

TRUTH AND RECONCILIATION COMMISSION**20 NOVEMBER 1996****NICOLAAS JACOBUS JANSE VAN RENSBURG**

5

ADV NTSEBEZA:

We will be starting with - within the next two - three minutes, we are just trying to - so we would like General and Francois to take your seats. This - we are starting now, this is a Section 29 Investigative Inquiry, my name
10 is Dumisa Ntsebeza and I am chairing the session for today. To my left I have advocate Denzil Potgieter who is going to be one of the panelist in this session.

And on behalf of the Commission who is going to be leading to the extend that this will be necessary, the inquiry is advocate Glen Goosen,
15 who is assisted by Jerome Chaskalson and Wilson Mgadla.

Now ordinarily in inquiries of this nature, which are **in camera** inquiries, we usually proceed and this would be subject to certain procedures or applications which I have been indicated to may be coming. But ordinarily we would proceed up to eleven, which would be when we'll
20 take tea for about twenty minutes or so and then we will again proceed until three - until one o'clock the late morning session, which would be

then when we take lunch between one and two. And we would again proceed in the afternoon from two to four.

There will therefore be a requirement that the witness should take the oath or affirmation and I will therefore ask advocate Denzil Potgieter to
5 administer that process.

ADV POTGIETER:

Thank you Chairperson. General Van Rensburg could I just ask you firstly to switch on your microphone, there is a red button on it, it's on now - thank you. I am going to ask you to please stand to take the oath.
10

NICOLAAS JACOBUS JANSE VAN RENSBURG

Duly sworn states



ADV POTGIETER:

Thank you very much, you may be seated General. Thank you

15 Chairperson.

ADV NTSEBEZA:

Thank you Advocate Potgieter, thank you General. Now this inquiry is in the nature of things, part of on going investigation, now decision which may be to the detriment of the witness may be taken at this inquiry. As I
20 see that you have appreciated General you are entitled to certain rights and duties, one of which is the right to legal representation. I see that you have brought with you Francois, Mr Van der Merwe, who is your attorney.

But I need to also indicate that it is the expectation of this inquiry that you will have a duty to be honest with it, and that failure to be so honest, might result in perjury charges or charges of one sort or another in terms of the criminal justice system.

5 It may well be that there are questions which may be put to you which might give you the impression that in replying honestly to them, you might incriminate yourself. The Act provides in terms of Section 31 that even if such questions are self incriminating, you have a duty to answer them and that you might be compelled to do so even if the answer to the
10 question maybe privileged or may intend to incriminate yourself.

 Of course the fact that you can only be compelled to answer a question or produce an article or other things, will also depend on consultations with the general - Attorney General who has a jurisdiction in the matter. And of course we will have to be satisfied that the request that
15 is made to you, is justifiable and necessary in an open and democratic society based on freedom and equality.

 The mere fact that an incriminating answer or information obtained or incriminating evidence directly or indirectly derived from an order compelling you to answer a question or to produce an article, shall not
20 be admissible as evidence against the person. In other words against you, in criminal proceedings in a court of law, or before anybody or institution established by or under any law.

And that is of course provided that the incriminating evidence arising from such questioning shall be admissible in criminal proceedings where you are arraigned on a charge of perjury or any of the charges can be related in the Act in terms of Section 39, particularly Section 39(d)(2).

5 I am satisfied from the documentation that has been made to me that you have been properly subpoenaed and that you are lawfully before this inquiry. Subject to an application which I have been indicated to, will be moved by your attorney. Your questioning will intended to be completed today, such as it may go depending on the outcome of the
10 application.

And of course if you are going to be required at a later stage, I will make such an inquiry from Adv Goosen who I believe will have conferred with Mr Francois van der Merwe to arrange a suitably mutually convenient date. I again need merely to state that the Law requires you to be warned
15 not to try to influence other witnesses or in any way hinder the operation or the Commission. In other words you are not to influence other witness from coming to the Commission if they so desire.

It is of course a [indistinct] point whether you may not under - influence other witnesses to co-operate with the Commission. I think it's a
20 legal question as to whether influence goes that far. I think from the Commission's point of view if you influenced witnesses or a potential

witness is to come and co-operate with the Commission, we would not mind that.

Should the application contemplated be such that you are coming at a later date, you will of course be excused but I am sure we shall have to indicate to you that you should make yourself available until such an arranged date for further questioning.

I will therefore - with those remarks conclude my opening remarks and hand over to advocate Glen Goosen to indicate when the application is coming.

10 **ADV GOOSEN:**

Thank you very much Mr Chairperson, General there is an earphone set if you wishing to make use of the translation service from English to Afrikaans.

Ek is ook bereid om die verrigtinge in Afrikaans te hanteer as

15 **dit u sou pas.**

GEN VAN RENSBURG:

U kan maar Engels.

ADV GOOSEN:

Goed, it was indicated to me by your attorney Mr Francois van der Merwe that he would - he would move an application that the outset of the proceedings before we commence and perhaps we should take that, at this point.

MR VAN DER MERWE:

Thank you Adv Goosen, Mr Chairman - firstly I would say - I would like to
5 say at this stage we thank you for the opportunity to address yourselves.

At the on set we want to make it clear at this stage that we came here in a
spirit of co-operation and not in a spirit to seek differences. We have been
put in a situation which is at this stage rather delicate.

I - at this stage wish to stress the fact that we are sincere and that
10 we wish to co-operate with the Commission. We, however, are in a
position at this stage where we would have to address a request to this
Commission for a postponement of the proceedings. In short the reasons
for that is as follows.

In the first instance in my short consultation that I have had
15 yesterday afternoon with General Van Rensburg, he does not wish and it
is not his intention to come here to waste the time of the Commission by
pretending not to know about certain facts, or pretending to water down
certain aspects that he might know about. He has, however, instructed
me that he is at this stage of the opinion that he wants to bring an
20 application for amnesty. I have not been in a position to canvass with him
which instances this would involve. He, however does say to me that these

instances would be some of the instances that are listed on the subpoena which was received by himself.

You can understand, and I hope that Mr Chairman you can have insight for this that it would put General Van Rensburg in a unenviable position should he be pushed into a corner to answer questions today and the - the problem we have in this regard is that he has to canvass the - or consult the other role players regarding his application and I wish to stress at this stage, this is **bona fide** this is not a consultation in order to try and cover up things. This is the way that the Security Police in the past have operated as always being from a basis of consultation.

He needs to involve the other role players, I am not sure to the merits and the facts of the cases, but it is also possible that there might be people above him who has to be canvassed and obviously according to his rank, quite a number of people below him has to be canvassed.

