

ON RESUMPTION ON 19.08.97 AT 10H00

CHAIRPERSON: I don't know if, Mr Wessels, there are any submissions you would like to make on the first issue relevant to your client's inclination or request that he should not be photographed by the media for the reasons that were stated yesterday?

MR WESSELS ADDRESSES: Mr Chairman, just in summary, I have indicated to you yesterday that it is of importance to my client, both in his personal life and also for his family, that his face is not shown unnecessarily because people have certain perceptions about him, and those perceptions are not necessarily the true position. The true position will come out, hopefully, during the course of the Truth and Reconciliation Commission hearings that will be held in due course, but in the meantime he can be severely prejudiced if his face is now shown in the media.

Secondly, there must be a weighing-off of the interest of my client with that of the public in general. It is my submission that the media don't really have rights in this regard, and that the interests of my client is of much greater importance, at this particular stage, than any other person. To show his face would really just be to serve the media's inclination to be sensational, and I submit that that is not what is to happen at these particular proceedings.

I have nothing further, thank you Mr Chairman.

CHAIRPERSON: Thank you Mr Wessels. Mr Malan do you want to make any submissions?

MR MALAN ADDRESSES: Well Mr Chairman I think the priority of the Investigation Team is to get on with the work and to get on with the

process of obtaining information. If it will ease Mr Verster's attitude towards the Commission if his photograph is not taken then, in my submission, it will not hinder our work and the press must take their chances on the street. I have nothing further.

CHAIRPERSON: Thank you Mr Malan.

### RULING

In indicated yesterday that I would make a ruling this morning about the issues that have been raised in connection hereto.

The application that has been made by the witness purports to be made in terms of Section 33 hereof. Section 33 provides that:

"All hearings of the Commission shall be held in public and open to the public".

However, Section 33(b) provides that:

"If the Commission, in any proceedings before it, is satisfied that it would be in the interests of justice or there is a likelihood that harm may ensue to any person as a result of the proceedings being open, it may direct that such proceedings be held behind closed doors and neither public or category thereof shall not be present at such proceedings or any part thereof, provided that the Commission shall permit any victim, who has an interest in the proceedings concerned, to be present.

An application for proceedings to be held behind closed doors may be brought by a person referred to in paragraph B and such application shall be heard behind closed doors. The

Commission may, at any time, review its decision with regard to the question whether or not the proceedings shall be held behind closed doors".

And then there are further provisions with regard thereto.

The other relevant section in terms of which we would like to consider this would be Section 37 which indicates that subject to the provisions, including the provision of Section 33 which I have just read:

"The Commission shall, with due regard to the purposes of this Act and the objectives and functions of the Commission, decide to what extent, if at all, the identity of any person made an application under this Act or gave evidence at the hearing of such application or any other inquiry or investigation under this Act may be disclosed in any report of the Commission".

I do not consider that that particular section is of relevance.

These are proceedings held in terms of Section 29. Section 29 indicates in subsection 5 thereof that:

"No person other than the member of the staff of the Commission or any person required to produce any article or to give evidence shall be entitled or be permitted to attend any investigation conducted in terms of this section.

The Commission may, having due regard to the principles of openness and transparency, declare that any article produced or information submitted at such investigation shall not be made public until the Commission determines otherwise, or

in the absence of such a determination, until the article is produced at a hearing in terms of this Act or at any proceedings in a court of law".

The application seeks to say that a photo opportunity by the media at any stage during the course of these proceedings shall be an attendance at these proceedings in contravention of Section 29(5) of this Act.

Submissions have been made from the bar, by the legal representatives of the witness that even though Mr Verster is going to make an appearance at a public hearing when his amnesty application is considered at this stage it is not thought that it is in the interests of justice.

Also I understood their submission to be insinuating or in his personal interests that his identity should be disclosed.

I have operated in this Commission for the time that it has existed on the understanding that it is an open and as transparent a process as can be. It is also true, of course, that one wants to take into account the interests of the witnesses.

In the same section due regard to the principles of openness and transparency should be taken into account, and it is my view that unlike in the times in similar commissions there was a shroud of secrecy surrounding the identities of persons it would be against the spirit and tone of the aims and purposes of this Commission if we were seen to be party to an attempt to gag the media, in the limited rights that they have. Already they are not part and parcel of these proceedings, they are not going to be here, they haven't got to be here, and all that they are entitled to and request is an opportunity to take a photograph of the witness.

I am not personally persuaded, in spite of the concurrence of Mr Malan, that these proceedings will necessarily be jeopardised by the fact that I may rule, as I will, that I cannot stop the media from taking a photograph of the witness.

My ruling, therefore, is that the media will be permitted an opportunity to take a photograph of the witness and that this is a ruling that I have come to after a great deal of consideration of all the issues, including the interests of the witness himself.

CHAIRPERSON: Mr Wessels?

MR WESSELS: I have nothing to add Mr Chairman.

CHAIRPERSON: There is the matter of compellability of the witness in terms of Section 31. I do not know whether the respective parties want to adduce arguments now or whether arguments will be adduced at a time when an issue touching on the compellability of Mr Verster as a witness, in instances where he, or in all instances as a matter of fact, when that issue arises. I am happy to deal with the matter in whichever way the respective parties want to deal with it. Do we have any ...(intervention)

MR WESSELS: I think we might as well deal with that at the outset Mr Chairman.

CHAIRPERSON: As you please Mr Wessels. Now who will begin?

MR MALAN ADDRESSES: Mr Chairman may I submit that it would be sensible if Mr Wessels introduced his arguments first because at this stage we do not fully know on which provisions of the Act or of other Acts they rely on their attitude that they do not have to answer all the questions, and that we then respond to that.

CHAIRPERSON: Are you happy with that?

MR WESSELS: Yes I have no problem with that.

CHAIRPERSON: Very well then, if you could proceed.

MR WESSELS ADDRESSES: Mr Chairman in terms of Section 31 a person is only compelled to answer a question which may incriminate him if the Commission issues an order to that effect after the Commission has inter alia considered or discussed the matter with the Attorney General who has jurisdiction. Also that such information is important, and I only have the Afrikaans version here, but you do have the English version in front of you I believe. The Afrikaans version reads:

"A person contemplated in subsection 1 is only compelled to answer a question or to adduce an object which can incriminate him or her if the Commission has issued such an order after the Commission -

- a. has consulted with the Attorney General who has jurisdiction in the matter;
- b. has satisfied itself that such information is reasonably necessary and justifiable in an open and democratic society based on freedom and equality; and,
- c. has satisfied himself that such a person has refused or is likely to refuse to answer a question or to produce an object on the basis that such an answer or object will incriminate him".

Mr Chairman from this, at this stage, you must assume then that Mr Verster will refuse to answer questions, in particular questions relating to activities outside South Africa which may incriminate him.

It is then important to first of all decide what would incriminate him and how the test is to be applied. I want to refer you to the case of MAGMOED v JANSE VAN RENSBURG AND OTHERS 1993 (1) SA 67.

CHAIRPERSON: What are the parties?

MR WESSELS: (Long break in transmission)

Sorry, this relates to court proceedings but in my submission the same is applicable here because in terms of Section 31(4) it is said that a person has the same privilege that he would have in a criminal matter in a criminal court.

On page 104 of the MAGMOED case the court held as follows:

"The witness should be given considerable latitude in deciding what is likely to prove an incriminating reply. As Steyn, CJ pointed out in S v HEYMAN AND OTHER 1966 (4),

'the avoidance of incriminating replies may not be a simple matter by any means. As observed in Q v BOYES, S v KARNESON, a question which might, at first sight, appear a very innocent one, might, by affording a link in the chain of evidence, become the means of bringing home an offence to the party answering'".

In a similar vein are the remarks of Lord Denning, MR in RAY WESTINGHOUSE URANIUM CONTRACT where he said,

"There is the further point once it appears that a witness is at risk then a great latitude should be allowed to him in judging for himself if the effect of any particular question, see R v BOYES, it may only be one link in the chain or only corroborative of an existing material, but still he is not bound to answer if he believes, on reasonable grounds, that it could be used against him".

Mr Chairman on the authority of this case and by virtue of the provisions of Section 31 of the Act it is my submission that any question relating to foreign activities which Mr Verster may refuse to answer he is not compelled to answer and that he should be entitled to refuse to answer such questions.

Thank you Mr Chairman.

CHAIRPERSON: Now are foreign jurisdictions contemplated in this provision or is it only local jurisdictions that are contemplated?

MR WESSELS: Sorry Mr Chairman, in this....

CHAIRPERSON: In Section 31.

MR WESSELS: Mr Chairman the section is silent on that so one must assume that it covers everything.

CHAIRPERSON: Section 31(2)(a) which Attorney General would have jurisdiction if we are talking about foreign jurisdictions?

MR WESSELS: Well it may all depend where certain actions were planned. There may be two Attorney Generals, it may be the Attorney General of the foreign country and it may be the Attorney General which



has jurisdiction over the person involved where Mr Verster is, or it may be the Attorney General in the jurisdiction where the actions were planned.

CHAIRPERSON: If the legislature contemplated that this section was to be applicable also to foreign jurisdictions don't you think it is because it is a matter of moment and of such importance that the legislature would have stated it in so many words, that it wouldn't be a matter of conjecture foreign jurisdictions are also contemplated?

MR WESSELS: Mr Chairman ...(intervention)

CHAIRPERSON: I was just asking him because, ja.....

MR WESSELS: Mr Chairman I don't believe so because it would be an anomaly if a person would get protection in South Africa but insofar as foreign jurisdictions are concerned he doesn't have any protection at all, that would be an anomaly in the Act, and it would rather be the opposite from what you put to me, that if that hadn't been the position that he receives this protection there should be such an exclusionary clause in the Act.

CHAIRPERSON: Thank you Mr Wessels. Mr Malan?

MR MALAN ADDRESSES: Mr Chairman firstly I think one should look at the general nature of the Act and one can start right at the beginning of the preamble which places a duty on the Commission to look into "gross violations of human rights committed in the stipulated within or outside the Republic". This shows that the Act places a duty on this Commission to look also at trans-border acts committed by anyone whether they be linked to the State or to a liberation movement or be in any other capacity.

The same thing appears for instance in Section 20(2) where in the definition of "political objective" there is again an explicit reference to acts "advised, planned, directed, commanded etc, within or outside the Republic in the stipulated time".

And I think it is therefore clear that the investigative work that this Commission has to do is not limited simply to acts committed inside the Republic. And from this alone it is clear that if a witness could rely in general, or could refuse in general to answer about acts committed extraneously this purpose would not be capable of being achieved.

If one looks at Section 31, which refers to the compellability of witnesses, my submission is that the section itself makes distinction between various grounds on which a person might rely not to answer questions. The first is that it might incriminate him, and this is specifically dealt with in subsection 2, and in my submission the Act takes it outside the normal state of law by making specific provisions so that I do not see the case of MAGMOED v JANSE VAN RENSBURG applying here.

The Act in fact says that the person must answer incriminating questions and has its own provisions to deal with it, namely that the protection granted is another one, the information thus obtained may not be used against that person in criminal proceedings or before any other institutions.

Therefore I submit that the procedure as it obtains in a court of law does not obtain before the Commission. The Act is in fact very clear and

it says "any person questioned must answer any question put to him notwithstanding that it may be incriminating".

As regards other possible reasons for not answering they are dealt with in subsection 4, and they state that "the law of privilege, as applying in a criminal case in a court of law shall apply before this Commission". The fact that this distinction is made once again serves to show that as far as the argument of incrimination is raised, this is excluded from Section 4. So the normal law as it applies in a criminal court, as regards incrimination, does not apply before this Commission.

The Act does offer various safeguards to a person who is by virtue of this provision placed in difficulty, as Mr Verster perceives himself to be, and that is various clauses relating to secrecy or protection of this evidence. His own person may be protected under Section 33 and there are various clauses that say the Commission must deal cautiously with this evidence, and may in certain cases upon application, even withhold it from the final report.

Now I submit that these constitute the protection that Mr Verster can legally rely on but that the Act does not, in my submission, entitle him simply to refuse the answers because they might incriminate him.

As far as other possible grounds go and some of them haven't been raised this morning but were referred to yesterday, the one referred to the duty Mr Verster had as a commanding officer towards his subordinates and he perceived this duty to be one of protection of them in their acts as he protected them at that time. Perhaps I might just ask Mr Wessels if his

client is still relying on that provision or whether that argument now falls away?

MR WESSELS: I am not relying on that provision or my client's attitude that he needs to protect anyone as a matter of law in this particular regard.

MR MALAN: Does that mean, Mr Wessels, that your client is now willing to provide names should they be requested by the Commission?

MR WESSELS: No he's not prepared to do that. For that I rely on the agreement that has been reached that I mentioned yesterday Mr Chairman.

CHAIRPERSON: That agreement is not going to weigh heavily with me Mr Wessels I can tell you now. I don't have that agreement nor an opportunity - I don't have that agreement, unless I have that agreement I am not going to rely on it at all.

MR WESSELS: May I hand it up to you Mr Chairman.

