

INQUIRY IN TERMS OF SECTION 29

HELD AT

DURBAN

ON

16 JULY 1997

MAJOR-GENERAL JACOBUS BUCHNER

[PAGES 1 - 123]

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ON 1997/07/16IN CAMERA

CHAIRMAN: We apologise for the delay in starting. Before we formally start, we'll swear in the sound technician and the interpreters today. We do have a simultaneous translation, English to Afrikaans. I know that Brigadier Buchner is fluent in both languages, but he has a choice as to which language he will speak in.

MR BOOYENS: Mr Chairman, as far as that is concerned, I've discussed the matter with General Buchner. I think everybody would try to get this over as quickly as possible. General Buchner is going to testify in English in any case, so the proceedings will - as presently envisaged, all the proceedings would be in English in any event. So at least I don't think we need to bother the interpretation services.

CHAIRMAN: There are some documents which are in Afrikaans, which will have to be read into the record in order that the transcriber may translate them into English. If any stage you feel that you want to break into Afrikaans, please feel free to do so. Right, we'll swear in the sound technician.

SOUND TECHNICIAN SWORN IN

TWO INTERPRETERS SWORN IN

MR BOOYENS: Mr Chairman, I confirm that I appear - J. Booyens, SC, instructed by Badenhorst and Olivier, for General Buchner. Just in limine there are a few factors we would like to mention. The first - I am dealing specifically with what I would, for convenience sake, refer to as the second notice. That is the one starting off with the De Kock weapons. We had some difficulty in

/advising our

1A advising our client properly, due to the paucity of information. You would have noticed that we asked for further particulars. The reason for those further particulars, we are fully aware of the provisions of section 29, but if we hear about something just called, "Operation Doom" during late 1980s, that is not a lot of information. The late 1980s is anything, we presume from 1987 to 1989, and that would be a stage when General Buchner was not even stationed in Pietermaritzburg. So we did receive the information as far as Darrelfontein en Vaalkop is concerned. That's that letter signed by General Buchner that you forwarded to us, but as far as the dealings with people from Mechem, etcetera, is concerned, the information we have got about that, and my client's got to rely on memory, it made it extremely difficult but we did take notice of the fact you, in fact, said that the details at your disposal seems to be not very much either, because in the second paragraph of your reply to our request you said that, "All the details at our disposal have been set out in the notices sent to your client". We have been given this morning some of the evidence that De Kock has given in mitigation in his trial. That is one of the documents that we didn't have in our possession. But be that as it may, as far as Operation Marion is concerned, due to my personal involvement in the trial, I, of course, had ample knowledge - probably more knowledge than most people - about Operation Marion. So as far as the Operation Marion notice was concerned, we didn't have any problems, because we assume that the documentation relied upon will be basically the

documentation that was sent to us and also

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1A I remember some of the other details, etcetera. So that just in the first place we may find ourselves in an embarrassing situation and although it is stated in the Act that this can never be used in a criminal trial, the difficulty, of course, is that I would be reluctant to advise my client to answer questions out of the blue that is not covered by what is here, for the simple reason there is always the risk that one might find yourself in a situation where you say something here about something that's happened six or eight years ago and it turns out that there is other information and you run the risk of being prosecuted for perjury. Now, I'm not suggesting that if you say, "I really can't remember", or you make a mistake that such a prosecution would be successful, but nonetheless the possibility of a prosecution and, accordingly, such prejudice, do exist. So, if necessary, we may be forced to object. General Buchner at this stage found himself in Bathurst in the Eastern Cape and he is not keen to come back, and we are all keen to finish the matter as far as possible, but that is the one thing. And if I may make a suggestion, Mr Chairman, I think if we can deal with some of the aspects, if one could - I think it'll shorten proceedings substantially if as far as some of the things is I were to basically lead General Buchner first, but that's obviously subject to what you decide. Lead General Buchner first as to his involvement, when he was where, etcetera - his involvement in Marion, his memories of De Kock and so on, and let him tell us what he says he can remember and then I think a lot of the

questions that will be asked would be answered by that stage and it would be unnecessary, but that's, of course,

/always subject

1A always subject to your direction.

CHAIRMAN: Thank you, Mr Booyens. With regard to the second notice and the reference to the weapons in the Mego (?) matter, at the time of the - the date on which the letter was sent the only information available to us was in the form of an amnesty application which has not yet been made public and we are not in a position to make that application available to anyone, including General Buchner, which is why the information as it appears there is fairly scanty. It is also scanty in the amnesty application. So we've given you the gist of the information without releasing details of the identity of the applicant. With regard to the other documents which were given to you this morning, I apologise that they were given to you now. I intended to speak to you and to advise you that we've only just come across those documents. I didn't know that they were in our possession at the time I wrote the letter. Those are now the extract from Colonel de Kock's plea in mitigation. And I was going to suggest that you went through those documents with your client and then advised us during the course of a break as to whether he would be prepared to answer questions on them, because they weren't sent to you before, so certainly, you know, we'll give him time to look at those documents. If he feels unhappy to answer questions on them today it can be done at another stage, but, as you say, in the interests of getting the matter over and done with you

can advise him accordingly. As to how we will run the proceedings, it may well be that at a later stage during the course of the morning it may be appropriate for you to lead him on certain issues, but at

/this stage

1A this stage we would like to start with certain questions and then we will let you know at what stage we think it may be appropriate for you to lead him in issues that you and he are familiar with, for example, Marion, etcetera.

MR BOOYENS: Thank you, Mr Chairman.

CHAIRMAN: Having sworn the technician and the interpreters in, I need to swear General Buchner in.

JACOBUS HENDRIK BUCHNER (Sworn states)

CHAIRMAN: This is an inquiry in terms of section 29 of the Promotional of National Unity and Reconciliation Act of 1995. It is not a hearing but an investigative inquiry and, as such, it is held in camera. The people that are in the room today are all full-time staff members of the Commission and, in accordance with the Act, no persons other than the persons subpoenaed, his representatives and staff members of the Commission may be present. The respective duties and obligations of the parties in terms of the Act are as follows. The person subpoenaed has the right to legal representation and he is represented here today by Mr Kobus Booyens, SC, and Mr Olivier from Badenhorst and Olivier. In terms of section 31 of the Act, any person subpoenaed to give evidence shall be compelled to answer any questions put to him, notwithstanding the fact that the answer may incriminate him, and there are conditions applicable to that section as follows. There must have been

consultation with the Attorney-General. The Chairperson of the inquiry must be satisfied that the request for information was reasonably necessary and justifiable in an open and democratic society and the witness, of course, must have refused to answer the question. The Act also provides that any

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/incriminating incriminating evidence obtained at an inquiry of this nature is not admissible against the person concerned in a criminal court or in any other institution established by law. There is one proviso to this and that is that any evidence obtained at such a hearing may be used against the person giving the evidence if he is charged with perjury arising out of making a conflicting or an untrue statement to the Commission. Briefly, the offences section, the Act provides that it is a criminal offence to hinder the Commission or Commission staff in the performance or exercise of their duties and it is a criminal offence to unlawfully furnish the Commission with false or misleading information. Those are then the formal duties I have to carry out before we start with the hearing.

We will proceed with the matters referred to in the second notice.

MR LAX: Before we do that, it might be useful just to clarify one or two biographical details, for example, Mr Booyens mentioned that the time alleged in relation to, for example, Operation Doom, as it's called, your client wasn't yet in Pietermaritzburg. We just wanted to be clear about that.

MR BOOYENS: No, Mr Chairman, I think Mr Lax misunderstood me. I said my client knows nothing about

Operation Doom. We do not know when Operation Doom was.

My client was in Pietermaritzburg at some stage during the late 'eighties and at some stage during the late 'eighties he was not in Pietermaritzburg, so when was Operation Doom, for example? That is what we would like to know. Then I'll be able to tell you when he was in
/Pietermaritzburg.

1A Pietermaritzburg.

CHAIRMAN: Okay, we will then start off and ask Brigadier Buchner to give us that sort of pen-sketch of his movements through from the mid-eighties up to the time that he retired from the Police Force. I think that's the sort of information we're looking for so that we can use those periods to identify.

MR LAX: Can I start at the beginning of the 'eighties. Where were you, say in, about 1980? --- If I may just start off then, Mr Chairman. During the - well, from 1980 or from before 1980 I was stationed at Pretoria Headquarters and at the end, during December 1987, at the end of December 1987 I moved to Pietermaritzburg, and assumed duties there on the 1st or 2nd January 1988. My post then was Divisional Commander of the Natal Division of the Security Branch.

What was your ... (inaudible)? --- I'm glad that you asked that, Sir, because it's a bit of a misnomer. The Natal Division, it's actually the Natal Midlands Division, so I was responsible, I would say, from Hammarsdale up to the Drakensberg and part of the Transkei and up to the Sundays River, including Ladysmith, and then up to the Tugela River. I was stationed in Pietermaritzburg officially from the 1st January 1988 and during 1989 I was seconded to the

KwaZulu Police and I reported to Ulundi on the 1st May 1989, and on the 1st September 1989 I was appointed Commissioner and I remained there until the 30th November 1992, when I retired.

At the time that you, just before you came to Pietermaritzburg you said you were based at headquarters? --- That is correct.

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What were your duties at that time? --- Most of the time I was involved in debriefing ANC and PAC, I should think - I use the word, "Personnel" nowadays, that came into the country, that had been trained abroad, and my task was to assess the threat against South Africa and establish what their capabilities were or the capabilities of the various organizations that were then referred to as terrorist organizations.

You're talking about MK and APLA in particular?

--- That is correct, yes.

At some point in that process you were involved in an organization which is known as TREWITS in terms of the acronym, if you like? --- That is correct, Mr Chairman. It was, I think, in the middle-eighties somewhere. There was a need, if I may just explain it, there was a need or there was a request from the military, National Intelligence, that they were not receiving enough information on the capabilities of the various organizations such as MK and APLA and it was then decided that a counter-revolutionary group, task unit, would be put together and I was chairman, I would say for about eight months or ten months or something like that, of this, and it originally consisted only of three members, myself and a member from military

intelligence and a member from National Intelligence.

Who were those people who were originally part of it with you? --- The man from National Intelligence was a man by the name of Du Plessis and the man from Military Intelligence was a Captain Gericke.

Just for the record, TREWITS was, "Teen Rewolusionêre Inligting Taakspan", which is counter-

/revolutionary

1A revolutionary information task unit? --- Yes, I'm trying to remember what the acronym stood for. Teen rewolusionêre inligting taakspan, TREWITS, yes.

As you've said, it was basically an attempt to better co-ordinate the intelligence-gathering capacity of the security forces at that time. --- Well, I think you put it well, Sir, but I believe that at that stage - I believe that I knew what was going on and what the capabilities were and every time I went to a meeting we always had counter sort of ideas from military and from National Intelligence and they didn't have the same access and they wanted access to trained personnel that had been arrested and that was why the thing was put together.

We'll come back to TREWITS a bit later in the course of our discussions. One of your other activities during that time was to give evidence in a number of trials and you've spoken about that in a whole range of interviews and so on. --- That is correct. I was called on to give evidence in trials of members of MK and APLA.

People have spoken about you in the sense that they have suggested that you, together with General Stadler, were probably the two foremost experts at that

time on the revolutionary onslaught, as it was phrased, against South Africa at that time and in that capacity often gave evidence in trials, particularly high-profile trials. Am I putting that correctly? --- I know that General Stadler did an in-depth study of these organizations and I think it was more on a theoretical level. My information I got from the members on the ground, the people we had arrested and so on, and that is why my evidence was so, I would say, valuable in court cases.

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Why were you transferred to Pietermaritzburg?

--- I had been stationed in Pretoria for just on 12 years and I have never liked Pretoria and I had been trying to get out of Pretoria for 5 or 10 years, and at every conceivable chance that I got I tried, and I was first transferred to Cape Town and it was cancelled and then I was transferred to Windhoek and it was cancelled.

Then I was transferred to Soweto and it was cancelled and eventually I got Pietermaritzburg. It was because I kept on badgering them for a transfer.

What were the nature of your duties once you got to Pietermaritzburg? You say you took command of the - divisional command of the security branch for the Natal Midlands, in essence. --- That is correct. My duties were to co-ordinate the work of the members of the security branch and then, at the same time, report to the divisional commander, uniform branch, of the area, and also work in co-operation with all the other State departments.

And who was your divisional commander at that time? Uniform branch. --- It was Brigadier Jan

Coetzer.

And you say that in about the 1st May you were seconded to KwaZulu Police? --- I was informed of that before the 1st May, but I reported to Ulundi on the 1st May 1989.

When were you informed of that? --- I'm not terribly sure, but I would have thought it would have been somewhere around December, January - December 1988, January 1989.

Now, in that intervening period between May 1989 or rather there's about a month during which you weren't

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/actually Commissioner actually Commissioner of Police. --- No, there were about four or five months - from the 1st May to the 1st September.

Was it in September that you became Commissioner?

--- I was appointed Commissioner as from the 1st September 1989.

What happened in those five months then? ---

Well, I arrived at Ulundi and I spent those months getting to know the area, getting to know where all the police stations were, getting to know what the administrative tasks were that were expected of a Commissioner, because I had no experience of being a Commissioner.

So, in fact, is it fair to say that from the time you were seconded there you were going to become Commissioner? It was just a learning phase, if you like, or a familiarising phase? --- I was sent to Ulundi as Commissioner Designate. I mean it was on the cards that I was going to become Commissioner.

And so, in fact, from December 1988 that would have been on the cards, from the time you became aware that you were due to go to Ulundi? --- I'm not sure whether it was December. It could have been December 1988, January 1989. I'm not sure when I was informed of this, but I know that General De Witt and General van der Merwe came down to Pietermaritzburg for some reason or another and at a meeting I was asked whether I would consider going to Ulundi.

That meeting you spoke about with General van der Merwe and, you think, General de Witt, roughly when would that have been? --- Mr Chairman, I said I thought it was - it could have been December 1988 or January 1989.

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1A I am not sure. It could even be February 1989. I am not sure what date that meeting took place.

So some time towards the end of 1988, early 1989?

--- That is correct.

Who else would have come to that meeting? ---

I do not want to be misunderstood. They came down for a meeting and at some stage they spoke to me after the meeting. It wasn't during a meeting that they discussed it with me.

What meeting did they come down for? --- I cannot recollect, Mr Chairman.

Who else was present at the meeting with you when they spoke to you about this? --- As far as I could recollect, it was only the two of them.

Just the two of them? --- Just the two of them.

And yourself? --- And myself, yes.

Okay. In September 1989 then, you assumed
Commissionership of the KwaZulu Police? --- That is
correct, Mr Chairman.

What was your relationship like with the other
senior KwaZulu Police officials? You were coming from
South African Police. These people were already there
as KwaZulu Police. --- I think there was a fair
number of the senior officers that I would say welcomed
my arrival, and there were a fair number that did not
welcome my arrival, that saw this as another way of the
white supremacy in the KwaZulu Police Force.

Amongst those who didn't welcome you, who do you
recall? --- There was never any open indications
that they did not welcome me. It's just a feeling that
you have.

/That's okay.

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That's okay. Who was that feeling in respect of
then? You would have been shrewd enough to know who
your friends were and who your enemies were. --- Oh,
yes, General Mathe, my deputy, because he actually
afterwards indicated that he thought he had to be
Commissioner of the KwaZulu Police. There was a
Brigadier Mzimela, who did not take kindly to my posting
there. Colonel Ngomezulu was another one. I'm just -
just the ones that I know that sort of did not
appreciate my presence there. There was a - and then a
few in the lower ranks, but I think those were the top
ones.

So General Mathe wasn't happy primarily because he
thought he should have taken your position? --- That
is correct, and even when I left again he was not happy

because I was replaced by another white officer.

Now, the relationship between you and Mathe, was it strained for any other reasons? Were there ideological differences? --- No, I don't think there were ideological reasons, but we shared the same building and his office was right next door to mine, so that was not strained, but he was in charge of what is termed the BSI and he was Deputy Commissioner and the only thing that I can say of him, in retrospect, is that he did not do very much on the police level - or at the police level.

Just for the record, BSI stands for? --- The Bureau for Special Investigations. It was, I think, the KwaZulu Police equivalent or attempted equivalent of a security branch.

When was that formed? Was it formed during your term of office? --- No, it was already in place, Mr Chairman, when I arrived there. I have an idea it was

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formed in 1986. I'm not sure. I cannot recollect dates and so on, but it was in position and they had members stationed at very district, but I'm not sure when it was formed, but I, in retrospect, and my experience was that it was a waste of Government money.

What steps did you take to deal with that, as Commissioner? --- I arranged for further training - for intensive training of the members, to try and encourage them to become more productive.

Just to come back to some aspects during your time at head office during the 'eighties. You have openly admitted in a number of interviews in court cases and so

on your involvement in a number of cross-border raids.

You confirm that? --- Mr Chairman, I played a role in certain cross-border raids, yes. I confirm that.

And perhaps we could just briefly canvass those raids, which particular ones you were involved in and what the rough time and dates of those were.

MR BOOYENS: Mr Chairman, this is certainly something that was never covered in any one of the notices. We never consulted about it. We never dealt with it. These are cross-border operations and I've got no problem if the Commissioner asks the questions but I would certainly like to caution my client that if he's at all uncertain, because this is now ground that, I mean, you yourself being an attorney, Mr Chairman, you wouldn't have prepared about cross-border raids on what you supplied to us.

CHAIRMAN: It's not suggested in any way that General Buchner is detrimentally implicated, arising out of his participation in cross-border raids. These were - at the time these were allegedly lawful hot-pursuit activities

1A /and the information and the information that was sent to General Buchner relates to matters in which there are allegations of detrimental implication. So these were - at the time these were lawful activities. In the same way that we're asking him about his role in the TREWITS which was referred to earlier on. These are general matters which we are canvassing with him. If he needs time to prepare or to think about those matters, then we're happy to give him that, but we're looking at this background material and we're not looking to take your client by

surprise in any way.

MR BOOYENS: No, Mr Chairman, the only thing - the reason why I raise my objection at this stage, the moment we talk about a cross-border operation, it might have been a legal activity here, but let's take, for example, the result of that legal activity is for example in Mozambique. Now, those countries would certainly never view - let's say there's a military operation and somebody gets killed on their territory, it can never be, as far as they are concerned, a legal activity, and even the protection that the section offers us here, we cannot bind the courts of another country. So, in other words, I'm talking about a theoretical possibility where my client gets extradited to Mozambique and although in a South African court I would be able to say, "But these questions, this evidence is not admissible in a South African court". I don't know whether you know the law of Mozambique, Mr Chairman. I don't. I mean, I don't even know the law of South Africa all the time. So, for that reason I would just, as far as incriminating questions there, especially seeing that we didn't have time to prepare, I would record my objection

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1A against - at this stage and I would certainly object the moment it looks as if there's any suggestion of either a conspiracy or anything of that nature to commit what we in our law would perceive to be an offence in another country, because we didn't prepare on that.

CHAIRMAN: No, I understand that. We're certainly not going to ask your client what particular role he played in the practical implementation of those operations. We

are more interested in the relationship between, for example, him as a policeman, and the military forces, special forces at the time and how it came about that - or what links there were between the precursor to, "Spesiale magte", special forces and the police at the time. So we are really talking about the structure of the forces, rather than what happened in those places.