We are at this stage very mindful of the fact that it is possible that should any application or documentation be made available which is prepared in a hurry, it could create a situation where people contradict each other in statements.

Where this could have an adverse effect on an application for amnesty and where the possibility could exist that the situation is created where the deduction could be made that people are not being open and truthful with the Commission.

We are aware of the fact that the cut-off date is 14 - 34 days away -
24 days away, it does not leave us a lot of time left, and that is also the
reason why we did not present the Committee today with the inquiry with
any substantial document due to the fact that General Van Rensburg has
5 been recovering from his operation. We have not been in a position to
consult, and apart from the fact that I have received the confirmation that
Legal Aid had been granted for General Van Rensburg, I am of the opinion
that we are in the early stages of this problem. Because this problem does
need further address, it is going to create a problem until such time as
10 this can be properly addressed in order to facilitate the objectives of this
Committee and of the Truth Commission as a whole.

That is in short our request, we are going back to Port Elizabeth
tonight, there has been meetings laid down which is in the pipeline and we
are planning to get off the ground with this as soon as possible. Obviously
15 these necessary documents have to be lodged before middle December.
And at this stage in the spirit of co-operation we wish to respectfully
submit that it would be in the interest of the Truth Commission and
everything that the Truth Commission stands for to allow us by mutual
consent to postpone this hearing until such time as we have been put in a
20 position where we can properly present to the Amnesty Committee the
applications of General Van Rensburg and then obviously at that stage he
would be in a position to avail himself to the Committee or to the inquiry

should the inquiry wish to possibly query any further matters which were unclear or which they need further - need to put further questions to General Van Rensburg.

That in short is more or less our request at this stage, thank you.

5 **ADV NTSEBEZA:**

Thank you Mr Van der Merwe.

ADV POTGIETER:

Thank you Chairperson, Mr Van der Merwe you have quite rightly referred to the fact that in these proceedings and insofar as the process of the
 10 Commission is concerned, time is of the essence. Now in my view it is fundamental in order for us to be placed in a position to decide your application to know in respect of which incidents as listed on the notice to appear, your client wants to submit an application for amnesty for.

There are 15 incidents - 15 items on the - on the notice. And it's
 15 going to help us if we knew what your client's position is. I mean is he - does he intend applying for amnesty in respect of most of these incidents, or only of a limited number of them in which case it might be possible for us to proceed at least on those in respect of which there would not be an amnesty application.

20 That's my - that's my first difficulty, that's the first issue that I - that I would have wanted some information about. So perhaps if you don't

have the answer, it might be an idea for you to get those instructions from your client.

MR VAN DER MERWE:

Yes sir...[intervention]

5 **ADV POTGIETER:**

[indistinct] have the answer immediately.

MR VAN DER MERWE:

I - I do not have the answer immediately but I can however, address you regarding the problem we are confronted here with as I have just explained
10 a lot of these incidents involve a lot of people. We are at a very delicate stage at the moment in especially the Eastern Cape, regarding the bringing of amnesty applications. And I am fearful of the fact that should we at this stage without proper consultation indicate to you that we are in the process of considering an amnesty application regarding item no X, Y ,Z
15 that it could at this stage derail the delicate process and I - I want to stress to you that this is not - this is my honest opinion, this is the process we are involved with at the moment.

It is obvious that General Van Rensburg will in the instances where he would like to put it on the table be involved as a major role player more
20 likely than not, I don't know, I do not have the facts. But several other people have to be canvassed and we are fearful of the fact that we might be confronted with what has happened so often in the past, that you

might be confronted with the situation where people just turn around and close up and say well I am not going with and the whole idea of this - at this stage is - is to make work of it in order that we can bring these people in and present the Commission with the total picture.

5 And not to do it piece meal one by one where we - my opinion is will be running on a confrontational course rather than a co-operational course.

ADV POTGIETER:

Yes that might very well be so. But we are faced with an application - a
 10 specific application in respect of a specific person who is here under subpoena. I have noted your submission that you are sincere - you are here to co-operate. May I also just repeat to you as well what the Chairperson has indicated this is an **in camera** proceeding. It's not a public proceeding, so your client doesn't need to fear any publicity around
 15 the information that he has disclosed in these proceedings.

In fact the Act makes provision for the confidentiality of the information which is received here. The question simply relates to him personally, not to the other people who might have been involved in incidents, he knows what he has been involved in. So what I - what I
 20 would want you to indicate and you can take instructions on that is on this 1 - 15 on these incidents that we have listed, which are the one's that

he will be applying for amnesty in respect of. Which one's would it be because it's a practical thing.

If he is only going to apply for amnesty in respect of one incident, then it is not in the interest of justice for us to grant an application for a
5 general postponement of this thing. We might say well in respect of that item, it's perhaps not in the interest of justice to proceed with the examination on that issue, but then there are 14 other issues that - that can be dealt with and that's why I am raising it.

I appreciate your - your attitude of co-operation and sincerity but
10 as I say look you've got nothing to fear, this is an **in camera** process.

MR VAN DER MERWE

Yes Advocate Potgieter, I think both you and I have come a long way to know that **in camera** proceedings does not mean nobody will know about what happened here and that is my main concern, I will, however, take
15 instructions from General Van Rensburg and if you wish, but I will need to consult with him.

I want to stress, however, again that even though the proceedings here are **in camera** it is the easiest way to frighten off people to find out that they were discussed without consultation with them. And that is my
20 sincere - sincere opinion.

ADV POTGIETER:

I am afraid I can't appreciate, I don't understand that submission at all. This is **in camera** in terms of the law, information which is obtained here, is confidential in nature unless you are saying that the Commission will go and make public what is said here. You must accept our sincerity too, we committed to the law here, so I mean there is no question of that, the Commission going and publishing information. So I want to suggest that you - that you do take instructions from your client and that you come back to us on that - on that question, but that's to one issue.

The cut-off date for amnesty is the 14th as you know, the 14th of December, you've calculated the number of days, I think you've said it's about 20 - 20 odd, I have stopped counting. Now it's imperative for us to see this process through we - this inquiry we are - we are compelled in a way to have this because it's one of a series of this sort of process that's going on. We have got a very tight schedule and a lot of it is aimed at the 14th of December, influenced by the fact that, that is the cut-off date, so time is really of the essence.

Is there any indication when your client's amnesty application would be submitted to the Amnesty Committee?