CHAIRPERSON: If you could.

AGREEMENT HANDED TO CHAIRMAN

MR MALAN: Mr Chairman while this document is delivered to you may I just confirm then that that is the extent of the argument that this legal, not this legal but this agreement should serve also to Mr Verster's benefit but not that, for instance, the Defence Act compels him not to reveal names? So there is no legal argument involved.

MR WESSELS: I don't intend addressing you further on that particular aspect or rely on anything else at this particular stage. It may be that at a different forum in due course this argument will have to be addressed again, and there may be further grounds.

MR MALAN: Mr Chairman that concludes my argument regarding the matter of incriminating questions.

CHAIRPERSON: I take it that Mr Malan you will have to be given an opportunity to study that document before a ruling can be made as far as the agreement is concerned, and that goes for the rest of the panellists.

MR MALAN: Mr Chairman may I reply to Mr Malan's argument on the compellability of answering questions in general?

CHAIRPERSON: Very well Mr Wessels.

MR WESSELS: Mr Chairman it is correct as Mr Malan has pointed out that the Act makes provision that the Commission is to enquire into acts which occurred inside South Africa as well as outside of the territory, therefore one must assume that all the provisions in the Act are equally applicable to all such actions whether they were incurred inside or outside the jurisdiction. On that basis Section 31 would then also be applicable to actions whether they had taken place inside or outside the jurisdiction and therefore that is the ruling section that you will have to comply with before the Commission can compel my client to answer such questions. And I believe that at this stage there is no compliance with that section as yet. He therefore cannot be compelled to answer any incriminating questions.

With respect to Mr Malan's argument where he said that the MAGMOED case is not applicable and our normal law does not apply before the Commission, that is quite the opposite as to what the exact provisions of Section 31(4) says. The Section says as follows, and I will read you the Afrikaans:

"Subject to the provisions of this section..."

that means that this particular article is to apply, and apart from that it is,

"...the law relating to privilege as applicable to a witness who has been subpoenaed to testify in a criminal case is also applicable to a questioning of a person in terms of subsection 1".

Now that says exactly what my argument is that the normal law does apply save insofar as Section 31(1) and (2) brings about a change to that position. The case of MAGMOED is therefore applicable. It is part of our law that a person is not compellable to answer incriminating questions, or rather give answers that have an incriminating effect to any question. And before he can be compelled to do so the requirements of Section 31(2) must be complied with.

It will also be noticed from Section 31(3) that in the extraordinary case of a person being compelled to answer incriminating questions such answers are not admissible in a court of law against him in any prosecution.

Now the position in regard to matters outside the jurisdiction in this country is very complicated, because this Act, and in particular Section 31(3), cannot be made applicable in any foreign country. If Mr Verster is compelled to give answers regarding actions that took place outside South Africa and he is compelled to give such answers such answers may, in due course, get to the Attorney General in a foreign country and the Attorney General may prosecute him or ask for his extradition to such country, and

in the event of that being granted and he be prosecuted there the protection of Section 31(3) would not be there for him.

Therefore such a person is being severely prejudiced and it can never have been the intention of the legislature that a person be prejudiced in that a foreign country he does not receive the protection that the legislature expressly provided for him in this particular Act.

Therefore Mr Chairman, with respect, it is my submission that it must be clear that in regard to the matters that Mr Verster is to be questioned in regard to foreign actions where he believes that there is incrimination for him he should not be compelled to answer any questions.

Thank you.

CHAIRPERSON: Mr Khoisan do you want to say anything?

MR KHOISAN ADDRESSES: Thank you Mr Chairman. You know I am essentially a layman in these matters but as an investigator for the Truth and Reconciliation Commission I would like to say the following things.

1. That this hearing, this Section 29 Hearing has been called in respect of ongoing investigations which involve Mr Verster, who is your client, and other persons who were party to an organisation of which Mr Verster constituted the command element and which has been accused of, or allegations have been made to the effect that this organisation, of which Mr Verster was the commander, carried out actions which resulted in gross human rights violations being committed against victims who have brought those allegations to the Commission in the form of statements.

We, as the Investigative Unit, have been called by this Commission to investigate those statements fully, to investigate those allegations and to

present to the Commission as full as possible a report concerning those allegations that have been brought in the form of statements by these victims.

I personally cannot see how Mr Verster's privilege would supersede, in this new democratic dispensation, the rights of victims who also have to have the same accessibility to this Commission. Many of the victims, some of them who have suffered and who have declared in public forums, for instance the case of Father Michael Lapsley, where he suffered as a result of a bomb which was sent to him in Zimbabwe, he has publicly said that he has suffered as a result of this action and he has accused the CCB of being the institution which is responsible for the bomb which caused untold damage to him personally, and also damage to his property. That's only one of the cases that I can mention.

Now in order for us to discharge our mandate, and we are called by the law to investigate fully, we are not called by the law to participate in a cover-up, to protect anybody's privilege and to defend institutions who no longer have a mandate to exist under this new dispensation.

So I would like to say in closing Mr Chairman that the rights of the victims must be taken into account by this Commission. Secondly, that the Commission must weigh Mr Verster, and as he noted yesterday, his privileges and his ethos, his ethics, not to disclose this, the names of people involved and discuss projects outside the country, against the rights of persons like Father Michael Lapsley who have a right based on the fact that he has accessibility to this Commission to know what happened to him, how and why he suffered as a result of a bomb sent to him.



The final thing I would like to say is that the organisation that Mr Verster was a part of no longer exists under this new dispensation. It is not protected by this law. Many of those persons who were part of that organisation now are currently living normal lives and in fact I don't see how we are different from any other institution that has attempted to get to the bottom of this truth.

As Mr Verster well knows he was the subject of an investigation by the Steyn Commission. He and his organisation and the persons to which he was affiliated and allied was subject of investigation which was carried on by the Goldstone Commission. And he and his institution were also subject to an investigation of the Harms Commission. We come at the end line and I think after all of these commissions the people of South Africa have a right to know what happened.

Also that this is an in camera hearing. There is nobody in this room, unless Mr Verster can prove, can put information on the table to prove that regularly information gained in Section 29 Hearings are sent and handed over to the public or sent through some sneaky means to Attorneys General in other countries or around this country, then I think that Mr Verster's privilege cannot supersede the privilege of the people of South Africa and also the privilege of the rights of the victims, because the victims, fundamentally, have some rights, and Mr Verster's rights must be weighed against the rights of the victims.

CHAIRPERSON: Mr Magadla are you wanting to say anything, and please be - we have to move on and if you can.....

MR MAGADLA: Yes. What becomes of the position if Mr Verster's answers implicate other people who were under him, do those people fall under the privileges of protection as well? And also the fact that this inquiry in an in camera inquiry, I am feeling that there has to be a consideration for that in the sense that as it is an in camera inquiry it seeks to protect Mr Verster with regards to whatever he may say here which would implicate other people or even himself. But I am just saying does it protect this privilege, does it also extends to protect other people that he may mention? Thank you.

CHAIRPERSON: Mr Wessels would you like to respond to....

MR WESSELS: Yes, thank you Mr Chairman. Mr Chairman this Commission is a creature of statute. It only exists insofar as Act no.34 of 1995 gives it a right to live. It derives its rights and its obligations and its responsibilities in terms of this Act. The victims have certain rights in terms of this Act and any person in the position of my client has certain rights in terms of this Act. An emotional argument about the victims and their rights does not alter the law. You can only make decisions and act within the four corners of this Act, and if the four corners of this Act contain certain protection to my client then he's entitled to that notwithstanding what may have happened to certain people in Zimbabwe or wherever.

Therefore it is my submission that in terms of this Act my client has certain rights he wishes to rely on those rights and that you do not have the jurisdiction, with respect, to supersede those rights or to deny him those rights. Thank you.

CHAIRPERSON: Thank you Mr Wessels. It is quite clear that I will need time to consider my decision as to which way we should go. I would hope that between now and then it should be possible for Mr Khoisan and the rest of the panel to pursue enquiries which would not necessarily need a ruling on this particular point until I have been able to give my ruling.

I have to indicate that Dr Boraine and I have to go and see Mr Kasrils, the Deputy Minister of Defence at 12, so we will adjourn these proceedings at ten to 12 so that I can go and see Mr Kasrils with Dr Boraine and we would have to resume at quarter to two, at which time I will give my ruling on all the aspects that have been dealt with today.

MR WESSELS: Mr Chairman I don't know until what time we are going to sit today or what the plans are, may I just place on record at this stage that I have to go back, I don't know about my attorney but I am going back tonight and I have to take a certain flight, and I am hoping that we will be finished by the time that I have to leave to go to the airport.

CHAIRPERSON: Maybe we should look at you and Mr Khoisan and Mr Malan should look at that during the long lunch hour adjournment. I would ordinarily hope that we should sit until about 16H30.

COMMITTEE ADJOURNS

ON RESUMPTION

MR MALAN: Mr Chairman may I use the opportunity just to place on record the document handed up to you. It is headed "Minutes of the meeting held at the offices of the TRC on 6 May 1997". Present were Judge Mall, Judge Wilson, representing the Commission, then a legal team consisting of Mr van der Hoven, Advocates Coetzee and de Vos and there

were three generals present, Viljoen, Liebenberg and Geldenhuys and a Mr R de Ville. It is minutes, therefore I think it would overstate it to say that it was an agreement or a contract or anything of that nature. What is relevant on page 5 it says here,

"The applicant's disclosure should entail full disclosure of the applicant's participation, his planning and his execution of the deed or what his colleagues did. It might involve what influenced him, it is important to disclose who ordered the soldier to execute an operation or a deed, it is not necessary to name co-participants in an operation".

I think these are the relevant provisions relating to the disclosure of names.

CHAIRPERSON: Do I understand those minutes to be recording a meeting between members of the Amnesty Committee and people representing the South African Defence Force or South African National Defence Force?

MR MALAN: Mr Chairman it does not indicate in what capacity the Honourable Judges met this delegation but perhaps Mr Wessels can inform us, it would certainly seem to me to be the case.

MR WESSELS: Yes, I wasn't present at that meeting, I was merely informed of that and because my client used to be regarded as being one of the soldiers that's - where reference is made to soldiers in that meeting, I believe that that was a meeting between the TRC in its official capacity and representatives of the military personnel that made application for amnesty.

MR MALAN: Yes Mr Chairman there are references in this document that show the Generals were mainly concerned about the ambit of their own amnesty applications, if I read it correctly. There are also references to the matter of cross-border operations at page 5, paragraph 5.5.

"With specific reference to cross-border operations it was emphasised that an application could be amplified later..."

and I submit this would also apply to Mr Verster.

"If there is anything that an applicant does not know about at the moment an application can be supplemented at a later stage. The Judge further emphasised that they want this whole amnesty process to work as practical and smoothly as possible".

There is a further reference later on that the Judge, who is not named,

"...conceded that the SA Government or the TRC can't prescribe a foreign government how to address a cross-border operation. This is an issue which should have been negotiated with the politicians".

I think that merely states what we all know and that is that the TRC does not bind a foreign government in proceeding according to its own criminal statutes.

This is as far as the topics were addressed at that meeting. I don't know if Mr Wessels wants to place any other parts on record, but the document is now available in its entirety.

MR WESSELS: No, thank you Mr Chairman.

CHAIRPERSON: Thank you Mr Malan. I will, as I indicated, I will have to look at the document and determine its relevance to our proceedings and then I will be able to give a ruling on the issues at the time that I indicated.

Mr Khoisan you should commence your asking for questions to Mr Verster on the basis that you will endeavour to avoid issues that should address the whole question of compellability of this witness until I have made a ruling.

PIETER JOHAN VERSTER: (s.u.o.)

QUESTIONS BY MR KHOISAN: (cont)

Thank you Mr Chairman. To begin with I'd like to ...(intervention)

CHAIRPERSON: Can I just indicate, remind Mr Verster that he is still under oath.

MR KHOISAN: Thank you Mr Chairman. To begin with I'd like to hand two documents to Mr Verster and his attorneys. This is 10427, case no.93, it's the case between KEITH v MINISTER OF DEFENCE, and these are two documents that are being handed over to Mr Verster.

MR WESSELS: Mr Chairman may I just place my objection on record for receiving these documents at this very late stage. We haven't had the opportunity to consider it, it all comes as a surprise, I don't know what it contains, it may be that we need to take an adjournment to consider it.

CHAIRPERSON: Mr Khoisan can you explain this conduct?

MR KHOISAN: Thank you Mr Chairman. If I remember and recall correctly, to quote you verbatim you said that - let me just say that you

said at the end of yesterday's proceedings that we would have a time in the morning after these arguments had been discharged to hand whatever documents needed to be handed to the legal team. You actually gave us ... (intervention)

CHAIRPERSON: You understood me very wrongly Mr Khoisan. I said between nine and ten you and the other party should confer as to what approach you are going to adopt so that you don't have a dispute about what they have and what you have. This is completely the opposite. I expected you between nine and ten, because you were complaining that they have documents which you have given them a long time ago about Project this, Project that, and then I said take advantage of the time between nine and ten to confer with the legal representatives of that side and say now look this is what we are going to be questioning you on, you have these documents, don't come with the excuse that you don't have the documents. So please ask them on what they have.

