The fact of the TEC really became a major issue after the beginning of 1993. By that time the process for training the SPU's and the manner in which they were trained, was already

well established and it was grounded in a pressure from rural communities to establish a means to protect themselves.

MR McADAM: Sorry, if I can just briefly come in there. I really must place on record that I certainly haven't made up my mind in this matter.

I said that, the only thing that I said was that in the early 1994, judging from the number of prosecutions that were effected, was that the IFP were the protagonists and there were certainly a very, very powerful feeling within the IFP that they would not and should not take part in the elections.

~~What I did say was that the documents that are before us,~~
suggest that the purpose of the self protection units was not for the purposes that you have suggested. When I say the documents in front of us, I refer to documents which you are reluctant in this forum to answer questions on, because if you take the documents,

being the affidavits of Eugene de Kock, Vermeulen, the trainee who states that he was trained for deliberately unlawful purposes, if you take those documents then prima facie one gets a different view of the whole Mlaba camp experience.

~~I don't want it to go on record that I have made up my mind~~
~~about anything. I am saying on the documents in front of us, and~~
if you are not going to answer questions about those documents, because you don't believe that they relate to human rights violations, then we are left with a one sided story and we would

expect you to in this forum, to give us an explanation as to what those people say about you.

They are saying very, very detrimental things about you. So, I have looked at these documents in their totality and any one who came in here I believe, who was a stranger to these documents and read them, would say well these documents present to us a certain picture, and we would like you to dispel that if you are able to.

MR POWELL: Commissioner, I clearly am not having much success at this stage. I have tried with all honesty to explain to you the whole genesis of this project from the outset.

I think it is interesting that you refer to the affidavits of the trainee that was trained. I think that there are two very significant things in his affidavit. He said quite clearly that while he was under training, he was never deployed in any operation and that he never received any instruction to kill people.

He makes a very vague allegation that an instructor or a group of instructors informally at the end of their training, encouraged them to attack members of the ANC, but I give you my unequivocal undertaking that at no stage during the training at Mlaba camp, were people ever instructed to carry out attacks on the ANC.

The reality was that because of the selection ... (tape ends) ... people that ended up at Mlaba camp. It may seem very bizarre

to you, but there are for instance tribal authorities in the lower south coast that sent people because every tribal authority was entitled to send people, and it was very clear to us that these people were not Inkatha loyalists, but they received training and they were trained with the intention of going back and protecting the other structures in their area.

I think that it is in my opinion, there is sufficient evidence in these documents to reinforce my position that individual people, both that were conducting training or people that received training, may have of their own initiative involved themselves in illegal activities, but the project itself, the guidelines for the training, the entire basis for the training, was to teach people how to defend themselves.

MR McADAM: Why will he say a thing like we were trained with the following weapons, R5's, AK47's, CZ75 Scorpions, Macaroffs, RP rocket propelled grenades, explosives, bombs, hand grenades, petrol bombs and why will Snor Vermeulen say that he specifically trained them in the use of - in the manufacture and the use of petrol bombs and in how to lay an ambush?

I am not - I've got to put these things to you because the documents, they give a picture that something unlawful was going on here and that is the information that we must present you with and we would expect you, you know, to give an answer to that.

Are these people lying, Vermeulen and this other fellow, the Mlaba camp trainee?

MR POWELL: Could I restrict myself to the affidavit by the Mlaba camp trainee? I would say that in alleging that he was trained in the use of Scorpions and Macaroff and AK47's, it is totally untrue.

He was trained in the use of G3 rifles, R1 rifles, R4 rifles, but not in the use of AK47's or weapons that he would not encounter, that were issued to the KwaZulu government.

I mean I think that the - I explained right at the outset that ~~the object of providing firearms training, was the issuing of a~~ competency certificate to enable these people to apply for licenses or to better use weapons that were officially issued to them by the KwaZulu government.

~~I am not aware of any training that was provided, when it~~ comes to the issue of ambushes, I can revisit in mor detail, a point that I made earlier, that and I mean, I have really pondered over the whole moral element to this in some detail, and the reality is that when you are teaching people how to counter an ambush, it is impossible to teach them what are described as ~~counter-ambush drills without them understanding the genesis of~~ an ambush.

I mean an ambush, there are different kinds of ambushes. There are - different organisations are taught different techniques

of ambush and unless they were trained to understand what was happening and if I can maybe give you a practical example.

One of the problems with people when they are ambushed, people who are not trained, is that they stop and they try and fight back. If they do that, I mean, they are effectively playing into the hands of the ambushers because the premise is that you will stop when you are shot at. The problem comes that if you are dealing with a spontaneous ambush and you keep on driving, or you keep on running, you are likely, your chances of survival are much greater.

~~If you are however, facing trained people who are trained in the skills of ambushing, they would have a group of people ahead and a group of people behind you. You have to explain that, you actually have to get it through to people that when they are facing an ambush, they have to make some split second decisions about how to stay alive.~~

It is very difficult to teach them counter ambush drills, without first of all explaining to them how they are likely to be ambushed.

~~The same thing applies to grenades. Unless you can and you must understand that the majority of the people that were being trained, had very little technical experience. They would - there were certain things that they could do to increase their chances of survival if they were attacked with a grenade.~~

There are certain reaction drills that they could follow, there are certain precautions which they could take and for that reason there was a requisition put in and there were thunder flashes and smoke grenades obtained from the Quartermaster of the KwaZulu Police so that they could be shown what they were actually up against in a non lethal and an acceptable training format.

I mean, I would really urge you to look at that element of training within a broader context, it is very difficult to train people to defend themselves without at least explaining to them or demonstrating to them what they are up against.

MR McADAM: Would you agree that it is possible that the training you gave these persons, could be subverted for offensive, unlawful activities? If you have trained a person how to avoid an ~~ambush, he is in a good position himself to set up an ambush, he~~ would be in a good position to use hand grenades or automatic weapons.

Not necessarily that you had that intention, but this could follow?

MR POWELL: I think that is true of every single person in any ~~organisation that receives any form of training. It applies to the~~ civilian goes to a shooting academy to learn how to legally use a firearm to defend him or herself. That person can acquire a license, firearm and gun and rob a bank. So clearly, yes, it is

open to abuse, but that is why there was a very strong emphasis on trying to teach the trainees what the law was, what their rights were.