MR VAN DER MERWE

Yes Adv Potgieter, the - obviously it is definitely not going to be a long time before the 14th because a great amount of work has to go into this. And I

am of the opinion that as it is at the moment, we do not have enough time, so I can't foresee that it will be long before the 14th of December.

That is another issue which I think in another forum would be able to be discussed because the - we are faced with logistical problems as well

5 regarding most of these incidents, because the role players or people who are involved are not necessarily in the same venue at this stage any more.

And it just makes sense to co-ordinate these things to make - to help the Investigative Unit to sort out the mess rather than to each supply
10 a statement which comes to the Truth Commission and due to the last of time and the frailty of human mind might not correspond. And therefore we - we going to have to get together all these people and canvass facts so I don't foresee us lodging the application much before the 14th of December.

ADV POTGIETER:

15 I've - I've got a difficulty with that, why - why does your client wait until the last moment? Why - why does he wait until now, he received the subpoena on the 5th of November - at least in terms of this process. Why does he wait until now to indicate to us that he want to apply for amnesty, I mean, he - he must have been aware of the amnesty provisions when this
20 Commission was formed. Why - why was it necessary for him to wait so long. [indistinct] now to - to postpone these proceedings to - to

accommodate him. Because as I say this is part of process, it's not him - his not the only person that will be interviewed in this fashion.

MR VAN DER MERWE:

Yes, he still has the right - the - however to lodge until the 14th of

5 December.

ADV POTGIETER:

The - the question is, is it reasonable to request a - a postponement of these proceedings under those circumstances to - and to allow your client to submit an amnesty application? So we've got to - got to determine the - the reasonableness of that application as well. Apart from the intents of justice.



MR VAN DER MERWE:

At the [indistinct] I want to say that at the time that I received the subpoena for General Van Rensburg he had just come out of hospital, he had undergone an operation. He was not in a position to consult with me, I could not accommodate him to go to his home town as it is way out of Port Elizabeth.

I did not have any legal instructions to do so, as it is at the moment I'm assisting him on a pro-amica basis at this stage regarding my travel arrangements et cetera. I can understand that you're busy with a process, I also want to stress the fact that I don't think that anybody thought that

this process would be easy. Different people take different decisions at different times of their life.

And I think it would be unfair to - at this stage try and criticize someone for taking a decision at a certain stage of his life where the process is exactly aimed at - at reconciliation. I - I think that this is a problem that has got a hundred and ten different explanations for and I can understand your frustration with - with that. I have a - I can understand it but at this stage my client had to take a decision and he informed me of his decision at time that he did.

So quite frankly my opinion is that I - I can't see how that would in any way assist the fact - assist us in coming to a conclusion the fact that he at this stage - late stage decided to - to give me instructions to possibly bring the - the application.

ADV POTGIETER:

Yea, I - I just - I'm just putting the difficulties that I have to you so that we can see if we - if there's an answer and to see if we are placed in a position where we can apply our minds to - to the application.

Just - just one last point that I want to raise with you is what - what prejudice specifically - what prejudice will your client suffer if these proceedings are not postponed in terms of his intended application for - for amnesty. What - what prejudice is there that he will suffer?

MR VAN DER MERWE:

As I've already said Adv Potgieter we are - I have explained it to Adv Goosen as well we are in an extremely delicate stage of - for lack of a better word convincing people to co-operate and to accompany us on the road that we are going to walk. And at this stage I have listened and I - I
5 must say I've got the utmost of faith in - in this committee and the fact that it is **in camera**.

I'm just merely stressing the fact that it is possible that people - not the press - people out side might know what the - what is discussed here and as far as that is concerned unfortunately from my dealings with
10 people from the security establishment you must understand that the Truth Commission amongst the Ex-security Force members is not amongst their favorite places.

And I think that anybody can understand that. I am placed in a position where I have to convince people without loosing my power base as
15 their attorney that this is the right decision for them to take and this is the right road to walk. And in order to be in - placed in a position to do that I need to be able to tell them look I have gone to the Truth Commission, they understand the position, they've granted us a postponement to get our house in order and to approach them. And they were accommodating,
20 they showed mutual respect and trust and I think we will get a fair deal.

And I mean I - I don't have to stress to you that I have in the past been forced into a situation where I had to sort of enter into litigation with

the Truth Commission. And those are the - the mind set of the people I represent that the Truth Commission does not abide by decisions. Does not - is not interested in our stuff and ...[intervention]

ADV POTGIETER:

5 But - but I'm sorry, how does - how does it prejudice your client because if I understand what your saying it will prejudice us as a Commission if we don't give you a postponement because then you're not going to be able to convince a lot of other people to come to us. I - I - the - I can perhaps understand that argument but I don't think that's relevant now.

10 I want to know how your client who - who is here under -under subpoena how he's going to be prejudice if we don't grant a postponement?

MR VAN DER MERWE:

He will be prejudice in a way that should he decide on the route he would like to be able to take the people with him. Rather that them saying but

15 you went there to sell us out or you went there to do this or that or the other. And - and the other - the other problem we have is we have prepare a decent presentation - something that makes sense, something that falls into place and something that - that is the truth.

And at this stage there are certain aspects which have to be
20 canvassed in - in group situations to find out exactly what happened because there are certain stuff or incidences in the past where people

could for instance have approached someone and said may we do **X** and a person simple gave a answer and never knew what happened afterwards.

There are certain instances where people might be under the impression that they had the authority and the go-ahead of General Van
 5 Rensburg to go and operate in certain area or do - perform a certain operation and he might have forgotten about it.

These things have not been canvassed and - and all though that is - that is - that is not I would not say that could be the odd one out but that is possible and - and our position is if he is placed under oath here and he
 10 has to commit himself now, he might have to return later with a face and say, sorry, point number one on your agenda I actually do know about it. I have honestly forgotten about it, I have forgotten that another person canvassed it with me and therefore we are - we are at the stage regarding our preparation not in a position to - to - to fully assist this - this forum in
 15 - in that regard.

ADV POTGIETER:

Mr Van der Merwe I've - I've raised the difficulties that I have. I have suggested that you take instructions from your client because I would very much like to know specifically in respect of which incidents he - he want to
 20 apply for amnesty. I think it's - it's - it's vital to your application and I'll - I'll leave it at this stage at that. And I'll - I'll hand back to the Chairperson.

ADV NTSEBEZA:

Thank you Adv Potgieter, perhaps this should be in a convenient stage to take the tea adjournment as well. And then when we come back either before you give us the benefit of the instructions or thereafter, I will canvass the views of Adv Glenn Goosen to the application and especial in
5 view of the problems that and the difficulties that we have as a panel.