MR KHOISAN: No, just in terms of that Mr Chairman, this is a matter that was referred to yesterday by Mr Verster ... (intervention)

CHAIRPERSON: Mr Khoisan do they have the documentation that you have just given them or is it the first time that they are getting the documentation you are giving to them? Is it the first time that they are seeing that documentation, ever? If it is so, with respect, I am not going to allow you to pursue questions on the basis thereof. Ask them on what you have provided them documentation for. You have provided them on a number of documents, Mr Khoisan, it should be possible for you to conduct your enquiries on that basis. We are wasting time.

MR KHOISAN: Thank you Mr Chairman. Well without further ado, and I accept all your criticisms Mr Chairman, without further ado I'd like to proceed and talk about a matter that came up in the High Court and which I believe we addressed yesterday and we spoke about yesterday, and this matter is also referred to in a document which is currently in the possession of Mr Verster. I'd like to draw your attention to a document, "Civil Cooperation Bureau", that's CCB, BSB, do you have that document before you?

MR WESSELS: Mr Chairman we have documents about 20 centimetres thick, I don't know there are numerous CCB documents in this - really we cannot work like this.

MR KHOISAN: Mr Chairman we referred to this document about 40 times yesterday and we drew Mr Verster's attention to it, Counsel accepted the fact that they have this document in their possession and they responded on several points regarding this document. In fact this document is the very document which contains a matter which was under discussion for a long time which includes the CCB Year Planning 1987, do you have that document in front of you?

MR WESSELS: Mr Chairman Mr Khoisan is aggressive towards me now. We were here from nine o'clock this morning, quarter to nine, nobody approached me, no one came to me to try and expedite these proceedings. I may have this document, Mr Verster has now got a document there, but he must please identify it properly then we can proceed with these proceedings in the proper manner.



CHAIRPERSON: I agree Mr\_ - I agree very, very, very - entirely with you. Mr Khoisan please, if you are referring to a document make sure that it is a document that - are those documents, don't you have a similar set of documents to theirs, like where you can say it's annexure so and so?

MR KHOISAN: In fact Mr Chairman this is a document that has served as a subject of much of our discussion yesterday. It is a document entitled "Civil Cooperation Bureau", Mr Verster has that document in front of him?

MR J VERSTER: I think it's this document.

MR KHOISAN: It is. Can we use that document and go to the section of the document entitled, let me get the exact title for you so that we don't have to waste time with this, "Aspects of possible problems for the State", that's the last 32 pages of the document, it's right at the end. Do you have that section? The last part of that is marked 1 to 32, it's the very end of that document, the last 32 pages of that document and it's marked 1 - 32, "Aspects of possible problems causing embarrassment for the State". I can provide Mr Verster with a copy of this I believe so that he actually has it.

CHAIRPERSON: Can I suggest something that might be practical, can I just suggest. In the interests of time can the legal teams compare their documents and make sure that they have the documents that are going to be referring to. I am adjourning these proceedings for 15 minutes and I am getting all the legal teams to look at the documentation they have, that is going to be used, so that we can have this matter kicking and running as fast as it can.

I am just amazed that anyone misunderstood what I said yesterday about an hour having to be used in preparation for this exercise. We will adjourn for 15 minutes.

COMMITTEE ADJOURNS FOR 15 MINUTES

ON RESUMPTION

CHAIRPERSON: Let's resume, Mr Verster you are under oath.

PIETER JOHAN VERSTER: (s.u.o.)

QUESTIONS BY MR KHOISAN: (cont)

Thank you Mr Chairman. Now getting back to the matter that was under consideration before the break and I do apologise to the Chairman for wasting people's time, but can we get to the document at hand, "Aspects of possible problems causing embarrassment for the State".

MR J VERSTER: Mr Chairman I have it in front of me.

MR KHOISAN: And then in respect of that matter can we turn to the section that we were dealing with, you have that section in front of you?

MR J VERSTER: That's correct.

MR KHOISAN: Okay. In terms of that, maybe let's quickly just go through a couple of issues here, before we go back to that can we just start at page 6 of that particular section that we are dealing with.

MR J VERSTER: Yes Mr Chairman, I have it.

MR KHOISAN: In that section we are dealing with "Person no.4, Project D", okay, do you have that?

MR J VERSTER: I have it, yes.

MR KHOISAN: Now in that section, for the record, can we deal with the person that has been mentioned and has actually been part of the discussion here, Commandant Meerholtz.

MR J VERSTER: Yes I have it in front of me.

MR KHOISAN: Okay. Just for the record, just so that we can get this in order, who is Commandant Meerholtz and what was his role?

MR J VERSTER: Commandant Meerholtz, the fact that his rank is mentioned he was a member of the Special Task force and he was attached to one of the regiments.

MR KHOISAN: Now in terms of his relationship to the CCB, what was his position that he held specifically within the CCB?

MR J VERSTER: It may be that this reference was made to a time that he was not part of - I just want to tell you I do not know whether Commandant Meerholtz's family knows that he worked for the CCB at a certain stage. I don't know whether it will serve any purpose for these proceedings for his wife and his children, because he's deceased, to mention these things. But at a stage he was a regional manager of Region 4.

MR KHOISAN: Of Region 4 and that would be, which Region Mr Verster?

MR J VERSTER: Region 4 was amongst others, Lusaka, Angola, Tanzania.

MR KHOISAN: Okay. And in terms of that particular Region can you give us an idea of, estimated, how many projects were relevant to Region 4?

MR J VERSTER: I can't remember Mr Chairman. There were various projects. A project was, for example, a person's, even his name or just his business' name or some or other activity he was involved in.

MR KHOISAN: Okay. Can I redirect that and maybe ask you, can you give us a sense, because we want to get through the concept and understand the organisation, can you give us maybe a sense of some of the stuff that was being dealt with in Region 4?

MR J VERSTER: Region 4 was specifically used for counter-revolutionary actions, that is for foreign activities and we come back to the same problem we've had previously.

MR KHOISAN: Okay. And just one question, in this range of activities, of counter-revolutionary activities, did it involve, just broadly, did it involve targeting of people?

MR J VERSTER: You've provided me with documentation referring to all these particulars of our actions in this regard and it's not necessary then to answer this question.

MR KHOISAN: No, I am just trying to find out, on a very specific level, whether that involved targeting of people in Region 4?

MR WESSELS: Mr Chairman may I come in at this stage, that is a question that, my client informs me, that may incriminate him, he's not prepared to answer that question.

MR KHOISAN: Very well Mr Chairman, that is noted. And then let us go to page 19 of that particular section of the document under discussion. Under J, Project 6H do you have that?

MR J VERSTER: I have it, yes.

MR KHOISAN: We are referring here to Project Crawler?

MR J VERSTER: That is correct, that was also a foreign project.

MR KHOISAN: Okay, and what did Project Crawler involve?

MR J VERSTER: Mr Chairman it entailed the acquisition of a ship.

MR KHOISAN: Okay. Was that ship bought in Denmark?

MR J VERSTER: That is correct Mr Chairman.

MR KHOISAN: And in terms of Project Crawler, am I correct to say that Project Crawler was a project that was connected to another Project, that is Project Direksie?

MR J VERSTER: Mr Chairman I am advised not to respond to this, this is a foreign issue.

MR KHOISAN: Okay. And in terms of Project 6H was this a subject that was under consideration in any court or other legal institution inside the borders of the Republic of South Africa?

MR J VERSTER: Mr Chairman I know there was a dispute between our group and the South African Army regarding the handling of the ship.

MR KHOISAN: In terms of Project Crawler, just from your own understanding Mr Verster, am I correct when I state that Project Crawler was also a project that was connected to projects or a project in the area which was demarcated by Region 7, Zimbabwe?

MR J VERSTER: I am advised not to answer this question.

MR KHOISAN: Okay. And am I correct to say that Project Crawler involved the buying of a ship, as you have indicated, for other purposes?

MR J VERSTER: I don't understand what you are asking.

MR KHOISAN: Okay, let me put it to you that the ship discussed in Project 6H, or the buying of the ship discussed in Project 6H is tied to a project which involved breaking people out of prison in a foreign country outside the borders of South Africa?

MR WESSELS: Mr Chairman with respect, we have made our position clear. It serves no purpose to ask these questions of my client because he is not going to answer those questions. Perhaps if we could use the time and get to something where we will cooperate as fully as we can.

MR KHOISAN: I have heard you very, very well Counsel and maybe we can then go to what you have as Annexure 4, "Reasons for the elimination of K E Mlaba", do you have that in front of you?

MR J VERSTER: I have it, yes.

MR KHOISAN: Are you prepared to discuss this matter with the Commission?

MR J VERSTER: Yes Mr Chairman I have no problem with that.

MR KHOISAN: From your understanding of this document that is presented to you in the form of Annexure 4, what is this document connected to and what was its relationship to the work conducted by the CCB?

MR J VERSTER: I have nothing to do with this document, I know nothing about this document Mr Chairman.

MR KHOISAN: Was the person mentioned as the subject in Annexure 4 ever the subject of - was this person ever targeted by the CCB?

MR J VERSTER: I do not know this person. I think it was part of the intimidation against us starting with the Harms Commission where these things were presented against us. At that stage I've already said I know nothing about it.

MR KHOISAN: But in the way this document is set up does it appear to be a document that relates to a plan to eliminate a person?

MR J VERSTER: Mr Chairman this document looks like a document written by an unskilled person creating the impression that he could possibly have worked, or rather that possibly could use us as an example. This is not a professional document. It is not written according to procedures and it has no relationship with our activities.

MR KHOISAN: As part of the plan, as part of the CCB projects and what we know about projects in the region that you are, according to my understanding of your evidence, prepared to discuss with this Commission, would it be that before somebody was actually physically eliminated or would be the target for an elimination that there would be a study set up of how and why this person needed to be eliminated?

MR J VERSTER: Mr Chairman we had a certain way of acting. First of all we made a study and then we made certain plans. We did not eliminate people in that sense. It was acting against enemies of the State. We did preliminary studies, yes.

MR KHOISAN: And in terms of your preliminary studies this would involve what, for potential targets who would be set-up for elimination by the CCB?

MR J VERSTER: According to me we talked about reconnaissance and then you would determine where the person is living, what he is doing, what his activities are, which bombs he is smuggling, which activities he is trying to undermine the sovereignty of the State, and accordingly it was referred to Headquarters as part of a plan according to procedures.

MR KHOISAN: And in terms of these plans are you aware, or have you ever - are you aware of or has there ever been a list of potential targets that have been drawn up inside the country by the CCB?

MR J VERSTER: We never did that, it was part of that dispensation to - there is somebody who is better able to do this, that is to counter the threat of the enemies from Moscow or people who were undermining the State, which routes are they following, who are the personalities, which vehicles they are using, what clothes they are wearing, that was documentation provided by the Intelligence community and not by us.

MR KHOISAN: No in Region 6, specifically Region 6, how was that broken up? Was it subdivided into areas?

MR J VERSTER: That was an activity of the regional manager. Region 6 was the geographic area of the Republic of South Africa.

MR KHOISAN: Now in terms of Region 6 Mr Verster, as the managing director, were you aware of the subdivision of Region 6 and the distribution of responsibilities in this region to persons?

MR J VERSTER: I can't remember that, but I accept that there were certain regions given to certain people.



MR KHOISAN: Is it correct to assume that for instance the Cape Province, and now known as the Western Province, would have been for instance generally under the control of a person like Abraham van Zyl?

MR J VERSTER: That is correct, I saw that in the documentation Mr Chairman.

MR KHOISAN: And then Kalla Botha would be one person associated with the CCB acts or actions or events in the Transvaal, is that correct?

MR J VERSTER: Mr Chairman the detail of where what person was involved in and in which area I can't remember.

MR KHOISAN: Okay. Are you aware of Project Goldie?

MR J VERSTER: I am aware of that. It was under the control of Slang van Zyl.

MR KHOISAN: Let me refer you to Annexure 6. Do you have Annexure 6 in front of you?

MR J VERSTER: Yes Mr Chairman.

MR KHOISAN: Now Annexure 6, as the managing director of the former CCB what does this look like to you, what is this?

MR J VERSTER: This document is a document printed on State paper, it has nothing to do with me. There is a number in the right-hand corner. It seems to be a document provided to you by the Auditor General. This is an audit document of an accounting officer.

MR KHOISAN: And who would have been responsible for the accounting of the CCB in - or shall I say who would have been responsible for the finances of the CCB in Region 6?

MR J VERSTER: The regional manager was responsible.

MR KHOISAN: And that was whom, Mr Verster?

MR J VERSTER: It was Stal Burger.

MR KHOISAN: And Stal Burger would have had responsibility for approval of projects in Region 6?

MR J VERSTER: No not at all. Yesterday I explained there were two aspects which were never delegated. The one was financial documentation and the other one was financial and operational expenditure. At a certain stage he could sign the documentation but he was not empowered to authorise this.

