

**TRUTH AND RECONCILIATION COMMISSION****SECTION 29 HEARING****IN CAMERA**

**DATE:** 10TH JULY 1988  
**HELD AT:** CAPE TOWN  
**NAME:** FRANS HENDRICK SMALBERGER  
LABUSCHAGNE

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**CHAIRPERSON:** Ladies and gentlemen, let's get ready to start.  
This is really a resumption of a Section 29 inquiry which was adjourned the last time to a date to be arranged.

I must place on record my apology for not having been here at 9 o'clock. It turned out that there was a meeting, a scheduled meeting of the Commission and I was going to be making a presentation at that meeting at 9 o'clock. I've been able to be excused from that meeting in order for me to be able to attend this. My apologies to you Mr Britz and to Mr Labuschagne.

Mr Labuschagne is reminded that he is still under oath.

**FRANS HENDRIK SMALBERGER LABUSCHAGNE:** (s.u.o.)

**CHAIRPERSON:** Mr Khoisan?

**MR KHOISAN:** Yes, Mr Chairman, I'd just like to say I'm glad we've finally got going with this hearing. I discussed with Mr Britz earlier and I had ascertained from him that there were

certain submissions that he wanted to make to you. Maybe you would want to deal with that before we get going.

CHAIRPERSON: Mr Britz?

MR BRITZ: Thank you Mr Chairman, and your apology is accepted. We know these types of things can happen. We've once again prepared a document which I suppose we can read into the record again.

There's the other matter in respect of our amnesty application. You'll see that we've given you copies of our amnesty application and it relates to four of the incidents that is on this subpoena. Now my request in respect of that is that we can also for the record of these proceedings read the amnesty application as set out in the amnesty application, into the record. I'm just worried about the fact that we are going to testify in respect of those so we don't want to be cross-examined twice in respect of the same incidents.

The submission is that you may ask questions in respect of clarifications but not really questions which relates to credibility findings or testing his evidence in respect of those four incidents, and questions relating to those incidents that may infringe on the provisions of Section 23 of the Act, which is going to come up in the amnesty application. So if we can read for the record what we say in our amnesty application and leave

it at that and then answer all the other questions on the subpoena and then take it further from there?

CHAIRPERSON: Mr Khoisan, what is your attitude to this submission?

MR KHOISAN: Well first of all, we'd definitely like to hear what Mr Labuschagne has to say in respect of the issues relevant to the invitation that he was issued with.

There is one issue Mr Chairman, and it relates to the fact that we as an Investigative Unit are charged to probing the entirety of the situation that we are confronting in order to get as full as possible a picture of gross abuses of human rights and in that respect the Investigation Unit might be, if we see it alright to pursue a matter or to engage the witness for clarification and/or for further details, it might open the investigation up to an assault in terms of the integrity of the unit because people will tell us or will put it to us that: "The evidence was put to you and what did you do to test that evidence"?

It is understood that Mr Labuschagne has applied for amnesty, in fact he was an applicant before he was issued with a notice to appear hear. That particular matter is of course that there are two different committees that you are dealing with. This falls under the Investigation Unit and the Human Rights Violations Investigation Unit of the Investigation Unit as a

whole, and that is separate and apart from the Amnesty Committee.

As you know, this unit is in the process of winding up our work and that work has to be dealt with, and I am just concerned that we may not be able to get the opportunity if we see that right, to question the witness further on evidence he will be presenting that the integrity of the investigation, because this is an inquisitorial hearing, might be drawn into question.

CHAIRPERSON: I think for purposes of progress, I do not understand the objection to be made now that no questioning should be done. I understand that Mr Britz's submission is that clarification questions may be put or should be put. I'm not going to make a ruling now.

I think let's deal with those things that we can deal with without any contestation. Even when we deal with the evidence which is going to be led about matters in relation to which amnesty has been applied for, I think questioning should go on until and unless there is an objection to a particular question, then the issue can be raised at that stage as to the basis of an objection and then we can see how best we can deal with the matter, taking into account the interest of both the amnesty applicant as well as the purpose sought to be achieved by the Investigative Unit.

So at this stage I will make no ruling, I will just note that there has been an indication that objections to certain questions might be raised on the basis that they place the witness before us in danger of having to expose himself to cross-examination twice.

So, Mr Khoisan or Mr Britz? Mr Magadla?

MR MAGADLA: Just for one comment to make. I think we also are looking at a situation from our side where we have an ongoing programme of exhumations of bodies. We haven't got all the time in the world to do that as well. What we may ask the witness with regards to the answers that he may give to us, may he also give us leaders to some of these exhumations that we need to do. If we were to wait until he appears on a hearing for whatever and it is found that those hearings have information that lead to those exhumations and the people out there being aware of the fact that we did call Mr Labuschagne here and, they will just wonder why we didn't get to that. I mean, that is just the thing ...[intervention]

MR BRITZ: That's why I think it's a good suggestion from the Chairman that we proceed and as soon as we see there's a problem, I can object and say: "Well okay, please". My suggestion is again that he may start reading the document that we've given you and then as soon as we've finished in respect of

that, he goes to his amnesty application and reads the four incidents, also for purposes of the record.

CHAIRPERSON: Mr Labuschagne?

MR LABUSCHAGNE: Thank you Chairperson.

"I, the undersigned, this is my affidavit in terms of Section 29 of Act 34 of 1995. I, the undersigned Frans Hendrik Smalberger Labuschagne hereby declare under oath as follows:

I'm an adult, Superintendent in the service of the South African Police Services and have been properly authorised to make this statement.

The facts which fall within my personal knowledge, to the best of knowledge are true and correct. This statement emerges from an investigation in terms of Section 29 of Act 34 of 1995, which took place on the 30th of June 1998 and which investigation could not be completed on the relevant day. The investigation was postponed until the 10th of July 1998 and this statement was made in preparation of those points which were not covered in the previous Section 29 investigation. The points which have not been covered by the Investigative Unit's questioning will be discussed by paragraphs hereunder. Paragraphs 1, 2 and 3: consult my amnesty application, paragraph 8, my relationship with informer Naniki Mooi Kange. During

that period of time, that is 1984 till approximately 1990, I heard on a continuous basis from Naniki Mooi Kange.

The knowledge that I had of her was that she was the friend of Paul Dikeledi and was also involved with the liberation movements and more specifically MK. I'm not sure of the position which she occupied in MK, apart from the fact that I can confirm that she was not a high profile MK member or freedom fighter. She was for example never listed at Trevits as far as I know. I never met Naniki or personally investigated her, although in security reports and source reports her name emerged continuously. Arrested terrorists also mentioned her name during that time.

From the information reports which I received, I heard that she was the mistress of various MK operatives. I cannot say whether she was an informer for Vlakplaas or for Military Intelligence or any other sector of the security forces. In all probability she would have been the ideal person to be an informer but I never had the opportunity to approach her because amongst others, of the reason that I did not have reliable information about where she was in her position or her residence or other relevant information.

I would not have been able to make contact with her and approach her to be my informer. It is possible that she was already an informer for the security police and had

knowledge of the liberation movement and strategies in the Eastern Transvaal Security Branch.

Furthermore, I do not know what happened to her, except that I heard at one point that she had been taken back to Zambia by the ANC where she was interrogated and detained as an alleged informer. This strengthened my suspicion that she was an informer for one or other security sector, but that is just my personal meaning.

My relationship with Vlakplaas: For background I would just like to explain what the difference is between the Eastern Transvaal Security Branch and Vlakplaas. Eastern Transvaal Security Branch was a separate security police unit which operated with its own structures of command. The divisional commander of Eastern Transvaal was stationed in Middelburg. There were approximately ten security branches under the command of the commander of the Eastern Transvaal Security Branch. Security reports from each individual branch, such as the Ermelo Security Branch, would be sent to the divisional commander of Eastern Transvaal after which it would be circulated to the security head office.

Vlakplaas served directly under the security head office as a specialist unit which was involved with rehabilitated MK operatives. An Askari is another word for a rehabilitated



MK operative. The knowledge and insight as well as the ability of these rehabilitated MK operatives was then used on a national basis for the support of each security branch and/or provisional divisions security branch, such as Eastern Transvaal's struggle against terrorism. When there would be a need for the use of an Askari's service, for example at the Ermelo Security Branch, such a request would be addressed via the provisional division to head office and then members of Vlakplaas would be seconded to the relevant security branch for the requested period of time. The Askaris would then be used for identification of, for example insurgents and other MK operatives.

During the time period 1984 until 1990, I co-operated at various occasions with Vlakplaas. Apart from the incidents put out in my amnesty application, I was involved in no other operations with Vlakplaas where violations of human rights took place.

I do point out from the affidavit made by Colonel Eugene de Kock on the 14th of May 1988, that Colonel Schalk Visser, the Head of the Eastern Transvaal Security region, wanted him removed from C1. De Kock's explanation is not correct because he did not operate without orders from Colonel Schalk Visser in Swaziland but de Kock and his

Vlakplaas people had no responsibility for the lives of innocent Swazis.

It was completely unacceptable to me because I had established a big informer network amongst the Swazis and without these informers I wouldn't have been able to carry out my tasks successfully. It is for this reason, as far as I know, that Colonel Visser wanted to keep de Kock and his people out of Swaziland.

I can remember that when an operation had to be carried out by Vlakplaas in Swaziland and after the information in their possession was handed over to me and Chris Deetlief, we came to the conclusion that it was impossible for information to be correct. The information was not verified or "gestaaf" and the actions would not be authorised, so the operation then stopped" ...[transcriber's own translation]

...[intervention]

MR KHOISAN: Excuse me Sir, the record is not reflecting correctly. Can we just go back to point ...[intervention]

CHAIRPERSON: 3.3.11.

MR KHOISAN: 3.3.11.

CHAIRPERSON: There was a change of translators so there was a portion of the record that was not able to be translated. If you can just begin at:

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TRC/CAPE TOWN

"Ek kan onthou waar daar 'n operasie uitgevoer moes word"

MR LABUSCHAGNE:

"I can remember"

...[intervention]

INTERPRETER: I'm sorry, could - we're missing one page of the affidavit, I'm very sorry.