We will adjourn for tea and we come back at twenty past 11.

MEETING ADJOURNS FOR TEA

ON RESUMPTION

10

ADV NTSEBEZA:

Shall we now resume, when we adjourned I indicated that we will hear Mr Van Rensburg - I mean Mr Van der Merwe on a - on what instructions he has and then we will hear also Adv Glenn Goosen on submissions that
15 have been made.

MR VAN DER MERWE:

Thank you Mr Chairman, I have canvassed the aspect about which items on this list with my client. I can mention - excuse me - I can mention at this stage to my mind it would include the first 8 because the rest are
20 more general items. My instructions from General Van Rensburg at this stage is that he is of the opinion that in the next 24 days the TRC

according to - is of the opinion that there is no prejudice suffered by the TRC should they not know which items it would be for the next 24 days.

He feels and he is strongly of the opinion that he is going to be betrayed trust of certain people should he speak about these things. We admit that
 5 this procedure is **in camera** and I wish to stress that the meeting and the people present are about suspicion. The mere fact other people can know what is said in - in here he is of opinion could prejudice him in - in the future procedure and we are of the opinion that there is no real prejudice for the - this Committee and inquiry.

10 Why this couldn't be just postponed for the date to be agreed upon between ourselves and advocate Goosen. We do not wish to make appoint in contention and would appreciate it as a show of faith in co-operation that - if we could be accommodated in this regard, that you Mr Chairman.

15 **ADV NTSEBEZA:**

Now can I clarify something Mr Van der Merwe, did you say in general terms your client might through light in respect of the first 8 incidents mentioned in the subpoena?

MR VAN DER MERWE:

20 Excuse me Mr Chairman maybe I didn't express myself correctly no, what I said is it would only be the first 8 incidents that you could be interested in because the rest are as I see them in general terms and doesn't refer to

specific instances. We however say that with regard to all the items mentioned my instructions are that General Van Rensburg would at this stage which to canvass this with the different role players.

5 Either superior to him or being his people under - under him and that he feels that it will be a betrayal of their faith at this stage to mention it. Be that right or wrong that is his feeling and that is his honest opinion.

And accordingly we would appreciate it if we could accommodated not to supply the Commission with those details at this stage, thank you Mr Chairman.

10 **ADV NTSEBEZA:**

You see I hear you, I think I have a difficulty also with that sort of thing because we are not asking you to indicate with whom the General would have been involved in any of the incidents. We are merely wanting to know whether in fact - lets take for instance incident number 3 on the subpoena.

15 It should be the easiest thing for him to say look I did not have anything to do with that. I will not be seeking any application - I'll not be seeking to apply for amnesty in respect of that incident, you see. That's all we require, it doesn't have to say I was - I will seek in respect of incident
20 number 1 to apply for amnesty because I was involved with X, Y and Z. And number 2 with A, B and C, with - we are not interested at this stage as to who he was involved with.

We're just interested to the extent that his memory serves him well. And to the extent that he has had a subpoena with him for some length of time. For him to say look - for instance there were witnesses who have been here before him were able to say well I have a vague recollection of
5 that incident.

Maybe if I got further particularity I could assist the Commission with more detail what I'm able to - to supply now. That's all we need, like Adv Potgieter had said so that we should be - enables him to evaluate whether if in fact it is in respect of only once incident that he's going to
10 apply for amnesty. Whether that is a circumstance in relation to which we should not proceed with the rest for purposes of us reserving the date of postponement for the one matter in relation to which he is wanting to apply for amnesty.

MR VAN DER MERWE:

15 Thank you Mr Chairman, can I just canvass a certain idea with - with my client just 5 seconds please.

Thank you Mr Chairman for the indulgence, yes I've - I've taken this up. I'm afraid that at this stage that my instructions are we are of the opinion that there should be no - nothing to detriment of the TRC should
20 they - should these incidents be supplied at the date of the cut-off date and unfortunately I cannot take it any further that that, thank you Mr Chair.

ADV NTSEBEZA:

Advocate Goosen?

ADV GOOSEN:

Thank you very much Mr Chairperson. Mr Chairperson I've obviously
5 have heard the motivation for the postponement and have - have given it
some consideration. I think - my view is that I can understand that
obtaining a postponement today may serve the purpose of assisting the
formulation of the General's amnesty application.

In proper detail and to put fact before the Commission in that
10 application in their proper prospective. I can also - and - and that that
would take and require some preparation. I can also appreciate the
necessity in certain circumstances perhaps to encourage other persons
who may have played some role in each of the respective incidents to also
avail themselves of the opportunity of applying for amnesty.

15 So from that point of view I can fully understand the motivation for a
postponement. My one concern however is the - the view expressed that it
would be necessary in dead essential in respect of the - of the General
that he consult with other persons, other role players in relation to his
amnesty application. I - I can understand that the General would wish to
20 provide leadership and direction to persons that served under him or that
he was associated with and thereby to assist the work of the Commission.

However the consultation that would be required should not and could not in fact have any bearing upon the particular role which the General played in relation to certain incidents for which he would wish to and perhaps be required to apply for amnesty.

5 My concern is in that regard. My view also is that the request by Adv Pogieter that we receive some indication of what the incidents are as reflected in the notice - there may be others that are not in the notice but certainly those reflected in the notice for which the General would intend applying for amnesty or at least is considering applying for amnesty
10 without not necessarily committing himself.

He may for example on reflection and on taking advise from his attorney come to the conclusion that in relation to particular matter it's actually not necessary to apply for amnesty. Even though he does have certain information about those incidents. I would - I would think that
15 that would be a reasonable request at - at this point. The - the General's response via his attorney that he wouldn't wish to divulge those - that information at this stage because it would reflect perhaps a betrayal of trust on the part of himself in relation to other people who may be implicated.

20 As I - I believe misplaced - misplaced from the point of view of the nature of this inquiry. The General is here before the panel lawfully in

terms of a notice issued in terms of Section 29 the - the panel and certainly myself in leading the questioning.

I'm lawfully entitled to put certain questions to the General in relation to these matters, and - and should the General not wish to answer a question because it implicates him, he can be compelled to answer that question if certain criteria are met.

So it - it doesn't make sense to say that he would feel that he is going to betray the trust of the - of perhaps colleagues if he were to indicate what his attitude is in relation to an application for amnesty regarding some of these incidents. Because if we proceed with - with the inquiry which we would be entitled to do, we may well get to a situation where he is in fact compelled to answer a question which implicates himself certainly and would be compelled to answer a question which is relevant to our inquiry which also implicate other people.