MR KHOISAN: Would I be correct in saying that Operation Goldie, it is under the auspices of Operation Goldie that certain acts committed or certain projects, certain actions of the CCB was carried out under the umbrella of Operation Goldie?

MR J VERSTER: Yes I accept that.

MR KHOISAN: In the period 1988-1989 up till 1980, or shall I say let's hold it for 1988 and 1989 can you approximate how much money went into this particular project?

MR J VERSTER: No Mr Chairman I have no idea.

MR KHOISAN: Who is the person who would have access to the documentation relating to the amount of money that Project Goldie was given in 1988 and 1989?

MR J VERSTER: We all had access, I had access, the regional manager would know what was his approved budget. This budget was given to him at a previous stage and it means the previous year, during the year

planning and also quarterly planning was done and the regional manager would know how much his budget would be and those few million rand he would use for already approved projects and he would use that for projects that had an allocated budget. And then he would propose those certain projects and use some of the money.

MR KHOISAN: So just quickly and we have a couple of more minutes left before the Chairman has to leave, but in Annexure 7 there are various certificates "For the release of funds", do you have Annexure 7 in front of you?

MR J VERSTER: I have.

MR KHOISAN: And you you had something to do with these documents or not?

MR J VERSTER: Yes we have discussed this yesterday. This is a document which is indicative and signed by Brumer, that is Stal Burger. And it says that he was present when this document was discussed on the operational side and this amount of money is correct. The financial person only sees this document. He doesn't know what is happening on the operational side, but the regional manager knows what is going on on the operational side and then he approves this document and he says that he may use this money.

MR KHOISAN: Just for the record I hope that when we come back we can discuss these projects, Project Bliss, Project Choice ...(intervention)

CHAIRPERSON: Mr Khoisan I was in fact going to suggest that the unexpected early adjournment should be utilised between the parties in establishing what documents each party has that are going to be used so

that we can cover as much ground as we can. I think you can do that between now and possibly 12:30. And I suppose lunch can be arranged for 12:30. Let us try and - I don't know how long the Deputy Minister of Defence is going to keep us. I would urge that perhaps we see if we cannot resume at half past one, but certainly not later than quarter to two, but let's aim for half-past one. So can we now adjourn until half-past one.

COMMITTEE ADJOURNS

ON RESUMPTION

PIETER JOHAN VERSTER: (s.u.o.)

MR J VERSTER: May I say something please?

CHAIRPERSON: I didn't hear you Mr Verster.

MR J VERSTER: If you will allow me the opportunity I would like to say something please.

Yesterday morning I entered this room with the attitude that I would try and help you and clarify what our role and function was and what I did. What has happened here now, in my view, is pure manipulation. I want to make that very clear. Yesterday morning you told me that the media also has rights. You clearly didn't say anything about my rights. You can make any ruling as Chairperson, I have no control over that because I am just a single individual, but I have the right as to whom can take photographs of me. You don't have the right to tell me that I will sit still so that other people can take photographs of me. I thought that there would be an opportunity for people like myself and others who played a covert role in the past to - and there are thousands of people outside who are in the same position as I am, and this opportunity could

have been one that could have contributed to reconciliation whereby we could really enter the future positively and understand each other, but what has happened here now is totally unacceptable.

I don't care who says what and I don't care what statements will be made in future about this but for me it is totally unacceptable that I, as an individual, have no rights at all. There are thousands of people who feel exactly the same way as I do, that is the current view of moderate people who have never seen any signs of real negotiations which have addressed the needs of soldiers and people who acted in a covert way in the past. My family and their safety and security have not been taken into consideration clearly, and I want you to understand very, very clearly that I am totally opposed to what has just happened here.

CHAIRPERSON: Have you finished Mr Verster? Have you finished?

MR J VERSTER: Yes I have finished.

CHAIRPERSON: Did you consult your legal advisers before you made this speech Mr Verster or is it something that you just said irrespective of whether you are or not legal represented?

MR J VERSTER: I said it Chairperson.

CHAIRPERSON: Yes, the question is are you saying it irrespective of whether you have got legal representatives or is it something that your legal representatives advised you to say?

MR J VERSTER: I told you that I said it.

CHAIRPERSON: Maybe I don't understand, what are you saying by that Mr Verster?

MR WESSELS: Mr Chairman Mr Verster is trying to say that he said it because that is what he believed.

CHAIRPERSON: Is he representing himself Mr Wessels?

MR WESSELS: I represent Mr Verster Mr Chairman.

CHAIRPERSON: And are you confirming that what he said was said without consulting you first?

MR WESSELS: Mr Chairman I am not prepared to answer that question. If I gave him advice or not it is a matter of privilege what happens between me and my client.

CHAIRPERSON: Thank you. Mr Verster I have noted your remarks. I can only again say there is a thin dividing line between what you say as an expression of things you feel deep in your heart and what amounts to contempt of this Commission. You have, however, stated your views, strongly, and I have taken note of what you have said. I have taken note also of the innuendoes that you have again, again today made about what you think of this Commission. It is clear to me you don't care for us, you don't care for this Commission, you care only for yourself.

I think I reserve, as a person who is presiding in these proceedings, and as a member of this Commission, I reserve the right to deal with your remarks at an appropriate stage. I have, however, noted what you said, and I take into account that what you said takes place after I have given the matter a great deal of consideration and after I had listened to argument. This morning I asked the legal representatives to address me on the question of whether or not the witness before us can be compelled to reply to questions if those questions have the effect of incriminating

him. There was also argument placed before me whether the witness before us can refuse to give answers on the basis that there is an agreement between the Commission and members of the Security Forces, in particular the SADF, in terms of which they are not supposed to reveal the names of their underlings. I have been given legal authorities and argument was placed before me, I indicated that I needed time to consider my judgement.

I also took note of the agreement that was being relied upon. It was read into the record earlier on in the day. I don't want to be long in addressing this matter. I will first start with the agreement.

The agreement is in minutes of a meeting held at the offices of the TRC on the 6th of May 1997 from 15H00 to 16H05 at which Judges Hassim Mall and Wilson, members of the Commission's Amnesty Committee and Messrs ABT van der Hoven and de Ville, together with Advocates E M Coetzee, A J F de Vos, Senior Counsel, and General C J Viljoen, Liebenberg and Geldenhuys were in attendance. Issues discussed were access to documentation, limitation of legal representation, the constitutionality of Section 2, amplification of an application and full disclosure.

In argument to me my attention was drawn to page 5 of that document, Section 5(2), in particular 5.4, and that section reads, and I quote:

"It is important to disclose who ordered the soldier to execute an operation or a deed. It is not necessary to name corpa dispens in an operation".

I have been made to understand that that is the section that is sought to be relied upon by the applicant when the applicant sought to rely on this agreement for purposes of not wanting to reply to questions put to him.

I was also shown the paragraph under the heading "Cross-border operations", paragraph 7, 7.2 of which reads, and I quote:

"He....."

namely the Judge, and I assumed it's Judge Mall who is the Chairperson of the Amnesty Committee,

"...considered that the South African Government or the TRC cannot prescribe to a foreign government how to address a cross-border operation. This is an issue which would have been negotiated by the politicians. On this point the meeting was told that the Amnesty Committee tried to keep from all politics".

The rest of that document does not seem to be germane to issues that I have to consider for purposes of this application.

It is clear to me that the agreement, and I will accept for purposes of this meeting and these proceedings, that it is an agreement, even though I find it is irrelevant to these proceedings, these proceedings being, by their very nature, sui generis insofar as they are an investigative inquiry, but for purposes of argument I will accept that there is an agreement. It was issues specific, it was relevant to amnesty applications.

Now amnesty applications are held in public and by their very nature they receive wide publicity. These proceedings are private, and the section in terms of which they are held makes it very clear that the



Commission shall not release any information thereof unless of course a decision otherwise has been taken.

Mr Malan in argument before me made the point that there is a protection in this Act in terms of which some evidence may not even form part of the final report. That seems to me to answer the basis on which there is a reliance on the agreement such as it is for failure to answer questions that may be put to the witness.

As the Chairperson of this Committee I undertake that such evidence as is sensitive as may come out of the mouth of Mr Verster during the course of his testimony, if he so wishes to take confidence in this Committee, and if he is so legally advised, will be kept private and due consideration being given to what he has said in relation to the sensitivity and the ethical considerations which have weighed very heavily with him, that have led him to desire that he should not be placed in a position where he discloses names of operatives, both in this country and outside this country, to that extent I will consider very, very seriously urging that none of the evidence, which attaches to those particular individuals as he may name in the course of his testimony shall have to be named, or whose identities shall have to be disclosed, precisely because I take into account the interest which is to preserve.

I am, however, strongly weighed heavily by provisions of Section 4 of our founding Act. Section 4 makes it very clear, both in the English and the Afrikaans version, that -

"The functions of this Commission shall be to achieve its objectives and to that end the Commission shall facilitate and

when necessary initiate or coordinate enquiries into the identity of all persons, authorities, institutions and organisations involved in violations the question of whether such violations were the result of deliberate planning on the part of the State or a former State or any other of their organs or of any political organisation, liberation movement or other group or individual".

The Afrikaans version is no less emphatic about this, and read the Afrikaans version:

"The functions of the Committee. The functions of the Committee is to achieve its objectives and for that purpose the Commission must facilitate enquiries and where it is necessary must also coordinate and initiate enquiries into the identity of people, bodies or institutions involved in these violations the question whether these violations were the result of conscious planning on behalf of the State or former State or any of their organs or any political organisation, liberation movement or other grouping or individual".

It is clear to me that when we look at these competing sections and when we look at the provisions of the Act insofar as they make provision for certain evidence to be made private, the fears that are entertained by Mr Verster are fully accommodated and were contemplated in the Act.

R U L I N G

I therefore make a finding and a ruling that in the interests of the objectives sought to be obtained by Section 4 of this Act the witness should reply to all questions put to him as best as he can.

Which leaves me to deal with the question of whether Mr Verster can give replies to questions, even if such replies may incriminate him.

Again the section in terms of which this objection is raised is Section 31. We will take note of the fact that Section 31(1) is very peremptory in its provisions. It seeks to cause a witness to reply to questions even though such questions may incriminate him or her. That is the purpose of the Act. There are of course limitations, and one of the limitations is on the one hand a consultation of the Attorney General with jurisdiction, and secondly, a consideration of factors that must influence a society based on democratic notions of openness. Information must be reasonable, necessary and justifiably in an open and democratic society based on freedom and equality. If I am satisfied that a consultation with an Attorney General having jurisdiction has taken place, and if I am satisfied that the information sought by the question is reasonable, justifiable and necessary in an open and democratic society based on freedom and equality, I cannot see that I am constrained to allow a refusal to reply to such questions, without such refusal amounting to a violation and a contravention of the provisions of Section 39. The provisions of 39(e)(i) provide as follows:

"Any person who, having been subpoenaed in terms of this Act without sufficient cause fails to attend at the time and place specified in the subpoena or fails to remain in attendance until the conclusion of the meeting in question, or until excused from further attendance by the person presiding at that meeting, or failure to produce any article in his or her position, custody, or under his or her control;

2. Having been subpoenaed in terms of this Act without sufficient causes refuses to be sworn or make affirmations or witness or fails or refuses to answer fully and satisfactorily to the best of his or her knowledge and belief any question lawfully put to him or her shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years or to impose such fine and such imprisonment".

I therefore rule that for purposes of these proceedings the witness shall have to answer all questions lawfully put to him even if such questions will incriminate him.

I now have to deal with the question of whether these would entail a consultation of the Attorneys General in foreign jurisdictions. I have given a great deal of thought to this matter, especially in view of submissions made by Advocate Wessels and Mr Verster. I cannot see how the legislature in this country could have legislated for a foreign jurisdiction, I cannot see how the Attorney General of a foreign jurisdiction would in any event be able to charge or consider criminal

proceedings against a witness in this particular - inside the Republic of South Africa. It seems to me that the legislature contemplated Attorneys General having jurisdiction within the Republic of South Africa. Even if I am wrong in so saying I will again emphasise that these proceedings are private, are investigative, are inquisitorial, they are not amounting to a trial nor to - they amount to a hearing, and the protection that I referred to earlier, namely, that the contents of this investigation shall not be made public nor shall they be made available to foreign Attorneys General, will still avail the applicant.

In the circumstances it is my finding that even if a matter refers to a foreign jurisdiction in the circumstances the witness shall have to give replies thereto.

I must conclude by saying it is my view that this is something that I don't like to do, I have personally to place on record the fact that I have nothing against Mr Verster as a person, I don't know him, I've never met him, I've nothing against him, I've no animosity against him, I am deeply touched by the remarks that he made in relation to the photo opportunity that I made in spite of the pains that I went through in arriving at the decision that I came to.

I also want to place personally on record that to the extent that I have to make very difficult decisions, it's decisions that I don't make in a subjective manner, it's decisions which I persuade myself in the light of available facts and my understanding of the law. It is not as though Mr Verster has no remedies. My decisions, I would assume, can be reviewed and be set aside, but then that's not for me to say.