CHAIRPERSON: Excuse me, apparently there is a page missing.

Is it page 8?

INTERPRETER: I beg your pardon, it's actually page 9 and 10 which is missing.

CHAIRPERSON: If you could just hold it there, I will try and sort it out.

Are you okay with the pages now?

If you could then go ahead Mr Labuschagne.

MR LABUSCHAGNE:

"I can remember that where an operation was executed by Vlakplaas in Swaziland and after the information was made available to me and Chris Deetliefs, that the information could not possibly be correct. The information was not verified and at that stage the information alone was not justified. We then stopped the operation. I cannot remember the incident specifically but I knew that it had something to do with Raymond Lala. Paragraphs 10 and 11: Relationships between me, Brigadier Schalk Visser and

Chris Deetliefs. As it is set out above, Brigadier Schalk Visser was the Commander of the Eastern Transvaal Security Branch or area. During the time 1984 to 1988 when I was stationed at, amongst others Ermelo, Middelburg, Schalk Visser was then Commander of the Security Area in the Eastern Transvaal. For the period 1988 to 1991 or approximately 1991, Brigadier Daan Siebert and Commander Chris Deetliefs and Gert Visser. I could just add that Gert Visser was the Commanding Officer before Chris Deetliefs. The branch commanders of various branches during that time served, or the people who served during that in the Ermelo branch was Chris Deetliefs and in the Middelburg branch it was Major Bezuidenhout. The command structures will be explained during my oral evidence. Paragraphs 12 and 13: The relationship between myself, C Section in Natal and Andy Taylor: Colonel Andy Taylor was the commanding officer of C Section in Port Natal ...[transcriber's own translation]

#### CHANGE OF INTERPRETERS

"Eastern Transvaal Security Branch was the buffer and as such there had to be a regular liaison between the security branch which included myself and C Section in Natal. As a result of this liaison, at various occasions meetings and/or exchange of information sessions took place between

myself and Andy Taylor where other persons were also present. It was in the normal course of the prevention of terrorist activities and the neutralisation of the Natal machinery in Swaziland. If C Section Port Natal at any stage wanted to operate in Swaziland, they would first have to report to the security branch in order to inform us that they wanted to operate in that area. However they didn't always tell us which operations would be executed during cross-border operations.

As the commander of C Section in Port Natal, as mentioned above, Colonel Andy Taylor at all relevant times was also seated on Trevits in the Eastern Transvaal region or of his other members. Any other questions will be answered during the giving of evidence.

Paragraph 14: The Kidnapping of Swaziland and Death of MK Operative, Portia Ndwandwe(?). I have since read the applications of Colonel JA Steyn, HJP Botha, JA Vorster, LG Wasserman, SEG du Preez en CA van der Westhuizen. I had no knowledge of the plan to eliminate her. I must mention, because of their applications, that I did interrogate Portia Ndwandwe during her detention as referred by the relevant members above. My questioning was specifically to do with the machineries of Swaziland and her involvement therein. I was never aware of any

action by any members who did make an application for amnesty who were involved with the questioning at that point. It would appear from the statements by the amnesty applicants, that they did not decide from the beginning to eliminate her. I cannot remember exactly which information I received from her but it was possible that it was information with regard to Transvaal and Natal machinery which I reported back to the security region. Before the interrogation I'd never met her although I was thoroughly aware of her operations and actions in the Swaziland area and I was also aware of her importance for MK and the Special Operations team.

Ad paragraph 19: The Abduction of MK Operative, Deon Cele of Swaziland in August 1989. I refer to my amnesty application.

MR BRITZ: The first schedule, page 48 of his amnesty application. It's the"

"The Abduction of Deon Cele"

CHAIRPERSON: Now if you could also try and do it a little bit slower for our translators. They are coping but only just.

MR LABUSCHAGNE:

"Nature and Particulars during July to August 1988. Colonel Taylor and members of the security branch in Durban received information that Deon Cele was recruited

to work as an informer to work for the security branch. He was recruited as part of the Natal machinery and was involved with the smuggling in of arms and ammunition for internal and external operations. It was decided to abduct him in order to establish whether or not he would cooperate. The operation was under the command of Colonel Taylor and him and his team also undertook the planning for the operation. Myself and Warrant Officer Verwey were approached to assist them with the planned abduction, especially because of the Swaziland border and because we knew Swaziland quite well. The members involved with the operation as far as I can remember were Colonel ARC Taylor, Colonel HJP Botha, Lieutenant Colonel JA Vorster, Warrant Officer Wasserman".

I did make an error here, du Preez was not involved.

"Myself and Warrant Officer Verwey and an informer, Colonel Botha and Warrant Officer Wasserman stopped in a kombi at Manzini and waited for Sheila. It was during the evening. Lieutenant Colonel Vorster and I waited in a Kombi behind the vehicle. Warrant Officer Verwey waited in another vehicle a short distance in front of the kombi. Sheila climbed into the kombi and drove away. We followed. At a point at the border which was agreed upon earlier at the border, we crossed the border into the RSA.

He was questioned but I was not involved in the questioning. Sheila was taken to Pietermaritzburg the next morning. I did not accompany them. I don't know what happened to him after that, but I heard later that he had been eliminated"

MR BRITZ: Next is page 77.

MR LABUSCHAGNE:

"Nature and Details: That is the abduction of Sheila Nyanda. Sheila Nyanda was the wife of Sepiwe Nyanda who was at that stage the commander of the Transvaal machinery of MK"

It was a special operation. I'd just like to rectify that.

"The were stationed in Swaziland where operations were done in the Free State, especially in the Transvaal area. It was co-ordinated and executed there. The Eastern Transvaal branch, as it seems from the investigation, was in Swaziland and the Republic and then had to do with terrorism and actions concerning the combating of this. That which flowed from that was from Mozambique and Swaziland. Sheila at that stage was the coordinator of information, propaganda and publicity in Swaziland. She was therefore in charge of propaganda machinery which spread propaganda in the Republic by amongst others, to get insurgents and, under the youth in the area. Sepiwe



Nyanda was identified as a target. Myself, Brigadier Schalk Visser and Jan Botha, worked out a strategy and instructions how to arrest him and bring him back to the Republic and interrogate him about his activities. The strategy was aimed to make contact with Sepiwe in order to find out what his movements were. At that stage I acted as a legal student at the University of Pretoria. During that period, that is in May '87, I succeeded to take Mrs Nyanda into my confidence. We would then socialise at a dance in Swaziland. Later, it took approximately a week, the commanding officer, Deetliefs became impatient because there was not progression regarding this case. Colonel Botha and myself did our best to find out the movements of her and to report back to the security branch. We then made the decision, through Schalk Visser, that myself and John Botha will then arrest Sheila and bring her back to the Republic for interrogation or questioning in order to get information regarding the movements of Sepiwe and other MK fighters that were identified at Trevits. I cannot with surety say, but I know that John Botha continued and contacted the commanding officer who was Schalk Visser, to lend assistance in the Vlakplaas unit of de Kock. As far as my knowledge goes, he worked at head office. I do not know at head office knew him. One other members, I

cannot remember his name, we also met him in Swaziland and they accompanied me to Sheila Nyanda. When I got there I knocked on the door and asked her to come with me. De Kock and his people immediately grabbed her and put her into the kombi. We started questioning her in the kombi about Sepiwe's movements and any other MK members who were active in special operations in the area. The questioning entailed that I also burnt her heels with a cigarette lighter. She made allegations that MK members were in certain residential areas or in that house. We went into the house but we stopped Botha because it was not safe. There could have been other innocent people who could have been injured in the process. We then decided to take her out of Swaziland where we could question her further. We then did exactly that. The questioning continued. She said to us that she is pregnant. At that stage we were afraid that she would miscarry because she said she had pains in her stomach but someone from the security branch phoned for a medical doctor who came by a military helicopter. He found that she was healthy. The name of the doctor I cannot remember. After that we took her to Piet Retief Security Branch and she was then detained according to Section 29. During the interrogation

most of the members were present. I assaulted her myself by hitting her in the face"

Page 93:

"The Killing of Casius Maake and Paul Dikeledi and a unknown cohort"

...[transcriber's own translation]

CHAIRPERSON: What page is that?

MR BRITZ: Page 93.

MR LABUSCHAGNE:

"Casius Maake and Paul Dikeledi were identified by Trevits as targets for elimination. Casius Maake as far as I know, was the youngest member of the National Executive Committee of the ANC at that point and Paul Dikeledi was the Commander of the Transvaal machinery of MK. We received information that the two would be entering via the airport at Matsapa. They would not enter simultaneously, it would first be Dikeledi and after that Maake. Their plan was to take a taxi from there to a safe house from which they would plan further operations and co-ordinate operations for attacks and insurgency into the RSA. Brigadier Schalk Visser gave me and Botha an operation to eliminate them and the cohort. The safe houses gave residence to terrorists. In June 1987, the two along with the cohort who would give them safe residence, left the

airport in a taxi, I think it was a Colt Gallant, and they left for the safe house. We followed them from the airport and at a point approximately halfway between the safe house and the airport we forced them off the road. We both shot at them with automatic firearms. The person who would have given the safe residence and another one jumped out and ran. The woman who provided the residence was killed. We knew how Dikeledi looked and he was one who died in the crossfire. The driver was injured"

MR KHOISAN: Hold on. It says here:

"Die bestuurder van die taxi is ongedeerd gelaat en nie beseer nie"

INTERPRETER: Once again, we don't have the relevant documentation at our disposal. I have made a request earlier on this morning if we could please have the documents.

MR LABUSCHAGNE: Page 108.