So the betrayal of trust if you like is he's under legal obligation, if - if you'd like to betray that, if there is - if you can talk about it in terms of a betrayal. And for that reason I don't think that the - that the motivation for not giving an indication as to the incidents for which you would apply for amnesty is - is a reason which carries much wait. And I would perhaps urge the General to reconsider that if it is that he does want to obtain a postponement and proceed with an amnesty application.

We could for example if I could just give you some indication, I mean could - if we proceed with the inquiry go item for item and run through and say in relation to item 1 the General must be aware surely that he has been implicated by Captain Dirk Coetzee amongst others in the murder of
5 - of Kondile. And we can run through what Captain Dirk Coetzee says and you can then ask you the question whether you agree with what he says or whether you don't agree with what he says. If your statement is that you don't agree with what he says well then that would be an indication that from your point of view it would not be necessary to apply for amnesty.

10 And that's the reality of the situation we're in. To indicate that you would consider an application for amnesty for example in relations to items 1 and 2 and/or 5 or 6 or what ever other one there - you may wish to indicate would - would not in any way in my view betray any trust in relation to other people and would give the panel perhaps a sufficient basis
15 on which to determine whether the request for postponement is in fact a reasonable request at this stage, thank you.

ADV NTSEBEZA:

Mr Van der Merwe?

MR VAN DER MERWE:

20 Yes, Mr Chairman I - I heard what my Learned Colleague advocate Goosen has said and we under on disillusion as to the legal obligations facing General Van Rensburg sitting here. However our request directed at this

Committee I would [indistinct] to say isn't based purely on legal aspects. We are basing our request on the fact that we at this stage are of opinion that naming certain incidents could harm the future cause of the Truth Commission proper as a whole and our ability through co-operation to
5 assist the Truth Commission to achieve it's ultimate goal which is to ascertain the truth and to get to the bottom of - of these matters.

I'm under no misgivings regarding the fact that this body is entitled to and has the power to compel General Van Rensburg to answer these questions. We are addressing this request to the Committee in good faith
10 and are merely of the opinion - and I must stress this - that with all due respect I cannot see what detriment the Commission or this inquiry in suffering by postponing the items on this list or the knowledge of the items from - of which General Van Rensburg has any knowledge for a mere - for less than a month.

15 To know it now or to know it in a months time is as far as I'm concerned not going to take anything any further. People are under obligation to bring the - the amnesty applications in any case before the 14th of December so if there are people around by the 14th of December who hasn't brought their applications they would - as it has quite often
20 been put miss the boat or miss the buss. So - so I - I - I am under no misgivings, the problem is this is subjective and this is a perceptual problem or difficulties which is faced by my client. And whether they're

real objectively or whether they are real according to this inquiry, in the eyes of you, Mr Chairman, I think at this stage is - is - is of less concern to our client.

He has to deal with - with people who he was to convince to - to
 5 proceed in this way and I think if we look at the ultimate goal of the act of this Commission, I think the ultimate goal of this Commission will be served by a postponement without the taking the drastic step of compelling General Van Rensburg to comply with ...[intervention]

ADV POTGIETER:

10 Mr Van der Merwe, I - I don't want to interrupt you unnecessarily by I think you - with respect - you're missing the point. You're looking to far ahead, what we are faced with is your application for a postponement, that's what we've got to be dealing with. Forget about who else is going to come to the Commission, forget about the overall process and everything
 15 else and the good faith and - and all that. They are there but with respect for the purposed that we are sitting for here today that's - that's slightly irrelevant.

We are faced with your application on the basis that you wish to bring - or your client wishes to bring an application for amnesty. And
 20 therefore we shouldn't proceed with this - with this inquiry today. And it's a simple matter of logic that you've got to give us a basis in order to place us in a position to decide the application.

We assume your client is in fact going to apply for amnesty, you -
you - you've made that point. We expect that so there will be an amnesty
application from your client, your not saying possible or perhaps - you
saying he will apply for amnesty. Now I can't understand the difficulty
5 that your client could possibly have if we want to know from him in order
for us to decide his application, what identified on this notice will be the
subject matter of his application for amnesty, that's all.

Because if - if you can't place those facts before us then - then we
unfortunately are not in a position to - to - to decide that application
10 favorable for your client. And I can't - I really can't understand what the
prejudice is that your - that your trying to convince us about. He's going
to apply for amnesty, what's - there's not secret about that any more.
What is the difficulty of identifying the incidents listed here in respect of
which he will be making his application. So that we know what we are -
15 we are looking at.

If it's a substantial application that will somehow effect this whole
proceeding that we are [indistinct] here then it's fine, then there's
reasonable basis for us to say no but fine then - then it's going to be, it
may even be unnecessary duplication to have this inquiry today. But if it's
20 going to be a very limited issue for which the amnesty application will go
then of course if effects our decision, because then we might very well be

able to proceed now. And that's - that's the only - I - I can't understand your position on that.

MR VAN DER MERWE:

Thank you advocate Potgieter, let me say again I can understand how you
5 can't understand but to our - in my opinion this is part of a bigger process
and I can understand that you are trying to - to separate the current
proceedings from the bigger process but from our point of view and from
where we come from this is one large process.

And we are of the opinion that this could affect the rest of the
10 process and that is a real fear. At this stage looking at - at this hearing
today in isolation from our point of view is not possible, because this is
part of a bigger picture with out which the bigger picture will have a hole
in. And - and - we're simple faced and put in a position where we - we at
this stage have to - have to say to this Committee that we - we are relying
15 in good faith to -to - I still can't see what the prejudice suffered by this -
this will be if - if this is ...[intervention]

ADV POTGIETER:

No, no with respect there is no question of prejudice to the Committee.
You have brought an application here, you want us to adjudicate on that
20 and in order for us to do that I'm telling you that I can't understand your
argument that you can't - you can't indicate to us which are the matters
that your client will be applying amnesty for - I'll ask you pointedly:

Item number 1 - The murder Gonisiwe Gondile in November 1981 near Komatipoort.

Will your client be applying for amnesty in respect of that incident?

MR VAN DER MERWE:

5 I can - I can say to you I have not have had the opportunity with my client to canvass ...[intervention]

ADV POTGIETER:

Otherwise I'm going to be compelled to ask him that.

MR VAN DER MERWE:

10 If I can just with permission of yourself, Advocate, just address you on this issue. I have not have the opportunity, either the time or the opportunity to canvass any of - the - the aspects of which my client plans to bring an application for amnesty in full. Now I - I wish to point to you at this stage should he come to me and say to me my role in such incident

15. number X is this, should I apply for amnesty or not. If he is going to inform me of a factual basis where he for instance would not qualify for amnesty, I cannot advise him to apply for amnesty knowing that he's not going to qualify for amnesty.