There is a very underdeveloped understanding of what the law allows an individual to do in terms of self defence. That is something that I am sure in the line of your work, you would probably be more familiar with that I am. There is a very underdeveloped understanding of that and we tried to address that by teaching people under what circumstances you could point a firearm, what circumstances you could use a firearm, what circumstances you could carry a firearm in public. All those elements of the law, they were communicated to them.

MR McADAM: If I look at those two criminal cases that I quoted to you there, you had the actual person of authority and leadership in a community subverting his followers to carry out unlawful activities, to suit his own political beliefs at that stage.

You said that ultimately these persons, except for the Special Constables, would then fall under community leaders. Now the Commission has to make recommendations to the President as to things that should be done in the future etc. How desirable is it now in hindsight of this type of training and putting it under communities, is it a good thing or a bad thing?

MR POWELL: Well, I think it is a question which is largely unresolved because it is a debate which is raging for instance

amongst farmers at the moment. The State is faced with the same predicament.

You have a community which alleges that the State is not providing them with adequate protection and they are calling for the same kind of rights as the Peace Accord accorded individuals and groups of individuals, which was to organise themselves in the protection of their lives and property.

I wouldn't pretend to have an answer to that, it is a problem that we continue to have now, when the Security Forces have brought legitimacy and there is all kinds of measures which have taken place. How much more was it a problem in pre-the 1994 elections when there was very little policing provided.

I think that to put yourself in the shoes of a person who lives in a remote rural part of KwaZulu Natal, who doesn't have a telephone, doesn't have access to immediate transport, whether

private or public, who is 20 or 30 kilometres away from the nearest police station, whose chances of receiving any form of assistance if they were attacked, is almost non-existent, then joining with other members of the community to protect yourself, is I would propose a very reasonable option.

MR McADAM: Was Vermeulen and De Kock involved in the project at all? I have seen the affidavits, I don't know whether they are accepted or disputed by you?

MR POWELL: That is one of the areas that I would - I have explained in my initial statement that I would rather ...

MR McADAM: Not answer questions on that?

MR POWELL: Not at this stage answer questions.

MR McADAM: And Tarapulo Luthuli, was he involved at all in the project?

MR POWELL: He was peripherally involved in it. I have read his statement and I can perhaps refer you to it, it is certain things that - Mr Luthuli's involvement in the training as he himself says, was quite peripheral.

~~Here is various assertions and statements here which I~~
would dispute, but the primary basis for him not being involved, was in incident in which two people who accompanied him, it is mentioned here Jerry Mdanda and I think one other, were coming to Mlaba camp as visitors, casually and they were often very, very drunk.

I took them on about this and there was a exchange of words, a fall out and Luthuli was very angry with me because I made it clear to him that while he was welcome to be there, that they were no longer welcome.

~~He then came from time to time, he did assist in one~~
particular incident where - during the first intake of trainees into Mlaba camp, there were a pretty significant number of the first group were people that came from his particular area and they

were people that hadn't been selected by the traditional leadership structures, they were selected by him.

We were faced with a very real problem because these people arrived at Mlaba camp almost a week into the training, in a bus and it was eventually decided after consulting with some of my seniors in the Department, that we would go ahead and that they would be trained.

They became very dissatisfied during the course of the training, because they had been led to believe that they would be paid a salary and they were led to believe that they would be issued with firearms when they left the training. When they found out that this was not true, they were very, very angry and the assistance of Mr Luthuli in trying to placate them was sought.

The legacy of that was the incident which took place when ~~a group of self protection unit members disrupted the KwaZulu~~

Natal legislature after the 1994 election. The people who primarily were involved in that, were people from Mr Luthuli's home area. It was an ongoing problem, but Mr Luthuli was I think certainly from reading his affidavit, seems to have harboured some kind of grudge that he was not directly involved in the training.

I think that he has by stating that he was the person that identified Mlaba camp as the training area, he is in direct

contradiction of Gen During who says that he identified Mlaba camp.

When he says that he selected the instructors, I think there is also correspondence here which shows that the identification of the original group of instructors was not done by him, so I think that he has certainly overstated his role in the training and I would contend that his assertion for instance that training was given in the use of AK47 rifles, is not correct.

MR McADAM: You describe yourself in overall command of the camp, now how is it that that particular quantity of unlawful weapons were found in the camp without your knowledge? You know about that, you see, these are again, as I was saying, on reading of the documents, they present a picture to someone who is not familiar with it, and we need to put those questions to you.

MR POWELL: Yes

MR McADAM: You say that training was done in G3's, R1's, R4's and shotguns, 9mm and .38's and HMC's and yet, people say the Mlaba camp trainee, that they were trained in all these other things and on the premises are found a box of unlawful weapons and yet, you say in your statement to the Police I understand, that you did not know they were there. Is that the explanation that we take away with us, you just didn't know that they were there?

MR POWELL: I think that I make it clear in my -

CHAIRPERSON: Sorry, this was just a query from the radio as to whether you were here, we haven't put out a press statement about it, but I just confirmed that you were attending the enquiry.

Sorry.

MR POWELL: Yes, I think that I made it clear earlier on that once the SPU training project ended during April and the retraining or the selection of people to be Special Constables commenced, my role was very, very peripheral in the camp.

My presence that night, I have explained in my affidavit, my statement, where I said that I was requested by a Captain ~~Swanepoel, the Paymaster of the KwaZulu Police to accompany~~ him to Mlaba camp where he was paying off some 1 300 assistant Constables who were being discharged from the KwaZulu Police and to assist Brig Dube. ~~It was believed that I could assist them~~ ~~in alleviating any tension or misunderstanding that might arise~~ due to the fact that they were being summarily dismissed.

That was the factual situation. I was not in any way in command of the camp at the time that the raid took place. I returned on the request of members of the Police and it was to try ~~and explain to the Special Constables why, in fact maybe to try~~ ~~and explain to them the very question that you have put to me,~~ why they are being sent home.

They were obviously aware of the tensions and the threats and the background and that they were now being effectively told

stand down, go home. That was a very difficult task and it was made more difficult by what happened that night, and I have spelt it out in some detail in my statement, that there was the problem of the fact that they were being dismissed, there was a problem that the KwaZulu Police were not in a position to pay all of them, there was a problem that the generator in the camp was not working and the area was in total darkness, there was the manner in which the actual raid took place.

I mean that was also something which contributed to the total uncertainty. I can only speak for myself being there with ~~Brig Dube and seeing helicopters dropping troops all along the~~ skyline and sitting there and not knowing in any sense of the word, what was happening.