"The death of Theofolus Dlodlo and Others: Theofolus Dlodlo, alias Viva was also identified by Trevits as a target. He was the head of operations for the Transvaal machine-v of MK and as such he served under Paul Dikeledi. The security branch had information at their disposal that Dlodlo and his team were busy planning an infiltration to the Republic during May 1987 regarding attacks on soft targets in the RSA. According to

information which I had as well as John Botha had, their plan was to infiltrate on the relevant evening of the 22nd May 1987. We waylaid them in our vehicle and the vehicle in which they were driving was followed. As far as I can remember it was a Ford Laser with five passengers. All of the passengers, along with Dlodlo, were involved with the MK operations and/or assisted infiltrations into the RSA. I cannot remember their names specifically but I had information about every one of them. We followed them in Mbabane and in a safe place, according to the operation, we moved in next to their vehicle and Colonel John Botha fired on them with his automatic firearm. I was the driver of our vehicle. I could not fire any shots but I emptied Colonel Botha's magazine of his automatic machine gun. As far as I can remember three people were killed, among others Dlodlo. We reported the incident to Chris Deetlief and Schalk Visser who were satisfied with the incident and the success thereof"

MR BRITZ: That covers all the points on the invitation.

CHAIRPERSON: Thank you very much Mr Britz.

Mr Khoisan?

MR KHOISAN: Thank you Mr Chairman.

Mr Labuschagne, I see ... [intervention]

MR BRITZ: Excuse me Mr Chairman, may we have a short adjournment for Mr Labuschagne, about five minutes. He wants to go.

CHAIRPERSON: Yes, I understand. We'll adjourn for five minutes.

COMMITTEE ADJOURNS

ON RESUMPTION

CHAIRPERSON: Mr Labuschagne, you are reminded that you are still under oath.

FRANS HENDRIK SMALBERGER LABUSCHAGNE: (s.u.o.)

CHAIRPERSON: Can we begin?

Mr Khoisan?

MR KHOISAN: Thank you Mr Labuschagne. Mr Chairman.

Let's get point 3.2, which is your relationship to the informer Naniki Mooi Kange. Now, you say that during the period 1984 to 1990, you heard of or you heard from Naniki Mooi Kange. Now, can you give us specific stuff? If I follow your evidence, you saw reports coming through and things of that nature, to whom were they addressed, what was it that you saw? I just need more clarification on how you knew this woman and also the depth of what she was informing on. Somehow I seem to get lost with you, you seem to agree on the one hand that you know her or you know of her or you know from, you've heard from her, for the period of 1984 to 1990 which is about eight

years or six years, six or seven years. I'm getting old and senile.

That's a long period and Swaziland is a small place and you yourself ran a source network, why is it that you had no time to make direct contact with her?

MR. LABUSCHAGNE: If I might just clarify that the reports regarding her which I saw, if I speak of the Eastern Transvaal then between the security branches, Piet Retief and Oshoek which were sub-branches of Ermelo, and I'm also speaking even of Nelspruit, generated security reports and what happened was for example that some of Nelspruit's reports would run to our region in Middelburg where the head office was and these reports were also received by us for confirmation. As an example, an informant's report from Nelspruit would go to Middelburg and would come to us for confirmation. There were also reports from Oshoek where John Botha was stationed and in Piet Retief it was Freek Pienaar who was stationed there and they used to send information or intelligence reports which would be sent on by Chris Deetliefs and we would have insight into those reports.

We also had insight into those who were arrested in the Eastern Transvaal. We called those Section 29 statements, which were made by these people who were arrested and mentioned her.

If I speak of the period of time 1984 to 1990, I'm talking about the period of time which I spent working in Swaziland.

I don't think that I heard from(?) her regularly during those six years but her name did pop up every now and then. It wasn't always that easy to approach somebody like that, one needed to have a fixed address or observe someone for a period of time before one could approach them. That is basically all that I heard of her.

As I have also explained in my statement, it is my personal opinion that she might have given information to other people. Eugene de Kock at that point also worked in Swaziland military intelligence, operated there. It's is possible, but that is my personal opinion.

MR KHOISAN: Okay, now when we were here the last time we talked a little bit about Henry van der Westhuizen and now in this particular matter you say that it could have been handled by Vlakplaas or she could have been handled by - in addition to giving information to the security police as a whole, in this case the Piet Retief branch, she could have been handled specifically by Vlakplaas or she could have been handled by Military Intelligence. Do you agree that the main Military Intelligence operative in Swaziland was Henry van der Westhuizen?

MR LABUSCHAGNE: Yes, as far as my knowledge goes.

MR KHOISAN: Now, in terms of the role, very important here is that when you read the reports of Naniki, and I assume that these are source reports, located in source files, am I correct?



MR LABUSCHAGNE: That is correct, yes.

MR KHOISAN: And when you read the reports of Naniki, you yourself, you handled source networks, you built up source networks and that is your forte as an intelligence person, what would have been your understanding of the grade of her reports as an informer?

MR LABUSCHAGNE: Like I said, if I can remember correctly, if I understand your question correctly or interpret it correctly, it was basically as I read it, that she went around with various people. She was seen in Manzini for example, she was seen in Mbabane. That is how those reports flowed. There were a lot of reports that you could genuinely pinpoint, could pinpoint a person. I don't know if I answer your question here. ...[transcriber's own translation]

MR KHOISAN: Now, what I'm trying to get to you is that you handled the source networks yourself. If a source gives you information over a two or three year period, you don't keep a source in the security police for six years if they keep giving you erroneous information because you can always get another source. Sources are like water, all you need is to turn on the tap and the source will come to you. And you know that, as a person who handled sources. Sources can be picked up and they can also be discarded.

Now, the fact is that you are suggesting that this woman had to use her personal relationship to MK cadres and that was important, was it more that she had liaison with MK cadres and could maybe give you the movements of these guys or did she feed through anything more than that?

MR LABUSCHAGNE: No, if I understand you, like I say again I'm sorry if I do not understand, but as far as my knowledge goes she did not give information to us.

MR KHOISAN: No, I mean, let me put it this way. You have a woman working as a source in Swaziland, her name is coming through, you don't have your name situated in a source file in security branch if you're not a source, if you're just a casual observer of a situation. Now I'm saying that for six years, from 1984 to 1990, this woman's name keeps popping up in respect of information and I'm trying to ascertain from you, because you read those report, what was the nature of the information that she sent through. I mean, practically, if I'm your source I will say: "Dumisa is going over there today, he's discussing this and this and this and from there they are going to the President and they are going to put a top secret on his desk", and for that I will be paid. That is what the source would tell you. Now I'm trying to find our, what of substance over that period did Naniki give?

MR LABUSCHAGNE: No, Naniki did not give information, as far as my knowledge goes. She was not registered as an

informer, she was not at all registered as an informer. Other people reported about her, that she is in Swaziland.

MR. KHOISAN: Are you trying to say that she was not an informer, is that your evidence?

MR. LABUSCHAGNE: She was not an informer. In my personal opinion she could have been for someone else, I would not know about that. I can maybe just mention this, if Vlakplaas dealt with an informer and a report was received it would be under a number, I would not know who reported on that. As lot of people protected these informers.

I would have known for example at Ermelo, who the informers were and maybe at Piet Retief because I was in that section but I would not know if it comes from Pretoria or Vlakplaas or military intelligence or if they dealt with her, I would not know if she was an informer of them.

MR. KHOISAN: Did this woman's name ever come up in your discussions, because you had a close relationship with Henry van der Westhuizen, in your discussion with Henry van der Westhuizen?

MR. LABUSCHAGNE: I cannot remember, I do not know, it could have been, yes.

MR. KHOISAN: So all you know about this woman is that she had a certain moral code which was not fitting into what's out there in the straight world?

MR LABUSCHAGNE: That I knew about her, yes, and the information we had, she was also an MK member.

CHAIRPERSON: Do you know where Naniki is now?

MR LABUSCHAGNE: No, Mr Chairperson, I've got no idea where she is.

MR KHOISAN: So when was the last time that you saw these reports about Naniki and where did you see them?

MR LABUSCHAGNE: I can't remember, it could have been when I was still at Middelburg. I can't tell you exactly when the last time was that I saw it.

MR KHOISAN: Well I put it to you directly, that Naniki, the person of Naniki was involved in the betrayal of one, Paul Dikeledi, would that be something that you can answer, because you have just read the Paul Dikeledi story into the record?

MR LABUSCHAGNE: She was not my informer and it was not her who supplied the information regarding Paul Dikeledi.

MR KHOISAN: But when Paul Dikeledi was to travel, that information was received and sent through. The travel arrangements of Paul Dikeledi were sent through, were they not?

MR LABUSCHAGNE: No, it was not like that.

MR KHOISAN: So according to your information ...[intervention]

MR LABUSCHAGNE: I beg your pardon, could we just return to that point. When you are referring to travel arrangements, are

you asking whether or not it was sent through to me before the time?

MR KHOISAN: Ja, I am.

MR LABUSCHAGNE: No.

MR KHOISAN: So you had just a chance meeting with him, with this Paul Dikeledi fellow? It was a planned job, wasn't it?

MR LABUSCHAGNE: That is so. I knew beforehand that he came there but no-one gave me that information before the time.

MR KHOISAN: You see what I'm trying to do, and I know Mr Britz wants to, and I'm not trying to undermine what we're trying to do here, but you see the thing is that we have a situation where this person has been pinpointed by a number of people as an informer. You must understand, Mr Labuschagne, that I find it strange that you, your speciality, the reason why were important to Trevits and in fact to that whole Eastern Transvaal Network was because of the source network that you built up, not only in the security police but also in SANAB. And you knew Swaziland well, you knew who was who.

The information that we have or that is there about this woman Naniki, is that she was a highly visible, ubiquitous personality all over the place. And I find it strange that you are incapable of giving us anything of use on this.

The view is that this woman had a relationship with Military Intelligence and the view is also that she had a

relationship with the security police, that of somebody who was supplying information or facilitating the transfer of information.

Now you say that you saw her name coming up all the time, now was it in a way of, in those reports, was it in a way that she was somebody who was active politically, training, MK, what, or was it just that Naniki was in town? That's what I'm trying to find out, what was the substance of those reports that you saw that referred to her over a period of six years?

MR LABUSCHAGNE: It's that sort of information which you are talking of now, for example that she was seen in Mbabane, that she was a trained MK member, that she was acquainted with Paul Dikeledi and it's that type of information that I read in the reports.

As far as I can remember, I didn't see any reports of her which stated that she was actually involved with the infiltration or that sort of thing.

CHAIRPERSON: Is it your evidence that in this period of time it was never, or you never got information that she was a source for any of the South African Security Services, whether it was Military Intelligence or the South African Security Police?