MR BOOYENS: Thank you, Mr Chairman.

MR LAX: If I could just once again canvass with you, which specific cross-border raids then were you - for want of a better word - involved in? Let's just leave it no higher than that. --- Mr Chairman, there were three in all. The one was the bombing attack on Nova Katenga in Angola. The other one was ... (intervention)

CHAIRMAN: Just give us the dates of that if you can remember them. --- Mr Chairman, I would think 1977 or possibly early 1978. I think now - it's 20 years ago. I would think it was the beginning of 1978. I'm not sure on this date and I don't want to be tied down to a date. And I must also stress here that my role in these operations was intelligence. That the task force intelligence officers co-ordinated the intelligence with regard to base camps and so on through my office, and we gave them access

/to people in

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to people in detention, and this is basically what my role was, that I facilitated the, if I may call the word, interrogation of people that had been arrested and knew where the camps were. The following one was the Motala raid or what became known as the Motala raid. I think that was again either 1978 or 1979, in that vicinity, where a Defence Force team attacked three

targets in Mozambique in Maputo - outside Maputo - and again I facilitated access to people in detention who knew where these places were. And then the last one was the Maseru raid. In that case I was used because a lot of information was lost - when the units came back from Maseru they handed certain documents and goods over to me that they had captured in Maseru and my task was analysis of what was found there.

MR LAX: That was in about 1982, wasn't it? That particular - the Maseru raid? --- It could be 1982.

I'm not so sure though on the dates now any more.

It was early 'eighties anyway? --- It was early 'eighties, yes.

So, if I understand you correctly, the relationship between yourself and your office, as you put it, and these early special forces of the Defence Force were, in essence, one of providing them access to people in custody and other information as well - you would have acquired a whole range of information yourself in the course of your duties? --- Yes, Mr Chairman, I think basically that when speaking to people that had been arrested, they had access to a whole lot of information and, as far as the police were concerned, I think what they were interested in mostly was just in how many were still outside the

/country and

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country and what the threat was against South Africa, but some of the other information was of use to the military - the type of training, the type of equipment, the type of armaments - the stuff like that.

Who were the people that you were specifically dealing with at that time from the military side? ---

From the military side, the beginning was Colonel Steyn. I think he started off - when he started off he was a Major or Commandant. He then became a Colonel. Steyn.

Sorry, what particular unit or group was he from?

Who were you dealing with specifically? --- He was military intelligence, and he was my liaison, if I may use that word.

And these operations were carried out by which part of the military? --- I believe it was Spes Forces, Spesmagte, as it was known.

Did your liaison remain the same on all three missions? --- I'm not sure what is - let me just answer on the first one. Steyn was my liaison but it was, I think, the South African Air Force that carried out the strike against the camp and it was done on a long distance, so I was sitting in Pretoria and we were only informed about it the day after.

(Inaudible) ... Motala raid? --- Yes, Steyn was my liaison.

And the Maseru one? --- He was also my ...

(incomplete)

CHAIRMAN: In view of the fact that the second notice deals with issues which have only been handed to you this morning we'll leave that matter until later and we'll deal with the first notice, which deals largely with Operation

/Marion and

1A Marion and ... (inaudible). Now, General, you've said in a prior statement to - I think perhaps the Goldstone Commission or in any event I think it's on public record that your knowledge of the Defence Force operation which

subsequently became known as Operation Marion, your knowledge of that, you only became aware of it - well, perhaps let me put it to you. When did you first become aware of it? --- Mr Chairman, my recollection of the name, Operation Marion ... [end of tape] ... [break in recording] ... to be a witness in this case, and in Operation Marion - at that stage I had not even been interviewed by a policeman or by a member of the ITU, like a bolt out of the blue, but the Caprivi training, which was then part of Operation Marion, the Caprivi training came to my notice during the Goldstone hearings by Judge Goldstone. I was called and asked about the training of people in the Caprivi, which I had no knowledge of, but then Brigadier Mathe informed me that it actually had happened. So that was my sum total of Operation Marion, my knowledge.

When was the Goldstone hearing? --- I prepared a - or at least the ITU members took a statement from me and I see the date there is reflected as 1992, but it wasn't 1992. It must be prior to 1992. I think it was 1991. I'm not - Mr Chairman, I'm not sure of the date, but it was definitely after 1989 and 1990.

You are aware, and I also think you've given a public response to this, that you are alleged to have attended a meeting with members of military intelligence or Chief of Staff intelligence operations from the military in 1988. --- Mr Chairman, I made no public

/response to

1B response to any allegations against me. It may have been noticed, I have made no statements since I retired, but I did make a response to the ITU. They showed me certain documents ... (intervention)

I apologise, to the ITU, yes. --- That is correct.

I think that from the documents that were sent to you, the minutes of a meeting were sent to you. Do you have that in front of you? --- That is correct, Mr Chairman, it is with the documents that you also supplied me with.

And you will see that this minute is one which - sorry, the document is initiated by at that stage, I think, General Neels van Tonder, who was Chief of Staff intelligence operations and it is to Admiral Putter, who was military intelligence, and the overview of the minute is that it reflects that during 1989 ... (intervention) --- Sorry, Mr Chairman, the date is incorrectly - it is 1988, November 1988.

During 1988 there were three opportunities ... (inaudible) ... SAP ... (inaudible). --- Sorry, Mr Chairman, your microphone.

That during 1988 there were three occasions to carry out discussions with SAP (V), which would have been, "Veiligheidstak", is that right? --- That is correct, yes.

And the minute then goes on to refer to - I should just say that the covering page of the memorandum is headed, "Operation Marion: Skakeling met SAP, Veiligheids", and then it goes on to say that during 1989 three occasions when discussions were held with the SAP

/Veiligheidstak.

1B Veiligheidstak. It then goes on to say,

"Mobilisasie van Inkatha is reeds aan die gang terwyl daar wegbeweeg is van

offensiewe optrede."

INTERPRETER: "Mobilisation of Inkatha is already on track while there is a movement away from offensive activity."

CHAIRMAN: [Break in recording] ... Held in Natal.

MR BOOYENS: With respect, no, Mr Chairman, the first meeting was held in Pretoria.

CHAIRMAN: Sorry, Liberty Life Building.

MR BOOYENS: Liberty Life Building. The second meeting was held at Wachthuis. That's also in Pretoria.

CHAIRMAN: And the third meeting in Pietermaritzburg.

MR BOOYENS: And the third was in Pietermaritzburg, and the, "Afdelingsbevelvoerders", as they are called, in Natal only attended the second and the third meetings. The first one was Basie Smit and Van der Merwe, I think it was.

CHAIRMAN: That's correct.

MR BOOYENS: There's no suggestion that they were there at the first one.

CHAIRMAN: No, I'm not suggesting that your client was present at the first two. The first two were held in then Transvaal. The third one refers to a meeting between yourself with the other, "Afdelingbevelvoerders" of the - divisional commanders, is that right, of the security branch? --- Afdelingbevelvoerders, divisional commanders.

That was you, Midlands; Colonel Steyn, Natal Coast. --- That is correct, Durban.

/Is it Bertus

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Is it Bertus Steyn? --- That's Bertus Steyn,

yes.

And Brigadier Erasmus. --- No, that would have been Brigadier Burger of Newcastle.

Now, do you recall that meeting? ---

Mr Chairman, I have great difficulty, because I had been to Pretoria at three, four, five, six times to attend conferences. In my own office I attended conferences. If they say it did happen, it must have happened, the meeting must have happened, but I cannot say that on a particular day I remember a particular meeting taking place. I cannot remember that one in particular, but, I mean, we had many meetings, yes.

How often did you meet with the military in the form of - with people like Van Tonder or Putter or Cor van Niekerk? Was that a commonplace thing? ---

Mr Chairman, I think my counsel has just said that I was not present at the meeting. I never met Van Tonder yet in my life. Dries Putter I met on one or two occasions while I was in Pretoria, when I had to go and do briefings to the Secretariat of the State Security Council. In that sense, I met him, but that's all I can recollect.

Van Niekerk, Cor van Niekerk? --- Cor van Niekerk, I met on two occasions, because I had occasion to arrest a man in his car one day, Sir.

What was that? --- The arrest of Roland Hunter, that subsequently led to the arrest of the current Minister of Agriculture, Sir.

Now, the memorandum to which these meetings refer is signed by Cor van Niekerk, so I'm presuming that he was present at that meeting in Pietermaritzburg with the other

/Afdelingbevelvoerders.

1B Afdelingbevelvoerders. Could that be possible? ---

I do not recollect meeting Cor van Niekerk in my office in Pietermaritzburg, Sir.

Now, you will have read the summary of the document that's been given to you or the document which summarises - purports to summarise a meeting. ---

Yes, Sir, I read the documents and I actually read them very intently, because, first of all, it implicates me, but the second thing is that, having no recollection of this, I'm trying to establish why it would be written in that way and the only assumption that I could make from that was by their own admission these are cryptic notes allegedly taken during a meeting with me and it looks like they were transcribed about six, seven - no, about ten months later on and put on paper in report form. So I very much doubt the ability of the reporter to remember exactly what was said at any meeting in my office.

Because, just going back to the cover page of this memorandum, it relates to - it says clearly, "Operation Marion". It refers to mobilisation of Inkatha and movement away from offensive actions and it says that during 1989 - and you've pointed out - we are aware that should mean 1988 - there were three occasions to talk or to hold discussions with the security branch. The first meeting, which you were not at, relates to a meeting in Liberty Life, where it says that HDIO - that's Neels van Tonder, "Gee oorsig van Op MARION". Similarly, at the second meeting, "HDIO gee geskiedkundige oorsig van Op MARION".

INTERPRETER: "Provides historical overview of Operation Marion".

/ CHAIRMAN:

1B CHAIRMAN: And then the third meeting, now just from the context in which the other two meetings were held, the fact that they all fall under this covering memorandum, which relates to discussions of Operation Marion, it would appear from the documents that the purpose of the meeting with yourself in Maritzburg in November 1988 was to discuss that very topic, Operation Marion, and, in fact, if you look at the document, it refers on at least two or three occasions to Marion. "MARION lede moet opgelei word."

INTERPRETER: "Marion members must be trained."

CHAIRMAN: I think there are three references to Marion, and the specific reference to yourself, as you are aware, is,

"Brigadier Buchner says that Inkatha should not know that we select targets. We must prevent the creation of a perception that they work for us and that they can depend on our support. Marion members must be trained not to discuss Marion with simply any SAP member."

It's specific things. --- Very specific, yes.

Although they were - the minutes may have been transcribed or typed at a later stage, it relates very, very specifically to what you were alleged to have said at that meeting and Marion members were cautioned not to discuss Marion with ordinary SAP members, etcetera. So, while it's possibly correct that the contents of the

meeting wasn't taken down verbatim, it certainly conveys
a very particular impression that Operation Marion was

/discussed, and

1B discussed, and then it goes on, you know, Colonel Steyn goes on to say certain things. You then are alleged to have said that the UDF is making Inkatha look good because of their absence or their vacuum in their leadership, etcetera. Now, just going back to the first paragraph, which purports to summarise that meeting, can you give some explanation as to what was said there? I know you've said you can't remember it. Can you give an explanation? Unless you're denying that you said anything like that, and obviously you have the right to deny that, but it - the document tells us something and we would like you to give an explanation for that. ---

Mr Chairman, I think there are various aspects here that must be borne in mind. The first thing is that this is a military document and I think it is couched in military terms. I have said, and I stand by that, that I had no knowledge of the name of Operation Marion. I also had no knowledge until the Goldstone inquiry about the training of the Caprivians, and I say this to underline the fact that I did not know about Operation Marion, but they could have discussed - the military, the people present there - could have discussed the fact that they had the capabilities, that they had people that could infiltrate the UDF if you want to use that word, or that they could be used to gather intelligence.

In that sense, yes, but, having working with the military on two or three previous occasions, where code names are given to operations, I know what the security precautions are that are taken and if you are a member

of an operation every time you have a meeting you are signed in and you are signed on and your signature is there. If that was an Operation Marion meeting then my
signature must
signature must be there, and I say that at no stage -
and I have a further problem, Mr Chairman, I've been reading in the newspapers and also hearing from various people that Opperman said this and Van der Berg said this. I've never seen these people, so I don't know if I've ever seen them in my life. If I could just see them, then I would know whether I had a meeting with these people.

You see, Cor van Niekerk was an accused, as you may be aware, in the so-called Malan trial or the KwaMakutha trial, and he, in his evidence, and that evidence is publicly available, he didn't - he confirmed that he met with you in Pietermaritzburg. --- Well, I know Cor and it is possible that I met Cor, but not in a structured meeting on Operation Marion.

So do you have any explanation as to what you may have meant, if you did say it, about what, "Brigadier Buchner sê Inkatha moet nie weet ons kies teikens nie"?

INTERPRETER: "Brigadier Buchner said that Inkatha must not know that we select targets."

CHAIRMAN: Or if you did say it you can't remember saying it? --- Mr Chairman, it doesn't make any sense to me, because if I had said that the UDF must not know that we are choosing targets it makes sense, but not the Inkatha, Sir.

With all due respect, General, it makes no difference either way. The matter is very arguable on whether it makes sense. It would make perfect sense if

you didn't want Inkatha to feel one down in the whole process and that seems to have been the situation if one looks back at the documentation that we've read and the evidence that we've heard so far. But don't wish to argue

/that with

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that with you at this stage. You're entitled to your opinion on the matter. Let me just canvass just one other aspect in relation to these meetings. These three meetings took place over a three-week period and if one reads the whole minute as a substantive document, if you like, what seems to be on the cards - I'm not saying I've made up my mind about it yet, but what seems to be on the cards is a series of meetings aimed at, amongst other things, damage control. In other words, there were problems that were arising in relation to these people and certain systems and certain mechanisms were needed to be put in place to deal with those problems. Would you agree that, having read the document, that's one possible interpretation of it? --- Mr Chairman, if we want to put the thing into perspective and I'm now speaking with hindsight, after read documents, having read in the newspaper about evidence being given and various of these documents that were presented to me, what was Operation Marion? I'm not so sure in my own mind if I know, but Operation Marion at this stage in my mind is that 200 people were trained in the Caprivi, they came back and a group of them were used in a killing at KwaMakutha and that, as far as I know, according to the documentation, is the sum total of Operation Marion, if we speak now of November 1988. They never did anything again after that. Now, a person

to come into my office and speak to me about Operation Marion, all he could tell me, if he told me about Operation Marion, is that, "We've got 200 trained men and we've killed people at KwaMakutha", and I do not think anybody in his right mind will inform me about Operation Marion.

/General, just

1B General, just to go on to another document which was sent to you, which is an excerpt from the diary of General van Niekerk. Have you seen it? --- I've seen that, yes, that my name has been entered - spelled wrongly, but at 10 o'clock.

I just want to go back to the previous document ... (inaudible) ... minutes to the meeting ... (inaudible) ... top of that page, paragraph 16, in the same ... (intervention)

MR BOOYENS: Sorry, Mr Chairman, you've lost - oh, paragraph - yes, General Smit.

CHAIRMAN: "Hy reël opvolgvergadering vir 28 November 89. Brig van Niekerk en kol vd Berg sal bywoon." And then 17, 18, etcetera.

INTERPRETER: The speaker is not using his microphone.

CHAIRMAN: (Inaudible).

MR BOOYENS: Mr Chairman, you're not using the microphone.

CHAIRMAN: Thank you. Just for the record, I'm referring to the memorandum from HDIO to HSI, Brigadier van Tonder to Admiral Putter, page 3 thereof, the top of the page, which reads as follows, "Hy reël opvolgvergadering ..."

... (intervention)

INTERPRETER: "Hy arranges a follow-up meeting on the 28th November with the attendance of Brigadier van Niekerk and General van der Berg."

CHAIRMAN: The meeting of 28th November is then summarised. So, reading from the documents one can presume that Colonel Mike van der Berg and Cor van Niekerk attended that meeting with you. --- That is correct, Mr Chairman.

/Now, just to

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Now, just to go on with the second document ... (inaudible) ... an extract - copy of an extract from Brigadier van Niekerk's diary. That refers to a meeting with yourself at 10am in Pietermaritzburg and then across from that there are notes in Brigadier van Niekerk's handwriting and it appears to read as follows,

"Should we not rather attempt to go for lower level or lower profile targets which would create less of a splash?"

It would appear to relate to a reference that you made to, "Kiesing van teikens" in the summary of the meeting on the 28th November. That's one interpretation. You are alleged to have said that Inkatha must not know that we are choosing targets for them and then in Brigadier van Niekerk's diary he says, "Should we not go for lower level targets that make less waves?" --- That could be one of the interpretations, Mr Chairman, but I think it must also be taken a bit further and again remember that this is military jargon or military language, and he says there, "Moet ons nie leiers identifiseer en oplei nie?" "Shouldn't we identify leaders and train them outside the PMM" or whatever that is. "Let the PMM protect them and help them to organize." So that's why

I'm saying that this is possibly military jargon. I have no recollection of this meeting, Mr Chairman, and I cannot - I can say safely with my own mind that I was not informed of the name, "Operation Marion". Whether they were discussing Operation Marion at a meeting with me or not I do not know, but they did not use the word, "Operation Marion" and we were not in a secret discussion about an operation.

Ja, I don't want us to become fixated on the name, /"Marion", and "Marion", and I accept that you may well not have heard the name at that stage or up until then or even at that meeting, but there appears to have been a discussion between three senior people in the security police and a brigadier and a colonel in military intelligence talking about selection of targets and we need to have an explanation of what that discussion went around. What was talked about? You will agree that to an observer of these documents that it sounds very much as though something sinister was discussed there. I don't know whether you agree that there could be a sinister interpretation placed on these documents? You are talking about selection of targets, selection of targets in a way that Inkatha did not know that we were selecting targets for them, and selection of lower level targets which won't make waves. Do you have an explanation for what that may mean?

MR BOOYENS: Mr Chairman, I'm not purporting to answer, but I think perhaps a bit of background. I don't know whether you had the boring task of reading through the entire record of the Malan trial. I had the boring task of sitting through that and the word, "Targets" as it

turned out in the military dictionary which we heard ad nauseam in that trial does not mean what you and I understand. Target can mean that and these - when these soldiers talk about a target, they talk about a target or a, "Doelwit" or something like that, which doesn't necessarily mean something that you shoot, and, as a matter of fact, I think, if one reads Van Niekerk's evidence, his explanation for the word, "Targets" there certainly does not deal with targets, and they called some expert testimony about that as well. So, in all fairness,

/I think if

1B I think if one sees the word, "Targets" here and, as my client has said, it's in military context, one should be perhaps a bit cautious. May I remind you, Sir, that the evidence of Opperman was that after KwaMakutha - in so far as one could rely on Opperman - after KwaMakutha no further operations took place. So that seems to - if we talk about targets to mean something like a propaganda target or a target for investigation or something like that, it does not necessarily mean, with respect, in the context which it could have been used only, that one can attach a, "Sinister in the sense of target to be killed" meaning to it.

MR LAX: Are you quite familiar with that whole polemic. We are using the word in its ordinary meaning and in the nature of the context of this document. Your client can answer it however he likes. If he wants to refer to that polemic, he's most welcome to do so. He no doubt will now. Sorry, General, just to repeat the question then. ~~Mr Lyster sketched for you a particular scenario with a particular implication, whatever those~~

targets might mean and, given that there's a whole debate about words mean and what you want them to mean.