It was a very, very difficult situation and when I - I've spelt ~~out here additional problems that there was a shortage of busses,~~ there was also a widely held fear amongst the people that were leaving that they were going to get attacked and ambushed on the way home and my - the only reason why I was in possession of keys to the armoury which enabled me to assist Gen Van der ~~Merwe when he asked me for them, was because of a decision~~ which I had taken in consultation with the Policemen present, that everybody in the camp, should be disarmed.

I mean, I think that in retrospect I am very happy that I took that decision because given the amount of uncertainty and

the fear and the kind of tensions which existed in the camp that night, had I not given the instruction that everybody be disarmed and all weapons be placed in the armoury, there would have been a very real possibility of some sort of problem between the people raiding the camp and the people in the camp.

There was no certainty until the arrival of Gen Van der Merwe, as to who they were, we had no idea who they were. I was not aware of the illegal weapons that were in the armoury. I quite clearly, given the nature of the area, I had ample opportunity if I had known of these weapons, to make sure that they weren't there. I welcomed Gen Van der Merwe into the camp and I assisted him at every possible opportunity, so I think that I have clearly dealt with that in my statement.

CHAIRPERSON: Can we just take a break here, I have actually had a back operation earlier this year, I am meant to sit for one hour at a time, and I have now been sitting for two hours, just stretch a bit and ...

COMMISSION ADJOURNS

ON RESUMPTION:

PHILIP POWELL: (still under oath)

CHAIRPERSON: Thank you, we will resume after that short break. Sorry, I had intended to give you an affidavit just to look at during the break, I didn't and I don't know whether it is part of your document, I don't think it is. It is a document, it is an

affidavit by Eugene de Kock taken on November 1997, last year and it relates to, almost exclusively, yes exclusively to the death of the Swedish Prime Minister, Mr Olaf Palmer.

It is not something which we originally put on our list of documents that we wished to ask Mr Powell, it is not something that we are alleging that he was implicated in, but it simply is an allegation by somebody that Mr Powell was in possession of information relating to who may have been involved in that incident.

Perhaps you can consider, you know ...

~~MR FALCONER:~~ Mr Chairman, we were actually submitted with the affidavit that I think you are referring to. Is that the one that is dated the 28th of November?

Mr Chairman, Mr Powell has no objection to answering ~~questions in regard to that affidavit based upon the theory which~~ we have applied throughout our analysis of this matter and the various topics, namely that there is clearly a link between the allegation contained in that affidavit and a gross human rights violation, namely the murder of Olaf Palmer and I am aware of the fact that the Promotion of National Unity and Reconciliation Act, extends beyond our borders.

Mr Chairman, Mr Powell is prepared to answer questions in regard to the allegations in that affidavit, save for any which may

impact upon items 2 and 5 of the notice served upon him in September last year.

CHAIRPERSON: Right, we will deal with that in the end if we may. We will press on now, we will leave the Mlaba camp unless there are any other issues which you would like to raise Mr McAdam and get on to the other ...

MR POWELL: Sorry, may we take this opportunity to place the Zulu document on the record. I am not sure how you would like me to handle it. It is about, I think it is six or seven pages long, it is a code of conduct for the SPU's, it is the factors that would be taken in their selection, the kind of control measures necessary, but it is very important in the light of your contention that the reading of these documents would indicate that there was insufficient control. I regard that document which was central to the - it is unfortunate that it is not in English, but I wouldn't like that to somehow diminish its importance. It is a crucial document.

CHAIRPERSON: No, no, I agree absolutely. It is vital that it forms part of our record and we can deal with it in two ways. Obviously we don't go away from this hearing and make a finding at all, it is done over if a finding or a decision is contemplated at all, it is done over a period of time.

We can either deal with it now and have one of our investigators reading it into the record, that might take some

time. We can either deal with it like that or you can take it away with you, have it interpreted and let us have the English and the Zulu version, over the next week or so. I am not sure whether that is a way around it, unless you think it can be interpreted now into English and read into the record.

MR FALCONER: Mr Chairman, if I can suggest that that would be the more appropriate means to dispose of the matter and possibly the interpreter can deal with it on the basis that he read the Zulu paragraph and then interpret it as he goes through and dispense of it now.

~~CHAIRPERSON: Okay, we will do it now and read it into the record. It is six typed Zulu pages is it?~~

MR FALCONER: Approximately Mr Chairman, and also the reason why I submit that that is the appropriate way of dealing with it, is that it is central to what Mr Powell is dealing with and

he may wish to expand on certain of the issues that are raised in the document later on.

MR McADAM: We would like to just move away now from Mlaba camp and deal with the other two issues which you were prepared to answer questions about.

~~You did give really what amounted to a statement in which you claimed no knowledge of the incidents at all. The first one was an affidavit by a Policeman who alleged that you had taken~~

part in an attack or an ambush on a bus. If you can just turn to those documents at the back of your file.

This is an unsupported allegation in the sense that there is only the affidavit of the person who makes it, there is no corroborative evidence and briefly he alleges that this event took place on an unspecific date, between 1991 and 1992 in the Nkanyazeni area, Pietermaritzburg and he says that there was an attack on a bus involving himself, Sergeant Tole and Mr Powell as well as two of Mr David Ntombele's sons and various other people including two KwaZulu Policemen.

~~Mr Powell, do you want to expand in any way on your, what was a denial of no knowledge about this incident?~~

MR POWELL: Mr Chairperson, perhaps just to set the record straight, the affidavit does say that it is not Davit Ntombele, it is

~~in fact an IEP leader, there is an IEP leader in Nkanyazeni whose surname is Ntombele, but it is not Davit Ntombele.~~

MR McADAM: Sorry, I apologise, two people by the name of Ntombele as well as Special Constables and two other black males?

MR POWELL: Yes. I really am at a loss to say anything other than I don't have any knowledge about the attack.

I know the area very well, I worked there extensively and I know many of the people mentioned in here, but I don't recall any

bus attack and I certainly wasn't involved in any way in any such attack.

MR McADAM: Nkanyazeni, is that, where is that, Elandskop area or ...

MR POWELL: Table Mountain.

MR McADAM: Is that an area which would have fallen within your jurisdiction as it were as a member of the IFP?

MR POWELL: Very much so, as the KwaZulu representative for the area, it was part of my jurisdiction.