MR LABUSCHAGNE: I never received any such information  
Chairperson.

CHAIRPERSON: The difficulty is that we are working on a basis that your mentioning of this woman in the manner in which you are mentioning her, should either be sufficient for us to conclude that she was very active in a number of ways which should have drawn the attention of the South African Security Services and therefore would have made her in the same way as Paul Dikeledi and others, a target by Trevits for elimination. That doesn't seem to come true from your evidence.

Now if she was not that then we want to know if she was targeted in the way in which Trevits had targeted the others, because she was of use to you, and this is what we are trying to come to understand. In what ways was she mentioned that she was not eliminated as those others who had been identified by Trevits as objects of elimination? Or was it because she was working for, either yourselves in the security police or for people in Military Intelligence? Are you able to assist us there?

MR. LABUSCHAGNE: Chairperson, as I have already mentioned, I don't know. She could have given information to somebody else. As far as I am concerned and even my office at Ermelo, she was not an informer. The information which we received from her was that she was not a high profile person. If I could also explain it to you further: There were various MK people whose names emerged from time to time in Swaziland but

according to our information they were not high profile individuals.

CHAIRPERSON: To ask maybe an unrelated question, for instance where on page 93 you mention that you received information, is it possible to indicate where you received this information that these people were going to be coming through the airport at Matsapa? That is now again in relation to Casius Maake and Paul Dikeledi. You said:

"We received information that the two would shortly enter the country via the airport at Matsapa"

Now are you able to tell us who your source was?

MR BRITZ: I think last year we did the same thing in respect of the sources. All that may be, that's going to help you, he can maybe answer whether information was received from Naniki. Is that going to help you in respect of your, what you're probing? If he can answer maybe, was Naniki, information received from her in respect of Paul Dikeledi and Casius Maake ...[intervention]

CHAIRPERSON: No, no, he already has said that Naniki was not an informer and I do not know how we are going to be able to establish.

Do you know - let me put the next question do you know do you still recall you your informer was in relation to this piece of information? I'm not asking you to tell me know, I may



require you to tell me at some stage, but do you know who the informant was there?

MR LABUSCHAGNE: Yes, I still know Sir.

CHAIRPERSON: And is he or she somebody who still is a source for you at this present moment?

MR LABUSCHAGNE: No, Chairperson.

MR KHOISAN: Is it somebody who was in the liberation movement or was it somebody who was a police person, or was he an independent source, he or she?

MR LABUSCHAGNE: It was an independent informer who was not part of the police or the movement itself. It was a man.

CHAIRPERSON: Mr Magadla?

MR MAGADLA: I just want to ask one question.

CHAIRPERSON: Mr Khoisan?

MR KHOISAN: Okay. Mr Labuschagne, did you at any time use a taxi driver as a source?

MR BRITZ: If possible, can I quickly consult with him in respect of this? I don't want to give him the answer but again, I know you're trying to probe who the informer was there. Like I said, we did have the same problem during the course of last year, in respect of the Cronjé five and he still in Intelligence Services and by disclosing names of informers now, even of those in those eras, the people are going to lose faith in respect of him being their handler, even in today's Intelligence Services.

CHAIRPERSON: You see, the problem is that I would understand that if we were dealing with this matter in conditions of a public hearing or an amnesty application. This is a private hearing which is intended to probe. You see, part of the exercise is actually to assist Mr Labuschagne, assist in ways in which I'm sure when you consult with him in an extended fashion, you will be able to convince him.

Section 29 inquiries will be held because the Investigation Unit is charged with the duty of making sure that those who come and apply for amnesty have also made a full disclosure of all the circumstances surrounding the acts, offences or omissions in respect of which they apply for amnesty. Now we can't really equip the leader of evidence with whether or not full disclosure has been made if we have not probed. And this is one of the processes and that is why it's an investigative inquiry. I would like us to be able to think that whatever the position was that was taken last year, maybe the one qualifying aspect about whether or not sources can be disclosed was that these sources were sought to be disclosed at a public hearing where all sorts of prejudices will take place. This is a private hearing. But further than that, maybe let's take the lunch adjournment now so that you can also have the opportunity to advise your client. You can see that we are trying as hard as we can to preserve the integrity of this inquiry without compromising your client's constitutional rights,

some of which are reserved. I just wanted to indicate that there is a purpose for this sort of inquiry and that is why it is held in circumstances where disclosures made to it are done in conditions of confidentiality. It may well be necessary that we should engage in a method of trying to find what is the best compromise for us to be able to meet each other's interests halfway.

Mr Magadla wants to ask one question before we break for lunch.

MR MAGADLA: It may not be a question, but I would like to find out or I would like to think that if you had sources during that period and you have applied for amnesty and we understand that because of information that you got from those sources, certain people were targeted and killed and you have applied for information for those things.

Now are you then saying that if you feel that revealing those sources may jeopardise your career now, are you then saying that we should understand that you want to keep people who caused deaths to other people, and you still have them now in this new era, in your career now in this government?

CHAIRPERSON: Mr Magadla, I'm sorry but these are some of the things that Mr Britz would like canvass with his client. I can appreciate that he would like to be as co-operative as possible

with the Commission, but he also would like to make sure that his client's constitutional rights are not compromised.

We will adjourn and meet again. Let's try and see if we cannot meet, it's Friday today, come back at a quarter to two.

COMMITTEE ADJOURNS

ON RESUMPTION

CHAIRPERSON: Mr Labuschagne, you are reminded you're still under oath.

FRANS HENDRIK SMALBERGER LABUSCHAGNE: (s.u.o.)

MR KHOISAN: I think when we were last at the questioning session, that Mr Magadla was working on some point so maybe I'll just cede my time now and then come back later.

CHAIRPERSON: Mr Magadla?

MR MAGADLA: Mr Labuschagne, did you at any time sit on Trevits in the Eastern Transvaal?

MR LABUSCHAGNE: That is correct.

MR MAGADLA: Did you also contribute into that with information that you heard yourself from your own sources?

MR LABUSCHAGNE: That is correct.

MR MAGADLA: How did your Trevits operation then, what would happen where you would sit around and discuss whatever you discussed and you have these targets, how did it work in your Trevits? Was it only security branch or were there other people who were other agencies?

SECTION 29 HEARING

TRC/CAPE TOWN

MR LABUSCHAGNE: Mr Chairperson, with your permission I would like to present this document that I prepared regarding Trevits, my practical experience in that, and I would like to read it into the record, if you want to ask questions later on.

MR BRITZ: Page 28 of his amnesty application.

CHAIRPERSON: Is it 28? Yes. If you could go ahead then and read.

MR BRITZ: Mr Chairman, sorry, may I just point out that our shuttle that Mr Khoisan's secretary has arranged for us leaves at 4 o'clock for the airport. If you could keep that in mind on the progress?

CHAIRPERSON: Yes.

MR LABUSCHAGNE: This is my practical experience regarding Trevits.

"My involvement started around about 1986/1987 regarding Trevits. It was also in this mentioned period that for the first time I attended Trevits meetings. The Trevits meetings that I attended was only in the Eastern Transvaal region where we discussed Mozambique and the old Swaziland. The following people sat on Trevits: The South African Police Service, National Intelligence, Military Intelligence and member of the Special Forces.

Trevits meetings were held once a month. What I mean by this paragraph is that sometimes it would be a month or

more before we held a meeting. It was sometimes once a month, sometimes once in two months so there was not always a fixed date. We'd also look at the availability of the people.

As these meetings were held they would then discuss a date for the following meetings. During these meetings inputs were given by people as mentioned above, regarding the armed struggle of the neighbouring states. Information that was put in was regarding the machinery that was present in the neighbouring states and the planning regarding the armed struggle, the infiltration, manner of infiltrations and the methods of infiltrations in, for example Swaziland, regarding the machinery of the Transvaal, Natal machinery and the special operations. Individuals who were involved with the machinery's names were also mentioned. Regarding their specific machinery, for example the Commander, the machinery, the political Commissioner as well as operations etc.

Other information that was also made available there was about safe houses, contact people, cohorts, etc., as well as the presence of MK members"

...[intervention]

MR MAGADLA: Sorry Mr Labuschagne, thank you, I think the question will make it shorter. I see it's quite an elaborate thing you've made.

In your own input to those meetings, did you place any names of any people who were later then declared targets?

MR LABUSCHAGNE: That is correct.

MR MAGADLA: Would you remember which were those people?

MR LABUSCHAGNE: Amongst others there was Sepiwe Nyanda, Dlodlo, at one stage Zulu, Eugene Lawrence ...[intervention]

CHAIRPERSON: Now which Zulu is this, Tami Zulu?

MR LABUSCHAGNE: That's right. What was the commander in Natal machinery at that time? Raymond Lala was there. It's a bit difficult for me to remember all the names but it's usually the people who were in command of the machineries in Swaziland, I would say they were the service units.

MR MAGADLA: Now what would then happen to the people who you would have placed or would have given over as targets?

MR LABUSCHAGNE: Let me state an example. If I said that Gebuza or I received information that he's the commander of the Transvaal machinery, it could have been just my information, then I would have given task to the other components to confirm that information. I would make certain allegations that I

received information and out of the nature of his command he is a threat in such and such a manner and all these things then had to be confirmed.

As I gave evidence earlier on, he will then be identified as a target, for example in a top ten at that specific time for elimination.

MR MAGADLA: Would the role then be of the Special Forces in that situation?

MR LABUSCHAGNE: I know that the Special Forces were also involved in cross-border operations, it was part of their role, and also to listen to the information. As far as I know the Special Forces or unit as such would not receive information, it was more the military information that would feed certain information.

MR MAGADLA: So what became of the fact that Sepiwe Nyanda, Tami Zulu and A Lawrence and Lala were also mentioned there as targets, why were they not eliminated, what happened?

MR LABUSCHAGNE: If I could explain it as follows, Mr Chairperson. It was not always easy to execute eliminations, you are on foreign ground, you're not in the Republic and you must be sure that you reach the correct person. On various occasions you'd identify a place and these people would then be moved to other houses, then you must also verify and confirm the information again. It usually took a long time to specifically



identify who the person is, what his movements are and what his vehicle is, it was not always very easy.

