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NAMES JOHANNES FELDE VAN DER MERWE, PETRUS JOHANNES COETZEE, CRAIG MICHAEL WILLIAMSON, ALFRED OOSTHUIZEN, WILLEM FREDERICK SCHOON, SAREL DU PLESSIS CRAFTFORD

ON RESUMPTION AT 09H00 ON 9 OCTOBER 1997

CHAIRPERSON: I would like to extend a welcome to all who are present and in particular to those who we will be hearing from in a moment. In particular may I just say that at the request of some of the legal representatives we will be starting with General Johan van der Merwe, followed by General Johan Coetzee. Then we will take others in that order. In a moment I will ask Advocate Visser to make a brief opening statement. Before that let me again say that we are grateful for the attendance and coverage by the media which enables many other people in South Africa to participate in this process. To express my thanks in anticipation to the Interpreters who do an excellent job of work and to remind you that there are headsets available for those who may need it. There is translation from English to Afrikaans, Afrikaans to English, and Afrikaans English to Xhosa and the other way round. So if people need headsets at any time please make use of them but please don't take them away with you, they will be no use to you, they certainly are of great use to ourselves.

Before we start the proceedings let me introduce the panel. On my far left Ms Mary Burton, who is a Commissioner based in Cape Town and is a member of the Human Rights Violations Committee of the Commission. On my left Dumisa Ntsebeza, the head of our Investigative Unit, a Commissioner and operates from Cape Town. On my far right, which is interesting, is Ilan Lax from KwaZulu Natal, a committee member of the Commission and a member of the Human Rights Violations Committee. Next to me is Richard Lyster, who is also from KwaZulu Natal and he is the convener of our region there and a member of the Human Rights Violations Committee and a Commissioner. I am Alex Boraine, the acting chairperson, as many of you know Archbishop Tutu is out of the country at the moment but will be returning over the weekend.

So welcome to all of you. I hope that this day is going to be productive, that the information we seek will be made available. I remind those who are participating that this is not a court of law. This is not a trial. We are not seeking to incriminate anyone. We are trying to find out from your perspective what happened during this period of conflict. The kinds of questions that we would be putting would be very similar to other key actors in the conflict of the past and we are doing this not out of idle curiosity, not to reopen a can of worms, but simply to come to terms with our history so that we can together develop a better future for all of us.

So this Commission, essentially, is really not about the past, it's about the future, but we have to turn the page of history if you like, but it's our view that you first have to read the page before you turn it, and you are helping us to do that and we are grateful for your attendance.

Advocate Visser you wanted to start with an opening statement.

MR VISSER: Perhaps Mr Chairman if I may suggest, with respect, that it may be convenient for the other representatives perhaps to place them on record before I start.

CHAIRPERSON: Will you do so please. Thank you.

MR LEVIN: Mr Commissioner my name is Alan Levin, attorney Johannesburg. I am assisted by Mr Robert Levin. I appear for Major Williamson. I would apologise at the outset for not having an opportunity of introducing myself other than to yourself and I would like to deal with certain issues once my learned friends have dealt with their matters and placed themselves on record.

CHAIRPERSON: Thank you.

MR JANSEN: Thank you Mr Chairman. I am Rudolph Jansen. I am instructed by attorney Julian Knight. We are appearing on behalf of Captain Dirk Coetzee where we are asking an indulgence to direct certain questions at Brigadier Schoon from the perspective of the Vlakplaas commanders. Thank you Mr Chairman.

CHAIRPERSON: Right. We will deal with that when we come to listen and to hear from Brigadier Schoon. Thank you.

MR DU PLESSIS: Thank you Mr Chairman. I am Roelof du Plessis. I am instructed by Mr Britz of the firm Strydom Britz Attorneys. We represent Major Crafford and we also represented Brigadier Cronje and the other applicants in the previous amnesty applications of the previous security policemen at the amnesty hearings. Thank you.

CHAIRPERSON: Thank you.

MR VISSER: I believe it's my turn now. Mr Chairman the name is Louis Visser. I am instructed by Wagener, Muller and du Plessis, Pretoria attorneys. We are briefed to act on behalf of General Johan Coetzee, General Johan van der Merwe, Brigadier Alfred Oosthuizen and Brigadier Willem Schoon.

Mr Chairman if you would allow me, very shortly, there are one or two points of concern which we want to raise in the hope that it may clear the air and clarify matters to the extent that we could deal with the

matters in hand expeditiously.