MR McADAM: And the people that you said that were familiar to you, who would those be, would those be the Sergeant Tole or the two Ntombele's?

MR POWELL: I certainly would know, I don't specifically know Ntombele's sons, I know him, the other person who is mentioned here is incorrectly as Ben Mkhize, Bernard Mkhize, he is an IFP

Chairman from one of the adjacent areas. Cabashe is an induna from the area and I certainly have, I upon occasion did meet Sergeant Tole in the area.

He was as I understood it, the responsible person that was assigned to work in that area.

MR McADAM: Was he a Special Constable attached to the Riot Unit 8 in Pietermaritzburg?

MR POWELL: No Sergeant Tole was a member of the Security Branch of Pietermaritzburg and it is a normal practise for

members of the Security Branch, to be assigned to areas and to work in that area visibly, not in a clandestine way.

He was certainly the person that was working in that area.

MR McADAM: And he says here it took place between 1991 and 1992, would that have been at a time when you were working in the Pietermaritzburg area?

MR POWELL: That is correct.

MR McADAM: When did you in fact become an urban representative of the KwaZulu government?

MR POWELL: In May 1991.

~~MR McADAM: Was that after you had left the employ of the SAP?~~

MR POWELL: That is correct. Chairman, I think one thing that I would like to point out is that in many of these kind of incidents, it is very easy for someone to for instance say that my vehicle was seen in the area, I mean I was an extremely conspicuous person, working in that area.

I was one of the few KwaZulu government officials that had a ZG number plate on my vehicle, because I never wanted there to be any misunderstanding about why I was in the area. I worked there on an ongoing basis and it was an area where there was a lot of violence and it was also an area where during that period, there was a lot of tension between members of the National Defence Force, the old SADF and IFP and there actually was, it

reached the stage where there was an emergency meeting in that area between the Officer commanding the SADF in the area and the community.

It is against that background, I certainly was never involved in attack of this fashion.

MR McADAM: What vehicle if you can remember, were you driving at the time?

MR POWELL: Well, it would depending on what - I don't remember the exact dates, but I had two vehicles assigned to me.

The one was a beige two litre Sierra and then later a blue Jetta.

~~Those were the two vehicles that were assigned to me, but on~~
some occasions for instance in the rainy season, when the roads were very bad, our vehicles would be exchanged for 4x4's and you would take a pool 4x4 and send our vehicles back to Ulundi.

MR McADAM: ~~Was there any smear campaign at all against you,~~
in that area by the local population that they are making accusations that you were involved in unlawful activities or anything like that?

MR POWELL: There have been repeated allegations made against me by the ANC over a long period of time, and I have ~~fortunately normally been in the position where I could by clearly~~
indicating where I was at the time, indicate that I wasn't linked to the events in question.

MR McADAM: And you have no idea why a Policeman would make an allegation like that?

MR POWELL: Not at all, I have never met this man to the best of my knowledge. I am not familiar with him.

CHAIRPERSON: (Indistinct)

MR McADAM: Not on this one, but perhaps on the next one, Mrs Zimo's case I think took place in November 1993, February 1992. Did the Police at the time in 1993 ever call you in and asked you about the case at all?

MR POWELL: No. I don't remember them approaching me. I ~~certainly was never approached for a warning statement.~~ I don't remember it at all.

MR McADAM: In the course of your duties, would that have taken you anywhere near the vicinity where this attack took place?

MR POWELL: Well, Nkanyazeni was an area where I worked and travelled a lot. The area is a particularly conflict ridden area because there is a historical boundary dispute between two tribal areas, so there is a sub text of faction, a long history of faction fighting in the area in conjunction with IFP/ANC tensions in the ~~area, so it is a very problematic area.~~ At this very moment it is experiencing fighting over boundaries between the two tribal areas.

MR McADAM: Did you know a person by the name of Tulani Mlumba at all from that area, if you look at I think it is 17, the statement of Van Heerden. He is an Army Corporal who says that after the incident, a black male Tulani Mlumba came to me and told me that white male Philip Powell and Bernice Taylor who is in the SAP Security could have supplied weapons and ammunition to the suspects who shot Joyce Zimo.

MR POWELL: No, he is not familiar to me.

MR McADAM: Not at all?

MR POWELL: Not at all.

~~MR McADAM: Was the area at that stage divided into ANC and IFP areas with if you were an IFP member, you wouldn't have been allowed into ANC area or could you have moved within the ANC areas without any problems?~~

~~MR POWELL: I didn't, I moved throughout all areas, because one of the things that was happening in that area was that we assisted with the evacuation of an entire IFP community from that area.~~

It took two weeks, they had to dismantle, it was about 70 or 80 families that were forced to leave the area by the ANC and they were obviously living in an area which was predominantly ANC and I don't remember exactly which months, but certainly I remember spending a lot of time there because we were moving, we were assisting with the removal of entire families and their

possessions. They were dismantling their homes and moving into an adjacent valley.

MR McADAM: Was the area sufficiently safe that you could travel on your own in a vehicle, possibly going through an ANC type area without fear of an attack on you?

MR POWELL: No, I had a KwaZulu government driver attached to me and I normally would have a Policeman attached to me as well.

Certainly - I was actually assigned permanent Police protection after I was shot in an ambush.

~~MR McADAM: Did you have any dealings with these Riot Policemen in Table Mountain?~~

MR POWELL: In so much that there would be public meetings to resolve issues and disputes, yes, I would have been exposed to members of the Police.

The practical reality in areas like that at any event, whether it was a march, a rally or a meeting, is preceded by negotiations with the Police about routes and times and - they obviously have to deploy their forces in the area and they would approach both parties and say what are your plans and there always was a fairly good level of cooperation with the Police in that area.

MR McADAM: And with the low key people like the Special Constable, would you become known directly to such a person, would you expect?

MR POWELL: I - sorry - would he know me?

MR McADAM: Yes.

MR POWELL: Well, I think that he possibly would know who I was, because it was fairly unusual for a white person to be working in that area. I would venture to say that possibly with the exception of a couple of white Policemen, I wouldn't in the course of my duties, see many white faces down there at all.

MR McADAM: Did you have any problems with any of the Special Constables, that you may have dealt with?

MR POWELL: No. Not at all. The only problems as I said that ~~I remember were problems between the IFP aligned members of~~ the community and the SADF.