MR. MAGADLA: Now according to the information you had, what was the problem with Ray Lala, what had he done?

MR. LABUSCHAGNE: At that stage, if I can remember correctly, he was involved in Natal, he had a position in the Natal machinery. I cannot exactly remember now what his position was at that stage in the machinery.

MR. MAGADLA: You talked of a safe house in Swaziland, now whose house was that?

MR. LABUSCHAGNE: To which incident are you referring now?

MR. MAGADLA: Well, throughout the documents you read, you did mention a safe house in Swaziland.

MR. LABUSCHAGNE: If I can explain regarding safe houses. It was a term that we used for the MK operatives, that is the term we gave to their houses because they also had to get a safe house from which they could operation and execute their tasks and duties. He could also provide a place to stay for the other MK members. That is what I'd like to explain.

MR. MAGADLA: Did you yourselves, the Security Branch members, have a safe house in Swaziland?

MR. LABUSCHAGNE: We usually stayed in hotels. At one stage we did rent a house, yes, that is correct. If I talk about us

as such, I know at one stage we did rent a house and otherwise you just stayed in different hotels when you arrived there.

MR MAGADLA: Can you describe to us as to whereabouts in Swaziland this house, the one you rented was?

MR LABUSCHAGNE: It was in the Izilweni Valley, it was on the premises of the Yen San Hotel.

MR MAGADLA: The premises of the Yen San Hotel?

MR LABUSCHAGNE: Yes, it is a large terrain, there's a garage and there's a hotel and also a house that we rented at one stage.

MR MAGADLA: Did the owner of the hotel know who you were?

MR LABUSCHAGNE: That is correct.

MR MAGADLA: Did he know that you were members of the South African Security Branch?

MR LABUSCHAGNE: That is correct. If I can just explain. There were also other people who knew who we were.

MR MAGADLA: Did the police in that area know that you had that safe house there?

MR LABUSCHAGNE: No, not as far as I know.

MR MAGADLA: Did you interrogate suspects in that house?

MR LABUSCHAGNE: No, I would never have done it because you could endanger your own life.

MR MAGADLA: Did it ever happen that some people who associated with your team, people within the Swazi Police, did

they ever bring people to that house? People, meaning some MK people that they had themselves arrested? Did they ever hand over people to you?

MR LABUSCHAGNE: No, the Swazi Police never handed over anyone to us.

MR MAGADLA: When you entered the gates into these countries, the border gates, did you have members of the Swaziland side of the border with whom you had made some kind of agreement that you would go in there, come back with somebody or whatever? Did you have that kind of arrangement with them?

MR LABUSCHAGNE: No, we did not.

MR MAGADLA: So are you saying that there was no co-operation from the Swaziland authorities with yourselves in whatever you were doing there?

MR LABUSCHAGNE: That is correct. The people did not help us.

MR MAGADLA: Were there no corrupt members of those police, of that police force, who liaised with you in terms of giving you information and in terms of detaining certain people and phoning you, releasing them and then you know they were detained so they'll be released at such and such a time and by the time they are released you are there to pick them up?

MR LABUSCHAGNE: No, that did not happen.

MR MAGADLA: Now Deon Cele, you said he, there was an attempt to recruit him.

MR LABUSCHAGNE: That is correct, it was from the Natal people, it was from their side that we were asked to recruit him.

MR MAGADLA: And what happened to that?

MR LABUSCHAGNE: If I can refer to that amnesty application that as far as I know, I heard, that at a later stage they could not recruit him and he was then eliminated.

MR MAGADLA: Perhaps you could help me with this, what we have noted here is that Security Branch members who operated even from Vlakplaas and from these other branches that looked like branches of Vlakplaas, like the Eastern Transvaal lot and the Ladybrand ones and the others, where they come to apply for amnesty to the TRC, none of them ever mention the black members who worked with them in the security, or who were with them in those groups or units. Is there any special reason for this, that they should not be mentioned at any time?

MR LABUSCHAGNE: I'm not sure about that. If I could say that, for example with us who operated in Swaziland there were no black members present. I haven't got a specific reason for it so I cannot answer.

MR MAGADLA: Now if you did not have any black working with you when you go to a black state, isn't it a fact that when you go to townships, even inside the country, you must have a

black person to help you with translations or interpretations or whatever? Why was it that when you went to Swaziland you made it at all costs that there shouldn't be blacks with you?

MR LABUSCHAGNE: If I can talk about regarding the language, even today if you go to Swaziland, probably 90% of the people in Swaziland speak English and you did not need an interpreter.

Mozambique for example, I'm now talking about experience, Mozambique is again another problem, there everybody basically speaks Portuguese and there you have to use an interpreter.

MR MAGADLA: Last question. There was a woman that is not this, maybe you could just help with that, there was a woman who used to be a courier, she used to take things to Swaziland and bring things back into the Eastern Transvaal, and I think her home was also in Ermelo, and this woman was arrested one day or was abducted from Swaziland and brought to South Africa and later was detained in Johannesburg, outside Johannesburg, and an Askari was looking after her there, an Askari called Lingele, Peter Lingele, do you remember the guy? Peter Lingele, he was brought from Botswana, there was even a big row about him that involved the Minister of Foreign Affairs, that the police into Botswana and abducted this citizen there and he ended up working with Anton Pretorius and somebody in Johannesburg.

MR LABUSCHAGNE: No, Sir, I do not carry any knowledge regarding him. I know about Anton Pretorius but if I talk about Askaris, I never met anyone, no. I also do not know about that specific incident that you are talking about now.

MR MAGADLA: This woman?

MR LABUSCHAGNE: That is correct, I don't have knowledge. You said it's Simelani?

MR MAGADLA: Her name was Nomosondo Simelani.

MR LABUSCHAGNE: No, I do not bear knowledge of her.

CHAIRPERSON: Mr Khoisan?

MR KHOISAN: Ja, you see on page 93 of - oh, this thing about the taxi driver, you agree to that, you used a taxi driver as a source?

MR LABUSCHAGNE: No, I did not say that.

MR KHOISAN: I'm asking you, do you agree that, did you use the taxi driver as the source? Was that taxi driver that drove them from the airport a source?

MR LABUSCHAGNE: No, he wasn't.

MR KHOISAN: Okay.

MR BRITZ: It was my advice to him that in respect of that, he's not at this stage going to answer that question, it's for the next forum of the Amnesty Committee. Mr Chairman, may I just please point out in respect of this, we'd like to stand what we say for purposes of this hearing, what we've said stated here, if after

the amnesty application has been heard in terms of Section 19(4), the trial, the Amnesty Committee has got the discretion in terms of 19(5) again to appoint you again to investigate to help them to make a decision in respect of amnesty. And then we tender full co-operation, we just don't want to prejudice anything in respect of our amnesty application.

Let's deal with the amnesty application and then we can come back anytime at the same forum, not now. And that is why we say, and that was my advice and my instructions to him, that we stand in respect of those four incidents of what we say here. We don't want to get, because it's going to get all messy in respect of our amnesty application, and after the amnesty application, in terms of 19(5) you can come, we tender full co-operation, but the next time we're going to testify in respect of this in cross-examination is at our amnesty hearing, not at this forum.

MR KHOISAN: Well you know first of all the Amnesty Committee doesn't make decision on behalf of the Investigative Unit. This thing - at the time when your client was called, your client had made an application for amnesty to the Amnesty Committee before the cut-off date, which excluded the matters which you are now included into the record as a developed amnesty application.

But the matter here that I want to get to is that on page 93 of your amnesty application, and let's stick with that, let's see how far we go with that, page 93 of your amnesty application where you're talking about the matter involving the death of Casius Maake, Paul Dikeledi and unknown person. Now you say that Casius Maake and Paul Dikeledi were identified at Trevits for the purpose of elimination?

MR LABUSCHAGNE: That is correct. Can I also add that the NEC, regarding them, they were all targets throughout the time or at the whole time.

MR KHOISAN: Okay so, and actually that's a very important point, thank you for adding that. So what you are saying is that the NEC, and backing up what other people are saying, the NEC, there was a blanket authorisation that existed to kill the NEC of the African National Congress, is that what you're saying?

MR LABUSCHAGNE: That is correct.

MR KHOISAN: Thank you very much Mr Labuschagne. Now without going too much off the point, you say in point 4:

"Nature and Particulars"

...[transcriber's own translation]

that Casius Maake and Paul Dikeledi were identified at Trevits as targets for elimination. I just want to find out, what was the discussion in the Trevits meeting? I think it's a fair question, Mr Britz will agree, what was the discussion in that Trevits meeting,



what was the context and maybe you can give us a time frame of when they were identified as targets for elimination. You see it helps us on the human rights violation side, to understand the whole process of how somebody becomes a target and how that threat is activated.

MR. LABUSCHAGNE: If I can explain as follows: "Paul Dikeledi, it was probably in '86/'87, he was identified as a target. Concerning Casius Maake, he was not specifically named, information was received that he was coming to Swaziland and that is why I say that there was basically, as you put it, a blanket authority around all members of the NEC, as it appears that he must be eliminated so the name Casius Maake was not specifically discussed at the Trevits meeting. Insofar as I can remember, in that specific period when he also visited Swaziland, the information did come to us that he came to visit Swaziland.

MR. KHOISAN: Okay, now we're getting into the source of that information, can you share that with us? Where did that information come from? If you can't identify a person, can you identify a structure or a mechanism?, How that information, because we have to understand how did it get to Trevits?

MR. LABUSCHAGNE: Are you referring now specifically to Paul Dikeledi?

MR. KHOISAN: Yes, I am, I'm talking of him. Let's deal with Paul Dikeledi first.

MR LABUSCHAGNE: Well we received information about him over a period regularly and then that was fed into Trevits. Concerning Casius Maake, his name was not specifically discussed at Trevits, but we received information that he will visit Swaziland and he was part of the National Executive of the ANC.