The Judge himself referred to the famous words in Alice in Wonderland about words meaning what I say they mean, but, be that as it may, really if one looks at this whole document, as I stressed earlier, it looks like an attempt to deal with the situation that had arisen. In fact, the KwaMakutha situation was not the only instance where the trainees got involved in criminal activities of one kind or another. There were a number of other incidents that have already formed subjects of a number of trials, and you would be

/familiar with

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familiar with those as ex-Commissioner of KwaZulu Police. There were other trials involving them and you would have had to have borne knowledge of them in some way or another. One is not saying they were necessarily part of Marion or not. One doesn't know. The fact is that people were trained and they came back and they got involved in activities. Whether that was directly part of Marion or not one will never really know for sure. The point being that there were problems. People were being prosecuted. They were being arrested. It's clear they were talking to ordinary policemen about their activities and there was a need to deal with the situation. If one looks at this document as a whole a consistent interpretation of the document is that that's what the meetings were about. What do you say about that? --- Mr Chairman, I have responded previously.

I said I have no recollection. Should I - it's difficult at this stage to say that I should see Van der Berg or Opperman to sort of jog my memory. I have no

recollection of ever having discussed Marion. I do not know what this man means when he writes here that I have said that we must look at targets or that we must prevent that the perception develops that Inkatha is working for us or that Marion members should be trained not to discuss anything with the SAP member about Marion, because that I have - I couldn't have said that, because I did not know about Operation Marion.

CHAIRMAN: You see the issue is we - you have told us this repeatedly and we're not saying you did know about Operation Marion in those words at that time. You've told us when you first became aware of the word, "Marion" and its relevance to, for example, the trial of General Malan

/and others.

1B and others. You've told us that the Goldstone team approached you and so on. What sort of - for want of a better word - operation or programme or call it whatever you like - it may not have been called Marion, it may have just been referred to as training or other efforts to carry out certain objectives involving Inkatha members, and that was the one fundamental issue here, was that none of these people were anything but Inkatha members, the people who went for training, and what knowledge did you have of any other activities of the group of people connected to the military in one way or another, who were Inkatha members and who were then going to be deployed in various places? ---

Mr Chairman, I do not know of any other groups that were being used by the military, but I do know that within my own organization with the events, as they were unfolding in those days, my task as Divisional Commander was to

ensure that we had as many informers on the ground as possible. So we would have looked to Inkatha members to recruit them to assist us in obtaining information. The military themselves also had groups operating in the areas and, in actual fact, just as an example, while I was stationed at Ulundi - well, I don't know if it's of any interest, but the military used to send platoons into the area with what they called, "Snuffelpakke", and that is to make communication with people on the ground and then find out what's going on there, and it was reported to me that there was such a unit in operation on the Mhlabathini area, and I actually had the man arrested and brought to my office, because I asked him if we in KwaZulu were in a state of war with South Africa that the military was sending troops into my

/area, and

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area, and I did receive an apology afterwards and the assurance that they would contact my office before they operate in my area, so there were other units operating, and when I say, "Units", I do not know what the units consisted of, but there were groups of people operating, yes.

You see a further aspect evident from this minute is the need to use these people for an alternative purpose, which was as an information source. It's clear from this minute, and General Smit made that quite clear to us when we spoke to him that that was something that he had suggested, that here were these people trained by the military that were being deployed at a lower level and they would make a very useful source of information and one of the things they wanted to co-ordinate was the use of these people as a military - as an intelligence

source, and you at that time were head of Security Branch in Pietermaritzburg and yet you don't recall that at all. --- Mr Chairman, also again with hindsight or in retrospect, as far as I could ascertain, these people - this unit or this group - were being kept somewhere in Northern Zululand near Mkhuze or somewhere like that in a camp. They were nowhere near Pietermaritzburg. They were not in my operational area, so I do not think I could have been asked to use them in any way at all.

With all due respect, they were actually being deployed in your area. They were deployed in Mpumalanga. They were deployed in Pietermaritzburg. They were deployed around Empangeni. All over the place. So that you appear not to have had any knowledge of that is somewhat shocking, let alone surprising.

/Mr Chairman,

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Mr Chairman, as far as I know, some of them were trained to do close protection, but again that was only afterwards I found this out, to look after the Inkatha offices in Pietermaritzburg, but I was not aware of any of those being deployed in the Pietermaritzburg area at all.

MR LAX: You see, one of the - there are a whole range of purposes that this project was originally intended to serve and if one looks at all the documentation, and Mr Booyens will, no doubt, be very familiar with the State Security Council minute of 1986 in May of that year, which set out the original goals - was it April? I beg your pardon, April of that year, which set out the original goals of what was code-named Operation Marion.

It included a whole range of things, including protection of the Chief Minister and other Inkatha members - leaders was, in fact, the term used, not members. Here it is here, if I can just - I don't think you've necessarily been given this document specifically. --- Mr Chairman, yes, your office sent me those documents.

On page 2 of that document, it talks about ... (inaudible).

MR BOOYENS: Just slow down a bit, Mr Lax, if you don't mind. Are we referring to the document, "Spesiale RSA steun aan Hoofminister Buthelezi"?

MR LAX: No.

MR BOOYSEN: Or are we referring to the minute of the State Security Council meeting? Which document are we referring to?

MR LAX: (Inaudible).

INTERPRETER: The speaker is not using his microphone.

MR LAX: (Inaudible). --- Sorry, Mr Chairman, that /document was document was not sent to me.

CHAIRMAN: It wouldn't have been sent to you because it doesn't in any way relate to you and you aren't alleged to have been involved in it. It was 1986 before you were in Pietermaritzburg.

MR BOOYENS: Sorry, Mr Chairman, for interrupting, are you - "Steun aan Inkatha. Hieronder moet verstaan word"?

MR LAX: That's correct, (i) to (vi). 5(a)(i) to (vi).

But if one looks at paragraph 5,

"The original agreement with Chief Minister Buthelezi and the inter-

departmental committee, which investigated the project in broad terms, indicated a clear difference between support to Inkatha and support to KwaZulu."

... Support for KwaZulu as an organ and support for Inkatha specifically and then, if one then looks at 6(a), "Steun aan Inkatha",

"Support to Inkatha. Under this must be understood,

- (i) the security of the Chief Minister Buthelezi in his position as President of Inkatha,
- (ii) the safety and security of other Inkatha leaders,
- (iii) Inkatha actions against the ANC/UDF, and these would be para-military actions,
- (iv) counter-mobilisation,
- (v) information, and,
- (vi) possible interim protection of Chief

/Buthelezi by

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Buthelezi by clandestine covert special forces, should the Chief Minister prefer this arrangement and therefore high-level agreements with the SAP, who would have to take care of this function."

Some of the main - my English escapes me - "Doelwitte" if you like, of that - of Operation Marion. If one turns over to page 4 of that document, and looks at paragraph 10, you will see the nature of the financial

support for this para-military force and it's total of R2 050 000,00, then if one goes over the page one sees at parage 11 the mechanism by which this funding would be directed through Armscor to make it look as if it was coming from an overseas donor and so on, so it would never be traced back. And in paragraph 15 the emphasis on secrecy, etcetera. Now, the point has been made that here was an operation to - and this was in 1986, I might tell you, that this document was approved. It was approved at the highest level, just by way of background, that you may not be familiar with. The State Security Council recommended that this be approved by the highest level, as it was called, and we understand that to have meant a special Cabinet meeting, which then approved it and, in fact, there was some opposition to this particular operation within the State Security Council and elements of it, so as a precaution it was taken to the highest level. As Head of Security Branch operations in Pietermaritzburg during 1988 - well, you would have left in early 1989, but during 1988, in particular, you had no knowledge whatsoever of anything approximating any of these goals? --- Not at all, Mr Chairman.

/So, in other

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So, in other words, this minute that we referred to earlier on, the meeting with you that took place on the 28th November 1988, if we understand, if you like, the blueprint for this operation to be contained in the documents we've just read to you from, and which you say you have no knowledge of, the meeting that would have been held with you, where it talks about Operation Marion, we accept that you - the words, "Operation

Marion" may not have been used in your presence, we accept that for the time being, but the nature of the operation is - it's the same operation we're talking about, even though the words may not have been used.

When it is said that you had already been briefed - if you look at that - the whole point I'm trying to make is that don't you find it a little strange that here is a whole meeting about this whole thing taking place, at which it is purportedly discussed with you, and which purportedly, on the face of this document, and that is the minute of the meeting, you appear to have some knowledge of it from the wording of the document, the way it's written, even though it may be a military document, talking in military language. I'm not certainly putting the gloss that my colleague of necessarily the sinister nature. We'll leave that aside for the moment. We're talking about a context, a blueprint and then a subsequent meeting, granted two years later, but nevertheless about something you say you have absolutely no recollection or no knowledge at that time of any of these things. --- That is correct, Mr Chairman, but I also conceded and I do concede again that meetings took place on a regular basis, not only - I know for a fact that the three Divisional Commanders met on a three-

/monthly basis

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monthly basis to produce a document to brief the then Chief Minister of KwaZulu on the security situation. So we did have meetings. There were other persons, and while I was in Pietermaritzburg it would be Group 10, attending meetings with me. Also members of military intelligence would attend meetings with me. I used to

attend a weekly meeting every Monday morning, where various components of the security forces were present, where the situation was discussed - the security situation. I concede that they possibly discussed with me about how we could utilise people that they have available, but, again, I say - and as you now - so you're not insisting that I knew about the name of Operation Marion?

Ja, we accept that for the moment. --- But they could have said we have a capability, we have an ability, we have people - because even my own people would say, "We have certain people we can use that we can get information from", so it's not too far fetched.

It's just that I did not say what - this is alleged to be attributed to me or what is attributed to me. I cannot recollect saying that.

Can I just differentiate here for a moment? If you can't recollect it at all that's one thing ... [end of tape] ... [break in recording] ... might have said those words, but you just can't remember having said them? --- Mr Chairman, I'm not ruling it out that I could have said it, but then it must be reported in context.

What do you mean by, "Reported in context"? ---

Mr Chairman, if I say, "Yes, the meeting took place and we discussed this or we discussed that and we discussed the following aspects", then it is within a particular framework, but I cannot recollect this meeting. I cannot

/remember the

remember the people. I do not know what they look like and now they say I have said these things. I cannot

recollect this.

Can you think of any single reason why this man at that time would have written this report to say that you said something like that? It certainly was no - there was at that stage no possibility that the thing had been found out or discovered or uncovered. Does he have any grudge against you? I'm just asking. --- No, I do not know these people, so I do not even know if they have a grudge against me. I do not know why it was reported this way.

You see, from this document it's clear that you were trying to help one another and words that have been ascribed to you within the context of what we understand this project to have been are fully consistent with the nature of the project. --- I still say I have no recollection of this.

CHAIRMAN: You see, a minute ago you said that you wanted that meeting to be understood in the context. Now, the very purpose of giving you that document a few minutes ago was to try and provide that context and that document purports to be a clandestine provision of military, financial and other logistical support to a political party by a State organ - the Defence Force.

MR LAX: Sorry, can I just correct you there. It's not a political party at that time.

CHAIRMAN: At that time, sorry.

MR LAX: But the movement at any rate.

CHAIRMAN: Ja. That is why we - you see, we are confused by those remarks that you made and that Brigadier van Niekerk made about selection of lower level targets, which

/wouldn't cause

2A wouldn't cause so many waves. We are confused. We are genuinely confused by those remarks. It's our job to - when documents are put in front of us - to interpret them, to analyze them, to try and come up with an explanation for them. This is why we are giving you these documents. This is why we put that document before you a few minutes ago, to say, "In the context of how the Defence Force apparently saw Operation Marion do you have any comment on why those remarks would have been made in November 1988?", and I'm going to show you another document here, which also provides the purpose of doing it. It wasn't sent to you because it doesn't involve you, but the purpose of giving this document to you or showing it to you is to again describe the context of Operation Marion and this is a memorandum which also comes from - sorry, it's from Brigadier - I don't know what he was then - Neels van Tonder to Director of Special Tasks, which was Cor van Niekerk, and it is headed - it's a memorandum - it's headed, "Operation Marion, Head Staff of Intelligence visit in May 1990". It reads,

"On the 31st October yourself and Colonel van den Berg visited the Chief Minister and the following matters were of importance.

- (b) The Chief Minister was concerned since he was losing the armed struggle and suggested obliquely that offensive actions would still be required, namely to use hit squads."

CHAIRMAN: Well organize some tea and coffee for you guys and take a ten-minute break.

/SHORT ADJOURNMENT

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SHORT ADJOURNMENT

ON RESUMPTION:

JACOBUS HENDRIK BUCHNER (Still under former oath)

CHAIRMAN: The document which was given to you before tea was given to you merely to place in context other references to Operation Marion before the date of that particular memorandum, and you will note that it is headed, "Operation Marion", that it refers to a meeting between senior military intelligence personnel and the Chief Minister and that it appears to relate to a discussion between the Chief Minister, as he then was, and the DST employee - Director of Special Tasks - and further it appears to reflect a request from the Chief Minister that he still requires offensive actions to take place, meaning the - I haven't got the document in front of me - application of hit squads. Now, the purpose of giving you that document was again to try and contextualise what Marion may have meant, because the author of that document appears to be author of the document which refers to your alleged meeting in Pietermaritzburg. Now, do you have any comment on that or do you have any comment on your meeting in November 1988, which may have been in any way influenced by seeing that document? --- Mr Chairman, yes, I've taken note of the contents here. I did not know about this document, but it does, shall I say, prove that Operation Marion did exist, but I have still no recollection of having said that to Van der Berg, or

anybody else.

And finally, just for the record, I want to show you a further document. Again, it doesn't in any way refer to

/yourself. That

2A yourself. That was why it wasn't sent to you. It's dated 31st October 1988. It's a memorandum to Captain Opperman and if you look on page 3 thereof it refers to - paragraph 15 it refers to "Offensiewe optredes".

"Offensive actions should only be carried out by trained cells under careful supervision and authorisation must first be authorised by the Director of Special Tasks then Cor van Niekerk. Targets must be authorised by the Defence Force, South African Police and a particular individual (code named in the document). These three entities have to authorise all actions - South African Police Force, Security Branch, co-operation is crucial."

... To talk about, "Inligting", information. So, "Inligting" is clearly in this memorandum a separate issue from 15, which is, "Offensiewe optredes". So it stands alone there. Now, again, I know you haven't seen this document. It doesn't refer to you. You're not implicated in it. The reason why it has been shown to you is because it again makes reference to selection of targets in the context of offensive action and it specifically says that targets must be approved by the Security Branch of the SAP and that Security Branch co-

operation is necessary, or it's essential. Now, in that context, and this, as I have said, was given to you as a document to contextualise other references to Operation Marion, in which reference was made to target selection or choice of targets. Now, in the light of that document, do you have any further

/comment to make

2A comment to make on your meeting of November 1988, and do you have any comment on this document itself? ---

No, Mr Chairman, I have no comment on this document, except I just note on page 2 of the document under paragraph 12, "Sekerheid", because I have previously mentioned when an operation is on the go there are certain steps that must be taken by the whole South African Defence Force. "Gee uitvoering aan 'n ..." - "Carry out South African Defence Force Security Policy".

Now the SAW sekerheidsbeleid includes that anybody with whom any operation is discussed must be indicated and this person must be asked to sign a document to say that he was present, and I have never ever signed any documents to say I was present at Operation Marion discussions.

MR LAX: Can I just follow up there? I'm somewhat surprised you're saying you've never signed a document. Because you can't even recall the meeting of which there is a note. You may well have signed a document. You may just not recall signing a document. I just want to correct you there in case you end up saying something which you don't intend to say, because to say categorically you've never signed a document if you can't even remember the meeting in relation to which that document may have related, you may find yourself in

difficulty there, so I just caution you in that regard.

--- Thank you, Mr Chairman, and I do thank you for advising me on this. I do believe that I would have remembered the name, "Operation Marion", and I do believe that I would have remembered if I had been asked to sign an operational paper saying that I was present, because the instructions are that - if I may just sketch the

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background - if we do have a meeting like in a room like this, a certain person is for the duration of the operation appointed as security officer, and it is his or her task to keep a list of - a nominal list of everybody present, dates, times, signatures and then to ensure that once the people leave the conference room that all documentation is cleared from the area and any unnecessary documents destroyed, etcetera. I cannot recall ever signing a document. I do know that I signed nominal rolls for one or two other operations but definitely not for Operation Marion.

We accept that you can't remember doing that. That's not to say, as I said, that you didn't do it and I'm sure that the fact that you can't remember, you can't categorically say you never did it. You just can't remember doing it. If one day those documents were to come to light, for example, I'd hate to have to put to you the fact that you made a categorical statement and now here is the document. I think, if I was you I would be safer and just leave it as I've suggested to you. --- I do appreciate that, Mr Chairman. Thank you very much, and as I say, I do not recollect signing the document.

CHAIRMAN: Just with regard to the document which we have just shown you, the reference there to offensive actions and target isn't ascribed to you in any way, but it does appear that or it's clear from the document that approval of targets must be done by REEVA, Security Branch and the Defence Force, and then Security Branch co-operation is essential, and that offensive actions must only be carried out by trained cells under strict control. Now, at that stage you were Divisional Commander of the Security Branch

/in the Midlands.

2A in the Midlands. Do you have any comment to make on that paragraph? Can you just try and throw some light on it for us? We're grappling with that particular issue there. Can you say anything about it or make any comment on it? Can you assist us in any way with that document? --- Mr Chairman, yes, as far as that document is concerned, and I have taken note of that paragraph, but maybe I should also just point out something that I've just noticed here. On this document, it is dated the 31st October 1988, and I cannot understand why at this late stage, if I am correct, that Operation Marion was started and initiated in 1986, why it is suddenly necessary in 1988, in October, to suddenly now prescribe to Captain Opperman what his tasks and responsibilities are in Operation Marion. These tasks and responsibilities should have been spelt out already in 1986. It is not trying to muddy the issue. I just cannot why it has to happen on the 31st October 1988.

Yes, I don't know the answer to that question either, but I'm specifically referring to the references

there to the Security Branch being essentially involved in selection of targets. --- Yes, Mr Chairman, I have taken note of this paragraph. I have no comment to make on this.

Sorry, if you would just bear with us for a moment. I think we are likely to move on from the Marion issue now, but just to see if there's anything else that we want to cover.

MR LAX: While Mr Lyster is checking through that, there were two aspects that I wanted to just touch on. You spoke about a series of meetings that were organized on a

/quarterly basis,

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quarterly basis, on which you would then report to the Chief Minister with your other colleagues, and I'm assuming those are the three other Divisional Heads. Is that correct? --- Yes. Sorry, Mr Chairman, two other colleagues.

Two colleagues, the three of you is what I meant.

--- That is correct, Mr Chairman.

What was the nature of the reporting that you did to the Chief Minister and in what capacity did you do that? --- Mr Chairman, during or after I had taken over in Pietermaritzburg I had occasion to meet the then Chief Minister of KwaZulu and I had to arrange for his security for his visit to Pietermaritzburg, and during my first meeting with him I asked him whether he was informed on a regular basis about the security situation in Natal and he said no, he was not. So I took it on myself to arrange with the other two Divisional Commanders to give me some input and then on a three-monthly basis we, the three of us, briefed Chief

Minister Buthelezi.