MR McADAM: I don't think I've got any more questions, thank you. You have seen the ~~do you have a copy of the affidavit or statement taken by the members of the Defence Force at the time?~~

I think it looks like a Police docket statement, it has a CR number on it, 8/2/1993? It is a handwritten document by Van Heerden I think?

MR POWELL: Is that Smithers' statement?

MR McADAM: There is Smithers and then just after that, there ~~is another affidavit, Van Eeden, Deon van Eeden.~~

I take Mr Powell's point that it is very easy for someone to say that Mr A or Mr B was involved in violence or involved in an unlawful incident six years ago. What concerned us about this

document was that whereas the affidavit by the Special Constable is taken, was given to us unsolicited affidavit given to us by a Special Constable, it appears to be corroborated to a certain degree by affidavits taken contemporaneously in 1993.

That is why it was included in this bundle and that does raise some questions. Do you want to address it any further, we have, as I say corroboration to some degree in the form of a contemporaneous Police statement where, which places you even by virtue of hearsay evidence, at the scene of the incident?

MR FALCONER: Mr Chairman, might I have the opportunity to just quickly mention something to Mr Powell?

CHAIRPERSON: Yes, sure.

MR POWELL: Commissioner, I think that I clearly - I can state without - I am absolutely sure that I wasn't approached for a warning statement and I was never approached by an Investigating Officer.

The first time that I was actually made aware of this was when I - when you first mentioned it to me I was very hard pressed, because the original documentation didn't even provide a date. It just provided a month and I had to researched the thing and try and find out more about it, and I really have no, I was not involved in the incident in any way whatsoever.

MR McADAM: You will note that the Police - the statement which came from the Police docket refers to a vehicle which you

earlier confirmed at the time was a vehicle which you may well have been using. Was your vehicle used by anybody else?

MR POWELL: Well, my no, but my driver lived in another part of Table Mountain and I mean, but I certainly have no knowledge of him using the vehicle without my knowledge.

It is - it would have been very easy for anyone to have identified my vehicle because I was frequently in the area and it was conspicuous, a conspicuous vehicle.

MR McADAM: While we are waiting for the interpreter to come down to deal with this Zulu SPU document, just briefly go to the next matter which is the affidavit of November 1997 by Eugene de

Kock which very briefly the allegation is made that during the course of a conversation between Mr Powell and Mr De Kock, in October/November 1993, there is no more specific date than that, Mr De Kock alleges that he was at the Mlaba camp where the SPU

training was proceeding and that there he met Mr Powell and that during the course of a conversation with Mr Powell, Mr Powell mentioned to him inter alia that he knew the name of the person that had killed the Swedish Prime Minister, Olaf Palmer, that is on page 5 at the top, of Mr De Kock's affidavit.

~~He said just to quote Mr De Kock, he gave me a lot of~~ details about the person including his name, address and phone number. While Powell was giving these details, I wrote them down in my small address book and I can't remember the name or

any of the details, except that it was an address on the Turkish main land and that the person according to Powell, was a former Swedish Intelligence Officer.

Then he goes on to say that he lost the book and he asked you at a later stage for the name again, which again you gave to him, and he either forgot it or he lost it. He wrote the name in the telephone book which he left in the telephone booth in Amsterdam.

So, basically that is the gist of the issue that he alleges that you were in possession of details of the person who was involved in the assassination of the former Swedish Prime Minister. Would you like to comment on that at all?

MR POWELL: Commissioner, yes the only part of this entire affidavit which has any ~~basis in fact, is a~~ reference which was ~~made to a phone call which I received from Mr De Kock while I~~

was down in Parliament in Cape Town and I think the day ...

CHAIRPERSON: Sorry, when was that?

MR POWELL: In 1996, it is in my affidavit, and I did in fact receive a phone call from Colonel De Kock and he asked me whether I knew a person called Bertwill Whedin. He didn't explain to me the context in which his interest arose and I said to him, I had heard of - I had heard of a person called Bertwill Whedin and I was aware that he lived in Turkey.

He did ask me how he could contact him and I said I had no idea, but that I recommended that he contacted these two people mentioned here, Mr and Mrs Leonsonis.

He never indicated to me why he was interested in the whereabouts of Whedin and I in the light of that, I mean, I would - I have no knowledge of the assassination of Palmer. I cooperated fully with members of the Swedish Police which came here to take a statement from me and to interview me, I have given them full cooperation. I indicated to them that I had no knowledge of his assassination.

~~I would just like to also place on record that there are a couple of other allegations which are made here. One that I had applied for a job working for a company called Longreach. I have never applied, I have never been a member of the company, I have never had anything to do with the company. I am aware of the company, but I never had anything to do with it.~~

The other thing is there is a reference here to my involvement in what he describes as an operation in London, where a monument of Nelson Mandela was destroyed. Now I mean, the destruction of a bust of President Mandela, it is a well known thing that it was vandalised, but I had nothing to do with it. I certainly never discussed it with him at any stage whatsoever.

The other thing is, his statement that I was sent to Pakistan, it is also no foundation and truth. I can produce my passport if necessary to substantiate that and I certainly wasn't travelling under a false identity.

That is really, I must be honest that I found his implication of me in this thing, totally amazing. It is one of the more bizarre things that happened to me in my political career and given of course the importance of the issue, the question, I was badgered by the international media for three weeks. It seemed to me at one stage as if every single journalist in Sweden was finding me.

~~I really have nothing more to add on the subject.~~

CHAIRPERSON: You mentioned that the only thing that had any basis in fact, was the phone call to you from prison or the police station to you in Parliament?

~~Does that include the issues which you say are not based in fact, would that include him being at the SPU training camp at all because paragraph 1 to 3 places him with you at the SPU training camp at Mlaba.~~

MR POWELL: I am certainly willing to unequivocally say that I have never under any circumstances, at any place, discussed the assassination of Olaf Palmer with Colonel De Kock.

CHAIRPERSON: No, we accept that, but aren't you prepared to say whether he was at Mlaba camp or not or are you prepared to say that?

MR POWELL: I think that consistent with the position that I took in my initial statement which I read, I would prefer not to deal with that matter.

MR McADAM: I will just go and see if this man is available, he may possibly be on lunch - I hope not. I will just go and see where he is.

MR FALCONER: ... on lunch. I am not sure how much longer you wish to have us here. Maybe your, if I could just speak with Mr Powell for a short while and just establish what other aspect he would like to canvass, the option of submitting you with a translated document, might be the appropriate route to take.