MR KHOISAN: What if I put it to you that somebody was handling one, Naniki and that she had to obtain the travel arrangements from Paul Dikeledi and that she then passed on these travel arrangements? Because as you put it in your statement here, you say that she had a relationship, she was seeing Paul Dikeledi. You also say, on the question of Naniki, in point 2.3.2.5:

"In all probability she would have been the ideal person to act as an informer"

She would have been an ideal informer, an ideal person to play the role of informer because of the nature of, now what if I put it to you that she was part of the chain of the extraction of the information that was then passed on through the chain.

You see, point 1 is not yet finished but we are on, I want to deal with the Make thing, but the view has been expressed to us, and it's been put to us that one of the chains of how that information got to the Security Police, if I may put it that way, was that it came via Naniki Mooi Kange.

MR LABUSCHAGNE: No, it didn't come through her.

MR KHOISAN: So you know exactly how that information came through?

MR BRITZ: I can I just explain? I know what you're getting, because his understanding may be from his personal, but there was a possibility, and he says so in his affidavit, that if she was an informer of Military Intelligence, she may have got the information in respect of the travel arrangements at Trevits. Sorry, no, he says, no.

MR KHOISAN: Okay. Then we move to the other thing. Now when you decided on the 9th, and I believe we are at around the time, it's about a few years now, it's around the anniversary of this incident, but now, when this particular thing had to be carried out and Casius Maake and Paul Dikeledi had to be assassinated or eliminated, did you know of a person of the name of Msome who was also supposed to be eliminated?

MR LABUSCHAGNE: Not by that name, perhaps if there's any other names that this person was known by but not on the name of Msome. What I'm getting to, isn't there perhaps any other names that this person is known by?

MR KHOISAN: It will come to me, but I can revert to that point in a second, I just want to study something here. Now, when this particular mission was supposed to be carried out, you've stated here, and we have to be able to visit it with you to say that when

you went and participated in this matter of going to eliminate Paul Dikeledi and Casius Maake, can I ask your co-operation to maybe give us the names of the people that went with you on that mission?

MR LABUSCHAGNE: It was John Botha.

MR KHOISAN: It was John Botha. And proximity did this incident have to the abduction of Sheila Nyanda?

MR LABUSCHAGNE: I don't understand the word which you used.

MR BRITZ: Can I help? I refer you to his amnesty application, he says this happened on the 9th of July 1987 and Sheila Nyanda which he's also now applied for happened in May 1987.

MR KHOISAN: Thank you. What I'm trying to ascertain, so the one happened in July and the other one happened in May. Did you and, what his rank then, was it a ...[intervention]

MR BRITZ: Warrant Officer.

MR KHOISAN: Warrant Officer John Botha.

MR LABUSCHAGNE: I'm not sure, I think he was Lieutenant or Captain at that stage.

MR KHOISAN: Okay.

MR LABUSCHAGNE: I'm not sure.

MR KHOISAN: Okay.

MR LABUSCHAGNE: Sorry, if I can just, you must remember there were two John Bothas, the one was based at Piet Retief and the one was at Oshoek. This was the one from Oshoek.

MR KHOISAN: Okay. That's a very good, thank you for that distinction. Now, the vehicle that you used, did it belong to you or did it belong to another individual?

MR LABUSCHAGNE: If I can just discuss that. That BMW was driven by Sheila Nyanda earlier. It was the same BMW which was used during the operation.

MR KHOISAN: Okay, so that was the BMW that was driven by Sheila Nyanda at the time that you were working under the alias of André I assume?

MR LABUSCHAGNE: That's correct.

MR KHOISAN: Engaged in the abduction of Sheila Nyanda?

MR LABUSCHAGNE: That is so, yes.

MR KHOISAN: And you painted this vehicle, sprayed it?

MR LABUSCHAGNE: No, it was never sprayed, it was a white BMW and during the incident with Casius Maake it was still white.

MR KHOISAN: So, in other words you went with the car of another person who also had fallen victim to an operation to carry out another operation. Was that practice, normal practice? Did you have any second thoughts that you might be verging on criminality?

MR LABUSCHAGNE: During those times, things like that could happen. That which you could use against people you could use.

MR KHOISAN: So in other words it was a finder keepers type operation. If I abduct you and I catch you with a helicopter, that helicopter now belongs to me?

MR LABUSCHAGNE: If I might just explain. That particular vehicle was a stolen vehicle. Could I explain the history of that vehicle to you? It was a stolen vehicle and we could never determine, and it still happens today that the numbers had been filed off that vehicle, and we could never determine the owner of the vehicle and that vehicle eventually became a police vehicle.

CHAIRPERSON: Very inventive isn't it?

MR KHOISAN: No, but what I'm trying to know, so now this vehicle is travelling from Matsapa, now can I bother you and ask you how many people did you notice in that car?

MR BRITZ: There we go Mr Chairman ...[intervention]

MR KHOISAN: It's a legitimate question Mr Britz, because the fact is that these are not things that are going to cause great confusion in the minds of your client and in fact what we are trying to do here is to establish whether anybody else may have fallen victim to this particular incident, whether somebody else may have been inadvertently become a victim of a gross violation of human rights and if why there's not a declaration on that matter.

It's a legitimate question to pose because the fact is people will say, the time that Paul left the airport there were six people. The time that he was dead, there was only three lying on the floor. People will come with a story like that. Now as the Investigation Unit, and it's not only after your amnesty, our investigation continues until during and even after your amnesty application has been heard, if the Judges so decided that they are going to need more material or more facts, more investigation. This, this is the beginning stages. I think I'm posing a legitimate question to find out what was the situation that you encountered before you engaged, because we must be able to interrogate, we must be able to say, because people are not going to go to the Amnesty Committee, people are going to come to the Human Rights Violations Committee to ...[intervention]

CHAIRPERSON: Mr Khoisan, I think you have made your point. I think Mr Labuschagne must answer the question.

MR LABUSCHAGNE: There were four persons in the vehicle.

MR KHOISAN: So there were three victims, there were three victims and one that stepped off. I just wanted to be able to have that as a point of clarity, four people in the car. And when you encountered these people you fired directly?

MR LABUSCHAGNE: What happened was, when we stopped and drove that vehicle off the road, John Botha and I jumped out with our firearms and two persons who were sitting in front of

the vehicle jumped out and ran off in opposite directions and those who were seated in the back of the vehicle also tried to escape. That is what happened.

MR KHOISAN: And so three people were killed, you are saying three people were killed within that operation?

MR LABUSCHAGNE: That is correct.

MR KHOISAN: And the source got away?

MR BRITZ: Mr Chairman, do you see where this is leading? Now he's making statements to him which he hasn't testified to: "And the source got away", so he's placing, I don't want to get difficult but I mean if we really have to go to that, it's going to be my advice to say: "Well now you don't answer any further questions in respect of those four incidents". We're here in the right context and the right spirit, give us the opportunity to testify in front of the Amnesty Committee, give our co-operation and then we, because now we're going into dealings that we're going to get questions about in our amnesty application as well, it's unfair. We testify now, he's cross-examined now, his evidence is being tested of what he's put into his, and this is not, with all due respect, the forum to tested. He's going to be tested in front of the Amnesty Committee over and over again ...[intervention]

CHAIRPERSON: You know Mr Britz, I want to disagree with you on law, there is no law, and you can cite me any authority,



that says when we have called a person in an investigative inquiry, there are questions that you will refuse to reply to. There is no law, there is only way in which this can be done. If he refuses then he runs the gauntlet of Section 39. People are called here to answer all questions that are put to them. The only questions that are, it's only unfair questions and I don't consider that there are any unfair questions here. But I don't want to go that route and I think let's take the spirit with which this whole thing is approached, but I disagree.

I want to place on record, I disagree that there is anything in the Act that says a witness cannot reply to any of the questions. It would be a question of whether or not of course the witness is prepared to run the gauntlet of Section 29 which provides for sanctions for a person who refuses to answer questions that have been put to him.

MR BRITZ: Mr Chairman, that's exactly, you've touched the point. My argument is that it's unfair and that's the basis of my objection ...[intervention]

CHAIRPERSON: Let's leave it there Mr Britz. If you want to go off by 4 o'clock, we all want to go home.

MR BRITZ: Okay, no, thank you, I appreciate it.

CHAIRPERSON: Mr Khoisan?

MR KHOISAN: So I must ask you, once you shot these people, what did you do? Once they were shot, what happened?

MR LABUSCHAGNE: We left the scene immediately after the people had been shot.

MR KHOISAN: But you made sure that they were dead, no?

MR LABUSCHAGNE: No, it was difficult to do that. We didn't make sure of it.

MR KHOISAN: Okay. And then you and Captain Botha went across the border, went back home? What was the - you know I must, you know the thing is that what we are trying to do here, and with due respect, there are certain things that I know we don't want to tread on because we don't want to compromise any part of anything else but there are certain things that we have to establish in terms of, that the operation was tasked, you got your tasking from this operation, you got your idea of the operation out of Trevits, we understand that part. We got the functional part which you've explained to us, which the elimination of the people. Now, what happened after that? You said you didn't make sure that they were dead but you left and you went back to South Africa and you went, I would assume, to Middelburg Police Station or did you go to Piet Retief? Where did you go from there?

MR LABUSCHAGNE: If I can tell you what happened from that point onwards. We went over the boarder and Captain Botha then informed Colonel Visser regarding the incident, I went back to

my house and the following morning a meeting was held and I was back at Middelburg.

MR KHOISAN: Okay. Is it the Dikeledi incident which caused the fallout between Schalk Visser and Eugene de Kock?

MR LABUSCHAGNE: No, not as far as I know, it wasn't him.

MR KHOISAN: And were you commended for this particular operation? Did you receive any commendation, because here you have, Casius Maake was as far as our knowledge, on the top 20 hit list at that time. We may be wrong, but they were both targets of Trevits and Casius Maake was a target that was required. Did you receive a commendation in respect of this particular act?

MR LABUSCHAGNE: No., When we speak of medals and that sort of thing, I didn't receive anything.

MR KHOISAN: But was there any other form of commendation or citation or recommendation which flowed from the successful operation that you and Captain Botha had carried out?

MR LABUSCHAGNE: There was congratulations from Mr Adriaan Vlok, but like I said, no medals. It was also in a letter.

MR KHOISAN: Okay. Now on the question of ...[intervention]

CHAIRPERSON: Excuse me, just on that question, did you get the impression when you got this letter of commendation from, he was Minister then was he?