Where would those briefings happen? --- The briefings happened in Ulundi.

And would the three of you go to Ulundi to do that or would one of you be delegated that role or how did that liaison work? --- The liaison - we drew up three documents individually - each one drew up for his own division and then in my office I had the document drawn up and checked out and then the three of us went together to Ulundi in case there were questions pertaining to the other two divisions.

Roughly when did that process start, as far as you can remember? --- Mr Chairman, I'm not sure, but all

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in all, I think there were three or four briefings so it would have been middle 1988. I would say from about the middle of 1988.

Did that process not continue once you'd become Commissioner of the KwaZulu Police? And it would have been even more important for you for that process to continue? --- Mr Chairman, once I had arrived at

Ulundi - after I had arrived, we had one briefing that I can remember, and then I had arranged with Pretoria, with headquarters, to send me their weekly security intelligence reports and I co-ordinated myself and eventually the other two Commanders - or my successor and the two Commanders in the other two areas decided not to come up to Ulundi any more.

Did the Chief Minister not request that briefing to continue? How was he then suddenly briefed on the issue? By you? --- Mr Chairman, I briefed the Chief Minister whenever I thought it fit or when I had enough

for a briefing to give him a proper briefing but I was then Commissioner of the KwaZulu Police and I could not tell the other three Commanders to report to Dr Buthelezi.

I just understand that much. What I'm asking is surely he would have wanted that briefing to continue? It was a useful source of information for him. If it didn't continue via yourself in some other format there would have been a gap in his intelligence. ---

Mr Chairman, I did say that after my arrival in Ulundi I made arrangements to get the weekly security reports from Pretoria, which were comprehensive enough that I could brief Dr Buthelezi on a regular basis.

So, in fact, you took over that function, except for

/that one briefing

2A that one briefing you mentioned? --- That is correct, Mr Chairman.

Now, you mentioned that, amongst your other duties, while you were at Pietermaritzburg would be a weekly meeting, which would include, inter alia, a number of groupings and you mentioned Group 10. What group is that? --- I stand - I may be wrong in the number, but it - what I meant was the military group and I think Group 10 is a military group that's based in Pietermaritzburg.

It's, in fact, Group 9. Group 10 is in this part of the world. --- Sorry, Mr Chairman, then Group 9 I meant at that stage, but I also had to attend a monthly meeting in Durban, where all the security forces were also present.

What was the name of that meeting? Did it have a specific name? What was it referred to as? ---

Mr Chairman, just give me a second, because I've been out of the rat race for quite some time. The Monday morning was VEIKOM. It was a veiligheidskomitee. And I think the monthly one down in Durban was GIK, "Gesamentlike Inligtingskomitee", or something like that. GIK or GOK or something, but they used ... (inaudible).

Now, one aspect you haven't canvassed at all in your evidence so far is your duties as Area Commissioner. It's something you would have been involved in in the course of your duties in that portfolio was the joint management system, as it pertained in operation at that time. --- That is what I - the GBS stelsel. The gesamentlike - that is the meeting that I attended once a month in Durban.

But you would have also been part of a similar process at a local level in Pietermaritzburg? ---

No,

/Mr Chairman,

2A Mr Chairman, one of my officers would have been designated to attend those meetings.

Any idea who that person would have been during your time as Head of Security Branch in Pietermaritzburg? --- If I put a name to a person now, I really - I do not know if it is, in fact, so, but I do know that I had appointed specific officers because there were so many of these mini-committees and things operating at the same time that it was impossible for one person to attend them all. So various of my officers could have attended those meetings.

CHAIRMAN: Just to go back to one or two issues from Marion. Are you aware of the evidence which was given by Captain Opperman, whose document you were shown a few minutes ago, of his evidence to the Goldstone Commission? --- No, I do not know what evidence he gave to the Goldstone Commission.

Sorry, I thought that you were fully aware of this and if the information which I give you now comes as news to you, please let me know, and we'll give you an opportunity to look at the matter and to decide whether you are able to answer questions on it now, but - no, I apologise. It wasn't to the Goldstone Commission. It was at the trial in 1995 - the Malan trial.

Mr Chairman, I've had an opportunity to read the portion of his statement - his affidavit - that was forwarded to me. It was on the front page actually of this document that was sent to me - "Extract from the statement of Captain J P Opperman dated the 29th March 1995". I also then read an extract of the evidence that he gave in the trial at the time, and my personal opinion is that they do not - it's not the same man or it's not the same story.

/But the gist

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But the gist of the allegation that is made concerning yourself is that after the KwaMakutha incident a meeting was held in Pietermaritzburg between yourself, Opperman, Mike van der Berg, at which the problem of Luthuli was discussed - Luthuli being Daluxolo Luthuli, the so-called political commissar of the Caprivi trainees, and the evidence of Opperman was that this man was talking - beginning to talk freely about Operation Marion and that the suggestion was made by yourself that the only way to

deal with the problem was that Mr Luthuli should be killed. --- Mr Chairman, this is what is reflected in his affidavit. His evidence-in-chief in the court case he said that the matter was discussed. He cannot remember who said what. I was asked about this and I first want to mention the fact that I know who Daluxolo Wordsworth Luthuli is, because of my background and my experience in the Natal Security Branch, when I was here in the early days, so I knew exactly who this man was. I also know that he was arrested on a charge of murder in the Mpumalanga area - or on an allegation of murder - apparently where there were three witnesses present, and that he was detained down at Mpumalanga, and from his own statement that he was taken by a Warrant-Officer van Vuuren to Ulundi to point out a firearm and also to speak to, I think it was M Z Khumalo, and then brought back again and released a few days later. Now, I was aware that Luthuli had been arrested: I say this because - I don't know when he was arrested, but I was aware that he had been arrested, because I had been given an appointment certificate - a KwaZulu Police appointment certificate in his name and I wrote a letter to the Commissioner - then

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/Commissioner of
Commissioner of the KwaZulu Police, asking him to explain why a trained ANC man could be walking around with a KwaZulu Police identity document or appointment certificate, and many months later I received an answer from the then Commission, saying that this man was on special investigations in the Mpumalanga area and that is why he was given an appointment certificate signed by Brigadier Mathe. That was the sum total of my knowledge

of Daluxolo Luthuli at that stage. I did not discuss Luthuli with anybody or the possibility that he should be taken out or killed or whatever, and I must say in this matter I have had communication with Louis Botha, who was supposed to have brought these people to my office, and what I now know of that meeting is I can only repeat what he told me, but I myself cannot - as I say, I don't know what Opperman looks like and I don't know what Van der Berg or Van Blerck - he's got various names - I don't know what he looks like, but if I could find out what he looks like, maybe it will jog my memory.

In essence, you are saying that if Opperman says this about you, then he's not telling the truth?

MR BOOYENS: Mr Chairman, ... (inaudible) ... evidence-in-chief what he said about this incident. Page 289.

CHAIRMAN: I think he was less specific. I think he said the matter was discussed.

MR BOOYENS: "From who did the suggestion come at the meeting - that's the suggestion that Luthuli should be killed?" "M'Lord, I can't pinpoint anybody at this specific stage." That's something that came out in the conversation at the specific time, so he certainly didn't pinpoint General Buchner.

/CHAIRMAN:

2A CHAIRMAN: No, look, it's obviously necessary to put the question to him, because it arose from a statement and it detrimentally implicates your client. We must put the question to him.

MR BOOYENS: Yes, no, I appreciate that. I just want to put it in context, that he was not specific once he got into the witness box.

CHAIRMAN: What did Colonel Louis Botha tell you? You said that you can only comment on what he told you about this meeting. --- Mr Chairman, Colonel Botha - and he was very adamant about this - he said that he had been approached by Van der Berg and Opperman. They needed to have a liaison person in the Mpumalanga/Hammarsdale area and they needed an introduction to me because I was the Divisional Commander responsible for that area, and that they had, in actual fact, come to my office and I'd listened to their request and I had then indicated that I would come back to them and give them a person with whom they could liaise, and my reaction after they had left to Botha was, "Why don't they work through their Commander in Durban?", who at that stage was Brigadier Hattingh, Pretorius and Colonel Viktor, who I met with every month, and if they wanted any liaison officers appointed I would then work through that way. I did not appreciate the fact that he came direct to my office. But I must say it didn't make any impression on me. It couldn't have made any impression, because I haven't got a recollection of that.

MR LAX: Just briefly with regard to something else you mentioned about issue of certificates of appointment to people who did not undergo police training, are you aware

/that several

2A that several members of the Caprivi group were, in fact, issued with certificates of appointment as KwaZulu Policemen? --- I understand during the Goldstone Commission that they had already been appointed as members of the KwaZulu Police and, as such, they would

have had appointment certificates.

Was that regular? I understand that none of these people had any formal police training. They were trained in offensive - "Offensiewe optrede" - and that for one reason or another they were at a later stage integrated into the KwaZulu Police. Was that in accordance with normal procedures? --- It would totally irregular for them to have been issued with appointment certificates and I think this is why I had the problem and I wrote to the Commissioner about it, but I must say after my arrival in Ulundi I questioned the then Commission, Brigadier Laas, about this and he told me but - it was - he had allowed Brigadier Mathe to sign all appointment certificates and, from my arrival there, as Commissioner - the day I took over a Commissioner - I issued an order that all appointment certificates would be signed by myself and nobody else would have that authority - to stamp out this sort of thing.

What steps did you take to regularise the position in respect of these that had already been issued? ---

Well, first of all, I did not know how many of them were issued or who they were issued to and I was never informed, but I must say that any person after my arrival there that joined the KwaZulu Police went through a thorough training - a proper training - and was then, only then, issued with appointment certificates.

/Why didn't

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Why didn't you do something about it? Why didn't you make enquiries as to how many of these people had, in fact, been issued with improper or irregular

appointment certificates, and take some steps to regularise the matter? That was your role as Commissioner. --- May I just say that the first time I heard about the Caprivi training, and I said it earlier this morning, was somewhere, I think it was 1991, during the Goldstone Commission. I couldn't have done anything in 1989, 1990, after my arrival, because I did not know about this. That was about the Caprivi training and these people that had been outside the country. By then my whole system was running and I think it was - the training system was up and running and the issuing of appointment certificates was totally in hand.

You see, with all due respect, General, you knew about the problem, because you instituted a mechanism to deal with it in the future. What you didn't do was deal with the past, and that's what I'm asking you, why didn't you deal with the past? You knew - you've already told us you'd written in respect of one specific matter, and you put a system in place to ensure that it didn't happen again, right. If I paraphrase your words, that's in effect what you were saying, so the question is, it's no good to say to us you didn't know about it.

You must have known about it and you did something about it. What I'm asking you is why didn't you do something retrospectively? --- Once again, Mr Chairman, I knew about this one incident. I was not told about any other issues or appointment certificates that had been issued. So that's why I didn't do anything about it.

/CHAIRMAN:

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CHAIRMAN: Briefly, were you in Ulundi as Commissioner, when Dr Niel Barnard initiated a training programme for people within your area of jurisdiction to - or initiated a training programme for people to be trained as intelligence gatherers - a sort of mini-NIS, as it were, in Ulundi? --- Not that I'm aware of, Mr Chairman. Not in my time. I have no recollection whatsoever. I do not think Dr Barnard visited Ulundi while I was there. I may be wrong.

I'm not sure whether he visited Ulundi, but the evidence he gave to this similar inquiry, which he has subsequently made public the day before yesterday, indicated that he, at the request of the Chief Minister, initiated an NIS project in Ulundi to train people locally as - based in Ulundi, to train people in the whole concept of intelligence-gathering. Would that not have happened during your time? --- Mr Chairman, I do not believe it happened during my time. It could have been before I arrived there, but not in my time. I do believe that the Chief Minister would have spoken to me about it.

Just for the record, his evidence was further that as soon as the project was launched here it was taken over by Inkatha, in particular, Mr M Z Khumalo, and because it had been taken over by an organization rather than a State body, Dr Barnard then withdrew the project in its entirety, because he felt that a State-funded intelligence-gathering mechanism should not be controlled by a political party. That's just for the record. --- Mr Chairman, I noted in some of the documents that I've seen in the last few days that there was a decision taken in 1986 about the creating of a

capability - an

/intelligence-gathering

2A intelligence-gathering capability. It could have been an outflow of that, but it wasn't in my time. It must have been before.

MR LAX: General, from what you've told us, you've been involved over a long period of time with counter-insurgency work of one kind or another. How do you understand the terms, "Offensiewe optrede"? ---

Mr Chairman, I don't believe for one minute I am qualified to speak on semantics, but, "Offensiewe optrede" in my dictionary, offensive is to take action - offensief - against somebody else. So, "Offensiewe optrede" is - I think the - here again we go back to the military, but they speak of preemptive and offensive, and preemptive was the description give to, let's say for argument's sake, the Motala raid, where action is taken against the so-called enemy before they can take action. But, "Offensiewe", I can only deduct from the word, how it's used in the dictionary, offensive - attacking.

To put it another way, the use of maximum force, as opposed to minimum force. The police were trained to use minimum force. The Defence Force was trained to use maximum force. --- Well, that could also be a description of the two - use of the two words, yes.

Would you see that distinction as being relevant in this context? --- I think I would see it as relevant, yes, because if you have a defensive capability that means defend and look after the people.

Offensive is, I would say, attack, yes.

And even kill, if necessary? --- I would say
that, yes.

But you see, I'm pleased you've said that, because
/some of your
2A some of your more senior colleagues were less than
candid about that. Others were very candid with us and
they agreed exactly with what you have said. Some
dodged the issue a little bit and tried to imply that it
didn't really mean that, but the most senior of your
colleagues accepted, in all honesty, that in the context
of the security situation in the country at the time
that's the only meaning it could really have had, and
that's how they would have understood it, semantics
aside, and military usage aside. And if one reads these
documents, it's really the only meaning one can really
come to if one looks at the categories of action
intended and I'm sure you'd agree with that. ---
Well, from the documents, it appears so, yes.

CHAIRMAN: I think it's also, just for the record,
important to point out that in his statement to the
Commission on Monday, Dr Niel Barnard said that he
specifically objected to the para-military capacity, the
offensive para-military capacity to Inkatha on the very
basis that it would lead to bloodshed. That was his
understanding of it. That was his appreciation of it,
and he objected on that basis and he said that because
of his objections the matter was sent to higher
authority. We asked what higher authority meant. He
said that meant the Cabinet, and he said from that point
on it became a military project. It was out of his
hands but he felt that it was important that he had
lodged his objection to it because he felt that it was -

it would ... [end of tape] ... [break in recording].

Just one last issue in this context really, and that is how did you, in your role, particularly when you were

/in Pietermaritzburg

2B in Pietermaritzburg and then later in Ulundi, how did you view Inkatha as opposed to other organizations on the ground, and particularly in the context of the broader situation in South Africa? --- Well, I would say at that stage the appearance was that Inkatha was the legal party operating within South Africa and was very friendly towards the Government of the day - South African Government of the day, and when I now speak of Inkatha I speak of the whole of Inkatha. I'm not speaking of individuals. And Inkatha was perceived to be friendly towards the Government and then - as opposed to the UDF and other organizations.

You see many of your colleagues have told us quite plainly that they perceived Inkatha to be an ally of the State and they acted in that regard and they used Inkatha people wherever possible to counter the threat that the State was under. Would you agree with that suggestion? --- Yes, Mr Chairman, I would agree that - especially some of the senior people I knew at that stage would perceive Inkatha to be an ally of South Africa. The only reason why I hesitate a little bit about that is because of personal discussions I've had with Dr Buthelezi and that is that at some stages he had no time for the South African Government at all, especially with our previous - sorry, with President P W Botha, who he was at loggerheads with a couple of times, but in general, yes, the Inkatha Party could have been

seen or would have been seen as an ally of the South African Government.

You see, the evidence we've heard so far suggests from many of your colleagues that the attitude of the security forces, in general terms, with a few exceptions,

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but certainly at the very highest levels and certainly on the ground in Pietermaritzburg, where you were head of security branch, the attitude was that Inkatha members were useful, they were helpful, certainly, in countering the threat that was emanating from the UDF and its allies - let's call it the SACP/ANC/UDF alliance or sector, for want of a better way of putting it, and that in most of their operations they did their utmost to support Inkatha and the opposite to undermine the UDF where possible, and the rest of that alliance. ---

That is correct, Mr Chairman.

Just as a matter of interest, the UDF wasn't an unlawful organization at that time. --- Mr Chairman, now I do not know. I cannot remember dates when it was declared an affected or unlawful organization, so it could have been a legal organization, yes. I don't know.

General, are you aware of the debates at State Security Council level which was, according to people who have appeared before this Commission, these debates were then filtered down via directives to Head of the Army, Head of the Police, including the Security Branch, relating to principles of counter-revolutionary warfare, as expounded by authors such as Commandant Fraser and McCuen and others? --- Mr Chairman, I think, through

my research into terrorism and terrorist organizations and stuff I did quite a few studies on that line and read the documents by McCuen and various other authors.

Some of them I can't even remember any more. Both General Stadler and myself and we, from time to time, got vast volumes of documents, so I might have had insight into such a document, not knowing or at this stage not knowing whether

/it was from

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it was from the State Security Council or not.

Just to pick up there, the basic thesis was that South Africa was facing a total onslaught and needed to counter that total onslaught by - to put it euphemistically - using the terrorist's own methods against them. Mr Chairman, yes, I think President P W Botha was well-known for his total onslaught stories, statements and public utterances. I agree with that, yes.

The point I'm trying to make is that mentality filtered down to the lowest levels of the security forces. That was, for want of a better word, the, "Houding" that people were expected to adopt. Reading the outcome of certain investigations and statements made now, it definitely did filter all the way down, yes.

And the point that was made in various remarks and directives issued at the time was that the State was facing an onslaught from the outside, as well as from within and that the same sort of action should be taken against the enemy - the so-called enemy, whether they were outside the country or within the country and this perception certainly is conveyed to this Commission by a

number of amnesty applications, which have been made by people who I can't reveal the names of now, but I can assure you that they are extremely senior people within the Defence Force. That that was their understanding. That was their perception. The Defence Force and the police, and that, in accordance with that directive that there was a gradual blurring of the distinction between the enemy outside and the enemy inside, to the point where they were to be treated in the same way, and that, arising

/out of that

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out of that directive, they were to identify targets inside and to eliminate targets and these amnesty applications relate to that very issue that targets were identified and people were eliminated and examples are the identification and elimination of the Ribeiro's in the Transvaal as what was then regarded as a legitimate internal target, and that would appear to have arisen - that way of thinking would appear to have arisen (a) from the real threat posed to the regime, to the Government of the day, both internally and externally, as well as arising out of reference to these various documents which we have referred to or texts - Fraser, McCuen, etcetera, where reference is made to the limited use of terror. Are you aware of those debates and that sort of policy? --- No, Mr Chairman. As I said, I may have received some of those documents at some stage, but I think it must be accepted, because in 1984, 1985, 1986 and even 1987 the SACP and the African National Congress at the time - I know that I was flooded with documents that came into the country, saying, "Make this country ungovernable", and calling on the masses to rise

up and to make the country ungovernable, so there was a fear from these people and that's why I say, yes, it is possible that the perceptions became embedded in the South African Government mind that they may be entitled to limit it or whatever, but I don't want to go so far as to cast a judgment on this, but from what the situation was, yes, the perceptions could arisen then.