20

ADV POTGIETER:

But that's exactly what you're coming to tell us, you coming to tell us that he's going to apply for amnesty.

MR VAN DER MERWE:

Yes, he is ...[intervention]

5 **ADV POTGIETER:**

And you want a postponement on that basis.

MR VAN DER MERWE:

Yes he is.

ADV POTGIETER:

10 So how can you come and tell us that he's going to apply for amnesty if you don't know that?



MR VAN DER MERWE:

Because ...[intervention]

ADV POTGIETER:

15 That is - that is why I'm telling you that if you can't assist me on this your client is under oath, he's here, you not here to give evidence. You're here to assist him, I'm going to direct my question at him.

MR VAN DER MERWE:

Yes, Adv Potgieter I realize that we are here at your mercy and I am

20 ...[intervention]

ADV POTGIETER:

No - no - no you're not at anybody's mercy, you are here under the provisions of the Act 34 of 1995, you know it. You know the provisions of the Act.

MR VAN DER MERWE:

- 5 Be that as it may we are here at your mercy, you are in the powered position at the moment and you are in the position to make the demands and make the orders. And we acknowledge that, the act has put you in that position. What I am trying to convey to you and - and stronger I cannot put it is that we will be in a position to assist the Truth
- 10 Commission proper to achieve it's ultimate goal.

All that we are asking is co-operation and a show of faith to enable us to put this together. And there is - stronger than that I cannot put it, there is no hidden agendas, there is nothing else to run away from, hide from. I have not had the opportunity and - and far as the individual

- 15 aspect is concerned I have not discussed any of these aspects with ...[intervention]

ADV NTSEBEZA:

- Do I then understand you Mr Van der Merwe that in fact the only basis on which you are applying for a postponement is that on compassionate
- 20 reasons this Committee must take into account that your client when the subpoena was served on you had just come out of hospital, out of an operation, a consequence if which you were not able to take instructions

for you to be able to properly represent him today at this proceedings. Is that your basis?

MR VAN DER MERWE:

Yes, Mr Dumisa that is one of the problems. I saw General Van Rensburg
5 yesterday ...[intervention]

ADV NTSEBEZA:

I think in my view it's the only - it's the only basis. All that you have said about - I just cannot appreciate how maybe in a very metaphysical sort of way it would benefit the Commission.

10 You see this Committee is part of the Commission and it's part of the bigger hole but it's got a specific task to do. It's an interrogation if you put it in cold terms, and - and it - it takes a view that those who want to co-operate with the Commission are not actually doing certainly this Committee a favour, they are doing themselves a favour.

15 Because in terms of the law if the cut-off date comes and people have not taken advantage of the provisions of the act as far as that goes then the people can only have themselves to blame because later on beyond the cut-off date the process will be entirely a process that will very much be the process to be dealt with by the criminal justice system. And
20 we have no control of what the criminal justice system says.

So I think - I can see the, you know the more profound and the more noble cause that your clients - I mean your particular client here

want to achieve. But it is something which doesn't assist an investigation which this is. As I say we are in a position with or without your client's co-operation to put certain things to him under oath.

If all we do today is to simply say number one - what is your
5 position with relation to number one - that's all we have to do. And under oath you'll have to say yes, I was - I know something about that.

No I don't know, I deny. And that is a record that will go under
oath. But I am able to hear you if you are saying as you submitted and I
heard you submitting earlier on that for very many reasons - Legal Aid,
10 this that and the next thing and the fact that your client has just come out of hospital.

He's gone - he has undergone an operation the nature of which puts
him a position where he has not been able to consult you that you are
asking us to consider whether that alone should not be a ground on the
15 base of which you should approach us.

Namely that as things are we may find fault for the reason that you
have not been able to consult fully with your client but if I hear you to be
saying as things are at the end of the day I will not be much of assistance
to you because I've not canvassed any of these issues in any amount of
20 detail with my client for us to be able to make a meaningful contribution here.

That's why I ask you whether in fact you are saying even if there was going to be a possible your client could indicate in respect of which matters he will apply for amnesty. You don't consider yourselves to be in a position to proceed because you have not being consulting - you have not
5 consulted properly. Is that in the end you are saying?

MR VAN DER MERWE:

Yes, Mr Chairman I - I have to agree with that. We - as - as I sit here I have not been put in a position to advise General Van Rensburg regarding any of this. It has not been canvassed and - and I would - I would agree
10 with - with what you've said. Coupled to the fact that I still say I am basing this application further on good faith but I will - I will leave it at that.

ADV POTGIETER:

So - so you were drawing the earlier basis of your application that your
15 client would be applying for amnesty and therefore you want a postponement?

MR VAN DER MERWE:

No , not at all - not at all. My client will be applying for amnesty and that - and that still remains a fact and that will happen. I have not been put in a
20 position to canvass with him for which of these matters he would - he would applying. I have taken it up with him during the tea break. He however has said to me that he would wish to consult with me on these

fully and discuss the - the background, the matters, the - the political motive ...[intervention]

ADV POTGIETER:

5 I - I understand that but that is no longer the basis of your application for an - for an postponement.

MR VAN DER MERWE:

I - I ...[intervention]

ADV POTGIETER:

10 Your sole basis now if I understand you correctly is that you're not prepared. You - you - you're not prepared. You didn't have time to prepare and your client was in hospital and everything else that you've said to the Chairperson.

MR VAN DER MERWE:

15 That might be so but the other basis is the fact that an application for amnesty will also be brought. That is not something that can be fought away, I would agree with Mr Dumisa - Mr Ntsebeza that - that the - the problem that arises - it's the fact that we have not had adequate time to prepare. But we would also appreciate it if - if this proceedings could be
20 postponed in - to in order General Van Rensburg to prepare his application for amnesty.

ADV POTGIETER:

So you - you persisting with that ground too. You've got two grounds for postponement for your application?

MR VAN DER MERWE:

5 That's right.

ADV POTGIETER:

One is that you're not prepared and the second one is that you will be applying for amnesty?

MR VAN DER MERWE:

10 That is right, I can maybe at this stage just place on record as well that we have received our instructions from the Legal Aid Board - I think it was last - yesterday afternoon. There were certain administrative problems why the application for his Legal Aid was not furnished to the Commission earlier but even on the tariff scales that the Legal Aid Board are presently
15 providing us with - it is - this is something which has to be probably taken up in another forum with the Truth Commission - is totally inadequate.