If it assists Mr Verster let him understand that I have nothing personally against him, but I can only state that, I cannot make him believe me. And if I am unpopular with him because of the rulings that I have made, it is something I will have to live with for the rest of my life, But if he assists him to know it I have nothing against him. I do a difficult job in the most difficult of circumstances.

If we are able to I would therefore like us to proceed.

MR WESSELS: Mr Chairman may I ask for the matter to be adjourned. I think I need to advise my client of the consequences of your ruling and take instructions from him.

CHAIRPERSON: Very well Mr Wessels, what sort of adjournment are you looking at?

MR WESSELS: Well at this stage ten minutes or so Mr Chairman, I will come back to you and advise you what our further position will be.

CHAIRPERSON: We will then adjourn for ten minutes or such longer time as Mr Wessels may require to advise his client properly.

COMMITTEE ADJOURNS

ON RESUMPTION

MR WESSELS: Thank you Mr Chairman. Mr Chairman we have noted your ruling. I have discussed the ruling and the consequences of that ruling with my client. I have taken instructions from him and it is my instructions to inform you that notwithstanding your ruling my client does not see his way open to comply with the order and he does not see his way open to answer questions that may incriminate him in regard to matters that occurred outside the boundaries of South Africa. He is prepared to

answer all questions relating to matters inside South Africa but that is as far as he is prepared to go.

CHAIRPERSON: Thank you Mr Wessels I understand. But let's see how far we go. Mr Khoisan.

PIETER JOHAN VERSTER: (s.u.o.)

QUESTIONS BY MR KHOISAN: (cont)

Okay. Thank you Mr Chairman. Insofar as matters relating to what happens inside the country maybe we can begin by going to, on your list of annexures there as we have organised it, let's go to Annexure no.7.

MR J VERSTER: Yes I have it in front of me.

MR KHOISAN: Mr Verster in terms of how you have explained the set up and the system of the CCB to us and the process of approval and also in terms of projects and the fact that you, as the managing director of this firm known as the CCB was in the knowledge, besides you and Major General "Joep" Joubert of projects inside and outside the country, let's focus on inside the country, Project Bliss, do you know what Project Bliss was?

MR J VERSTER: I can't remember it specifically.

MR KHOISAN: Okay let me put it to you that - have you ever heard of the Mathysen Bus Company?

MR J VERSTER: Yes, that is right. I am aware of it.

MR KHOISAN: Is that the front company that was used by one Slang van Zyl?

MR J VERSTER: No I don't think it was a front company. I think that was revealed in documentation which I saw, but I am aware of, in the case

of Stal Burger and some of these others as well, that they made arrangements with a real company that they would use this company to function from. In other words it was the business cover which they used and which we called then, the Blue Plan. It was their Blue Plan, their private sector activities flowed from that point, but it wasn't a front company.

MR KHOISAN: So it was the Mathysen Bus Company?

MR J VERSTER: Yes that is what I later learnt from them.

MR KHOISAN: And so could it be, let me put it to you that Project Bliss was a project for the financing of the Mathysen Bus Company or to pump money into the Mathysen Bus Company?

MR J VERSTER: No that is not true. If my memory serves me correctly all that they did was to be employees of such a company and what they did was that they received their salaries or payments from us and to make it look real and in order they channelled the money through that company, but as far as my knowledge goes no money was pumped into this company from which any private company drew any benefit.

MR KHOISAN: So you agree then that the Mathysen Bus Company was used in one or other manner to funnel monies received from the CCB?

MR J VERSTER: No, no that's not what I am saying. I am saying that these people could not operate as a Defence Force member, they couldn't as soldiers move around in the private sector and make it known that they were working for Special Forces. They were to be in a position to answer questions, if their family asked them what they did during the day to say I work for a certain company where I am in charge of security for this



private company. And to be able to justify that we would channel his salary which he received through this company and he would receive it ultimately. That's how I understood it. So it wasn't as if there was a front into which funds were pumped and which benefited somebody, it was purely the budgets which we referred to earlier which were the approved and it was aimed at certain activities to make it look more credible.

MR KHOISAN: So in terms of - so you agree that in one or other manner in order to assist the cover, because to build the legend for Slang van Zyl to allow him to operate on the one hand as a member of the CCB and at the same time to maintain some kind of cover, some kind of legend for people who were unaware of his activities that the Mathysen Bus Company was part of that?

MR J VERSTER: That is correct.

MR KHOISAN: And are you aware that on the 31st of March 1989 that a figure of R1 720 was disbursed to this particular - to the project known as Project Bliss?

MR J VERSTER: I see the documentation in front of me but I wouldn't have seen it. I see the signature here is that of Stal Burger or relating to his administrative name. I am assuming that it was authorised in a financial plan which had been submitted so it was an authorised expenditure, that is what the signature means. It means that from an authorisation point of view it was signed by the regional manager that he was aware of it and responsible for it.

MR KHOISAN: Now let's go to Project Choice. Do you know about Project Choice?

MR J VERSTER: Yes.

MR KHOISAN: What is Project Choice Mr Verster?

MR KHOISAN: I understood that to be Slang van Zyl's project.

MR KHOISAN: Can you take a look at the document immediately following the document on Bliss and let's point to the one that says "Choice - Region 6".

MR J VERSTER: Yes I have it in front of me.

MR KHOISAN: Okay. And in terms of the names that are listed in terms of people connected to this particular project, is that correct there? Are those people that you recognise as people who had a relationship to that project?

MR J VERSTER: I identify these people who worked with Region 6 and it seems to me as if it related to Slang van Zyl's activities, so it was people who worked in that region with him at that time when the document was authorised.

MR KHOISAN: And that is D Brumer, that would be Stal Burger. Christo Britz, that would be Wouter Jacobus Basson, correct?

MR J VERSTER: Yes that is so.

MR KHOISAN: T Otto, who is T Otto?

MR J VERSTER: No idea, I don't know.

MR KHOISAN: N Nienaber?

MR J VERSTER: I don't know any of the others. I think perhaps that Kalitz, maybe it was Kalla Botha, perhaps, they are all I can remember.

MR KHOISAN: And Andries Rossouw of course is Slang van Zyl, right?

MR J VERSTER: Yes.

MR KHOISAN: You don't know F le Roux?

MR J VERSTER: No.

MR KHOISAN: Or A Baker?

MR J VERSTER: No.

MR KHOISAN: Now in terms of this, just let's go through this stuff here.

You are not going to discuss Project Crawler with us?

MR J VERSTER: No.

MR KHOISAN: Okay. Now in terms of this documentation the certificate lists Crawler under Region 6, why?

MR J VERSTER: It was purely a productivity exercise whereby one regional manager had more than one job due to a shortage of funds and staff.

MR KHOISAN: H'n. And the people mentioned here in terms of, without discussing the project with us, the people mentioned on that list, F Helberg, F Wilson, K Lightfoot, R Kotze, B Heyns and Christo Britz, those are people that were operational in Region 6 or in which other region?

MR J VERSTER: I can't place them all, but the ones that I do recognise all relate to foreign activities.

MR KHOISAN: Okay. And K lightfoot was, of course, one of the key people hooked up to Project Crawler?

MR J VERSTER: No that's not a key point.

MR KHOISAN: But he was connected to Project Crawler?

MR J VERSTER: Yes that's what I said, it was a foreign project.

MR KHOISAN: Okay. Now here the authorisation for this seems to be you on that particular date, 11 October 1989,

"The managing director on the 3rd of October 1989..."

and that figure that's approved there is R34 494,50.

MR J VERSTER: That is a foreign project.

MR KHOISAN: But you approved that sum?

MR J VERSTER: I authorised all the projects and all the activities according to the financial plan which is in your possession.

MR KHOISAN: Okay, and Project Direksie, Direksie 4, was it an internal or an external project?

MR J VERSTER: It was a foreign project.

MR KHOISAN: Was it a project connected to Region 7?

MR J VERSTER: It is a foreign project, I see it says Region 6 there.

MR KHOISAN: As we already discussed and cleared the ground earlier Mr Verster you indicated that there would be an indication between Direksie and Crawler, am I correct in drawing that conclusion?

MR J VERSTER: Those are foreign projects.

MR KHOISAN: But can you at least indicate whether these projects are connected, Project Direksie- you won't?

MR J VERSTER: Those are foreign projects Chairperson.

MR KHOISAN: Okay. Now in terms of that particular project it says that,

"The managing director on the following dates authorised the following amounts for the project".

And the amount there on 10 June 1988 is R5 386 804,37, is that something that you recognise?

MR J VERSTER: This is once again a foreign project but we referred to this earlier, so I want to put it to you that it could have been the purchase price for the ship.

MR KHOISAN: The very same ship that was bought from Denmark ... (intervention)

MR J VERSTER: I don't know ... (intervention)

MR KHOISAN: You indicated earlier that it was bought from Denmark, right?

MR J VERSTER: I am drawing an inference, I am trying to help you.

MR KHOISAN: Okay. Mr Verster who is Jeff?

MR J VERSTER: I have no idea, it's an administrative name for somebody and I can't place it.

MR KHOISAN: Do you remember at any point in 1989 meeting a person by the name of Jeff?

MR J VERSTER: No I can't remember.

MR KHOISAN: Okay. Under Region 6 on page 74 of the same Annexure that we are on there is a project called Project Flea what is Project Flea Mr Verster?

MR J VERSTER: I can't remember the specific project.

MR KHOISAN: Is it a possibility that Project Flea was to provide a new identity for an unaware member of the CCB?

MR J VERSTER: I can't remember that now.

MR KHOISAN: H'n. And you don't know whether Project Flea and Project Direksie, whether Project Flea might be hooked up to Project Crawler, you cannot recall that?

MR J VERSTER: Those are foreign projects and I can't place them. I see that it says there that it's Region 6 perhaps if I have more facts at my disposal then we can deal with that.

MR KHOISAN: Okay. Now let's come to Project Goldie Mr Verster, Project Goldie, who was the person in charge of Project Goldie?

MR J VERSTER: It was the regional manager, Stal Burger.

MR KHOISAN: And the persons connected to Project Goldie would I be correct to say that they were Wouter Basson, Slang van Zyl and Stal Burger and this man N Nienaber?

MR J VERSTER: Yes it would appear to be the case according to the documents.

MR KHOISAN: And I want to discuss this matter of Mr Nienaber with you, maybe we can square that name in just a little while, but do you know how much money Goldie, I mean can you make an estimation in 1989, which is a very important year in terms of some of the cases that have been heard here, do you know how much money Project Goldie entailed, an approximation would do?

MR J VERSTER: No I can't give a specific amount, it's impossible for me to remember that. It was one region amongst many and I have no idea of the extent. I know there was an approved budget, I didn't work with it directly apart from dealing with it in an authoritative capacity.

MR KHOISAN: Okay, would I be correct to say that most of the operations that were conducted internally, especially in 1989 and 1988 were conducted under the auspices of Project Goldie, internally, inside the country, Region 6?

MR J VERSTER: I believe that these are Slang van Zyl's activities, things which he dealt with and I don't know whether that accounts for the majority of them but many of them were dealt with under this project.

MR J VERSTER: Mr Verster Project Goldie, would that involve the attempt to find a mechanism to assassinate journalist Gavin Evans, would that have fallen under that umbrella?

MR J VERSTER: It's possible, yes.

MR KHOISAN: Or the attempt to assassinate the current Minister of Justice and a then leader of the United Democratic Front, Advocate Dullah Omar?

MR J VERSTER: That's correct.

MR KHOISAN: And the bombing of the Early Learning Centre?

MR J VERSTER: Correct.

MR KHOISAN: And the burning down of Esquire Press or a printing press on Hinds Road in Athlone?

MR J VERSTER: I don't know anything about that.

MR KHOISAN: And out of Project Goldie would I be correct to assume that the money that was paid to known and notorious gangster, among them "Gakkie", Ishak Herdien, Edward "Peaches" Gordon, Erwin Meyer, Clive Petersen et al, came out of the kitty of Project Goldie?

MR J VERSTER: It wasn't from a kitty, it could have been from his budget. I don't know whether it was used in that way, I didn't know them directly. If it was authorised and submitted then that could have been the case.

MR KHOISAN: But the gangsters that were used to carry out acts at the behest and on behalf of the CCB, were used to do surveillance and collection on people in the Cape Town and in other parts of Region 6 which is South Africa, they were paid out of which budget? Did somebody just pay them out of their own pocket or was it approved?

MR J VERSTER: All activities authorised by myself came from an official budget which I told you was allocated by region and was authorised on an annual basis in terms of the operational plan and was also authorised on a quarterly basis, so in that respect I could have authorised Goldie's budget, but the name and the administrative name of the recipient that I think is something that Slang van Zyl could tell you about.

MR KHOISAN: Okay now Project Apie, what was this project about?

MR J VERSTER: That was the project dealing with the baboon foetus at Desmond Tutu's house.

MR KHOISAN: Was Project Apie carried out with your knowledge and/or concurrence and/or authorisation?

MR J VERSTER: That is correct.

MR KHOISAN: Okay. Do you know who were the central figures in Project Apie?