You see, General, one of our jobs is to understand the motives, perspectives, antecedents, a whole range of stuff that is not, strictly speaking, the sort of things

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that one would canvass, for example, in a criminal trial. This is not a criminal process. This is really about trying to understand what happened and trying to take note of what may well have been bona fide beliefs held at the time by people who - it's not our duty to judge them, it's just to note them, and so that's why we're asking these questions in essence. The issue that's come up in a number of amnesty applications is the issue that TREWITS, amongst other institutions, prepared hit lists - they may not have been called hit lists, okay, but they were lists of activists who posed a particular threat and who, in the course of examination of that threat, decisions were taken to eliminate those people in one way or another, and you were an integral part of TREWITS, certainly in its beginning days. Do you have any recollection of that happening? Of that sort of information being collected and filtered through in one way or another? --- May I say that I did read a newspaper report. I think it was a chap by the name of Cronje, who said that I was the founder of TREWITS or at least I was with TREWITS

and we compiled targets, and we were speaking about recollections. I know Jac Cronje very well and I'd never ever had a meeting with Jac Cronje, because of personal differences. So, for the record, I want to state that I was instructed to form TREWITS because it was complaints from military intelligence, National Intelligence, that they weren't getting the nitty-gritty on the ground from these people that had been arrested and apparently I was a reasonable or a good interrogator to get the information out and we didn't share all the information with them, so we formed TREWITS and my job at that stage was

/identifying -

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identifying - let's use the word, "Terrorists", because that was the word in use at the time, and making sure that I knew who was the enemy and how many there were outside the country, and these were people who had left the country for military training and were going to be posted back into South Africa, and we compiled long lists of every person that had left the country, with photographs, with his personal history, with his background or her background, and every time I did a debriefing or interrogation we had photographs of all these people - 6 000 photographs or something like that - and the idea was, establish where is this trained person, what is this person doing, what is the threat that this person holds for South Africa, on the terrorism front. At no stage while I was in office there did we ever have a list or a name of a person internally. That was not the function of TREWITS. What happened after I left, I cannot speak for. I do not know. But, I must also say that in the months that I

was there there were no structured meetings with any other outside organization or force or unit regarding the work of TREWITS. We each reported back to our own headquarters. That was it.

And so, if for example people like - well, let me cover this first. So, in your experience, TREWITS didn't compile hit lists at all. It just compiled lists of people who had left the country for training and might come back? --- That is correct, Mr Chairman.

Well, you see, very senior people like General van der Merwe, for example, concede that TREWITS drew up external hit lists, for example. He was very, very clear about the fact that the people that TREWITS drew profiles

/on and so

2B on and so on, one of the objects would be to eliminate them at some point in time. --- Mr Chairman, that information could have been used, but in all the time that I was there it was not used in that context.

I mean you were only there for a few months anyway, as you've pointed out. --- That is correct, Mr Chairman. I initiated TREWITS.

And its whole basis could have changed substantially after the time you left? --- That is possible, yes.

In fact, if we believe the evidence of General van der Merwe and others, it did, in fact, change substantially. --- I just want to say again that I say the evidence of Brigadier Jac Cronje is not correct that I was at a meeting because I never, ever was involved in a thing like that.

Let's shift direction somewhat here and look at the situation in Pietermaritzburg round about the 1980s - 1987, 1988, 1989. You would have come in there at the beginning of 1988 and you stayed for just over a year - in essence, 14 months - before you then moved on. One of the - how would you describe the situation in Maritzburg when you arrived there - the political situation? --- The political situation in Pietermaritzburg on my arrival was tense. There was fighting, there were murders, there was violence and there was bedlam and there was chaos.

What were the underlying causes of this chaos, as you would have had to handle it and try and come to some sort of ... (inaudible). --- I would say in many cases it was just a question of political opponents living in too close proximity to each other. I say this to explain various, shall I say, attacks that took place, and so on.

/My experience

2B My experience was where a whole area, like say for argument's sake, Elandskop, was totally dominated by Inkatha or a whole area such as Imbali - well, not Imbali, but let's say in the Hammarsdale area, the whole area was dominated by the ANC. There would be no problems at all. It would be a peaceful community, but where we had the two political opponents or opposing groups living street by street, there used to be on-going conflict all the time. It was also aggravated by the fact that every time there was a rally of some sort, with the unique geographical set-up in Pietermaritzburg, that if, for argument's sake, the people of Sobantu would attend a rally - not that I say that they were

part of any of the groups, they had their own little group - if they attended a rally, they had to run the gauntlet through two other opposing forces to get to their area. If the people of Ashdown wanted to attend a rally somewhere, when they got back their roads were blocked off and the buses were stoned and people were shot and killed, and the same happened with Elandskop, and so forth. I know at certain stages we had to redirect these people after political meetings or rallies or gatherings, in order to try and defuse the situation.

What was the existing or prevailing balance of power in the Pietermaritzburg area? You would have had to have done analysis to try and establish that. How did you see it in early 1988? --- I think it would be very much reflected in the results of the election of 1994 - sorry, they weren't - in any case, there were strong groupings in the rural areas of Inkatha and I would say that the ANC/UDF/SACP alliance, or whatever, was a strong grouping in the urban areas.

/In various

2B

In various interviews you have spoken about that time and you've spoken about Inkatha being basically on the defensive at that time. Do you confirm that? ---

I could have said that, yes. In certain areas definitely they were on the defensive, yes.

What had happened in reality is that the UDF had been formed in about 1983 and had become predominantly more and more vocal in its - and active in its activities and that previously solidly Inkatha areas had lost support and people had moved, changed sides to the UDF. By late 1987 the Inkatha was on the back foot, if

you could put it in that way, in terms of its membership and you have spoken in a number of interviews about how, when you took over in Pietermaritzburg you corrected that situation in a sense. --- Mr Chairman, no, I'm not aware that I ever corrected the situation, because the situation is still not corrected today and it's ten years later and I definitely could not have claimed - you say I did, but I don't know that I ever claimed that I corrected the situation in Pietermaritzburg.

I'm referring to a number of newspaper interviews and a number of television interviews, where you took credit for restoring law and order and ensuring that certainly the lack of support that Inkatha had was rectified in some way or other. There are a whole range of interviews and you put it slightly differently in each one, but in gist that's the effect of what you said. --- Mr Chairman, when I say I did, I think we did - the police - to a certain extent. To - I'm trying to express myself now here. To re-establish the status quo maybe, that we were successful in re-establishing that, but we were not /really effective.

2B really effective, in any case. We never ever did. What I did find when I arrived here was that there was a state of emergency. There were people in detention. I think when I took over there were 800 and something people here being detained and it wasn't 14 months later, but 16 months later, when I left here, I think we had less than 20 people in detention. So I do believe that I had something to do with re-establishing the status quo.

If I remember correctly, you took over from Brigadier Beukes? --- That is correct.

One of the phenomena that one couldn't help notice in Pietermaritzburg at that time was that police would descend on an area, particularly say after or during funerals and things of that nature, and wholesale detain particularly young so-called comrades, and very soon after that there would be some sort of Inkatha attack on that particular area. Or vice-versa sometimes. Can you comment on that? It would have been a phenomenon you would have noticed at the time. --- Yes, Mr Chairman, unfortunately, it is true. There were various ways of operating or how certain people - I wouldn't say it was the organizations themselves - people within the organization. I know for a fact in certain incidents a report would be made to the local counter-insurgency riot unit at the time based at Oribi, that there is a large amount of weapons being stored in, say for argument's sake, Ashdown, and the riot unit would go out and surround the area and check every house and then move out and then once they've done the opposition political party or grouping would go in and attack. That was the one system used and it was used by both sides. The other thing that

/happened there

2B happened there was that a group would go in and attack certain houses of the opposition and then withdraw and while this is on the go somebody would phone - one of them would phone the riot unit and when the attacked peoples, the victims, came rushing out and grabbed spears or sticks or whatever and went in pursuit the riot used to come down and find a group of 100, 150

hell-bent on destruction towards another group, and it was practised by both sides.

There are numerous incidents of - or allegations of incidents, let's put it that way, where members of the riot unit are alleged to have been passively observing attacks on group and then when the other group began to counter-attack, they would then intervene. Are you familiar with that? --- I've had these reports made to me while I was in Pietermaritzburg. We never found any hard evidence about this, but those allegations were made from time to time, yes.

You see, this sort of information has come to us from policemen themselves who were members of the riot unit, and they've made absolutely no attempt to hide it, and, contrary to what you say, they said it never happened the other way around. They said it only happened one way around, and that was that under the leadership of Major Terreblanche, Deon Terreblanche - this evidence was given by two of his people who were junior to him within Riot Unit 8 - Harrington, Basil Harrington, and Van Zyl - sorry, Erasmus - that Major Terreblanche made absolutely no secret of the fact that the riot unit - Riot Unit 8 - was to be used specifically to assist and support Inkatha and should be used specifically to - I can't remember the exact words that they used during the time that they gave

/evidence, but

2B

evidence, but he let it be known that Inkatha was regarded as a steadfast ally of the police and particularly the riot unit, and that the common enemy of the police and Inkatha was the UDF, and he said that the riot unit was used, particularly in places like

Mpumalanga and elsewhere in the Midlands to do that sort of thing - to go into an area and to disarm UDF areas of the township and then to withdraw, and that particularly Mpumalanga was subjected to numerous very, very serious attacks from nearby Woody Glen or Nkandla, which was the IFP informal settlement nearby, and they said that this - they used to watch this happen and that it was only after Major Terreblanche's death that steps were taken to turn the situation around, but they said that during their term in Riot Unit 8, under Major Terreblanche, absolutely no secret was made of the fact that they assisted Inkatha, that they allowed their vehicles to be used to transport Inkatha people to UDF areas for the purposes of launching attacks, and that they supplied weapons and ammunition to Inkatha, and that's on public record and we have spoken to Director Dantjie Meyer about this, who is presently Head of public order policing, and he said that under Major Terreblanche's - while Major Terreblanche was Head of Riot Unit 8, that those sorts of incidents took place and it said that it was perception that he was that he was not in favour of the thing but that that was the nature of the leadership which was given to the unit. Now, did you, as Security Branch Chief in Pietermaritzburg, did you coincide with Major Terreblanche's ... (intervention) --- When I arrived here, Mr Chairman, Major Terreblanche was in charge of the unit at that stage - I think until I left.

/He served

2B

He served under the command of the senior commander down in Durban, which I believe Brigadier Brandt was in charge at that stage. I also know - I met Deon Terreblanche - Major Terreblanche and I also know that

he was a man that knew his area very intimately and that he knew every chief or leading personality in the area.

Do you have any comment to make on the allegations which have been made by Policemen Erasmus and Harrington and Meyer concerning the riot unit's ... (intervention)

MR LAX: Can I just add this - those allegations have not only been made by those two or three people or confirmed by those people. There are a whole range of other people who have come to the same conclusion, so it's not a State secret or anything.

CHAIRMAN: I quoted those three people because they were all policemen. One would perhaps expect people outside to make allegations, particular allegations against the police from a party political point of view, but I quoted those because they were policemen.

MR BOOYENS: Mr Chairman, can I just clear one thing up? Harrington and Erasmus I defended in - the beginning of 1992, I think, and at the time that they were convicted, can we just perhaps put a time frame on this - because I don't think they were - look, I'm talking about a trial I did a long time ago - I don't think they were with Unit 8 in 1987, 1988, as far as I can remember. They had been shortly at the Police Force. But I may be wrong.

CHAIRMAN: They were convicted of the murder of one Jama, you will recall. Judge Thirion did that trial. The incident took place in about - if I remember correctly - 1989, some time early 1989. It was December 1988, early

/1989, somewhere

2B

1989, somewhere thereabouts, but whatever, the point is they had been in the unit for some time. They were

certainly under Terreblanche's command and it may not have been specifically at the time you were there, but the fact remains that that was Terreblanche's outlook, as evidenced by these people, and others I might add, and really it's in that sense that we're asking you to comment.

MR BOOYENS: No, because at the moment the line of the questions goes - like I say, I'm not sure of the time, but I just want to make sure was it at the time during the 15 months that General Buchner was stationed in Maritzburg or was it after that or don't we know? Because I think that would be fair comment.

CHAIRMAN: Listen, I can't put a specific date on it. The time they committed that offence, they had already been in the police for some time. They had been in the riot unit for at least a year at that time and if that was 1990 - but the fact of the matter is they were speaking in - the comments they made were in general terms the general attitude prevailing at that time that they were in the unit and they came into the unit in a particular milieu if you like, which they found, and which they were encouraged to act in a particular way, so there is nothing inconsistent with other allegations made by other people which accord with their outlook and which are definitely within the time period that General Buchner would have been in Pietermaritzburg, so I would certainly request that he answer the question. ---

Mr Chairman, yes, unfortunately, Major Terreblanche is not in a position to answer any of the questions and I repeat what I said a bit earlier on. My impression of Major Terreblanche was a

/very military

2B very military type of person and he certainly knew his whole area and if there was a problem in any particular area he didn't have to ask for directions. He knew exactly where to go to and that is what I said earlier. Also the fact that he knew every chief of the area. So, going back a bit further to the impression that Inkatha was an ally of the State and so on, I do believe that Deon Terreblanche - I cannot speak on his behalf, but I do believe that he saw Inkatha as an ally.

I want to just move to a slightly different area of police operations that would have fallen within your ken, so to speak, and that was the issue of the, "Specials", sort of recruiting and training of those special constables was something you would have known about and I'm sure you do know about. Is that right? Do I understand that correctly? --- Sorry, Mr Chairman, this is a very sweeping statement. The recruiting of those specials or those special - the training of them and so on - which specials are we speaking of now?

The specials, specifically the ones who might have come from the greater Pietermaritzburg area. The ones that went for training in Koeberg in 1988 that would have been recruited from the Pietermaritzburg area in particular. They would have been recruited from other areas as well, but specifically the special constables drawn from the Pietermaritzburg area, the vast majority of whom were selected on the basis of their IFP loyalty.

--- Mr Chairman, it was reported in the press once that I was rapped over the knuckles by the then Chief Minister Buthelezi because I said members of the KwaZulu

Police were pro-IFP. I would think if recruiting was done in

/Pietermaritzburg

2B Pietermaritzburg area or wherever in KwaZulu Natal for special constables, they would have been mostly recruited from IFP ranks.

I mean this is no secret. It's been very well documented in a whole range of ways, including many of the specials themselves. Some have testified before us already, who have confirmed that the way in which they were selected was they were called to, inter alia, people like David Ntombela's home, discussed and brief with him, and then told to report at a particular place at a particular time, and then were sent for training at Koeberg. So there's no secret about that and it seems pretty self-evident now, when one looks back, that was, in fact, the case, and that fits within the parameters of what we spoke about earlier.. So you agree with that?

--- Yes, I agree with that.

These were not people who were initially part of the KZP. They were, in fact, the so-called, "Kitskonstabels". They were a South African Police grouping that were trained by the South African Police at Koeberg and that were brought back to do a whole range of duties, but they were seen as an additional personnel complement, if you like, for the South African Police, in the light of what at the time was perceived to be a severe shortage of police personnel. ---

That is correct. I think the then Minister Adriaan Vlok made a statement to that effect, that there weren't enough policemen and then initiated the training in - initiated or ordered or whatever - the training in

Koeberg and people were then recruited and sent down and money was made available to pay the special constables and they were deployed in the

/greater

2B greater Pietermaritzburg - well, actually, in KwaZulu/Natal.

Of course, they were deployed all over the country, but let's stick to KwaZulu/Natal. I mean, the fact is they were deployed in a whole - in every single province, in every single district. There were a whole range of people recruited around the country, but we're focusing on those from this province. Did you not at the time - what was your assessment at the time of the potential of these people? As Head of Security Branch, you would have needed to make some input in relation to that. --- Well, if it was put to me then, I would still - I would now say I would have had the opinion or the attitude that it would only be another way of solving the problems that we were seeing on the ground.

I would have supported it, yes.

Looking back, did it, in fact, solve the problem?

--- Well, history has now proved that the problem still has not been solved.

Did it, in fact, not contribute to the problem even further? --- Very definitely, yes.

You see, the statement has been made to the Commission, again by Director Meyer, who said that, in his view, the training and the deployment of the special constables was the biggest mistake the South African Police ever made in Natal. He said that the training was poor. The training was crude and he said that they were deployed - they were recruited from the ranks of

Inkatha. They were clearly party political and they were deployed in the highly volatile situation where there was a war between the ANC and Inkatha and he said that, in retrospect, it was the biggest mistake the police ever

/made. Do

2B made. Do you agree with that? --- To a certain extent, yes, I agree with that.

Because you commented just about a minute ago to say that you would still support the deployment of the specials. I'm not quite sure how those two things add up. Perhaps I misunderstood you. --- Sorry, as an immediate solution, yes, not as a long-term solution, to quell riots and to stop riots, if they were under proper command, proper orders and proper training it could work.

Sorry, just for the record, in fact, they were never under proper command. They weren't very well controlled and they weren't very well trained. With the benefit of hindsight, clearly they were doomed to fail?

--- In certain cases where I sort of made enquiries, I found that they were not under proper control, yes.

You see, in reality, many of these specials, although they were originally designated to do guard duties, primarily, were immediately drafted in to supplement the riot units. You're aware of that? ---

I can't suddenly remember now, but I will agree with that, yes.

That obviously would be a major problem for the riot unit itself, because suddenly here is the riot unit now having its membership supplemented to a large extent by people who are party political and who are not

impartial at all, even, given the prevailing attitudes within the Police Force at the time and within the security forces at large, so there's no way that even - I mean, one would then find that the riot unit itself would be infected with that lack of impartiality. ---

That's correct, and it must also be borne in mind that many of these people had

/private vendettas.

2B private vendettas and they have private agendas, which they could carry out because they were now armed.

You would have had serving under you, amongst other people, someone like Rolf Warber. ---

Mr Chairman, I arrived in Pietermaritzburg and I'm not a vindictive man, but I had a man named Rolf Warber on my staff and I transferred him off the security branch shortly after my arrival.

Why was that? --- I assessed his ability as a field worker and each field worker has to produce his input - well, they never did, but I could call on them to produce their inputs, and I found that this man had no input whatsoever and he was running around with certain members of Inkatha and that he had no sources - no registered sources - that he was not producing any security reports about what the situation was in the area and he also had personal problems at home and I called him into my office and I gave him a chance to explain why he was not in production and he seemed to think he was producing enough, so I transferred him within 24 hours and spoke to Brigadier Kotze and he was transferred to, I think, the Hilton Police Station.

No, he was, in fact, transferred to radio control at Hilton. --- And then I left here on the 30th

April 1989, and I understand that just after I left he was back into the security branch again.

He is still there, even as we talk. Another person that you would have come across was now Inspector or Captain Gerry Brooks, who would have been a sergeant at that time. --- Yes, I know the man. Actually I played a game of golf with him just before I left

/Pietermaritzburg

2B Pietermaritzburg in January - some time this year - I think.