ADV POTGIETER:

You - your basis - your second leg is that you will be applying for amnesty but you don't know in respect of what?

20 **MR VAN DER MERWE:**

I have been informed by my client that he is definitely bringing an application for amnesty ...[intervention]

ADV POTGIETER:

But you don't know what for?

MR VAN DER MERWE:

5 He has told me in respect of which items ...[intervention]

ADV POTGIETER:

You don't know if that has got anything to do with the items on this - on this notice?

MR VAN DER MERWE:

10 He has - he has informed me that some of the items he will be bringing an application for. He's on the list?

ADV POTGIETER:

Yes, now - now why is it so difficult - I mean it - we've spend an hour here trying to come to an simple point like that.

15 **MR VAN DER MERWE:**

Yes, ...[intervention]

ADV POTGIETER:

Why, well - well now - now we've got your client's position on record and we can - we can asses your application for a postponement. So now we
20 know that your client says that some of the items on the - on the - on the notice - on the subpoena he will be applying for amnesty for.

MR VAN DER MERWE:

That is correct...[intervention]

ADV POTGIETER:

5 Let me then - let me then ask you is it your client's position that those matters are of such a nature that he - it effects this entire inquiry here and that it wouldn't make sense to us to piecemeal - deal with the inquiry?

MR VAN DER MERWE:

Adv Potgieter maybe I must apologize and say I didn't express myself
10 correctly or adequately so that you could follow. Your application was from the start that some of the items on this list is items that he would be bringing an application for amnesty on behalf of...[intervention]

ADV POTGIETER:

It good ...[intervention]

15 **ADV NTSEBEZA:**

Well that was in all terms Mr Van der Merwe with respect because when I indicated are you saying in general terms it would be items between one to eight - you reversed from that positions to say:

**No, no, no, we are not wanting to say anything about whether it
20 is within those, we are simply saying any items beyond eight
are**

items in relation - in respect of which general information is

sort.

You see now - now we've narrowed the position to where you are saying you client is saying:

Yes between one and eight or between one and fifteen there are
5 **definitely instances in relation to which I will want to apply for**
amnesty.

We have a duty to the Commission, I mean you can imagine if we go to the Chairperson of the Commission and to the Commission at large and say we have granted a postponement on a basis that an amnesty
10 application is going to be brought but we don't even know in relation to which matters it is going to be brought about.

Can you imagine what it would be come cut-off date you client has - your client has not applied for amnesty. He tells us and tells everybody else that after taking good legal advise from my attorney it became obvious
15 to me that I don't have to apply for amnesty, I'm not going to apply for amnesty.

Objectively speaking your client is placed in a position where for one reason or another he knows what he has been involved in. But apart from that - from the litigation that he has mounted but quite apart from that -
20 from evidence that has come, you know, whether it is information or evidence he has been implicated as advocate Goosen said by Dirk Coetzee.

It may well be that the extent which is being implicated leaves much to be desired from your perspective. It may well be that the extent that has been implicated leaves much to be desired from your perspective. It may well be that he wants to say:

5 **I deny all of that.**

But our purpose for - purposes from this inquiry is for us to ascertain whether that information is capable of being denied against it by your client or not. So if originally you said your client is going to make an application for amnesty on the basis of what is contained in the subpoena

10 I am simply saying with the further debate around this issue your retreated from that position and it is now a position to [indistinct] come.

And I am going to be ~~tempted to direct question~~ now to your client and I wouldn't like to do that. I'm an attorney - we are all lawyers here, we don't want to put you in a position where your mandate should be

15 challenged, but if you want further consultation I am prepared to ground that consultation.

But you must appreciate we have a duty to the Commission. We must not be seen to have been a Committee that acted irresponsibly with regard to the matters with which you are mandated. I want to assist your
20 client, I certainly want to assist him but I must be able to bring something to the Commission on the base of which - I must have you on record

saying there definitely will be an application for amnesty. I want a commitment from you and your client.

He must confirm it under oath that yes it will be in relation to the matters specified in this subpoena, then if he wants to he can say then
5 there will be other matters that are not in the subpoena in relation to which I might have to apply for amnesty but I need time. Then I'm prepared to give a consolation.

MR VAN DER MERWE:

Thank you Mr Chairman, could I have just 5 seconds with my
10 ...[intervention]

ADV NTSEBEZA:

Maybe we need 5 to 10 minutes adjournment so that we can also confer.
We will adjourn until quarter past 12.

15 **MEETING ADJOURNS**

ON RESUMPTION

ADV NTSEBEZA:

I think we are now ready to resume, well Mr Van der Merwe?

MR VAN DER MERWE:

20 Thank you Mr Ntsebeza, I've had the opportunity to take further instructions from my client at this stage. There seems to have been a misunderstanding, my intention was from the start to indicate that some

of the matters that would be applied for, for amnesty is very definitely on the subpoena which was received by my client. We are accordingly placing it on record as such that we will be applying for amnesty for some of the matters that are indicated on this list.

5 There is also the possibility which have to be canvassed fully that we will also apply for amnesty for incidents which is not on this list at this stage. General Van Rensburg at this stage has not been put in the position to be able to decide whether according to the facts of each specific case it would be necessary to apply for amnesty, or the - it would
 '10 not be necessary to apply for amnesty and just co-operate with the Investigative Unit of the TRC.

He does however instruct me that he is of the opinion that could be to his detriment to indicate which specific instances at this stage but they are very definitely on the subpoena. Thank you Mr Ntsebeza.

15 **ADV NTSEBEZA:**

Can General Van Rensburg confirm under oath that there will be an application and that it will be in relation to some of the matters in the list?

MR JANSE VAN RENSBURG:

I do Mr Chairman, I do confirm.

20 **ADV NTSEBEZA:**

And in that way to you confirm the instructions given to your attorney?

MR JANSE VAN RENSBURG:

Yes, I do.

ADV POTGIETER:

Just - just for the record Mr Van der Merwe is your client's position also that those matters in respect of which the amnesty application will be
5 submitted it of such a nature that it wouldn't make sense - it wouldn't be reasonable for us to proceed piecemeal on - on the notice - the subpoena at this stage and it makes more sense to have everything on the subpoena postponed until a later date?

MR VAN DER MERWE:

10 Yes, Mr Potgieter that is - that is our position exactly and we wish - that is - that is correct.



ADV POTGIETER:

Thank you.