CHAIRPERSON: And we can if necessary ensure that that is part of the written record. Unfortunately this equipment won't be here by the time that stuff is translated, but if we have a typed transcript we can annex it to the typed transcript and we will

incorporate it by reference when we close these proceedings.

MR FALCONER: Mr Chairman, if I could just have a minute with Mr Powell to establish whether he would like to contextualise that document, possibly provide you with additional information which will be of assistance to you when you obtain possession of it.

CHAIRPERSON: We have to do it either way. If we have to do it by way of incorporating it into the document, you know, he can

supplement it by explaining the context in which the document was used in a short statement or affidavit.

CHAIRPERSON: ... our investigator who is a Magistrate, in the meanwhile I understand Mr Powell wants to make some - make a statement or give some evidence, just contextualising the SPU Zulu language document and then hopefully at the end of that, the translator will be here.

MR POWELL: ... took place and I would like to deal with that in the following categories. I eluded in my earlier evidence to training which was being undertaken by the ANC in the province and I would like to furnish the Commission with more details about that.

If I could perhaps start with the training that was provided in so-called crash courses.

CHAIRPERSON: Sorry, this is the SDU training?

MR POWELL: The SDU training. In the KwaZulu Natal midlands, the training of self defence unit members during the 1990's, in particular 1992 and 1993, there were really two parallel projects of the ANC which we were aware of.

The first one was the training project of the late ANC leader, Harry Gwala and the training was physically located on a large hill which was behind his residence, which was called Zanzweli Mountain and there was almost a fulltime training base which existed there.

In addition to that, there was also at an area, or a place in Lebowa area, called Kilabantwana, there was an almost permanent self defence unit training base and in Richmond, on the mountain between Magoda and the adjacent area of Smozemeni, there was a base where training was carried out.

A very significant factor in this here was the role of the Transkei Defence Force in assisting with this training. There was a member of the Transkei Special Forces who was permanently deployed into the midlands to oversee the training of self defence unit members.

~~The identity of this Transkei Defence Force member is~~
Gracious Shoba and Shoba's responsibility was to work with the Regional Umkhonto weSizwe Commander, who was initially Niradebe and subsequently Ntele Skosana and they had a team of trainers that were responsible for doing the training.

The people involved in this training were also deployed to specific areas where there was conflict, to set up structures. The other parallel process was under the leadership of the ANC leader from Willowfontein, Zweli Mkhize.

~~The Willowfontein self defence unit structure was a very,~~
~~very advanced and it was made up of seven separate self defence~~
unit structures and there was a training base in a quarry behind Willowfontein.

There was various training courses which were conducted at this venue and there was an Umkhonto weSizwe Quartermaster that was attached to this training base that was responsible for storing the weapons that were used for training.

The person in question was actually eventually found in possession of some of the weapons that were used for training. In addition to that, we also have evidence that a large number of people that had completed this initial training, were sent to the Transkei and the channels of communication between the Transkei Defence Force and Umkhonto weSizwe structures in the Transkei, the Coordinator for this was Captain Tsoba.

The other thing is that after the unbanning of the ANC in 1990, there were at least 1 000 recruits sent from KwaZulu Natal to Uganda for training and this has emerged in greater detail during the integration process into the National Defence Force, where the information regarding when members joined Umkhonto weSizwe, where they received their training, became a matter of public record and was reinforced when approximately 1 600 self defence unit members from KwaZulu Natal mutinied and absconded from Walmansdal base and from that, we have certainly managed to reconstruct a very, very full picture of the ANC's self defence units' capabilities in the midlands.

There was a network of self defence units for instance in Richmond there were five separate self defence unit structures

with independent Commanders, Deputy Commanders, Logistic structures which supported them. If the Commission is interested in pursuing this matter further, we can provide detailed lists of the members of all those self defence units and the locations in which they operated.

We also are in the process of compiling a fairly extensive data base of criminal activities which those members have subsequently been linked to. It really is a fairly extensive list of incidents.

CHAIRPERSON: If I can just come in there, I presume the ~~training that you are talking about, would be training not contemplated by the Peace Accord?~~

MR POWELL: No, it was in fact illegal training. The status of those people that left the country is somewhat ambiguous because ~~the IFP has long suspected that there was a secret protocol in~~ either the Pretoria Minute or the Groote Schuur Minute which has never been made public.

This is something which we have considered, it is not mere speculation that there was some kind of agreement between the government and the ANC about the continued training of members ~~of Umkhonto weSizwe after the unbanning of the ANC because~~ there were very strict parameters established in the Minute, but clearly the fact that large numbers of people, I mean there is Freddy Wells' substantiated reports of up to 1 000 people moving

through Jan Smuts Airport on flights to Uganda to receive military training, and clearly if there had been any intention on the part of the State to go against that, they would have been in the position to do so.

If I could perhaps move away from training ...

CHAIRPERSON: Sorry, if I may just interrupt there, you said that you could possibly if we were interested, provide us with information. We would certainly be interested.

MR POWELL: Yes.

CHAIRPERSON: There is a (indistinct) of information about ~~ANC SDU units despite our frequent requests and having~~ subpoenaed ANC people to give information about this, we don't have a lot of information about this and we certainly would interested in that information ~~specifically where it related to the~~ ~~commission of unlawful offences, because it is vitally important~~ that that sort of information goes into our report.

I would therefore like to make a formal request through your Attorney that if you are able to put something together, to assist us, we would gladly welcome it.

MR POWELL: I certainly will do that and if I can then move on ~~to the next second area which is the movement of large amounts~~ of weapons into the province post 1990 and in particular during the 1993/1994 period and really draw the Commission's attention to specific areas which we identified and were aware of.

The one is something which has been the subject of an amnesty hearing and is the project which was administered by a member of Umkhonto weSizwe, who operated under the name Kelvin Kahn whose correct name is Salogy and a member of Umkhonto weSizwe, Muf Anderson.

During the period we were aware of, through Intelligence that we were receiving of a fairly sophisticated Umkhonto weSizwe operation to move large amounts of weapons into the area and we identified the role of Kelvin Kahn in particular in that as well as the role of Sipiwe Nyanda, who was in overall command of the transfer of weapons into the province.