Where was he working at that time? ... [end of tape] ... [break in recording] ... --- Well, I sort of inferred that, sorry. He would have been attached to what I would call the outside unit - our unit that I had at the street going out towards - Alexander Street. At Alex, as they used to call it, yes.

And do you recall what areas he was responsible for? He was a field worker, wasn't he? --- That is correct, Mr Chairman, and I consider him one of the young men and there were a number of them. They were each assigned to a certain more senior person and they used to do various of the black suburbs in the Edendale area. Each one was allocated to a certain area. I cannot say offhand which area he was attached to.

Can you remember who he worked under? --- No, Mr Chairman, no.

Do you know that, for example, someone like Warber went down to be part of the training of the specials? He produced a video and he took it down there. Or the police video unit produced various videos, which he took down and he lectured on and he showed to the trainees at Koeberg? --- I discovered that yesterday,

Mr Chairman, and I understand it was in 1987, but I didn't know about it at the time.

You didn't know about it at the time. --- No.

Just in terms of the riot unit, on what basis would you have had liaison with Terreblanche, or members of your unit would have liaised with them on strategic evaluation and so on? --- As far as myself is concerned, I would

/have - I

3A have - I would meet Terreblanche at the meetings on Monday mornings, if he attended the meetings, but ... (intervention)

So that was the security committee meeting - if I could just interrupt there - that happened most Mondays?

--- That is correct, Mr Chairman, and then he would also attend the monthly JOC or whatever of the Joint Management Board or whatever it was.

Joint Operations Centre was the one that was called the JOC. That was the Joint Operations Centre. That would involve military as well? --- That is correct. That was on a monthly basis held down in Durban and it was chaired at that stage, I think, by Brigadier Hattings Pretorius of the Army.

He was Natal Command, wasn't he, at headquarters there? --- That is correct. Then members of my staff - and I speak of the staff at Alex - would have regular contact with Major Terreblanche and his units operating throughout the area, because they were supposed to liaise and exchange information.

You see, one of the bits and pieces of information that have come to us is that there would have been a daily or a very regular briefing of some description at

the Oribi offices, in which some members from your Security Branch would have briefed the riot unit on the prevailing situation. They would have shared information. They would certainly have decided on some operations that required to be carried out in the next 24 hours till the next shift, and so on. Would you confirm that that would have happened? --- Yes, I do not know if it was on a daily basis but it was on a regular basis, very

/definitely, yes.

definitely, yes.

Certainly more than once a week. It would have had to had been at least once or twice or three times a week at least. --- Mr Chairman, I don't know how many times they met. My meeting was on a weekly basis, Monday mornings, but they were on a regular basis and not only structured meetings in the mornings possibly, but also during the day they had to maintain communication with the unit.

General, do you remember the peace accord structure that was set up in Pietermaritzburg between the IFP and the UDF under the chairmanship of Judge Leon. --- No, Mr Chairman, I don't.

(Inaudible) ... people who would have represented the UDF would have been people like Sikhumbuza Ngwenywa, John Jefferies - I can't think of any of the others offhand - but the allegation is that during the second of such get-togethers, you were responsible for detaining almost the entire UDF component of that peace group. --- Could I have an indication of when this was supposed to be?

It would have been during 1988. I can't remember the exact dates. I can get you the details later and perhaps you ... (inaudible) ... if necessary. ---

Thank you.

If you recall ... (inaudible). --- I can't recall it offhand.

Do you not have any recollection at all of any of the peace processes that were on the go at the time?

--- Mr Chairman, I don't know what peace processes were on the go during 1988. Offhand, no. I could go and - if you

/give me the

3A

give me the questions I could go and do some research, but I do not know at this stage.

Before we move on to another topic, which would be the supplementary notice - deal with the weapons issues and other issues, we thought we would have a short break. Does that suit you? Or do you want to have it later? What time is your plane back? --- Mr Chairman, that was something I was going to try and find out about. I drove up from Bathurst to here and I would like to make arrangements. I do not know how long I'm going to be held here, because I've got, not yet, but a little farm going and there's nobody down there at the moment to oversee my workings there, so I would just like to have some indication and also with respect to transport and so on. Do I have any reimbursement or am I not entitled to it?

Yes, you are. You are entitled to R1,00 per kilometre or the cost of a return air ticket, whichever is the cheaper. So if you just give us a full account of your ... (intervention) --- (Inaudible) ... paid

from here to there and back, I think the air ticket is cheaper.

Right. --- Although I do not know what the air ticket price is.

We can find that out. I don't think that we'll be longer than another two hours or so. --- Sorry, Mr Chairman, I just thought about how many days.

MR LAX: We're going to finish today.

CHAIRMAN: No, I hope that your farm isn't so precarious that it'll collapse after one day. ---

Sorry, I misunderstood. No, no, I've got a few other things I can still buy in Pietermaritzburg too, sorry.

LONG ADJOURNMENT

/ON RESUMPTION:

3A

ON RESUMPTION:JACOBUS HENDRIK BUCHNER

CHAIRMAN: We did indicate before the break that we were going to move on to another area. There's just one thing that I have consistently asked some of the other people and I thought I'd ask you that issue as well, just briefly, and that was some people have said that they understood what they later came to hear being called Operation Marion to be nothing more than the provision of VIP protection - nothing more than that - nothing less than that and nothing more than that, and at that at a very later stage they wanted to then apply those same people for intelligence-gathering purposes and that's as far as they were prepared to go in terms of their understanding of Marion and they only heard about the name Marion at a very much later stage. That was the evidence of some people. Others were prepared to concede much more than that, but, be it as it may, the issue then arises is what VIP protection capacity did the KZP have itself, for example in respect of the Chief Minister and the King and a whole range of other people? --- On my arrival at Ulundi I found that there was a VIP protection unit installed. It had been in operation and it appeared to be people that were - had been selected and were very close - they were trusted by the then Chief Minister.

And they were members of the KZP? --- As far as I know, yes, they were all members of the KwaZulu Police.

The issue that arises in a sense is if the KZP had had this capacity already, why would it have been necessary to train a whole new range of people under the

military and not under the police to carry out this

/function?

3A function?

MR BOOYENS: With respect, Mr Chairman, that's not a legitimate question. By the time General Buchner arrived - the training was in 1986 and these people were deployed in 1987. General Buchner only arrived in 1989.

CHAIRMAN: With respect, Mr Booyens, many of these people were still out, not part of the KZP. Even at that time, even in 1990, when he arrived in Ulundi, many of those people hadn't yet been incorporated into the KZP.

MR BOOYENS: Mr Chairman, no, I think - I think just to short-circuit this, Opperman's evidence was that what was trained as the VIP protection unit, there were four elements trained in the Caprivi. One of them was the VIP protection group. The VIP protection group were immediately incorporated in the KwaZulu Police upon their return. So that would be late 1986, early 1987. That was what Opperman's evidence was.

CHAIRMAN: The point I'm simply trying to make - I don't wish to really appear to be obstructive in any way - is that some of General Buchner's colleagues in the South African Police and elsewhere understood the sole purpose of the whole operation to be a VIP protection. In other words, they understood that all 200 of these trainees were to fulfil that function, including ex-President de Klerk, I might add, who said as much when he was questioned by the Commission in Cape Town. So there's a consistent thread that's coming out in their understanding. You haven't alluded to it so I'm asking your opinion here, as a person who was Commissioner in

1990 and part of 1989. I'm saying to you surely that function would have been a legitimate police function and not a legitimate military

/function? ---

3A function? --- When I took over there it was done by a group of people who I later found out had been trained in the Caprivi, but there was a close security unit in operation who looked after the security of Minister Buthelezi.

Were any of those people involved in any other kind of VIP protection? --- No, it is a very specialised unit and they operated with the Minister - with Minister Buthelezi and also in the set-up at Ulundi in the Government buildings there.

You said that, to the best of your knowledge, they had by that stage been incorporated into the KwaZulu Police? --- Yes, Mr Chairman. Subsequently when the training of the Caprivians, as they were called, came to light, it was established that that group had already been incorporated into the police at a very early stage.

How many people did that comprise? --- I'm not sure of the exact number, but it was a very small group and it's definitely less than 100. I would say less than 50.

Well, that makes sense. There were 200 people. There were four different sections. They probably would have been divided roughly 50 each. If these were specialists, they might have been even less. So it would make sense. --- Yes, Mr Chairman.

Do you have any knowledge what the rest of the trainees would have been used for? --- Mr Chairman, I subsequently established that - if I may use the word

- eligible ones, and I would like to put it in parenthesis, had been absorbed into the KwaZulu Police before I took over as Commissioner of Police. They were trained and

/allocated numbers

3A

allocated numbers and were absorbed into the KwaZulu Police. I also, from looking at the Force numbers of the members concerned, I noted that two had apparently been absorbed, only two, after I had left there. The majority of them before I arrived there and took over as Commissioner, and the rest afterwards.

In terms of your understanding of how the police worked at that time, in general terms, they would often engage in joint operations, if you like, with the Defence Force. For example, road-block, search and seizure operations and so on, and to the extent that SADF personnel were involved with police personnel in those sorts of operations, is it correct that at all times in that sort of joint operation the SADF members would be under the control, as opposed to command, of the SAP members? Or at least their senior officers. In the sense that they were playing a support function and in terms of the Defence Act and the Police Act at that time they couldn't actually legitimately operate except under the control of the SAP. Is that correct? ---

Mr Chairman, yes, that's the opinion or the perception that I have too.

So that, for example, if one looks at what later came to be called the Seven-day War in Pietermaritzburg, the SADF members who may have been deployed there for various purposes, one of which, for example, was to keep the Edendale Road open by patrolling up and down there,

at that JOC meeting that would have happened on a regular basis - I understand there was a local JOC, as well as the provincial JOC that you spoke of. For example, Meyer and Brigadier Steenkamp of Group 9 and other people that we spoke to indicated that there was a local JOC that met for

3A /the Pietermaritzburg
the Pietermaritzburg area only, as opposed to the wider dictates of the Midlands and other areas. --- That is possible, Mr Chairman. I don't know.

The point I'm making is those SADF members who may have been deployed in one place or another would have been under the control, that is the word that the Legislation uses? --- Yes, I do agree, because in such operations the Defence Force is there merely in a supportive role.

The point I'm getting to is VIP protection is a police function. It's not a Defence Force function. Do you agree with that? --- Yes, I agree, Mr Chairman.

And so if these people were involved in various forms of VIP protection or other forms of protection they would have had to have been under some form of police control. They would have been carrying out - for example, if they were guarding areas, carrying out guard duties, or carrying out VIP protection duties, they would have had to have been in some way under police control, albeit through their SADF officers? --- That is correct, Mr Chairman.

You see, the interesting thing is that nobody has been able to tell us how that control was exercised and who exercised that form of control. Are you in any better position to maybe ... (intervention)

MR BOOYENS: Mr Chairman, with respect, I think there's another misunderstanding here. These people were incorporated as KwaZulu Policemen, so they were, for all intents and purposes - the Caprivians were never members of the Defence Force. They were never members of the Defence Force. They were trained by the Defence Force. They were basically civilians and when they returned the VIP protection unit - if my memory serves me correctly,

/there was there was about 30 of them. They did their basic training in the Caprivi. Then they were trained somewhere near Pretoria - I'm not sure, either by the Railway Police or by National Intelligence - trained them in VIP protection, and on their return they were, in fact, enrolled as members of the KwaZulu Police, and that would have been late 1986, early 1987. So they were never - the Caprivians were never Defence Force personnel. They were just Defence Force trained.

CHAIRMAN: You see, you are speaking about 30 people, with all due respect.

MR BOOYENS: I see ... (intervention)

CHAIRMAN: There's another 176, to be precise.

MR BOOYENS: I don't want to be in a situation - there were, I think, 24 in the so-called defensive group. I think there were 30 in what was called the VIP protection unit. Then there was a counter-intelligence unit, which also had about a - and the largest number was basically a propaganda unit, and if you look at the Liebenberg Report, which you should have somewhere, it's actually set out there. In fact, Opperman's evidence - if you would carry on with General Buchner, I'll just

get the figures for you. We've got his full statement here. Then I can assist you in that regard.

CHAIRMAN: Okay. You see, the reason I'm putting these questions to you is this, is that some of the people we've spoken to, like General Smit, for example, General Basie Smit, he says at the meeting that he was at, and his mentioned in this annexure you've seen, as you'll see, at those meetings that he was at he only understood these people being spoken of as fulfilling nothing more than a

/VIP protection

3A VIP protection function. He called it BBP. Belangrike persone proteksie. --- Baie belangrike persone.

Ja, okay, and I think that understanding was partially understood by General van der Merwe as well, and that was in relation to these meetings. Now, here are two of the most senior policemen in the country and that's their understanding of this operation, they say, and so I'm saying even on that basis, and that's really the basis upon which I'm asking your comment, even on that basis they would have had to be under South African Police control. They thought these were SADF members who had been selected from Inkatha. That was their understanding, however incorrect they may be. --- I do not know what they believed, but reading the documents about the 1986 meetings about the necessity for securing or the security, close security of Minister Buthelezi and the training of people, I thought that it was understood that these people were going to be selected from within the ranks of Inkatha. I don't know how they could ever have thought that these people were recruited from - or were SADF personnel.

MR BOOYENS: Mr Chairman, if I may interrupt.

Paragraph 11 of Opperman's statement,

"The four groups are the offensive group to be used - not all offensive attacks, ambushes and kidnapping. This group was to be trained by Kloppies and Kevin. 30 trainees would be allocated to this group. Defensive - this group was to be our intelligence group, to be trained in collecting information, codes, cover /stories, target stories, target development, compiling a target dossier. This group was trained by me. 20 men were allocated to this group. Contra-mobilisation, this group was to be trained - promoting Inkatha - were to be trained by a civilian company called Adult Education. This was to be the largest group. About 120 trainees were to be allocated to this group. VIP protection, this group was to be trained as bodyguards for Inkatha VIPs. 30 trainees were allocated to this group. They were to be trained by two ex-Railway Policeman, Louis ... (inaudible) ... attached to the Railway Police SWAT team."

That is how they eventually broke them down.

CHAIRMAN: That's roughly 210 people.

MR BOOYENS: Oh, yes, there were six cooks, I think.

Never forget them.

CHAIRMAN: Every army travels on its stomach, or so Napoleon thought, anyway. General, the one issue we've canvassed with you is the question of the farms, and we've referred you to - we've given you a copy of a letter.

MR BOOYENS: We received that ... (inaudible).

CHAIRMAN: That was March 1989. The two farms were Vaalkop and Darrelfontein. --- May I just interrupt, Mr Chairman? I know of the document you refer to. I'm trying to - it is here, but you mentioned two farms. I believe it is only one farm. The lease of premises registered as sub-265 ... (intervention)

/Yes, sorry,

3A Yes, sorry, ... (inaudible). Which lease was this? --- This is a property that was leased by then Major Taylor from a Mr Franklin.

Peter Franklin. --- That is correct, Mr Chairman.

There was a farm in Elandskop that your unit used on a regular basis. Brooks told us he'd been there, and he'd had dealings there with one Neville Sikhakane, who he had to guard for some time, and that's the farm where we dug up the remains of three people. You will have read about that? --- I'm not sure if it's the same digging but I read in the newspaper about some people being exhumed.

This particular farm we're talking about, as opposed to Elandskop Farm, this was in Camperdown. ---

Mr Chairman, I'm not exactly sure where the farm was, but it was somewhere in the Umlaas Road area, past

Hopewell.

That is a different farm again. There are three farms that we know of in the area that would have been under your command. That farm is just across the Umlaas River from Hopewell. It's on the Eston side of the Umlaas River. Is that the one you're thinking of? ---

Mr Chairman, yes, I think that is the one I'm thinking of. I'm not very sure about the exact location. If that is so, then I do not know where this place is situated.

You see, Franklin's farm was in the Camperdown area. It was near ... (inaudible) ..., in fact, ... (inaudible) ... where the house was. --- Yes, Mr Chairman, I remember seeing a sign.

On the road between - on the road that goes to Lion Park ... (inaudible) ... turn-off, I think, to Winkelspruit. --- That is correct. A short-cut through

/to the South

3A
to the South Coast.

Correct. Now, that was Franklin's farm, and that was the farm upon which the then Colonel Taylor or Captain Taylor, as he was at that time, would have operated from. The two other farms we've spoken about are one in Elandskop and another one in sort of the back of Thornville really, near Hopewell, down in the bottom of the valley there. If you take that road and you carry on through Hopewell Township or Hopewell Settlement really. It's not really a township, as such, and you cross over the river and you carry on about another kilometre or so into the trees, there's a whole lot of forestry there, that's where the other farm was.

Now, both Elandskop Farm and the Hopewell Farm were used for debriefing suspects and askaris and a whole range of other people. What do you know about those, as a matter of interest? --- Mr Chairman, yes, I'm sorry, it seems that I had the wrong place in mind when I looked at this document. First, as far as this farm is concerned, now I do not know whether I know the place or not. I know that Colonel Taylor, as he was when he retired, came to see me shortly before I went to Ulundi and said that they needed premises for a safe house, and he had apparently made arrangements with Franklin and also with Pretoria for the leasing of the property and it was approved and therefore this letter. There was another place and where in Elandskop I do not know, but there were vacant farms and there were two or three houses that apparently had been vacated because the farms had been bought out by the Government, or something like that, and I know that for the - let me use the word, "Safe house", it was used as a safe house.

There was one

/in that area.

3A in that area. Apparently this is now where the bodies have been dug up. And then - I don't know whether I know of any other properties. I personally did not go to any of the other properties, so I wouldn't know.

So you, for example, didn't go to the property where Taylor was operating from? --- I know that while Taylor was - well, he had negotiated with the people, that had been approved, and I actually went to the property, either at his instigation to go and show me where the premises were or what they looked like or what, but I cannot swear to it that it was Darrelfontein

or Vaalkop or whatever it was.

I wouldn't expect you to be able to just tell from a name. In fact, the colloquial name of the farm would have been something completely different. That's off the title deed. That's the property description. We accept that. Did you ever go to the Hopewell Farm?

--- When you mentioned the road going past the Hopewell Settlement, I've been on that road and I know that I went there one afternoon, or one day. So it is possible that I went there one day. It just sounds familiar, that's all.

Your members used to braai there from time to time and they told us about that. --- That is correct, Mr Chairman. I believe that I attended a braai there.

Let's hope it wasn't one of those braais like Dirk Coetzee speaks of. Just as an aside. --- Mr Chairman, I think I must just respond to that, because no matter what Dirk Coetzee says or what he does, how a man can state that he has a braai while busy burning a body, I cannot believe.

You see - do you know Hentie Botha at all? ---

/Sorry, Mr Chairman,

3A Sorry, Mr Chairman, yes, I know Hentie Botha.

And Sam du Preez? --- I do know Sam du Preez.

Laurie Wasserman? --- I do know him.

During 1988, when you were head of Security Branch in Pietermaritzburg, they were actually working in the area. --- That would be next year.

1988 ... (inaudible). --- Sorry, I wasn't being facetious. I was just trying to ... (intervention)

Sorry, during 1988 they were working in Pietermaritzburg. --- No, Mr Chairman, I think they were all based in Durban.