MR BRITZ: His mike's not on.

MR LABUSCHAGNE: That's correct.

CHAIRPERSON: Now the question I was going to ask, did you get the impression that the Minister had been aware of the operation, or was that not clear from the commendation that you got? Let me tell you, we are seeking to establish in some of these cases, whether there was a high level of authorisation for these applications.

I need view also of some of the comments that political leaders have made where the impression has been created that operatives were just bad apples, mavericks, people who went on frolics of their own. It would assist us, especially for purposes of writing a final report, to make it very clear that people are being sacrificed here by people for expediency reasons are now wanting to create the impression that there was no war, that there was no authorisation for this, that people just got into their heads to go and shoot people all over the place in the Southern African continent, when in fact the truth is otherwise.

So that is the background and the context in which I'm trying to find what your impressions were. I can accept that it could only be your impressions if that was it.

MR LABUSCHAGNE: Out of the letter that I myself read, I could not say that I could make the conclusion that he knew about the operation but he said it was good word and very well done.

CHAIRPERSON: Mr Khoisan?

MR KHOISAN: Now one of the things that has come to us, and I put it to you that it came to us in a public hearing, so it's not something that I'm disclosing and breaking confidence, is that the former head of the National Intelligence Service testified that they had nothing to do with the hard side of the business which is carrying out an operation which you carried out, the elimination of Paul Dikeledi and Casius Maake and that they didn't know what happened to the information in respect of targets.

Now, I'm trying to put to you and I'm trying to ask you, and if you can answer I'd appreciate it, when you went to Trevits, to the next Trevits meeting, how long after this incident was it before the next Trevits meeting was held?

MR LABUSCHAGNE: I can't remember specifically. On the Friday morning we gave feedback regarding the incident but I can't tell you exactly when the next Trevits meeting took place.

MR KHOISAN: But I mean you've told us that you met on a monthly, sometimes on a bi-monthly basis. So it's a week, a month, but not more than a month I would assume, before you met. What I'm trying to ascertain from you is that when you went into the Trevits meeting, what was the review of the situation? How did the meeting review the operation that you and Captain Botha had just carried out?

MR LABUSCHAGNE: If I could say, basically there was feedback that the people died and everybody reconciled themselves with that, or identified themselves with that. It was an attitude of: "a job well done".

CHAIRPERSON: Well I mean I would draw the conclusion that that should have been so. If the Minister himself can send you a letter of that nature, it can only be on the basis that everything that came to him, whether it was from Trevits or from whatever structure, it was of a nature that was supportive and commendatory of your operation.

Mr Khoisan, I think you should be able to ...[intervention]

MR KHOISAN: Okay. Was there a problem that erupted after this operation about the erroneous, and if we are stepping on bad turf here just say so, but there's some specific stuff that we have to get to in terms of putting to rest allegations that the people are screaming to us over the phones and stuff like that. We have to be able to, in our own being, say: "fine I know that happened here", was there a problem of the use of the source, without disclosing the source or anything in the Make, Dikeledi operation? Was there a problem that erupted around the use of the source?

MR LABUSCHAGNE: Not as far as I know.

CHAIRPERSON: Mr Khoisan, maybe you could put what you have without saying the person who complains. Say now: "Look,

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our information is that this is what happened" and is he able to confirm or deny that that was so.

MR KHOISAN: According to you, do you, our information is that there were problems surrounding the use of the source, is that something you confirm or deny?

MR LABUSCHAGNE: No, I deny that, there were no problems.

MR KHOISAN: Now the Make, the Casius Maake incident, once that was blown over did that affect your standing as a member of Trevits and as a productive member of the projects target, target projects?

MR LABUSCHAGNE: No, I just continued as usually.

MR KHOISAN: Okay. Now let's come to the one just after that, the killing of Viva Dlodlo, how did it come about? You say it is your view, and just correct me if I'm wrong, that Theofolus Dlodlo was a target at Trevits, is that correct?

MR LABUSCHAGNE: That is correct.

MR KHOISAN: Just on the question of the targets, were there targets of a specific grouping within Trevits that became accepted as the target of the whole or were the just general targets of Trevits?

MR LABUSCHAGNE: If I can explain it as follows: Yes, there were specific targets. As I already said you had to give a reason why this person is a problem, it was not just generally accepted that this person was a problem. You at least had to give reasons

that this person was a problem. At various times it had to be verified and that type of thing.

MR KHOISAN: Okay. Because I'm seeing there that John Botha, according to your statement on page 108 of your application, according to intelligence which was in the possession of yourself and John Botha, Theofolus Viva Dlodlo and probably other people, were planning an operation on the 22nd of May. Now what was the grade of that intelligence and where did that intelligence come from?

MR LABUSCHAGNE: The intelligence came from an informer who was reliable.

MR KHOISAN: An internal or external source? I'm not going to ask you whether he was a dog or a cat or a donkey or a pig, I just want to know whether it was an internal or external source.

MR LABUSCHAGNE: External.

MR KHOISAN: When you were about to launch this operation, was this actually discussed with anyone other than yourself and Mr Botha, John Botha?

MR LABUSCHAGNE: At that point, yes, however at that point he was listed at Trevits. If I could explain once more, the operational planning at ground level was left to the operative. A person would be identified as a target and then the planning would be left to the operative at ground level.



MR KHOISAN: No, I mean, and you've testified about this before Mr Labuschagne, the issue of the Trevits National Data Base which may have existed in computer form in or in other form and it included target dossiers and everything and there was authorisation and there constant exchange of information around these targets. You've given that testimony and other people have. What I'm trying to find out is, just before the operation, who did you consult? Did you get authorisation from your immediate superior to go and say hit those people? Theofolus Viva Dlodlo and others?

MR LABUSCHAGNE: No. At that point we didn't ask our superiors to launch the operation.

MR KHOISAN: Now, you say that:

"I could fire any shots but Colonel Botha emptied the magazine of his automatic machine gun"

So Colonel Botha emptied his entire machine gun on the occupants of this Ford Laser which had five occupants, is that correct?

MR LABUSCHAGNE: That's correct.

INTERPRETER: The speaker's microphone is not on.

MR KHOISAN: ...[inaudible] You tried to fire a shot but you couldn't?

MR LABUSCHAGNE: No, I couldn't because I was driving.

MR KHOISAN: You see according to this:

"We waylaid them in our own vehicle and the vehicle in which they were travelling, we followed that vehicle"

Okay, now where did this happen?

Mr Britz, it's a legitimate question. I mean somebody can tell me something happened in the Lesotho or Botswana. We want to know, if somebody said it happened here, he can tell us where it happened. I mean there's not going to be a big problem with somebody cross-examining him if he says at the border and it's not at the border.

MR BRITZ: Yes, but in his application he says it's in Mbabane, just outside Mbabane. That's what I say, I've asked, don't test his evidence. It's all here, all the information is ...[intervention]

CHAIRPERSON: Mr Khoisan, I think I am going to be inclined to agree with the applicant. I think we have all the opportunity and ...[indistinct] the pledge that we are still going to be here if there is anything that we think we still need to further clarify. I think our questioning must be of a nature that we need the minimum information for our present purposes. I'm sure that if we study the documentation that has been made available and with the assistance of a few further replies in respect of all the main things, we should be in a position to handle even the enquiries that are being made from us from those are affected by the actions of the witness.

MR KHOISAN: Now in respect of this - and thank you Mr Chairman, I accept that, and I move forward.

In respect of this particular operation, did you or Mr Botha at any time before the operation, and the information that has been given us is that there was a discussion that took place or somebody inadvertently dropped some information about the fact that they were going to deal with an operation tomorrow, did you or Mr Botha at any time mention that you were going to carry out this operation, somebody other than your immediate superiors or your colleagues at Trevits?

MR LABUSCHAGNE: No, we didn't discuss this with anybody else.

MR KHOISAN: And that this matter never ever came out in any court case? Do you know Jack le Grange?

MR LABUSCHAGNE: I read about him in the newspaper but I don't know him personally.

MR KHOISAN: But you never at any time talked to him before this operation?

MR LABUSCHAGNE: Never in my life have I had any contact with him or any discussion with him either.

MR KHOISAN: So, I'll tell you what the situation is you see, what we have, what has been brought to us and told to us and what we have been informed by is that either in one or both of these incidents there was a problem that erupted about how an

operation was conducted, not what the end result was and Schalk Visser was said to be hopping mad about one of these operations.

Now it's either the Dlodlo incident of the Casius Maake, Paul Dikeledi incident. Now I'm asking if you could just maybe check in your mind and find out if you recall anything like that.

MR LABUSCHAGNE: No, if I look back to the Paul Dikeledi case, my answer is no, I don't of anything. There could have been some kind of arguments on higher level. If we discuss this specific case I think one or two days after the incident, Eugene de Kock came to assist us in Swaziland with Sheila's story and there were no problems regarding that.

MR KHOISAN: With whose story?

MR LABUSCHAGNE: With Sheila's abduction.

MR KHOISAN: Let me just maybe go through that. And once again it's a legitimate question to ask, when the people were, once the shots were fired, you didn't make sure what, did you take a review of the situation or just proceed?

MR LABUSCHAGNE: No, we just carried on driving.

MR KHOISAN: And you were certain that you'd hit the right targets?

MR LABUSCHAGNE: That's correct.

MR KHOISAN: Now about the matter of Sheila Nyanda, why was she really abducted? I mean, was she ever a target of, she was never a target of Trevits was she?

MR LABUSCHAGNE: No, she was not a Trevits target.

MR KHOISAN: I mean, couldn't there have been other ways in which you could have gone about this situation or than abduction? Was any other project, any other mechanism other than abduction considered in respect this particular woman?

MR LABUSCHAGNE: If I can put it to you as follows, it was quite problematic to get hold of Gebuza at that point and we thought it wise to take her because then we could possibly determine where he resided as well as other persons who at that point were Trevits targets.

MR KHOISAN: But you knew at that time that Gebuza was a stone hard guerrilla, that he was committed to a project and he wouldn't necessarily come and save his wife who also knew the risks of guerrilla warfare? You knew that didn't you?