It has now of course emerged during the amnesty application that between 30 and 40 tons of weapons were supplied to self defence units on the East Rand and in KwaZulu Natal by this operation and in particular, the role of Muf Anderson, who was a serving member of the National Peacekeeping Force at the time that the alleged arms smuggling took place, was one of the factors that of course I reinforced the IFP's very, very negative views of that institution at the time of the TEC and it raises very serious question marks about the commitment of the ANC to using the National Peacekeeping Force for the ostensible purpose that it was established.

The other incident is something which the IFP has in fact highlighted in its submission to the Public Protector and that is

the fairly large arms cache that was recovered at the Kulelo border post.

That also provided a clear indication of the quantity of arms which were coming into the province and there again, we can provide documentation as to the amount of weapons, the people that were arrested and the kind of involvement of senior Umkhonto weSizwe members in that operation.

The other information that we have, relates to weapon smuggling from the Transkei and there is one particular incident which an MK Special Operations Unit was arrested at a road block in the lower south coast where a fairly considerable arsenal of weapons including specialised weapons for assassination purposes with silencers, were recovered by the Police and there is a consistent pattern in all of these incidents that wherever Umkhonto weSizwe members were arrested in late 1993, early 1994, nobody was ever charged. People were physically arrested in possession of these and all of this here contributed to a general belief in the leadership of the IFP that the South African government was actively turning a blind eye to the smuggling of weapons and the training of people in the province that were of course, directed against the IFP.

The IFP made considerable efforts to have this problem addressed to the extent which we managed to video tape self defence unit members training in KwaMashu for instance and

provided the video tapes to the Police. We similarly recorded training that was taking place in broad daylight in Wemesi township under the auspices of the Regional Commander of Umkhonto weSizwe. We approached the Police and nothing happened.

CHAIRPERSON: Would that again be training which you would say was contrary to the spirit of the training contemplated by the Peace Accord?

MR POWELL: That is correct.

CHAIRPERSON: You are talking about offensive training, or training

MR POWELL: Offensive training. We witnessed people doing training which was of a direct offensive nature. For instance there are certain attack drills which are peculiar to Umkhonto weSizwe, by virtue of the fact that they are inherited from the Eastern Block countries, they are not from the sort of Nato military tradition and we saw those on numerous occasions.

The last area that I would really like to highlight was there is a whole body of documentation which came from various sources. One was from the documentation recovered by the Police during Operation Vula.

One of the really significant documents which was included in that vast body of information about the ANC's underground activities is a training syllabus for military combat work which is

the ANC's military term for its training curriculum and all of that information was available to us and one of the really significant things which came out of Operation Vula documentation was a particular communication requesting the supply of Nato style weapons to Umkhonto weSizwe units in KwaZulu Natal.

The IFP has assembled a document which I will also furnish to the Commission, which we have identified I think it is a total of 20 incidents, where attacks were conducted by Umkhonto weSizwe units wearing uniforms of either the Police of the National Defence Force and we linked that request for the supply of Nato style weaponry directly to those operations and of course, further evidence has become available during the recent trials in Richmond about the operations that were conducted, these so-called suda operations.

~~A direct link has been established between the ANC~~
structures in the area and the attacks. Some which spring to mind are the attack in the Richmond area on induna Nzimandi where a group of Umkhonto weSizwe members dressed in SADF uniforms killed the induna, his wife and three children and stole three G3 rifles which were in his possession. That has been linked during a trial.

An attack in the Falweni area, an attack in the Escort area, all of them with the common characteristic that Security Force uniforms were used.

A consequence of this which perhaps falls outside of the scope of the Commission is the fact that these attacks have continued after 1994 and there is a pattern of political assassination of IFP members in the midlands by people wearing Police uniforms, producing Police appointment certificates with blue lights on the cars, but that I think falls outside the scope of your particular interest.

I would be glad to answer any question about the input that I have made.

CHAIRPERSON: Yes. I would just like to place on record that the transcript of this portion of the proceedings would be sent immediately to those people charged with the investigation of SDU activities and hopefully supplemented by any documentation which you will be able to make available to us in the short time that is available to us before the Commission closes its work, but

I emphasise that we would regard that information as important.

Are there any questions you would like to ask arising out of that?

MR McADAM: The information that you obtained, was that obtained through sort of IFP Intelligence structures or Police structures or a mixture of both?

MR POWELL: Commissioner, the information which I have is from both people in the ANC which have made it available, it is from public, public information which has been correlated and

cross-referenced, for instance with the criminal activities of SDU members, names which would appear in people arrested for a bank robbery or for a murder mean very little until you cross-reference them against the data base of self defence unit members.

In the midlands there are two major sources of this information. The one is the certified personnel register which was submitted by Umkhonto weSizwe during the integration process into the National Defence Force and that is a ready made data base of self defence unit and Umkhonto weSizwe members.

What we have done is cross-referenced them. The other source of information certainly within the context of the (indistinct) incidents, is that we have managed to obtain a Police Intelligence document which deals with the incident in some detail which I will furnish to the Commission.

~~Then the other area is really from people that have left the~~
ANC and joined the IFP, that is also a fair amount of information which has come to us in that form.

But I really would like to stress that this was the context in which the self protection units were created and the realisation on the part of the KwaZulu government that the focus of conflict in KwaZulu Natal from 1991, moved very strongly from the urban areas into the rural areas and that the kind of resources which were available to the ANC in terms of training the personnel in terms of sophisticated weaponry, made it imperative that some

systematic response be developed and the pressure which was brought to bear on the KwaZulu legislative assembly to formulate some kind of response to this, was very considerable.

The kind of, the nature of attacks also changed. During the 1980's the majority of attacks on the IFP would be what I would describe as inter-community attacks. They were attacks which took place across boundaries between areas of different political allegiance and they were characterised normally by large groups of armed people from either side, either the IFP or the ANC that took part in fairly visible attacks, but then there was a subsequent large dislocation of refugees from both sides.

Then there was a phase where most of the attacks would be what one could really call opportunistic attacks, where people would be travelling on a bus and they would see someone who had fled the area a year before who they suspected had murdered their brother, and they would murder that person. So you had a large number of those.

Then during the 1990's especially after the signing of the Peace Accord in 1991, there was a fairly sustained effort to repatriate refugees to the areas where they had previously been dislocated and then there was a lot of intra-community conflict where people settled old scores.

You know once that intra-community conflict started, then some kind of policing of areas became very important and when

no policing was available, it was in that sort of environment that people started to form self protection structures.