In fact, they were at the Elandskop Farm in 1988 and at that time they had, amongst other things, abducted an MK member from Swaziland and they were debriefing him at that Elandskop Farm, within your jurisdiction. --- That was - this is the first I've ever heard of this. I would think that was Operation Vula.

No, Operation Vula was in the 'nineties, 1990, thereabouts. This is 1988. The person's name was - his alias was Deon Cele. His full name was Emmanuel Mtogisisi Mbova Mzimela. His alias was Deon Cele. He was an MK member based in Swaziland and he was abducted from Swaziland by these people and taken to that safe house in Elandskop, where he was being interrogated.

--- Mr Chairman, that was definitely without my knowledge. I have no - I've had no previous knowledge of this either.

Did you ever know of or come across ... (inaudible) ... Ndwandwe? --- I know the name from my ANC list of names. He was a member of the ANC.

(Inaudible). She was a senior MK commander, although a very young person. --- It is a name that I

3A /know that I know that I had on the list - my list of 6 000 people - the name is familiar. Maybe if I was given the MK name I might even remember better then.

She was abducted - she was known as MK Zandile. That was her nom de plume and in October 1988 - it was

again during your term of office in Pietermaritzburg as head of the Security Branch - she was taken to that very same farm. --- Mr Chairman, I'm sorry, this is all news to me. I was not aware of that.

You had a man called Vorster, who worked under you at that time? --- That's correct. I think he was J H or something.

He actually pointed out the graves on that farm last year, and that's how we were able to exhume these bodies - it was in March this year. Both these people were executed on the scene right there and then and buried on that farm, that dairy farm. It was an old dairy farm. Had you ever come across an MK operative whose MK name was Tekere? --- Mr Chairman, I don't think so, just on the name, Tekere, no.

His proper name was Bheki Mkhwanazi. --- Just to go back to the previous name of Pilo Ndlovu, it's a unique name. I cannot say for sure whether I've heard the name before or not.

Ndwandwe, sorry, it's Pilo Ndwandwe. Well, towards the end of 1988, beginning of 1989, this third person was also abducted and interrogated at the very same place and then executed and buried there as well.

--- Mr Chairman, it's my first word that I've heard of this. I haven't had previous knowledge, but I also would like to rectify something I said just now. The name Pilo Ndlovu

/is the name

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is the name I know. Pilo Ndlovu was one of the senior ANC operatives outside the country, not Pilo Ndwandwe. I apologise, sorry.

No, that's fine. So are you saying that you've never heard of the three people that we've mentioned, Bheki Mkhwanazi, Pilo Ndwandwe and Emmanuel Mzimela, whose MK names, respectively, were MK Tekere, MK Zandile and Deon Cele? And the information we've giving you is obtained from the amnesty applications of the various policemen whose names we mentioned earlier on, Hentie Botha and others, who state that they took these people to those farms, debriefed them, interrogated them and then killed them and buried them there. You've never heard of them and you have no knowledge of that? Is that your ... (intervention) --- I'm sorry, I didn't say I'd never heard of them. They don't ring any bells with me, but I do not know anything of the events described here. I was not informed of that at no stage and I bear no knowledge of that at all.

In terms of Andy Taylor, I presume you know him, or you've met him at least? --- That is correct. I know Andy Taylor, yes.

You said he wanted a safe house and he'd asked you to organize the paperwork, basically? --- Mr Chairman, he had organized the paperwork. Because it was in my area he had to come ... (intervention)

(Inaudible) ... beg your pardon. --- Yes, sort of protocol-wise, inform me that he was going to operate in the area.

What did you understand his operation to be? ---

The way I understood it was that we had several

/rehabilitated or

3A rehabilitated or ... (intervention)

Let's call them askaris. That's what they were called. --- Thank you. We had several askaris and

they were operating in various areas and there was a need to house them or accommodate them while they were operating in the area. That would be the need for the safe house.

Do you know how it came about then that one of your - one of the people under you at the time that you were in Maritzburg, was able to show us the precise whereabouts of these graves then? --- I do not know, Mr Chairman, but he must have been involved in the actual killing of the people.

Was it usual for your members to be working with these sorts of people without your knowledge? --- Sorry, Mr Chairman, these sorts of people?

People like Hentie Botha, Laurie Wasserman and so on? --- Mr Chairman, yes. The unit who was responsible in a broad sense, sort of, for checking for returned trained cadres and stuff like that, they would liaise with a group from Durban and also from Newcastle and so on.

Why would Gerry Brooks, who was just a field worker, have been involved in some of that? --- If he was involved with that, I would assume that he was working with Major Vorster or Colonel Vorster at the time.

Did he work under Colonel Vorster? --- I was asked who was in command of Gerry Brooks and I do not know. I cannot remember.

You see, he told us he was working the upper Edendale Valley, Bulwer, Impendle, those areas, Richmond,

/Ixopo. He

3A Ixopo. He certainly wasn't working with MK members and people like. There was a separate section that dealt with the returnees, wasn't there? --- Yes, there was a special unit, yes.

It seems rather inconsistent that he should have been working with that unit if he was a field worker, doing completely different work. --- That is correct, Mr Chairman.

Is it possible that he might have been not quite frank with us about what he should have been doing and what he really was doing and he was, in fact, maybe working on those issues and he just hasn't disclosed that to us? --- No, Mr Chairman, I wouldn't like to comment on that, but surely there should be records to show where he was working at that stage or who he was working with? Or there would be other members on the staff, who would remember what his responsibilities were..

But you don't? --- Not offhand, no.

3B General, I want to move now to another issue. That of alleged supply of unlicensed or unlawful or home-made weapons to Inkatha. Have you had an opportunity to read the documents which were given to you this morning? --- Thank you, Mr Chairman, we did.

Now, it's clear from those documents that - the documents for the record, are extracts from the plea in mitigation of sentence at the criminal trial of Colonel Eugene de Kock last year. That he alleges that at your request a number of weapons were supplied to you and that, although he doesn't say that you told him, he says,

"There was no doubt about it that these arms were intended for Inkatha."

/He refers

3B He refers to two sets of weapons - one is revolvers or pistols ... [break in recording] ... 6 there and on another occasion he says that you sent people from Ulundi to Ermelo and you took possession of a parcel of so-called, "Spookwapens" - unlicensed, unregistered weapons. Now, there's also an amnesty application in our possession and unfortunately we cannot reveal at this stage who has made the application for amnesty, which makes similar allegations, that on two separate occasions you made requests for weapons and that, in fact, weapons were delivered to you. On one particular occasion it says that they were loaded into your personal motor vehicle and again that the weapons were intended for use by Inkatha. Can you comment on that?

--- Well, Mr Chairman, let me comment first on, of all - "About 30 or 40 of these weapons were sent to General Jack (sic) Buchner in KwaZulu". I did not receive any weapons. I have no knowledge of receiving weapons. 30 or 40 weapons - I would remember receiving 30 or 40 weapons.

Sorry, I switched you off by mistake. --- I did not personally receive such weapons.

Did you ever request any such weapons, as indicated? --- Mr Chairman, I have no recollection. I did not request any weapons, because I had no need of any weapons.

Do you know what a ghost firearm is - a, "Spookwapen", as they've called it? --- I was not a member of the murder and robbery squad, but I would

think I've got a fair idea of what a ghost weapon is.

Either a weapon that the number has been filed off or has been camouflaged so that the true origins of the weapon cannot be ascertained.

/One doesn't

3B

One doesn't need to be a brain surgeon to put that together. I'm not for one moment suggesting that - or being derogatory towards you, don't get me wrong. Did you know De Kock at all? --- Yes, Mr Chairman, I knew - well, I suppose I still know Eugene de Kock.

What was your relationship with him like? ---

Eugene de Kock was a junior officer who arrived at headquarters after I did and then he became involved with the askari programme at Vlakplaas.

In terms of your previous experience in terms of interrogating ANC and APLA cadres and particularly your success with turning them into askaris, and you are renowned for that, if I might say, surely you would have had some dealings with some those people? You would have established relationships with them in the process of interrogating and turning them and so on? ---

Yes, I had regular contact with them. They, in actual fact, belonged to the same overall unit at headquarters to myself.

You see, that's what one would have expected, so that's why I'm putting it to you in that way, and you haven't really answered my question as to what was the nature of your relationship with De Kock, apart from - was it a good relationship? Was it a bad relationship?

Did it have any bad blood between you? Etcetera. ---

No, I cannot say that we ever had bad blood. I had quite a high regard for De Kock. He appeared to be a

very strong officer.

Can you think of any reason why he would say something like this about you then if there was no animosity between you? --- I read the newspapers when

3B

/the allegations the allegations were made and so on and I still cannot fathom why he should do a thing like that. There is no reason. I haven't given him any reason to do that.

So just for the record there, he refers to three different groupings of weapons. He refers to, "'n klomp haelgewere" - a number of shotguns. He then refers to six or so, "Handvuurwapens of rewolwers of pistole" - revolvers, pistols or hand-held firearms ... [break in recording] ... guns which I understand were of a home-made quality.

MR BOOYENS: Sorry, I think ... (inaudible). Die haelgewere ... (intervention)

INTERPRETER: The current speaker is not using the mike, for record purposes.

MR BOOYENS: Page 97 ... (inaudible) ... look at 96, and I think ... (inaudible) ... haelgewere. I think that's a back reference to the shotguns at page 97. Unfortunately one hasn't got the full record, but I think let's accept, at least one what we've got, that's acceptable to that interpretation as well. So in other words, "Hierdie haelgewere", that 30 or 40, if you look at the previous page. Those are supposed to be, "Haelgewere", and I think that's actually two batches of weapons, because the other one was Philip Powell. That doesn't suggest that General Buchner was - the Mechem weapons - that he talks about Philip Powell.

CHAIRMAN: No, okay, so we're talking about two sets.

MR BOOYENS: Ja, I think it was only two sets.

CHAIRMAN: One was 30 or 40 shotguns and the other is 6 or so handguns or, "Pistole". And then the reference to a meeting with yourself and someone called Stewart

/Cummings and

3B Cummings and Philip Powell. Have you seen that reference there? --- That's correct, Mr Chairman.

Page 116 of the record ... (inaudible). Sorry.
"Het ek toe 'n besoek ontvang die een middag van 'n hele paar van die veiligheidstaklede ..." -

"I received a visit from a number of security branch members, including Stewart Cummings, General Jack (sic) Buchner and Philip Powell and we then had the normal barbecue and conversation. I asked General Buchner whether Philip Powell is someone with whom one could go away and he informed me that I could trust him."

Do you recall that meeting? --- Yes, Mr Chairman, I remember being asked to go down to Ballito to have a braai and a few beers with, among others, Colonel de Kock and I do believe that Philip Powell was there too.

Now, did you speak to Eugene de Kock about whether or not Philip Powell could be trusted? --- I do not remember, but if he had asked me I would have answered in the same way as he has put it here. So I don't argue what he has said.

Even though you can't remember the specific conversation, do you understand what he was saying there? At that stage Philip Powell was a functionary in

what was then Inkatha and you were asked whether, "Hy is 'n man met wie 'n mens 'n pad kan stap". He is someone that one can co-operate with. Can you, in retrospect, understand what that was a reference to? --- Yes, Mr Chairman, I understand this to ask whether Philip Powell was a man

/that could be

3B that could be trusted, whether you could work with him, and, as I say, I would have answered in this vein, but it seems here now that De Kock did not know Powell, which I find a bit strange, because Powell was a member of the Police Force before.

Because in his application - sorry, in his plea in mitigation ... [remainder of tape blank].

4A If I can just come in here, just, sort of. If I hear you correctly, correct me if I'm wrong, you are sort of implying that it seems somewhat strange that De Kock would have asked you to vouch for Powell, in a sense? In other words, whether he could trust him. I'm just interested to know why you say that, apart from the fact that he had been in the Police Force. --- Well, Mr Chairman, I think - I don't know if it is common knowledge, but Philip Powell was a member of the intelligence department of the police, and I was just under the impression that he and De Kock knew each other. I just assumed this now while I'm sitting here, that they must have known each other and I just find it strange that he should ask me my opinion about the man.

Just on the issue of Powell, he had a member of the police intelligence service or what would that have been, Security Branch or what other intelligence service would there have been? --- Mr Chairman, I think it

is becoming public record now that the Security Branch also had an intelligence wing. People who had supposedly - who had resigned from the Police Force or who were not members of the Police Force. They were operating under cover and I believe that Philip Powell had been one of those members.

/Ja, no, that's

4A

Ja, no, that's common knowledge, that he was, amongst other things - certainly, in my day on campus, for what it's worth, it was an open secret that he was an agent and no one doubted that for one second, certainly in my group of people. We knew him quite well in those days. I think the reason why we are canvassing this is he may have been known to De Kock at that time, but in the light of what De Kock goes on to say he then did with Powell, maybe that was the reason why he wanted to be extra sure and that's why he spoke to you, because at that time you would have been Commissioner of KwaZulu Police, and Powell would have been a senior Inkatha person, certainly involved with some of the training that was going on at that time and that's why he would have wanted to know your opinion. So although he - just because he'd been a police informer doesn't necessarily mean he could be trusted. --- I just think I must correct two things. The first thing, he was not a police informer. He was a policeman, but under cover - a known under-cover policeman. That was the first thing. The other is I did not know Powell through his membership of Inkatha and his operations in KwaZulu. I think that happened after I left. But I knew Powell during my sojourn in Pietermaritzburg. In that way I knew Powell.

If you read the next paragraph of De Kock's evidence. It goes on after - the heading 117 - you'll see that he goes on to talk about the fact that he did actually know that he had a police background and so on.

I'm just mentioning that. It seems clear. ---
Sorry, I didn't know this.

I hadn't read the thing properly myself, so I am

/just seeing

4A

just seeing here. He must have known him, but obviously in the light of the fairly - what De Kock then goes on to reveal, in the context of quite a sensitive operation, he would have wanted to be extra sure. That seems quite obvious, if one reads his evidence there.

Now, you mentioned earlier on, a couple of minutes ago - you said that you understood that if Eugene de Kock had asked you such a question as to whether Philip Powell was a man that you could, you know, walk a distance with, that you would understand that to mean is he a man that you can trust, is he a man that you can work with, and that you may well have answered, "Yes", and if you were asked the question today you would still answer, "Yes". Is that right? --- Sorry, Mr Chairman, I didn't add that last little rider that I would still answer that, but I do believe that I would answer that today.

Sorry, I thought that's what you said. ---

I've had no communication with Philip Powell for a couple of years, but I believe him to be an upright man.

Because, you know, Eugene de Kock goes on to say in his plea in mitigation, which is not part of the document that you've got, but it can be made available, that he worked very extensively with Philip Powell later

and, in fact, says that he delivered very, very substantial quantities of arms to Mr Powell, for use by Inkatha. Are you aware of that? --- I wasn't aware of that, but I'm sure that is true.

In fact, the amount that Eugene de Kock refers to is approximately 6 tonnes of weapons, including rocket launchers and hand grenades and a whole range of weapons, as I say, from small arms, side arms, to very substantial

/military weapons.

military weapons. --- I don't know of the quantities, but I know there was an investigation on-going against Powell because, apparently, the place had been - the camp at Mlaba had been raided.

And De Kock, in his plea in mitigation, indicated very emphatically that this was a clandestine and certainly strictly illegal transfer of arms from the police to a member of a political party. Are you aware of that or did you believe it was a lawful transfer of arms? --- No, I - well, I didn't know what the scope of this weapon provision was, so - but I had left by then already, so - it couldn't have been a legal supply of weapons.

And some of the arms which Eugene de Kock says he supplied to Philip Powell and some of the weapons which he says were supplied to you at your request were allegedly manufactured on the premises of an Armscor subsidiary, apparently without their knowledge - a firm called Mechem. That certain people within the security police had access to those premises, because there were on-going contracts - legal contracts - between that company and the police, but they had access to these

premises and that they, in fact, used those premises for the manufacture of something called zip guns, which were crude shotguns. Have you heard of a zip gun before?

--- No, a zip gun?

Ja. --- No, that is new to me.

It's basically a home-made shotgun, using piping for the barrel. --- Mr Chairman, yes, I think we've seen various, but I don't know what exactly it looks like, but I mean I know of pipe guns, if you want to call it that way - normally water pipes that can fire shotgun bullets.

And, in fact, in the amnesty application which I

/earlier referred

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earlier referred to Eugene de - the allegation is that after these weapons were delivered to you that you contacted the person that had supplied them and advised them that the hammer of the pipe gun broke or fell off after it had been fired two or three times. --- No, that is a lie, because I don't know how the thing works and I wouldn't have - I couldn't have. Very definitely not.

Just returning to the plea in mitigation by Colonel de Kock, he refers to this meeting at Ballito which you say that you attended, at which Philip Powell was present, and he says that someone called Sergeant Stewart Cummings was also present. Do you remember meeting that person? --- I remember meeting that person, yes, or a person using that name.

Ja. Was he a member of the Security Branch in Durban? --- At that stage, no, I don't think he was.

Do you know whether he was - had he left the police? Was he still a policeman? Had he moved on? Do

you know what he was? --- I remember that he was a member of the forces but when he left or when he joined - I also understand that he was one of these intelligence branch members, so he wasn't an open member.

Just for the record, before we move on, if you look at the bottom of page 113 there, De Kock mentions specifically that he succeeded in getting a whole quantity of weapons, rifle grenades, "Vuurpylrigters, vuurpyle" - rocket launchers, rockets, 60mm mortars, mines - these are the weapons I was referring to earlier, which he says were handed to Philip Powell.

Now, just from looking at this record from the De

/Kock trial,

4A Kock trial, it's a fairly detailed document - well, this part of it anyway - it refers to various incidents, meetings, a large number of people are named. He refers to the meeting at Ballito at which you were present and you've confirmed that you were present. He refers to other people who were present. He refers to a conversation between yourself and Philip Powell - sorry, between yourself and himself, which you said could well have taken place, and you've confirmed that those things are correct and true. Now, he then goes on to make a statement about you having requested and taken possession of illegal weapons for supply to Inkatha, and I need just to get further clarification on why you think he would suddenly, out of the blue, say something which you confirm is truthful and then in the next breath, virtually, say something which you believe is - it must be a lie. Do you say that he's lying under oath? --- Well, it's obviously not the truth,

Mr Chairman.

So he is lying? If it's not the truth, he's lying? --- Then he must be lying, yes.

And you still have absolutely no knowledge as to why he would tell the truth in one breath and then in the next lie about you, specifically? --- Well, I don't know, Mr Chairman, and also it is underscored or underlined in my mind by the fact that I am alleged to have phoned up and said that the hammer or whatever of the ... (pause) ... (intervention)

It was a shotgun. --- The shotgun - the home-made shotgun, broke off and didn't work. I mean, I never made any phone calls like that and I wouldn't, because I wouldn't know about things like that.

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How often, in your experience, did De Kock come down to KwaZulu/Natal? --- Mr Chairman, to Natal itself I do not know, but if you mean bypassing Ulundi, I know of two incidents.

You see, we certainly have evidence that suggests that he came to the Pietermaritzburg area, to that Camperdown farm, and met with Taylor regularly. He seems to have been quite a busy fellow, who was all over the show, but particularly in our province did a fair amount of work, particularly with the askari unit and so on, and that seems consistent, because the operation that Taylor ran was very similar in some way to the operation that he ran. --- Yes, Mr Chairman, I do believe that De Kock travelled extensively throughout the country and also made very many visits to KwaZulu/Natal, but I was asked do I know how many visits he paid here, and I am aware, I think, of two.