MR J VERSTER: I only know it was Region 6, I can't place the individuals involved.



MR KHOISAN: Okay. Would I be correct to assume that it would be Slang van Zyl?

MR J VERSTER: I can't place that so specifically but because it was his region it is possible that it was him.

MR KHOISAN: Possibly in concert with known gangster one Ishak Herdien?

MR J VERSTER: That I don't know.

MR KHOISAN: Okay. What is Project Hilton Mr Verster?

MR J VERSTER: I have no idea, but I am making an assumption that it was Kalla Botha's personal project.

MR KHOISAN: And we know that Slang van Zyl was involved or had as his legend for public purposes the Mathysen Bus Company, what was Kalla Botha's front company or front business or legend, place that he could establish his legend?

MR J VERSTER: I was under the impression that they were all working as security guards at that company and that they later developed their own businesses from that. There were too many people involved for me to remember his specifically.

MR KHOISAN: Okay. If I put it to you that Project Hilton is in fact a project that was used to finance some front company of Kalla Botha would I be far off the mark?

MR J VERSTER: No it could be like that but we had no front companies. It was a business plan which he had drafted to give him a reason for functioning in the private sector.

MR KHOISAN: I understand that, to establish his legend as such. Now I'm just very curious, I would like to find out Mr Verster, was it common or could it have been possible that funds from one project in one region could have been used for actions carried out in another region?

MR J VERSTER: No I don't think so. All funds would have to be replaced formally and that would be, usually we re-requested. I know that there were allegations made by people who tried to spread rumours during the period of the Harms Commission but that was not policy. It couldn't have been done that way from a financial point of view.

MR KHOISAN: And just on the question of finance, the issue of Big Alex Kouvaris, he was a partner with Stal Burger at the Park Lane Hotel, you are aware of that, right?

MR J VERSTER: I think I said yesterday that I didn't know about him. I know that he had a business plan after he left Mathysen and he became involved in that and perhaps this person was part of that business. I never went there. We had certain policy decisions in terms of which people who were aware members did not socialise with each other. I never went there.

MR KHOISAN: And the question of Stal Burger, would you put him in the inner circle or the outer circle of the CCB?

MR J VERSTER: He was the regional manager outside of the central managing component of the system. Afterwards we pulled him in and he then became a regional manager within the central management.

MR KHOISAN: Okay now in which way did you know Alex Kouvaris?

MR J VERSTER: I don't know him apart from the fact that he might have been involved with Stal Burger in his business.

MR KHOISAN: So you didn't know that he was a member of the CCB as such?

MR J VERSTER: No, I was never aware of that, I don't know, he could have been a member. He could perhaps have been a paid source. He could perhaps have been involved in a business plan, but he wasn't a member.

MR KHOISAN: What if I put it to you that this man was very knowledgeable about activities outside of the borders of this country and was very well connected in Central Africa and in another country like, currently Namibia. Without discussing stuff that may, as you put it, incriminate you, would you agree that this could be possible?

MR J VERSTER: Anything is possible. Chairperson I didn't know him, he wasn't part of my structure, I don't know what his movements were, that is once again something which Stal Burger could tell you about, perhaps Stal Burger spoke to him, I don't think his movements had any connection with us.

MR KHOISAN: I just want to go through one more project here that is put under Region 6, it's Project Magt, what is that?

MR J VERSTER: Perhaps if you can refresh my memory, I know there was such a project but I can't remember. I see it was signed by the regional manager and I want to confirm that this type of document is indicative, as I said earlier, of the fact that they cleared it with me and then the regional manager authorised it, but I don't know what it is.

MR KHOISAN: Without incriminating yourself or without us getting into that whole hurdle again would I be correct to assume that you were active in Regions 7, 8 and 5?

MR WESSELS: Mr Chairman may I just take a moment to advise my client.

CHAIRPERSON: Very well Mr Wessels.

MR J VERSTER: Could you please repeat the question?

CHAIRPERSON: Mr Khoisan.

MR KHOISAN: Without incriminating yourself Sir, would I be correct to assume off of this earlier discussion that you were active, just for the record as a general point, that you were active in Regions 7, 8 and 5?

MR J VERSTER: If you are insinuating that I as an individual did something funny then I can assure you that our modus operandi wasn't such that I was involved in anything strange or underhand but I was the managing director of the whole structure which included all the regions.

MR KHOISAN: Ja I am not saying that you were involved in something funny or necessarily shady or underhand, but you were a serving member of an organisation that had been called into being by senior commanders of the SADF and as such you were discharging your duties as called upon and I am just asking for the record because we can discuss back and forth but you travelled to the Regions in question?

MR J VERSTER: I think I moved around in all the regions but I wasn't active, as you put it to me, I moved across the globe.

MR KHOISAN: Throughout the world as such.

MR J VERSTER: Correct.

MR KHOISAN: And as such you went and met with people in various regions to discuss the progress on projects outside the country and wherever?

MR J VERSTER: That's correct.

MR KHOISAN: Now Project Maxie, do you know about Project Maxie and what is Project Maxie?

MR J VERSTER: I am aware of Project Maxie but I don't know what it is, perhaps if you can refresh my memory.

MR KHOISAN: Shall I say it was part of the intelligence gathering operation that was actually conducted in concert with this person Stal Burger who was a key person in Region 6, but it was an intelligence-gathering project which also had a component outside of the country, would I be correct?

MR J VERSTER: It might be the case because I know he went abroad on one occasion but this dealt with freedom of movement. I don't think that it was an information gathering exercise if that's what you mean then I remember it.

MR KHOISAN: Would that be in Region 8?

MR J VERSTER: No I don't know that.

MR KHOISAN: Okay. And Project Patriotic, now what is Project Patriotic?

MR J VERSTER: On that list which you gave me yesterday and of which this perhaps forms part there are several projects. I don't know any of the projects specifically, it's too long ago, I just can't remember.

MR KHOISAN: Okay. That pretty much brings me to the end of that particular section, but there are these two pages relating to Project Tourist in which there appears to be R13 124 that has been cleared here. Can you help me with Project Tourist, what was Project Tourist?

MR J VERSTER: I remember that Tourist was a project, I don't recall the contents of it, please refresh my memory.

MR KHOISAN: No I am just asking you, I don't want to go through, I just - if you could help me along with it, and who is this person, Page?

MR J VERSTER: Could you please just...(intervention)

MR KHOISAN: Who signed this document here?

MR J VERSTER: Which document?

MR KHOISAN: The document on Tourist, it's the last of that annexure, the very last of that annexure, and it's a document that's signed on phase 1, 14 days after this money was approved.

MR J VERSTER: I don't recognise the signature or the handwriting, I don't recognise the name.

MR KHOISAN: You don't know these people?

MR J VERSTER: It is our document but I can't place it.

MR KHOISAN: Okay. I would just like to say that let's go to the plan. Now we've talked about Project Goldie. Project Goldie would essentially be, according to you would it be one of how many projects that were inside the country? I mean can you give us an estimation of - we've gone through a few of them, but can you give us an estimation of the projects that at least were operational, that were called into being in one or other form, for one or other reason in Region 6, can you give me an estimation of how many projects were running in Region 6?

MR J VERSTER: As I said the projects were or what we called a project it was actually a descriptive term which dealt with, for instance, a person's car or his business plan or certain development projects. Others were

operational projects. I can't give you a figure because the extent was large and it was a long time ago so I can't give you an honest answer about how many there were, but there must have been at least as many as there were members in the region. One person could have had a project for his car, and another project for his business plan and that means that if there were six people there could have been 12 projects. We called it a project but it didn't always relate to an operational project.

MR MALAN: Mr Khoisan if I may perhaps come in on this. Mr Verster perhaps we can approach this from this side. The nature of an operation might perhaps be stronger in your memory than this particular operation or name that was associated with it, is that possible? The type of operation do you remember that better than the actual name?

MR J VERSTER: Yes if you perhaps give me an indication of what we are talking about then perhaps I can answer you.

MR MALAN: Well to take an example the intended assassination of Dullah Omar or these particular incidents that you have listed.

MR J VERSTER: Those are projects which we were involved in. I tried to explain it to you yesterday that I have a problem with many of the things that happened before the Harms Commission and that people from the region were influenced to perhaps exaggerate certain elements, but by virtue of the fact that they were people who worked for us, but I know that there were such activities, I will assume bona fide that that was the case if I was aware of certain actions. Obviously if I am not aware of certain other actions then I am not going to involve myself in that, but in

the example that you mentioned that is so and if it was connected with the project in such a way I will accept it.

MR MALAN: Would for instance such a project or this Operation Apie would it always have its own particular name?

MR J VERSTER: It could be that a number of actions had one umbrella name, for instance the impression I get of Operation Goldie is that because Goldie was in Slang van Zyl's area he coordinated these things and it seems as if there was more than one project and some of these were submitted to me and I then conveyed it further or referred it to the Chairperson, but I can't tell you the names and the incidents and the budget of each one of these activities.

MR MALAN: Who allotted an intended operation its name?

MR J VERSTER: That, as I understood it, that was obtained from a computer. Ad hoc names were chosen and were allocated and we would then for instance discuss an incident and then that would be the start of a project and then they would go to the register and a name would be allocated.

MR MALAN: It wasn't Slang van Zyl or whoever operated on the ground that decided this, it wasn't ...(intervention)

MR J VERSTER: No, never, it was a head office activity. On the contrary I think it was originally conveyed from Special Forces and I think that's how it ultimately reached us.

MR MALAN: Ja, now you know that one of the primary functions of the Investigative Unit to which we belong is to investigate so-called human rights violations. If you want the definition in the Act that is the killing,



abduction, torture or severe ill-treatment of any person, so some of those that you have mentioned in the amnesty application fall within this ambit.

I don't think the monkey in the garden is one of them, but that aside. Do you recall, apart from its operational name any other incident in which you can be of help to the Commission which occurred within the borders of this country?

MR J VERSTER: No, there isn't anything. If there is perhaps something specific about which you can refresh my memory there is nothing else which I know about which came from the CCB.

MR MALAN: Well you see one of the difficulties of the Commission is that we have a list of unsolved cases which, according to the state of the police investigation might have been so-called political assassinations and we are trying to find whether you can assist us with any of those without being able to specify to you which of them they are.

MR J VERSTER: If you mention them to me I can answer you to the best of my ability. At this stage I would like to say to you that before the Harms Commission I was shown pages and pages of incidents and I was told that myself or the CCB were involved in these incidents and what I found shocking was that I knew that we weren't involved in these incidents but that that rumour or speculation was a tactic from the police side to focus attention on us. That's how we interpreted it and that's how we saw it. There were various such incidents.

For instance a document was handed in at the Harms Commission regarding a bomb explosion which I allegedly caused and it was at Botes' office and at the Commission it was testified that a document was handed

in and the Commission held that Botes had done it himself. And I later found out that the police had done this to cause friction between the two of us.

I was in detention for seven days and four or five times people came to inform me that people had done certain things, killed his wife or stolen a car and said that it was a CCB member who had been responsible. And so I can go on.

MR MALAN: Mr Verster I understand that you are saying certain people tried to shift acts into the shoes of the CCB which they were not responsible for but apart from that can you - are you telling the Commission today that there were no further assassinations or planned assassinations or incidents of such a serious nature that the CCB committed in this country?

MR J VERSTER: The only other incidents are those for which I have asked for amnesty. Those are people from my structure who were allocated to the police and who came to the fore with Jack Cronje's circumstances. That was the Ribeiro matter. There were other people allocated for purposes of the support of the police and they applied for amnesty for that. I didn't apply for amnesty for that.

There was also another incident where I had been outside of the country and there was an allegation from a member of the CCB that I was involved in authorising an explosion in a building in Cape Town. It was later confirmed that that was authorised by General Joubert and that I hadn't been present at all. Once again I kept that as an amnesty application because that was my structure. Apart from that there are no

other incidents because our primary function was not to act within the country. We allowed it in a secondary way.

In certain cases there were direct instructions to work with the police and in other cases I perhaps, mistakenly, assumed that the information came from the police, but the primary reason why this geographical region of domestic existed was because terrorists came across our borders into the country and we wanted to trace those people within the country after having followed that route into the country and that would have enabled us to carry out our job outside the borders of the country, for instance to track terrorist bases and to prevent bombs and ammunition from entering the country etc, because these people who entered the country had knowledge about bases and arms caches etc. That was our primary function.

There were then also certain secondary activities which are relevant here...(intervention)

MR MALAN: Well I take it that all projects went over your table so you would know of such a serious instruction such as for instance to observe for instance Mr Omar and to eliminate him, it's not something you are likely to forget if you gave such an order, or sanctioned such an operation?