ADV NTSEBEZA:

15 Can I just get you again General to confirm your instruction that there may well be - in fact there are other incidents in your view which have not been listed by us in the subpoena in relation to which you are seeking to apply for amnesty?

MR JANSE VAN RENSBURG:

20 Yes, yes Mr Chairman.

ADV NTSEBEZA:

Mr Goosen?

ADV GOOSEN:

Thank you very much Mr Chairperson, I - I don't have any - any additional comments or views to - to express. The application for postponement is in your hands, Mr Chairman thank you.

5 **ADV NTSEBEZA:**

Have you conferred on dated Mr Goosen?

ADV GOOSEN:

Mr Chairperson no we - we haven't. I think the indication from Mr Van der Merwe was that we could reach a date by agreement. I would propose
10 though Mr Chairperson that given that the amnesty cut-off date is - is the 14th of December that we could consider a date perhaps close to that date in which we might - we - we might agree that the matter is postponed to that date.

I not actually had a look at what the days are or dates are, perhaps
15 in a - we can immediately proceeding the - the 14th - I think the 14th is a Saturday. We could reach an agreement in regard to that date in the event that the amnesty application is then in and it - and it deals with the matters satisfactorily we may not necessarily proceed on that date, but we can deal with that closer to the time. I don't have a specific date in
20 mind at this point.

MR VAN DER MERWE:

Mr Chairman I - I'm of the opinion that between Mr Goosen and myself it would not be a problem and I give my undertaking that we will be able to come to an agreement regarding a date without any undue problems, thank you.

5

ADV NTSEBEZA:

This is an application for an postponement of this proceedings which is brought by the witness General Nick Van Rensburg through his attorney Mr Francois Van der Merwe. We have heard a detailed examinations of the grounds on which the application is being made. Essentially the application is made on two grounds possibly three.

The first ground is that General Van Rensburg wishes to bring an application for amnesty. It is clear at this stage that he wishes to bring that application in relation to matters that have been specified in terms in his application or in the rather - in the subpoena which was served on him through his attorney on or about the 5th of November 1996. This subpoena lists a number incidents in relation to which this inquiry was going to be dealing. The incidents are numbered 1 to 15 on pages 1, 2, 3 of the relevant notice.

We have had a confirmation from the witness of his instructions to he's attorney that there will be an application for amnesty. That it will relate to some of the matters which are contained in the notice. And that

in fact there will be other matters which have not been specified in the list
- contained in the notice in relation to which he wishes to bring a
application for amnesty.

The submission by Mr Van der Merwe is that it would be in the
5 interest of not only justice but over the bigger goals of the Commission if
we [indistinct] this application for a postponement. It would be his view
that he needs involve other role players in the application by his client for
amnesty. And that it would serve the interest - the bigger and the wider
interest of the Commission if an application was done in that sort of
10 fashion where others who are role player have been canvassed for
purposes of achieving the digger interest and views of the Commission.

Whilst it is our [indistinct] that that necessarily is not a ground for
granting a postponement because it is not necessarily relevant t the extent
that there is a commitment by the witness that there will be an application
15 for amnesty and that there are matters which we have been indicated to
that will form the substance of this application. We are persuaded that -
that may be a reasonable basis on which we can concede that an
application for a postponement of this proceedings must succeed.

The other basis on which the application was made was that Mr Van
20 der Merwe as he sits here today has not considered either full or at all and
that in the circumstances this inquiry would serve very little purpose if it
were to proceed because it might achieve less that if would have achieved

we were to ground the postponement to give him sufficient time to consult with his client for purposes of making a substantive application for amnesty in relation to which we as this process may be placed in a position to determine whether or not there is still any need for this kind of
5 process in the light of disclosures that will have been made in an amnesty application.

I take into account that any constitutional dispensation in particular the right to a fair process is something that must be accorded to witness or to all those who have to appear before a tribunal of this sort. And on that
10 basis alone I would have been inclined to grant a postponement because we need to appear and mean to appear to be according each and every person who appears before us. And opportunity not only to be heard but to present their positions very, very clearly, honestly and with the assistance of those who are legally trained to do so.

15 I think on the basis therefore that Mr Van der Merwe needs to consult with his client and know particularly on the basis that his client has indicated that there will be more information that will assist this process and the Commission than that indicated to by us in the notice served on him. It seems to me it is reasonable to grant a postponement
20 and a postponement is accordingly granted.

Before I mention the manner - the date to which the matter must be postponed I need to make a few remarks. It is our view based on

information that we have that attempts are being made by people who consult in groups to sanitize whatever evidence they want to present to the Commission. It was our considered opinion that there are attempts to test the waters by which I mean that there are attempts to find out how much is in the knowledge of the Commission by way of omissions act for offenses committed by those who would like to apply for amnesty.

And it is our impression founded on very good reason that certain testimonies are being placed before us in a manner that is consistent and commensurate with an attitude of [indistinct] the sails in order to suit the winds.

From the point of view of an investigative inquiry and from the point of view of the Commission General I can only state that that attitude is a dangerous attitude not only for process but for the people themselves. They can only do a great deal of injustice to themselves and I would hope in the manner in which I had remarked at the beginning of this inquiry that your client Mr Van der Merwe as he has pledged is going to go through the sensitive process that I appreciate he has to go through with the view to making a full disclosure.

And a full disclosure is nothing more, nothing less and it lies within your client to give in the interest of his own application a full disclosure to the Commission. That's a task that the Commission has been in mandated through the various committees to deal with and we would only

hope that the pledge by your client for co-operation is not just words, it is a commitment that is mend and that our minds would be disabused of the view that we hold now that there are attempts to undermine this process by making it less than what it should do. I can refer only to a statement
5 that General Johan Van der Merwe is credited who have made after he'd testified in an amnesty application in Johannesburg.

A statement was disturbing if it is truth because he's coded to have stated that having divulged what he did at that process and at that point in time he was now going to wait and see how much comes forward so
10 that he can then come forward and speak about those things in relation to which it appears is public knowledge. I'm not satisfied that - that amongst [indistinct] to a full disclosure. And I'd hope that in the time that remains between now and the cut-off date your client and those with whom he's going to consult are going to have and express a faith in the
15 process. That he is not going to leave us feeling that we have been made fools of and that we have been cheated because in the fullness of time these things will be revealed.

It would be in the interest of those who would benefit by such revelations before the cut-off date to take the initiative. This matter stand
20 adjourned to a date to be arranged between Mr Van der Merwe and Adv Goosen but which date will be before the cut-off date.

That concludes the proceedings for the day, I believe there is lunch available so you are invited to lunch.