Do you have any idea where Cummings is now? ---

I do not know personally where he is, but at some stage - I think at the beginning of the year - he went to the Midlands, somewhere up in the Midlands. I don't know which town or - yes, town, I don't know.

MR LAX: General, sorry for that delay. We spoke earlier about the question of special constables and some of the Caprivians actually went for training as specials as well. Some of them carried on that training. Are you familiar with that? --- Not offhand, Mr Chairman, but I accept that.

Have you any idea why that would have been necessary? --- Mr Chairman, it's already been mentioned in this room today about the poor training. I

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think the Chairman said that Director Meyer had said that the original training was inadequate, and I would think for extra training. I do not know.

That was in respect of the specials themselves. The point I'm trying to make is that the Caprivians were trained before the specials and then some of them were then included as part of that induction of specials that went for training to Koeberg. So it seems - for us looking back, it seems a rather futile exercise to take people who have already been trained and train them in a very shoddy way to come back, but anyway.

MR BOOYENS: Mr Chairman, through you, I think Mr Lax would find the answer to that question of his in the evidence of either Romeo Mbambo or Gcina Mkhize, why it was suggested - they stated it was actually suggested they should go for training to help with the story in Pietermaritzburg. They were not to disclose the fact

that they had been trained. It's in the evidence of Gcina Mkhize or Romeo Mbambo, in the trial.

MR LAX: You spoke earlier about the Mlaba camp, particularly in relation to Philip Powell. What can you tell us about that? --- Mr Chairman, I think, what I know about the Mlaba camp is mainly what was in the newspapers.

So you had no inkling, as Commissioner of Police, that this sort of thing was happening under your domain, so to speak? --- Mr Chairman, I believe that the training at Mlaba camp under Philip Powell started after I had left there.

CHAIRMAN: I think it was under Brigadier During.

MR LAX: He succeeded you. Is that right? --- That /is correct,

4A is correct, Mr Chairman.

General, during your time as Commissioner, it's no secret that the time you took over the KwaZulu Police there were probably about 2 200 odd members. By the time you left there were something like 4 500 members. Why was it necessary to increase the size of the Police Force so much? --- Mr Chairman, I think it is - it should be very clear that the size of the Police Force in South Africa is totally inadequate to the needs of the community, and although it was a very small force or service - I suppose it could be either or - but there was a definite need for more members and we were planning to take over more police functions from the South African Police, and that is why it was necessary, and this was all itemised and put forward in suggestions on paper, why it was necessary to expand the Force.

One accepts that, if you like, the population ratio to policemen was pretty low, but then the whole area of KwaZulu was relatively small, even so, although the policing functions were still pretty inadequate, one accepts that. During your time as Commissioner your Minister was Dr Buthelezi. Is that right? --- That is correct, Mr Chairman.

What were his goals for the Police Force, as he may have expressed them to you, as your Minister? ---

Mr Chairman, although there are no records or any proof of this, I actually had no instructions whatsoever, and to a certain extent - I use the word, guidance, too, from Minister Buthelezi regarding the running of the KwaZulu Police Force, neither did I get any instructions or guidance from Pretoria regarding this matter. It was left

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to my own devices.

During December 1988, an incident occurred in the Pietermaritzburg region, which has become quite notorious, if you look, and which has formed the subject of, amongst other things, a Supreme Court trial and an amnesty application and so on - that's the Trust Feeds - so-called Trust Feeds massacre, and you would have been Head of Security Branch in Pietermaritzburg at that time. The allegation made by Mitchell is that that operation was planned with, inter alia, Captain Terreblanche. Did your Security Branch have any dealings with the matter at the time? ---

Mr Chairman, the Trust Feeds incident that happened - you gave me the dates - I'm not so sure about the dates, but we spoke earlier about the Monday morning meetings,

the VEIKOM - now, if I remember correctly, the Trust Feeds shooting happened on a Friday evening - Friday night, somewhere during the night. Now, being the Regional Commander of the Security Branch, I had a - at that stage I had a sub-station at Greytown and the Trust Feeds happened in the Greytown area, policing area, and the first I heard of the Trust Feed, as it became known afterwards as the Trust Feeds massacre, was Monday morning at the VEIKOM, and I was actually embarrassed because it was introduced as a topic, the shooting in that area by the uniform branch. Whether it was riot unit or what I cannot remember. But I know that I had to accept that I hadn't been informed about this. I went back to my office and I nearly transferred my then lieutenant at Greytown telephonically and I wanted him to give me a full briefing on this, which I then eventually received, but he also said that he wasn't aware at the time, that he had not

/been informed.

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been informed.

Informed about what, sorry? --- About the shooting on the Friday night, which I found very hard to believe, because it was quite a horrible attack.

You see, Mitchell says he phoned that guy. He phoned the Security Branch in Greytown and told them what had happened. They were aware, and to make matters worse, in fact, on the morning of that attack there'd been, in fact, a round-up of all the males under the age of 35 in Trust Feeds, and this is public knowledge, and people were simply sifted out - IFP on the one side, UDF/ANC on the other, and those that weren't IFP were all detained and sent to Pietermaritzburg Prison under

the emergency regulations, which would have required your signature at the very least of some way or other.

--- No, I do not believe my signature was necessary in this, but, as I said, there was no report made to my office from Friday night until Monday morning and I was quite upset about this.

CHAIRMAN: Captain Mitchell says - former Captain Mitchell says that one of the few people who were party to, not only to - well, the planning or knew about the planning was the Security Branch in Greytown. ---

Well, Mr Chairman, that is possible. In retrospect now, I must say that it is possible, but I did not have any knowledge of this, and certainly it was not reported to me.

Do you remember a man called Davis in Greytown?

--- Mr Chairman, yes, there was a Davis. I do believe that he was detective branch.

Did you know a security branch policeman called

/Brown?

47 Brown? --- Yes, I do believe there was one by that name, stationed in the Greytown area, but I'm not very sure about this. The name Brown seems familiar.

He was, in fact, Mitchell's first cousin or brother-in-law. --- I do not know, Mr Chairman.

As you are aware no arrests were made in the Trust Feeds incident for approximately 2½ years or 2 years and 4 months until the docket was reopened at the insistence of Captain Dutton, Colonel Dutton. --- That is correct, Mr Chairman.

And within literally a few days of him being given permission to take over the docket, he arrested Captain Mitchell and issued warrants for their arrest - or there

works, and he says that,

"Brigadier Buchner undertook to deliver the four KwaZulu Police members and he was furious that he had not been informed earlier."

--- Thank you.

So those are Colonel Dutton's words. --- I was. Thank you, Mr Chairman.

The question why I raised this was that it seems that these people had not undergone sufficient training to qualify them as KwaZulu Policemen, but, most importantly, there were warrants out for their arrest for murder and what we need to know is how people like this and Judge Wilson at the trial asked that there be a commission of inquiry into what he was said was a cover-up into the Trust Feeds massacre. That doesn't relate to you all. The cover-up, he said, related to the fact that these special constables were hidden and received their police salaries whilst in hiding and, secondly, how it could happen that people for whom warrants of arrest had been

/issued could

4A issued could be integrated into the police, because evidence was given that where a person applies for admission to a Police Force like the KwaZulu Police Force, a check is run as to whether warrants have been issued for that person, whether the person has criminal convictions, etcetera and evidence was given to the effect that it would have been quite easy to ascertain that these people were clearly not suitable for integration into the KwaZulu Police (a) because they were not properly trained and (b), I think more

were warrants for the arrest out already for the special constables, who had been involved in that massacre. Are you aware of that? --- Yes, Mr Chairman.

And it's common cause that at the trial these people, the special constables, said that they had been hidden for some periods of time and during - from the time of the incident to the time of the arrest. --- That's correct, Mr Chairman.

And that they had, whilst in hiding, received their police salaries on a regular basis and that they had then been integrated into the KwaZulu Police. ---

That's correct, Mr Chairman.

And are you saying, in terms of your earlier evidence, that their integration into the KwaZulu Police was irregular? --- Mr Chairman, I do not know so much about their integration into the police. It could have been irregular because of the stories I picked up afterwards. I didn't know at the time the facts, but I

/think I must

4A think I must put something on record here, because it seems there's a miscarriage here somewhere and whether Colonel Dutton did not decide to give due where due was due, or whether he decided to make a name for himself, when I went to Ulundi I maintained my private residence in Pietermaritzburg and - because I had two daughters at university, studying and it was very convenient for them to take over the house and use it as a digs during the week. I had been at home one - sorry, may I continue?

MR LAX: We know about your role in the arrest of those people and Dutton hasn't taken the credit for that at all. So if there's any disservice you think he's done you, rest assured, he hasn't. We know that you were

quite angry at not knowing about the need to find those people until it was later put to you, so we are familiar with all of that aspect. In a sense you can relax about that. --- Mr Chairman, no, but ... (intervention)

CHAIRMAN: Please place on record whatever you want to place on record. --- The way it was read into the record there it doesn't sound so good and I would like to place it on record then that Dutton came to see me on a Sunday afternoon and told me that he was having unending difficulties in arresting people that were supposed to be special constables, who apparently after Trust Feed had been taken to KwaZulu and been used as special constables or sworn in as special constables. He told me about it. He gave me the names. I left here on a Monday morning at about 3 o'clock or 4 o'clock and I got to Ulundi and I was taken into a meeting straight away. Dutton phoned me by 1 o'clock, asked me, "Have you had any success?", and I said to him, "Not yet, but I hope to have some success".

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By the next afternoon the people were in my office. I phoned Dutton in the Attorney-General's office. That was the next afternoon - Tuesday afternoon, and on Wednesday morning they were reporting or they reported here - sorry, in Pietermaritzburg - at the Attorney-General's office. So I just, for the record, I did not know about it beforehand that they were wanted or in actual fact that they were involved in this Trust Feed massacre.

No, I was going to go on and the statement I'm reading from now is a statement given to us by Captain Dutton before his departure for The Hague, where he now

importantly, because there were outstanding warrants for murder and how did it happen, in your view, that these people became KwaZulu Policemen? --- Well, I do believe that there was a conspiracy and there was a cover-up, Mr Chairman, because I had numerous problems subsequently with other people that I was trying to trace and the same sort of thing, when I said I want to see the man, I cannot see him or he's not available and eventually I worked out how to do it - find out what his force number is and stop his pay, and then they come in within a month or two and complain that they're not receiving salaries.

MR LAX: Just the other aspect that springs to mind is the fact that they continued to receive their police salary while there is a warrant out for them and no one executes that warrant. That seems rather odd, doesn't it? --- Yes, Mr Chairman. As I say, I'm sure there was a cover-up and there was a conspiracy.

CHAIRMAN: Would you hazard a guess as to who may have been party to that conspiracy? --- I don't think I'm in a position to hazard a guess, but it could not only have been one person.

Because Captain Mitchell has said very openly who he

/thinks it

4A thinks it is and he's said it was Brigadier Marx, Head of the CID, and Captain van der Heever, Chokkie van der Heever, amongst others. Those are the senior people involved. --- As I said, Mr Chairman, I don't know who, but it couldn't only be one person. It must have been quite a number of people.

Another person he mentioned was Major Langeni. Do you know him? --- Yes, just by chance. The people that Dutton was looking for were brought to Pietermaritzburg by Major Langeni.

He didn't happen to be one of the group of people that you didn't necessarily get on with, as you spoke about earlier? --- No, in the beginning I didn't know Major Langeni very well, but he's described by the Zulus as a rural somebody - not the social graces of a city dweller. But he's a very affable and friendly type of man.

You spoke just now about needing to get hold of people and having difficulties in tracing them and so on. What would you have wanted to get hold of them in connection with? Enquiries, investigations, what would it have been? Bad conduct? --- In the one instance I needed to - I had received a complaint regarding one or two members and when I - at that stage there was a Captain Hlengwa. I said to him, "I need to see the following people", and he said, "They're not available", and no matter how hard I tried, and I said, "Who is their commanding officer?", and eventually he admitted that he was their commanding officer, and it carried on like this for a week or two weeks and then eventually I went across to the financial section and stopped their pay. That was

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the first success I had because in the one instance it took several months, but in the other instance the man was there just after pay day, coming to find out where his pay was. Then I could solve the complaint.

Do you know who would have been responsible for the fact that these people - these four special constables were able to be issued with certificates as KwaZulu Police constables? Who did that - who was responsible for that sort of thing - appointment certificates? --- The appointment certificates, I do believe I - I cannot recollect seeing them or having discussed this, but I do believe that Brigadier Mathe or Major-General Mathe would have signed that.

General, one of the issues that has come up during our discussions with a number of your colleagues has been the subsequent inclusion of the specials into the regular Police Force - in other words, as proper - as full members, and some of the problems that that gave rise to and so on. How did you deal with that, as Commissioner of the KwaZulu Police? --- Mr Chairman, it may take a few minutes to explain this, but being appointed Commissioner of the KwaZulu Police gave me certain powers and nobody thought to take them away from me and a few of them didn't - very few people tried. But the first thing, and Mr Chairman, I'm not going to implicate you or bring you into this too, but as you know there were numerous complaints about the standard of the KwaZulu Police at the time and the first thing I found was that the detective branch, not one member had undergone any sort of training in the previous four years before my arrival there, so I set out to rectify matters and I'm mentioning this because

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the idea that I had was to upgrade the standard of the ordinary KwaZulu Policeman, and I did this by the most intensive series of in-service training sessions and, to

a large extent, it was impossible to weed out the bad wood but at least we identified the ones that weren't capable of reading or writing or operating. And the other thing that I did with immediate effect was that no person would be absorbed into the KwaZulu Police without a matric certificate and, to give you an example of this, when I did say that I was going to start training my first 500 - sorry, 150, I received 1 800 applications or 14 000 applications, all with matric. So there wasn't a necessity to take anybody without matric. Once I had decided on that and stated it, I was approached by several Ministers and officials and so, who wanted their brother or their sister or their mother's brother or somebody into the Force who didn't have a matric. There were also many false matric certificates, for which we had quite a few cases afterwards, but what we did - I say we, because it was the KwaZulu Police - we tried to upgrade by bringing in a better quality person and to counter the requests from numerous political people to include family and special requests and so on, I liaised with Pretoria and we got the Psychological Services to come and do aptitude tests on all applicants and I was able to go into Minister Buthelezi and say to him, "We've got 150 vacancies. We've got 1 400 applicants and we've tested them and only 80 of them are suitable candidates for a Police Force", and any Minister or politician who then asked me, I could say, "Look, I had the man in, but he failed the standard. It wasn't me showing him away, it was Psychological

/Services",

4A Services", and in so doing we upgraded the Police Force. Those who did not make the grade we took the best of

them and put them in special constable training and that also I tried to tighten up the command and control system over the special constables. To a certain extent that worked, but I still believe and I have reason to believe that they were misused without my knowledge.

One of the jobs of this Commission is to look at the future. To look at making recommendations to the State President and what you've described to us tallies with a lot of the other evidence we've heard so far, in that there are certain parts of what was previously the KwaZulu Police that are clearly not suitable for normal policing duties, not without a whole range of retraining, re-education, reorientation, call it what you like - people who come from a very specific political background, who simply can't meet the needs of the new constitutional dispensation without some changes happening. How do you see ... [end of tape] ... [break in recording] ... --- You've mentioned a few times that I've gone on record in various ways, but we in South Africa were very fortunate during the apartheid years and throughout our emergence from the days of Union. We never ever had an adequate Police Force. Strength-wise, aptitude-wise, in any way we never had. We were dependent on the good will of the people first of all, and then I think to a large extent in the old days on the influence of the chiefs, the inkosi, and the people themselves. First of all, we cannot change that overnight and we'd better start changing it as soon as possible, because if I - I don't often watch TV, but I've watched TV lately and the baton charges in Zimbabwe

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and the baton charges in Kenya you cannot accept, as a citizen of a country, to be treated in such a fashion and people will have to sit down - and I'm not getting to the nitty-gritty at the moment, but if you'll just bear with me, Mr Chairman for a minute or two, the normal person - the man - sorry, the person in the street, is law-abiding and wants to be left alone and does not want to be harassed and does not want to be subjected to violence or to housebreaking or to whatever. That's the normal person in the street. But there must be a right to demonstrate. There must be a right for everything else like that, but, having said that, it's not the normal persons that give us problems in the country and it is quite easy to police a normal society. I live in a small community in the new South Africa in the Eastern Cape, where actually African Nationalism has grown and in that little area there is still them and us. There is no togetherness, point one, but there is no violence in that little area. There is just a desperate need for work and for income, for finance. Those are the first aspects that must be addressed. Point 1, there must be job opportunities. There are none. Point No 2, the law abiding people do not need policing. There must be a way of policing the violent demonstrations but not through the police. This is where we make the mistake every time. The police are called in and, just to go back to KwaZulu, my spell in the KwaZulu Police, I think the first or second meeting I attended of all the department heads at Ulundi, the man for the Department of Home Affairs or whatever it's called called on me and said, "By the way, we're doing some resettlements next week. I need about 30 or 40 of

your

/policemen", and

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policemen", and I said to him, "Why is it necessary for the police?". He said, "There might be problems". So I said, "Well, you will not have policemen to resettle people, we are now in KwaZulu and we do not resettle people. If you do, you do not call on the KwaZulu Police to help you enforce a law that the locals do not want to have enforced". These are things. The police are used in a role that they are not meant to be used in. I don't say we've got to have a National Guard, but it might be a solution, but leave your policemen without a firearm in a uniform to patrol your areas, like we did in the old days, and that the policemen can again be seen to be an upholder of the law and not part and parcel of the government of the day to enforce unwanted or sometimes unnecessary legislation. And then, just another point, having said that, I grew up in the South African Police. I joined in 1955. It has been National Party right throughout. I have never belonged to any political party in my life and I'm not prepared to tell this committee or any other committee or commission who I voted for throughout the years. I might shock a few people. But the people were recruited from broadly-based political groupings, the same as Mr Lax had referred to earlier on, that the special constables and the constables in the KwaZulu Police were mostly Inkatha supporters. That is true. And we must get away from that, but we cannot hope for a peaceful South Africa working under the present circumstances. And, in closing, Mr Chairman, just bear with me just one more minute. I went through - and we discussed the 'eighties

-calling for South Africa to be made ungovernable. The
people of South Africa, the masses, the majority of the
/population of

4B population of South Africa were called on to disregard
the Police Force, to disregard the Security Forces, to
do all those sort of things, to make this country
ungovernable. They were called upon to do that and I
don't think they've really been called upon to turn
around the other way and support - we call for peace, we
call for stop crime, and so on, but it's not been said
loud enough to the majority of the people in the
country. Thank you, Mr Chairman.

Are there any other issues you want to cover,

Mr Booyens?

MR BOOYENS: No, that's ... (inaudible).

CHAIRMAN: There's nothing else that we want to cover
now. If there are issues which do arise we hope to be
able to do it on the basis that we, through your office,
Mr Olivier, that we made - we draw up a list of
questions to put to General Buchner. So in the meantime
we will adjourn the hearing sine die, but I'm pretty
sure we won't be asking you to come back. --- Thank
you, Mr Chairman.

PROCEEDINGS ADJOURNED SINE DIE