The last real phase which was the 1993/1994 period was the targeted hit squad type attacks, where the kind of attacks changed. They were normally against concentrations of people that were either travelling together or sleeping in a house together because of instability in the area and the characteristics would be a concentration of fire power, very commonly the use of Security Force uniforms and an infiltration and exfiltration pattern which indicated that the people in question had received some form of training:

That is also important in again setting the context and those are the kinds of things which informed me in drawing up this document which served as the basis for the establishment of the SPU's, that is the Zulu document.

I worked with people who had actually been practically exposed to the violence in their community and came up with a framework and I can only state that my motivation for doing this was rooted in a sense of personal frustration.

I experienced it myself when I fell victim of the violence and I was unarmed and I was shot in both my legs and I was laying on the ground. I suddenly was horribly aware out of my own safe white environment where there were Policemen and there were people who could protect me. Here I was in a

situation where I could have - like a lot of people, black people, laying there for a day before an ambulance arrived or a Policeman arrived on the scene.

I was exposed on a daily basis because of my job as the KwaZulu representative to the direct consequences of the violence, because very often what would happen would be the very first person that a community contacted when there had been an attack, would be me and I would arrive in the immediate aftermath of the attack and very often be exposed to the consequences of the attack.

That in itself was an area which was motivated me doing this and maybe I can just briefly expand on this. One of the very great problems in this very unequal relationship is that the very typical pattern which an incident would take, was that there would be an attack against the IFP. People would be killed and the response would be of enormous anger and frustration in the community and people would gather and people would be very, very angry and there would be some spontaneous response.

The IFP would then end up with a large number of its members arrested for public violence in broad daylight and in front of the Police and the Army and I can't effectively explain in words the frustration of witnessing that double penalty all the time, of the IFP suffering attack after attack and then in this and

I don't say this in justification of the response, but a very spontaneous response being forced into the situation again.

I really feel that once communities become organised and they develop a sustainable mechanism for policing themselves, that many of the dangers of random sporadic violence don't happen and that if these structures and this is perhaps to answer one of your questions, if it is a process which the community is totally involved in that you don't get the kind of brutal and horrific violence because it is one of the unfortunate things is the window which you see the self defence unit and perhaps the self protection units are those people who are arrested in the commission of crimes, but the vast majority of people that received training at Mlaba camp, were not people who fell within this category.

They were people that received training at Mlaba camp. I think the oldest man was 63 years old and he came there and he was employed, he took leave from his employment and he went there and he subjected himself to vigorous training, went home and carried on as a perfectly responsible law abiding citizen.

That really was a very big factor. We had for instance amongst the women that were trained, a very high percentage of them were school teachers who took a month's leave and came there, some of them were 30, 40 years old. They were mothers with four or five ... (tape ends) ... is that in any of the societies

that are severely effected by violence in KwaZulu Natal, there is a category of young people which are unemployable. They are a major problem for the community.

There certainly were too many instances where people like that ended up coming along for training and we looked at them, we could see there was something wrong but we had to rely on the judgement of the people who sent them, and those people were the wrong kind of person and they were the kind of people that would be responsible for the protest action after the election, because they were unemployed and their motivation for integration, was to seek employment.

They effectively once they were integrated, became a discipline problem in the Security Forces and I would go so far as to say that the 2 000 members of the KwaZulu self protection forces who had been integrated into the National Defence Force have proved Gen During very, very wrong because their performance has been recognised by Min Modise as nothing but exceptional.

The first intake which went to (indistinct) at Upington, won 18 awards for musketry, for drill, for fitness and when people from the National Defence Force were confronted with the reality that these were people that had received four weeks training and they had Umkhonto weSizwe people that had received seven or eight years in foreign camps, they have acknowledged that there

must have been an element of discipline and structure which was perhaps missing from other organisations.

I would certainly say that their performance in the National Defence Force has proved substantially and they are not assistant Constables armed with shotguns and semi-automatic weapons, they are mortar operators, tank drivers, artillery men and women and they are doing extremely well at that.

CHAIRPERSON: Thank you Mr Powell very much. I think I must place on record that I am very grateful for that perspective that you have given us, articulate and often heart-felt perspective on the violence and that you have personal knowledge of. It is a perspective which hasn't often been given to this Commission, although contrary to popular belief we have tried to solicit it as best we could.

~~It is very valuable that it forms part of our record and I am grateful that you were able to give it today.~~

We would be grateful if you could assist us with the documents you have referred to and if you are able to do it as soon as possible, we would also greatly appreciate that. I think we just better find out where this guy is because ...

If that is available, okay, let's just say that we will incorporate a document which is to be translated from Zulu into English and that will form part of this transcribed record and Mr Powell will briefly identify that document, its author and any

other details concerning it which he wants to be part of the record.

MR FALCONER: Mr Powell, the document that the Chairman has referred to, were you the author of that document?

MR POWELL: I was part of a group that authored it.

MR FALCONER: When was the document written?

MR POWELL: It was written at the time that the KwaZulu legislative assembly was considering the possibility of setting up self protection units, 1993.

MR FALCONER: So that would have been from about June 1993?

MR POWELL: Correct.

MR FALCONER: What was the intention of that document?

MR POWELL: The intention of the document was to make it widely available to the kind of people that would be involved in the selection of people to be sent for training, to assist them in making some kind of informed decision about the suitability of people that they would be sending and also once people had completed their training, something that they could take back with them as a practical guideline for the continued existence of such units in their communities.

MR FALCONER: Who would the documents have been distributed to?

MR POWELL: It would have been routinely distributed to traditional leaders, counsellors, trainees, a wide range of people.

MR FALCONER: Throughout KwaZulu?

MR POWELL: That is correct.

MR FALCONER: Mr Chairman, I believe that properly establishes the document. I am not sure whether you have any further questions which you would like to ask on that.

CHAIRPERSON: No, I think that we have certainly had substantial evidence as to the context in which that document was drafted and we have been given details as to why and by whom and when it was drafted and all we need now, is to attach the translated document which will be done during the course of the next week or so.

MR FALCONER: That is correct.

CHAIRPERSON: ~~Other than that, that brings us then to the end~~ of this enquiry. Thank you for your cooperation Mr Powell and we would be glad if you would, through your Attorney, let us have any other documents relating to the items which we have discussed specifically the ANC SDU issues.

Thank you very much.

MR FALCONER: Thank you Mr Chairman, may we be excused?

CHAIRPERSON: Yes, of course.

COMMISSION ADJOURNS.