MR J VERSTER: Yes. I applied for amnesty for that and I want to put it to you again, people were appointed to monitor them, the normal planning cycle was followed and it was discussed with the chairperson although in this case I know that the chairperson denied that was the case, he said that he didn't know about it. For me there's an uncertainty about some of the actions of Region 6 because in the attempt to throw light on the CCB

certain members were placed under pressure to exaggerate their statements. I don't want to actually elaborate on that more. What I mean by that is that we were told have a look at this man and come back to us, perhaps to eliminate a person later or to perhaps track this person abroad and to try and find out what he was actually doing, perhaps trying to smuggle bombs etc. There were certain people who were prompted to paint a picture of the CCB as this terrible organisation. It's difficult for me to prove it though. These people were told don't paint such a mild picture, just exaggerate it quite a lot, just say that you wanted to do this or that or the other. I am making this allegation because I can't place the people now.

Some people actually came to me. Slang van Zyl is an example and he told me that he had made such and such a statement and that I would be very grateful to him in future for having done so. And the assumption which I made was that he'd spoken to senior people from the former government and that they had told him that we had to solve this problem quickly, that they wanted to find out who had killed Webster and that's why they needed some facts.

That's why I am saying I applied for amnesty, I authorised the things for which I have asked for amnesty but I want to say this with this proviso that I've tried to explain to you. I can't define exactly how it happened, but it was in the process of what I have already related.

MR MALAN: Yes but there is now the perception that what the CCB did went much further. Are you saying that the human rights violations, which

were officially sanctioned by the CCB, began and ended with your amnesty application, that there were no other incidents?

MR J VERSTER: There are no other cases, of which I am aware, and which had been authorised within the plan as I have explained it to you.

MR MALAN: Thank you Mr Verster. One of the earlier questions related to a Mr Mlaba, K M Mlaba, you will agree that that would appear to be the rough notes for a further submission in future, is it possible that somebody came with a plan to take this person out and that he had a provisional discussion with you on the basis of this document?

MR J VERSTER: It could be that everybody tried to be as productive as possible and come with certain proposals and suggestions, people had their own interpretations of what they could do to disrupt the enemy, but in that specific case I can't remember it.

MR MALAN: The Webster case, can you add anything to what you told Judge Harms earlier on? I am asking this question on the basis that this Commission offers the opportunity to this country to try and solve that case once again. I see that case as a millstone around the collective neck of this country and it would be excellent if the case can be solved and that's why I am asking you again whether you, in this forum, can give us any further information, any information additional to what was placed before the Harms Commission?

MR J VERSTER: I have explained my view so many times before Judge Harms and so many times afterwards, no Chairperson, under no circumstances was this ever a project of the CCB.

MR MALAN: Please, pardon me for reminding you but it was unfortunately the case that in the Webster inquest detrimental findings were made about your credibility and there is the possibility that the attitude existed in military circles in the world that a distinction was made between covert and clandestine actions. Covert actions the government would never admit to having been involved with. The government would rather sacrifice you than admitting that it had anything to do with it, that that consideration perhaps placed tremendous pressure on you to withhold certain information. Was Webster such a case or not?

MR J VERSTER: You've touched on a sensitive point, the point relating to my credibility. Although we were under a lot of pressure and although we often expressed ourselves in hesitant and uncertain ways perhaps I believe that I did my work to the best of my ability and I think that I have a lot of integrity, and it doesn't matter who says what about me.

It's interesting that certain views in the Webster inquiry were not made known, for instance when I said why don't you go and investigate the police? That wasn't even minuted in the documentation. Judge Stegmann hushed me up at some point and said that I shouldn't make political speeches. Every morning when they questioned me I would say to them go and investigate the police and it was said to me specifically that the investigation about police involvement at that stage was that the investigation proceeded as follows, that a person just walked into the door and said do you know anything about Webster? The answer was no, and that was that, whilst we were repeatedly pushed forwards as being responsible for it.

I think I also referred to what happened in the Lubowski case. It was said that there was this certain channel and because the channel looked like this, and because the CCB was held up to the whole world and this relates to my material objection today, namely that you are actually continuing what the old government was doing. The CCB, it was said by a Judge in Namibia, because the CCB had such a structure it would seem as if it was the work of the CCB. And an unacceptable explanation like Slang van Zyl's who had five days of training during his orientation phase that is accepted as an authoritative document on the basis of which decisions are made. And then it's said that this group of people that they are guilty and from F W de Klerk upwards then they have nothing to do with it. Excuse this long story but it's as if you are saying Oswald shot Kennedy in a way that made it look as if the CIA was involved and that's why the CIA shot Kennedy. That's exactly what happened in our case.

So what I am saying to you, very unequivocally, is that we, as a structure, had nothing to do with Webster. It was never an official project. It was never a non-official project. It was never authorised. It never went through this planning process according to which we worked, and I most definitely had nothing to do with it and my credibility, as far as I am concerned, is still beyond suspicion and that despite the intimidation which we suffered.

CHAIRPERSON: Mr Verster why did you think that a pursuit of the police in the form in which you are advising might have been helpful, for purposes of that inquiry and obviously for purposes of this one if, for

instance, that is still your view, when you said why don't you investigate the police? If I understood you well?

MR J VERSTER: We are now talking about the Webster trial ... (intervention)

CHAIRPERSON: You mean the inquest?

MR J VERSTER: Yes. And something which disturbed me a lot was what happened at the Harms Commission, and here I once again would like to mention the example of what was said at some stage, namely that I had caused an explosion in Verwoerdburgstad near Botes' office. I am mentioning only one example. I never made any statement about it and whilst I was sitting at the Harms Commission a very substantial document was submitted about this investigation regarding which I knew nothing, and ultimately the finding was made that Botes himself was responsible for it. Later I had heard that the police had done it to cause tension and friction between the two of us.

So because I knew that the police were responsible for the situation internally and also because 13 folios had been handed over regarding handgrenade incidents, stolen cars etc, I then concluded that if I look at these documents and also at the front page of the Sunday Times where Dirk Coetzee was quoted as having revealed all, and in the next week's Sunday Times suddenly the CCB is on the front page as the main focus. That seemed to be very strange to me. I knew that I wasn't involved in it so somebody else had to be responsible for it. So it seems to me as if it should have been the police. And all the things about Eugene de Kock and



what they did, well those 13 folios that related to the Eugene de Kock problem.

CHAIRPERSON: Advocate Malan.

MR MALAN: You said that we are following the same course of the then government, I want to make it very clear to you that I, as an advocate, consider my mandate to be coming from the whole of society and that we - I am not trying to connect this act specifically to the CCB, I am simply trying to find out who was responsible so we can finally lay to rest this ghost.

MR J VERSTER: I understand that, and I don't mean it in a negative sense, I am simply trying to point out to you what is happening here as far as I am concerned. Professor Nick Wiehan said that 85% of all decisions are taken on the basis of perceptions and that's what's happening here. I am talking straight from the heart of the CCB.

Here we had a problem, it arose in Cape Town when there was an argument relating to Webster and about which F W de Klerk was under pressure and they said that there was a lot of pressure regarding what had happened to Webster and that a solution had to become up with as soon as possible and that is where this incident started. And in that era people jumped out of cupboards and it was then decided that the CCB should be the structure to be placed under the scalpel and then the rotten apples would be excised and then we could then present a solution to the people because then they could see who the guilty parties were. And there were all kinds of attempts made in this connection.

And all I am saying that that Comops plan, or in police terms Strategic Communication Operation of that era it actually worked, because today still nothing that the CCB says is believed. So whether it's the police or whoever and how they did it I don't know, but it wasn't us. And I am saying that here in the hearing since yesterday that I gained the impression that nothing we could ever say would reestablish our credibility and this is the eighth year that we are actually suffering from this, but I am telling you we had nothing to do with it.

MR MALAN: Now I think there is something in this in that all the evidence adduced so far, and I am saying this in camera points the finger to Mr Barnard, and Mr Barnard has a proven connection with the CCB. Now it is so in this case that one and one make two, you are telling us we are arriving at the figure of three instead of two, but I think that that is where the connection came from. But that wasn't a question so you don't have to respond to that.

MR J VERSTER: Yes I would like to if you don't mind. That is a great thorn in our flesh. I have explained to you that Barnard never followed a career under me. He became a sergeant in the police and nine/tenths of this assumption is the Comops plan. I experienced that first hand, creation of a certain climate, the manipulation of propaganda regarding a certain incident. Barnard was from that time held out to be a member of the CCB and I am asking the question why did the media never characterise Barnard as a policeman, why from 1986 onwards, why was he held up to be a member of the CCB in all documentation afterwards as well, whilst he had a much longer career in the police.

MR MALAN: Yes, he had been in the police earlier but at that stage he had been suspended from the police force and it was admitted by himself, and if you look at all the statements put together it seems that he worked as Kalla Botha's assistant or a source with or without your knowledge. These two gentlemen were great friends and they worked together.

MR J VERSTER: That appears from certain statements but you are touching on something which is, as far as I am concerned, a grey area. There was a projection here of possible activities so that the CCB could later be characterised as the guilty party. In other words it had nothing to do with our structure. It is like a policeman who whilst off duty commits a robbery as we have often seen lately and I can mention numerous examples. What I am trying to say is that it had no connection with the previous government, as far as I know, or from my channels and my procedures. And I want to put it in a different way. I personally am proud of the fact that we had a controlled structure. I am not denying that there were certain mistakes but at least we had a personnel plan. I would like to have seen the personnel or financial plan of the MK or of the underground, even Military Intelligence, we formalised these things, so that is why I am reacting the way I am. And if I should allow such a thing to have happened in an unauthorised way then there must have been a way in which a project had been authorised in the previous year by the Chairperson, then there had to have been a project which was once again authorised by the Chairperson and then there must have been a presentation by the individual responsible for the project, that is now the third phase and there is no such thing. It has never come to the fore. It

simply is not the case. And certainly people could have misled me on this basis but there is nothing of which I am aware, right up to the regional level, where things were done other than what I've described that I have no other grounds, I only heard that it was Barnard.

MR MALAN: That would have been my next question. Allegations were made at some stage, actually against General Engelbrecht, who had been tasked to investigate this matter and unfortunately I can't refer you to specific documents, but the gist of it is that you told him that you had received information that Barnard had been involved and that a certain Mr Luyting(?) had been mentioned and that nothing should be said about this, can you tell me whether you ever received any information and were you ever asked to keep quiet about it?

MR J VERSTER: No I can't recall that. All I know about is that I heard from Lafras Luyting, I heard this from Lafras Luyting and I then just conveyed it to the investigation.

MR MALAN: Did you ever speak to Mr Barnard himself and ask him were you involved or Burger?

MR J VERSTER: I did the normal enquiries as I said. I asked what's going on here, do you know anything about it? And I never received any constructive answer afterwards other than what I have mentioned relating to the Webster trial.

MR MALAN: Our time is limited, I am not going to ask further questions on that point. It was indicated to me yesterday that the Lubowski matter falls within the ambit of foreign operations which you are not prepared to discuss, do you confirm that?

MR J VERSTER: Yes I confirm that. I just wanted to find out whether we now have to talk about the foreign activities.

MR MALAN: I nevertheless want to find out whether you are willing to talk about a specific aspect of the Lubowski matter and that is the involvement or not of Military Intelligence, not in the commission of the murder but in his role as agent. My first question is, if Lubowski had worked as an agent for Military Intelligence would you by virtue of your office have been informed of that or not?

MR J VERSTER: I wouldn't have been notified, not as far as I know. If there had been a project where there had been cooperation that happened often when people started to cooperate or if something like that happened then you were introduced to certain agents but it wouldn't have been general knowledge. It could have happened like that.

MR MALAN: The corollary of that is that if the CCB had decided to act against a personal target abroad or that had been cleared with Military Intelligence to find out how they felt about it, in other words would you perhaps have prejudiced one of their sources in acting in that way?

MR J VERSTER: I wouldn't know that. The structure of my channel was like this. When we formed our own independent structure, when we moved out of headquarter structure my golden thread ran through the Chairperson. In other words I had no official liaison with other systems outside of the military set-up.

MR MALAN: And from your knowledge of how military structures function is it conceivable that some of your actions abroad could have,

Without your knowledge, have taken out a military intelligence agent or source?

MR J VERSTER: I don't know of such cases, I don't know whether such a thing could possibly have happened. I can't conceive that it could have happened.

MR MALAN: One example, I don't know whether you are aware of it, but Eugene de Kock mentioned it, was where Vlakplaas operatives hijacked a person in Swaziland and it later appeared as if this person was a highly placed source and that led to a lot of friction at high level. Now I am not asking you to comment on that specific incident but only about the possibility that some of your actions against such an agent could have taken place without your knowledge.

MR J VERSTER: In the first place I don't know of such an incident, but I could imagine that it would be possible at any level that people placed in such a way become involved. If you've recruited a member of the enemy to work for you and other people aren't aware of it anything is possible. I just never had any dealings with such a case.

MR MALAN: If it had been decided at some or other level to eliminate a person abroad as an enemy of the State is it the position then that the groups of operatives on which you could rely were recces or CCB groupings, but that there were no other military teams which could be utilised for such a purpose?

MR J VERSTER: In my view in the whole counter-revolutionary action there were the following, Military Intelligence, Army Intelligence, the Security Branch of the Police, National Intelligence, the so-called Hamer

Beams, commandos and our structure. Once again it is a Stratcom perception that we just walked the streets and eliminated people.