MR LABUSCHAGNE: That's correct.

MR KHOISAN: Then move to abduction? Let me put it this way, did you ever go and take, borrow an electric iron from this woman?

MR LABUSCHAGNE: It may be so, that's correct.

MR KHOISAN: What I'm trying to suggest to you is that you had one, Mr Nyanda's confidence at some point. There was a smooth relationship that existed there, so there were openings for anything other than an abduction weren't there?

MR LABUSCHAGNE: It's difficult to say. There were certain circumstances and one had to make decisions at ground level. At that point we thought that that was the best way to reach Gebuza.

MR KHOISAN: Okay, now the torture. There was a civil case involving this matter wasn't there?

MR LABUSCHAGNE: That is correct.

MR KHOISAN: And there were - it wasn't only yourself that dished out some or engaged in physical assault or other ways of coercing the witness was it?

MR LABUSCHAGNE: That's correct.

MR KHOISAN: Are you prepared in this forum to provide us with the names of the people who were in the room with you, who deal with, particularly this? I'm more interested now in the side of the interrogation and torture.

MR LABUSCHAGNE: I can remember that Eugene de Kock burnt her heels with a cigarette lighter. I can't remember whether Doe, who was present, actually assaulted her and I don't wish to say that someone assaulted her when in fact it wasn't like that and I can't remember properly. For example John Botha, I don't think he assaulted her if I have it correctly.

MR KHOISAN: I understand.

CHAIRPERSON: Mr Magadla?

MR MAGADLA: When you abduct a person from Swaziland or from wherever with a view to recruiting the person, what means to you use to influence that person to agree?

MR LABUSCHAGNE: I myself never abducted anyone with the aim to recruit them but it could be for financial reasons or one could torture the person from an ideological viewpoint. One could bribe a person or try to get a person to abandon his viewpoints, his ideological viewpoints for another set of viewpoints.

MR MAGADLA: No torture?

MR LABUSCHAGNE: If you hurt someone they won't work for you. That is my personal opinion. I have never tortured anybody into becoming an informer.

MR MAGADLA: But you've hurt a person already when you abduct a person.

MR LABUSCHAGNE: I agree with you. With reference to Sheila Nyanda, there was not talk of recruiting her as an informer.

CHAIRPERSON: I just want to get an indication from you as to how long we are going to be?

Mr Khoisan?

MR KHOISAN: I've got a couple more questions. I know we want to make it by, you have to leave by four, I know you have to leave by four ...[intervention]

CHAIRPERSON: No, no, I want to leave as soon as possible, not exactly at four, so I would really like us to get on with ...[intervention]

MR KHOISAN: But there's a couple of other things that have to be asked Mr Chairman. We have to try to go through just, I know that the witness has provided an affidavit and a developed amnesty application and that has helped the process an incredible amount. I mean we could have been here for long hours but we've just spent a short time.

There are just a couple more points that I think need to be addressed so that for the record, the record will reflect that we dealt with those matters, at least we went through it.

CHAIRPERSON: Mr Magadla?

MR MAGADLA: I just want to know about Jabu.

MR LABUSCHAGNE: That is correct.

MR MAGADLA: Why was Jabu dealt with in the manner which he was?

MR LABUSCHAGNE: Jabu was also on Trevits. At that stage he sent people across the border to go and plant landmines. There had been landmine explosions during which people were injured and he was then identified as a target. He was a member of Spes Ops.

Maybe if I can just help you there Mr Magadla, is that Jabu, just to you, today he is in the Defence Force and he is a



Brigadier. I'm not sure what his surname is but I can find that out and I could give you that information but he's a Brigadier in the South African National Defence Force.

MR MAGADLA: Thank you.

CHAIRPERSON: Mr Khoisan?

MR KHOISAN: Just in getting to this matter of Portia Ndwandwe. You've agreed that you worked with Colonel Andy Taylor.

MR LABUSCHAGNE: That is correct.

MR KHOISAN: And Henry Botha.

MR LABUSCHAGNE: That is correct.

MR KHOISAN: And Brand Visagie.

MR LABUSCHAGNE: No, I did not work with Brand.

MR KHOISAN: But did you work with Freddie Cave?

MR LABUSCHAGNE: Just repeat the surname please.

MR KHOISAN: Freddie Cave.

MR LABUSCHAGNE: No, I did not work with him.

MR KHOISAN: Okay, but you worked with Sam du Preez.

MR LABUSCHAGNE: That is correct.

MR KHOISAN: Now this Mr Wasserman, you also worked with him right?

MR LABUSCHAGNE: That is correct.

MR KHOISAN: L. Wasserman.

MR LABUSCHAGNE: That is correct.

MR KHOISAN: And Gene Fourie.

MR LABUSCHAGNE: That is correct.

MR KHOISAN: Now this Portia Ndwandwe matter, that Portia Ndwandwe matter, that's what was brought to the table in terms of, her targeting was brought to the table by the by the Natal people, right?

MR LABUSCHAGNE: If you speak of Trevits, that is correct. We also knew about her existence at that stage.

MR KHOISAN: But she functioned in the machinery that was operating in Natal?

MR LABUSCHAGNE: At this stage no, at that stage she functioned within Swaziland and not in the Republic itself. I knew that she did at an earlier stage, and that I also saw in Hentie Botha and those persons' application forms. That she did operate in Natal first and then she left.

MR KHOISAN: Okay. In terms of the abduction of this woman, what can you tell us - I know Hentie Botha and these people have applied for amnesty and I'm not necessarily dealing with them, I'm dealing with what you can bring to the table in terms of throwing light on this issue around Portia Ndwandwe which could help us?

MR LABUSCHAGNE: I can only say what Hentie Botha and them, what we discussed with each other regarding her abduction.

MR KHOISAN: Okay. And in terms of the abduction you can't go ...[intervention]

MR LABUSCHAGNE: I cannot specifically remember. I know Hentie Botha, Andy Taylor, Laurie en, it was those guys who were involved in her abduction. They told me so.

MR KHOISAN: But there is in no way according to you, that you, because you say there, you mention the amnesty applications of J Steyn, Hentie Botha, J H Wasserman, du Preez, C A van der Westhuizen, that you read through their amnesty applications. But according to you, is there any time that you interacted with this particular person, Portia Ndwandwe and if so, in what capacity did you do so? How did you, what was the nature of that interaction?

MR LABUSCHAGNE: The only stage was when questions her.

MR KHOISAN: Okay.

MR LABUSCHAGNE: I was not - I did not help with the abduction but in South Africa, in the Republic I questioned her.

MR KHOISAN: What was the state of her health at the time that you questioned her?

MR LABUSCHAGNE: At that stage, if I can put it as follows, there was a fairly "gemoedelike", maybe not "gemoedelike", there was nothing wrong with her health. I did not see any signs of assault on her and she spoke freely to me when I spoke to her...

MR KHOISAN: So you're saying that she was co-operative but not giving you the information you needed? And what is it that you required from her specifically?

MR LABUSCHAGNE: It was about - at that stage, I cannot specifically remember the dates, then the information came out of the NEC who was established in Swaziland and that you had similar structures in the Republic. If I can remember correctly it was political committees and amongst others they also discussed the information and also what was going on in Swaziland.

Throughout the time I had to gather information about who was present in Swaziland because constantly you were asked what the people were busy doing in Swaziland, what their activities were and if there's retaliation, so it was a process which was continuous. If there was someone who could give information it was good to talk to such a person.

MR KHOISAN: So she was basically accepting her condition, she wasn't going nuts about being abducted and being interrogated and being in the hands of the Security Police?

MR LABUSCHAGNE: No.

MR KHOISAN: Did you have any idea of what would become of this woman after you saw her? The last time you saw her, what was the situation? The very last time, what was the very last moment that you had that you can recall that you saw Portia Ndwandwe alive?

MR LABUSCHAGNE: It was after I talked with her, it was late that afternoon, then I left and that is when I saw her last.

MR KHOISAN: And then the next thing you heard was that the guys had killed her?

MR LABUSCHAGNE: Yes, I later heard that from them.

MR KHOISAN: Well you know I think that we really want to study this and it's not a question of being difficult Mr Britz or Mr Labuschagne, it's that we just have to try to get through some stuff and be able to answer our own questions because we have to be able to say that we've conducted a piece of work. I appreciate the fact that we've been able to get to quit a bit of it. We still want to study this other document. Mr Chairman, I have no further questions.

CHAIRPERSON: Mr Magadla?

CHAIRPERSON: Well that brings us to the end of these proceedings and ...[intervention]

MR BRITZ: Excuse me Mr Chairman, may I ask something? It is something that may be out of the ordinary. Him still being a serving member, if - and I haven't even taken it up with him, if at all, can Mr Khoisan maybe not write a letter to his superior officers in saying the he responded in respect of his co-operation with you as a Committee because it's been difficult from his side.

I can tell you now that we've tried to get other people also involved and he's going to stand out alone now as the one in

respect of that at the moment that's going to come forward and in that instance, if at all possible, from the Investigative Unit in respect of his response and his co-operation, may we just write that to his superior officers that it can be put on his personal file.

You've got a whole copy of his personal file and we'd like to have a document in respect of our co-operation and the spirit in which we've come forward, if at all possible.

CHAIRPERSON: We've noted your representation in that regard Mr Britz. We obviously are going to be assessing the input and we are going to be looking at all manner of things including the readiness and preparedness that you people were able to meet us halfway with. So we note what you have said but we can't make any undertakings, certainly not on this record.

I don't think it's the appropriate place for us to be doing that, but we will take into account what you have said. I said ...[indistinct] I'm sure you know that part of these proceedings are as a consequence of an approach that was made to us by the Minister of Safety and Security and we have a duty in some way or another to go back to the Minister of Safety and Security and indicate to the Minister in particular what our impressions are.

For the moment I think it is safe for me to say Mr Labuschagne, you are excused and I hope there is going to be no need for us to recall you but if we do, which I doubt, it will only be because there are one or two matters that need straightening

and of course the usual procedure will be gone into but these proceedings are adjourned and you are excused.

MR LABUSCHAGNE: Thank you Chairperson.

WITNESS EXCUSED

HEARING ADIOURNS