

TRUTH AND RECONCILIATION COMMISSION

HUMAN RIGHTS VIOLATIONS

QUESTIONS AND REPLIES

SECTION 29 INQUIRY

DATE 10.12.1996 NAMES: ADRIAAN PIETER VAN NIEKERK

ALBERTUS BEUKES MOSTERT

JACOBUS AARMANUS ENGELBRECHT

10 CASE: JOHANNESBURG

DAY 2

CHAIRPERSON: We would like to thank both you and your colleague for appearing before us today in this Section 29 hearing. For the record, I would like you to state your full name and the persons for whom you are both appearing.

Then I would like you to formally place on record your application for a postponement, your reasons for that postponement, as well as the fact that your clients are in
20 the process of applying for amnesty. Then I will formally place on record the date on which I will ask your clients to appear.

MR PRINSLOO: Ms Chairperson, for the benefit of my clients, may we speak Afrikaans?

CHAIRPERSON: Yes.

MR PRINSLOO: Lady Chair, I am HJ Prinsloo, I represent Adriaan van Niekerk. My colleague, Adv L van der Walt represents Mostert and Engelbrecht respectively. As far as this application is concerned, we were instructed late
30 Wednesday evening in this matter. There was no clarity with regard to the payment of legal costs and that aspect, at that late stage, was resolved and consequently at that late

stage we were briefed to appear in this matter. We accepted it on the precondition that we apply for postponement.

We, as well as the other people whom we represent in this matter, consulted with the Attorney-General, De Oliviera, and after consultation regarding testimony, et cetera, that was submitted to him, that he would support us
10 in an application for postponement. He was also prepared to contact the committee, should the committee prefer that he do so.

The complete submission with regard to an application for amnesty, in the case of my client, which also applies in the case of my colleague, will be submitted to the Amnesty Committee. It will be submitted timeously and it will be complete, containing all particulars.

Under the circumstances we respectfully require that a
20 postponement be granted to us, so that we can prepare fully in order to report to you.

Thank you, Madam Chair?

CHAIRPERSON: Will you confirm that?

MS VAN DER WALT: I am Louisa van der Walt, I am acting on behalf of Messrs Van Niekerk and Engelbrecht, and I support the postponement.

CHAIRPERSON: As is required of us in the Act, we have consulted with the Attorney-General concerned. We are aware of the fact that your clients intend pursuing the matter for amnesty. We place on record, though, that the
30 Section 29 investigative hearing is an investigative process afforded to any committee of the Truth and Reconciliation Commission.

However, in the interests of justice, both on the fact that your clients - that you were only appointed late last week and because of the fact that the question of legal

SECTION 29 HEARING

TRC/GAUTENG

3

costs were not clear until the very end of last week, we have decided to grant a postponement in this matter and accordingly will postpone until the 16th and 17th of January 1997.

10 We will require that Mr Van Niekerk appears at 9 o'clock on the morning of the 16th and that Mr Mostert appears on the afternoon of that day, at 14:30 promptly and that Mr Engelbrecht appears on the morning of the 17th at nine o'clock of that morning.

We accordingly warn you that the provisions of Section 29 still apply and that you will then appear before us on those particular days.

We remind you that a penalty for not appearing is a section for provision of imprisonment as contained in the
20 Act.

I would also like to request that at the same time that your amnesty applications are handed in to the Amnesty Committee, that a copy of this application be in fact produced at our offices on the day that you intend serving them formally, please.

MR PRINSLOO: As you pleases.

CHAIRPERSON: Thank you. You may be excused. Do you have any problems, Mr Prinsloo?

MR PRINSLOO: I wasn't aware - Mr Van Niekerk at this
30 stage, he is at the present moment a candidate attorney and he is returning to a trial on that particular day. I would like to just discuss that particular matter. I wasn't aware of that. He only produced his diary with me on that day.

CHAIRPERSON: What other dates will be suitable?

MR PRINSLOO: May I just consult with my client?

Ms Chairperson, the 17th, will that be in order?

SECTION 29 HEARING

TRC/GAUTENG

4

CHAIRPERSON: The 17th?

MR PRINSLOO: Of January, yes.

CHAIRPERSON: All right. Then if we could have Mr Mostert coming up at nine o'clock, Mr Engelbrecht at 14:30 and Mr
10 Van Niekerk will then appear on the morning of the 17th at nine o'clock.

MR PRINSLOO: As you pleases, I am indebted to you.

CHAIRPERSON: I would like there to be a clear understanding that there will be no further postponements on the matter.

MR PRINSLOO: As it pleases you.

CHAIRPERSON: Thank you.

HEARING POSTPONED TO 16 AND 17 JANUARY 1997

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SECTION 29 HEARING

TRC/GAUTENG