At a strategic level our placing was such that we had to really establish ourselves on a long term basis. The first onslaught is a conventional attack or onslaught and later that could become a counter-revolutionary onslaught. We were supposed to be the first line of defence. For instance rather than expect a tank attack you rather go and sink the ship. So we gave support to conventional forces. We did reconnaissance operations. We led people to safety. In this government or in the recent case of Zaire there were incidents where there were negotiations between the various leaders and the leaders had to be ferried to certain points, so it was a Stratcom perception that the CCB just walked around and shot people.

MR MALAN: Maybe we should address this issue of perception. The reason for this is, even amongst informed or partially informed people, but the idea is that the police were very powerful because they had wide powers to act against terrorists. There was the Security Police and within that a special component namely Vlakplaas, which was used for dirty tricks as they have conceded, and we had several recce commandos who specialised in all kinds of things such as explosives, diving, parabats, you would be better aware of all that. Now why, in that context, have another special group which all those forces couldn't do? What was left for another grouping to do which the recces couldn't do? I am not talking about intelligence gathering because that's where we have National Intelligence etc.

MR J VERSTER: That came from our evaluation of the enemy. The enemy determines how you act against him. That is how our thinking worked. We evaluated the routes, the infiltration routes etc, and it also comes from the definition of clandestine and covert. An example of clandestine is that if you take a submarine and you enter hostile waters and somebody jumps out dressed in civilian clothes then the submarine is caught in a fishing net and then the South African Army or Navy can't say that it's not their submarine, then that is clandestine.

You must also bear in mind methods of conveyance whether it's on sea, on land or in the air. So the enemy determined how we acted against them. If Alan Boesak decided as Dutch Reformed Minister to put on his ministerial robes but he furthers the ANC cause he then had made a decision about the vehicle that he would use to achieve his objective. But he couldn't do that using people wearing uniform or on sea or on land. So that's why we had to use people dressed in civilian clothes and by means of business transactions. We needed the capacity to work in enemy harbours and to gain access to all kinds of places on a friendly basis. And in all these ways we protected the sovereignty of South Africa. For instance we had a particular problem with the political connotation. It is told to us that there must be a political connotation to get amnesty but we as professional soldiers saw it from a purely military point of view and perhaps somebody bigger than us can say that there were political objectives, but we simply waged war because it was our job.

MR KHOISAN: Just on that point Mr Verster you pointed out yesterday that among the targets in terms of your definition of the enemy included



leaders of churches, leaders of unions, leaders of the UDF etc, etc, and academics etc. I just wanted to clarify that. That is in the document that relates to your Year Planning for 1987. And I just want you to - can you - do you recognise that in terms of your definition of the enemy? They are part of your definition, your personal definition of the enemy. Let me point you to it.

MR J VERSTER: No, no I never gave a, never had a personal definition of the enemy. I don't have the document in front of me. There are categories of targets contained in the document. There are certain categories which could range from personalities to the rest. There was also mention made of the South African Council of Churches and other organisations affiliated to the revolution. The revolution waged against the Republic of South Africa and the revolution consisted of various elements, the political, economic and social elements and the State was under threat on all those levels. So our conduct was aimed at a certain category of target and within that category we would then disrupt the enemy comprehensively.

MR MALAN: Mr Verster can you give me an indication of what percentage of your operations were done in Region 6? Are we looking at 1% or 20% or what?

MR J VERSTER: Mr Chairman I think it might be 10%, but if you look at the number of projects it might be 1 or 2% meaning in our view of the projects, I am talking about everything, the establishment of people, to us it was a success if somebody could, for instance, say that he was now the secretary of a foreign entity. I don't think it will be believed but I

Personally had this view that we could never shoot all South Africa's enemies. It was a case of catching people unawares, of disrupting them and of preventing them from reaching your sensitive heart of the country. So one could perhaps go and look at the projects to see what percentage they make out of the total.

MR MALAN: I earlier gave you a document where it says "Goniwe Inquest", it is a statement by General Joubert, I am assuming that that is General "Joep" Joubert, do you have it in front of you? Were you aware of the document before I gave it to you?

MR J VERSTER: Yes.

MR MALAN: It was handed in during the Goniwe inquest and the General did it to prove that the CCB was an established State organisation and not just a freelance organisation. I want to refer you to the presentation where eliminations are dealt with, it's paragraph 9.2:

"Elimination of specific targets - channel for handling of these aspects are currently being established".

Can you perhaps elaborate as to what these channels are? Are we talking about structures or lines of command or what are we talking about?

MR J VERSTER: This presentation for comment is correct as was said by General Joubert. There was no specific channel of which I was aware. This could have been said in answer to a question which perhaps related to any decision to act against South Africa's enemies and the question was perhaps who was the person to speak to and that was in fact not mentioned there. All that was said was that we would look at that if the matter arose.

MR MALAN: If I can refer you to paragraph 10.2, "CCB make proposals for targets but it must be done along the DG channels to the headquarters".

MR J VERSTER: That is part of the line of command. In other words our view, especially in the old South Africa, was to personify the element. The enemy forces were imagined to actually get to know your enemy. In other words commanding officers would go and look at what their counterparts were. That's why I mentioned my counterpart in the ANC underground to you the other day. So you would then go and look at who your counterpart was who was responsible for explosions in the PWV, and for instance if that person was visiting a neighbouring state then you should be able to come with a proposal. And the only thing that is actually said here is that there is only one channel, we speak to the Chairperson, he must take the matter further. We had no access to military headquarters to go and speak to the head of the Defence Force, personally.

MR MALAN: Can one infer from that paragraph that the South African Defence Force were informed about eliminations beforehand?

MR J VERSTER: No I don't think you can draw that conclusion. As I remember this document I don't believe the head of the then Defence Force was aware of the fact that this comment had been put in writing. That was the writer's perception of how the channels operated. He probably did it on my instructions because I probably feared that in future people would say we acted of our own accord, but I know that the head of the Defence Force had his own infrastructure just as I had my own infrastructure and

What's why it is not possible for me to have had personal knowledge of every little thing, and that is why I am saying that that is not possible.

MR MALAN: Do you know what is meant by the words, "must not try and take protective actions too far".

MR J VERSTER: No I think there's a mistake here, I also can't understand it. I don't know what is meant by that.

MR MALAN: Mr Verster lastly can you understand the situation of somebody like Anion Lubowski's children who want to know who was responsible for that act? Is that a situation for which you have empathy?

MR J VERSTER: Yes I certainly do, especially for family members.

MR MALAN: Don't you think that ultimately that that should weigh much heavier than any government or political party or former soldiers' interests or whatever? Shouldn't that be the most important thing to try and answer the questions for those children and families?

MR J VERSTER: Yes I do think so. I think that is a good approach, that is why I acted today when I felt that the security of my family was threatened. So I have a great deal of sympathy for that.

MR MALAN: Can you think of any way in which you could assist the Commission to answer that question?

MR J VERSTER: No.

MR MALAN: Thank you Mr Chairman.

CHAIRPERSON: Thank you Mr Malan. Mr Magadla.

MR MAGADLA: Mr Verster did you have any Black members within the CCB?

MR J VERSTER: Yes there were Black members.

MR MAGADLA: Had they been from the Special Forces or were they recruited, some of them, the way people like Ferdi Barnard was recruited, from the Police, from the Prisons and from the streets?

MR J VERSTER: The people that I dealt with were only Special Forces' members who were recruited and I personally didn't recruit anybody from the streets that I can now remember. In the case of Region 6 some people from the ground level had access to certain places and not as members but as sources and associates.

MR MAGADLA: Was there any vetting of the people that worked for the CCB? Excluding those that came from the Special Forces because I should imagine those would have been vetted, I mean the others that came in like Ferdi Barnard for instance.

MR J VERSTER: I don't know if I understand you correctly, but I will accept the responsibility that one of my members could have told me at times that we have a person, he's the owner of a bottle store and we want to use him because he has daily contact with four or five enemies of the country. And perhaps we then said right, make it a project, give that man some money, you can be his handler. That did not, in our terms, mean that he then became a member of the CCB.

MR MAGADLA: The front companies, did you say there were no front companies?

MR J VERSTER: That is correct, we did not refer to them as front companies. What we had were business plans. We did not establish front companies. We differed fundamentally from the way other structures

operated. For instance if you have a firm of attorneys then there is somebody in the reception office but the real work is something else, but we gave people a real job in the private sector so that he had a valid reason for moving around in the private sector.

MR MAGADLA: What would you have called the Mathysen Bus Company?

MR J VERSTER: That I saw as the career of members of Region 6, they worked for that company. The company continued with its own activities. We didn't pay any money to this company and we didn't derive any financial benefit from it so it was a business plan of the Region 6 members.

MR MAGADLA: So it did not belong to the State?

MR J VERSTER: No, it never belonged to the State.

MR MAGADLA: Project Choice, what did it involve?

MR J VERSTER: Mr Chairman as I said earlier that was the project relating to Slang van Zyl's cover and activities.

MR MAGADLA: What were his activities, Slang van Zyl?

MR J VERSTER: That was his own business plan, that is the way he functioned in the Cape. For instance the projects where he monitored certain people and incidents where he tried to shoot certain people and those are the projects for which we've applied for amnesty.

MR MAGADLA: If he one day used maybe R5 000 and flew to Namibia you would have known? I know you have said you are not talking about it, but I am just making an example.

MR J VERSTER: Yes.

MR MAGADLA: Thank you.

CHAIRPERSON: I had indicated that we would end these proceedings at 16H30 today in view of the fact that arrangements have already been made for both Mr Bosman and Counsel to leave and I would assume Mr Verster.

I always want to keep to my promises. In the event it is clear to me that we should stop at this stage because of that undertaking.

But what is also clear is that it seems that there are still questions that the panel is wanting to put. I quite appreciate that most of the time has been taken, quite correctly so, in us trying to grapple and trying to find a modus operandi in terms of what we perceive the legal positions to be. I would, therefore, assume that mutually acceptable arrangements will be made between us and the witness and his legal representatives for a date on which we should hopefully resume and finish the session. I don't know if you want to make any submissions in that regard Mr Wessels?

MR WESSELS: Yes. No that's fine Mr Chairman. I am just thinking, offhand a date or one of the few dates that would suit me would be during the first week of October.

CHAIRPERSON: I suppose that would have to be accommodated by us. As I say the same arrangements that went into securing these dates should be embarked upon. As I said it should be mutually suitable. I suppose from the point of view of the Commission we will try and accommodate you as far as possible. We also obviously have got a very short shelf-life. We would like to, I speak for myself, I would like to be done with this Commission by the end of this year as is prescribed by the Act.

In conclusion I may just say that during lunch, as I indicated, we met with the Deputy Minister and he was accompanied by General Meiring, Brigadier Slabbert, Colonel van der Walt, and one of the things that we were talking about was what I indicated earlier on to Mr Verster. We were expecting the SANDF to come back on the 2nd of September to make submissions, but because of the fact that it has always been troubling us that we seem to be having only one perspective, or we seem to be pursuing one security force, we altered the hearings to be Military Hearings, military from the Liberation Movements, and we were then proposing to General Meiring that he should find it possible to agree to a postponement of those proceedings to the 26th and the 27th where we will hear all the military forces, SADF, APLA and MK.

It became clear that he was of the view that there are people who would speak more for the former SADF than he can speak for that SADF because he is now finding himself in a position where he represents the SANDF, and he was saying the only thing that might contribute to a delay is the fact that he has to find people who were operatives in the old SADF who might no longer be tied to the SANDF but who might be very keen to make submissions because they understand they understood very, very, very well the war that was fought and the motives and perspectives of those that were engaged in it.

I am mentioning this because this might be an opportunity for Mr Verster, informally, to take note of the dates that we are proposing and to advise those persons which he knows, which he thinks they will contribute to - I would like us to be understood to be really keen to want to



understand the motives and perspectives of those who were involved in this struggle. Even if we don't agree, even if we hold different perspectives, our view and our duty as Commissioners is to be able to present to this country, through the Parliament, a finding which is going to be balanced.

MR WESSELS: Sorry may I just enquire from you Mr Chairman, are we invited and/or committed to be present on those days or not?

CHAIRPERSON: The way I understand it is that it's going to be an open hearing, it's a public hearing at which the presentations would be made. And to the extent that maybe a submission by Mr Verster and those he represented, especially around the issues which he is very much troubled about, where he seems to take the view that there has been an endeavour to present the CCB in the light in which some people know it should not have been presented, maybe it would assist us if the CCB, as the CCB, either through him or General Webb or whoever, could come and make a presentation at those sort of hearings. And I think what I am saying is that maybe you want to liaise with General Meiring almost immediately, and you can indicate to him that you have established from me that we are proposing the 26th and 27th of this month as a period during which we could ... (intervention)

MR WESSELS: Sorry of this month?

CHAIRPERSON: Ja this month, I know you had indicated problems about that, but.....

In any event for purposes of these proceedings, unless there is anything else, I wouldn't like to hold you longer than you ought to be held.

The proceedings are therefore adjourned to a date to be arranged between the respective parties.

COMMITTEE ADJOURNS