Mr Chairman it refers to the Section 29 notices which my clients have received, at page 2 there are two paragraphs as you are well aware, the first and the second paragraphs. Mr Chairman we appreciate your opening remarks this morning about the intentions of the Commission in what they are attempting to establish with a view of our future. We were heartened by heartened by the passionate speech made by your Committee member, Mr Ntsebeza, yesterday afternoon, and of course we would like to accept, and we do, the bona fides of the members.

But you are well aware, Mr Chairman, that there has been in the past some resistance from the security force members to participate in the process which was foreseen by the legislature with the promulgation of our Act. May it be known Mr Chairman, had it not been for persons like General Johan van der Merwe we would certainly not have seen as many of the old SAP members applying for amnesty as we have seen now.

But Mr Chairman the unfortunate reality is that all the doubts have not been removed. There seems to be still a lingering perception that there is a witch-hunt going on, and Mr Chairman some of that may be justified, some may be unjustified. Why I mention this is that the clients of mine who are here today have come forward, not because they were subpoenaed to be here, but because they want to participate, and they have shown that by also applying for amnesty and made, according to them, a full disclosure of what they know about our checkered past of this country.

Mr Chairman we wish to just make one point of this, and that is that we perceived some of the questions, and this is not intended as criticism but as a fact, we perceived some of the questions directed at some of the witnesses yesterday to be more in the nature of adversarial questions than elucidatory. It does not serve to quell the fears of the persons for whom I appear if they suddenly find themselves here in an adversarial position, and that is why we do appreciate your opening remark that we are here to enquire Mr Chairman. If we could do it on that basis certainly I believe that the witnesses will be more forthcoming and more helpful.

Mr Chairman we have a particular problem with paragraph 2. Before I go to paragraph 2 may I just say, to enforce, reinforce what I have just stated, you are aware that General van der Merwe has given evidence on three occasions already, twice in public, about what is really contained in paragraph 1. General Johan Coetzee has made full representations, as has Brigadier Schoon, and that is why Mr Chairman we suggested the order, so that if any of these gentlemen could be of assistance to you through Mr Goosen to elucidate further matters for your clearer understanding of any issue they are here to do so and they are quite happy to be of assistance.

Paragraph 2, Mr Chairman, in our view falls clearly outside the purview of your authority. It's a matter which is to be dealt with by the Amnesty Committee. The Amnesty Committee must in each case consider all the facts and circumstances surrounding every particular amnesty application before it.

Mr Chairman you may not know this but I can tell you that ever since 1914 our Appellate Division has grappled with the complex legal principles applying to scope and authority, we are afraid Mr Chairman that our clients may be asked questions which will place them in a position of being adjudged in regard to other applicants in other amnesty applications regarding what they perceived to be their orders and their instructions and what they perceived they might have done in our outside their authority. Because, Mr Chairman, the reality of the situation is paragraph 2 filters through to virtually, directly or indirectly, to every single application which the Amnesty Committee will hear because they are charged with going into those issues.

So Mr Chairman we are simply saying that we must tread with caution that the evidence elicited from the witnesses here today does not prejudice other applicants and in any event Mr Chairman when they are asked about other instances or hypothetical situations their answers could at most, and at best be hypothetical, with respect.

Mr Chairman I am virtually finished. As far as the amnesty applications are concerned which deal with cross-border applications there is a very real problem. May I remind you, Mr Chairman, that letters have exchanged hands and Dr Boraine the Chairman today has, and we say quite rightly so, stated categorically on the 8th of May by letter, that the question of extradition is a matter that falls outside the scope of this Committee and we appreciate that, it's got to be so. But please Mr Chairman you must also appreciate the predicament in which my clients find themselves, and perhaps Mr Williamson as well, but I don't want to speak on his behalf, to answer questions regarding cross-border raids when at the end of the day applying for amnesty, as they did, as some of my clients did, may be a useless exercise because they may not receive protection, and in fact this is the way it seems that it is going.

Mr Chairman why I raise this issue is that on the 2nd of July Mr Hanif Vally, the legal representative of this Commission, wrote a letter and it says Mr Chairman,

"We have raised the issue...."

the issue is cross-border raids and our applications for amnesty -

"...with both Archbishop Tutu as well as Dr Boraine. Both have emphasised that no undertakings were ever given in that regard".

Well that may or may not be so, I am not going to go into that, but the letter then goes on to say that -

"...they undertook to raise the issue with the President and the Minister of Justice which they have duly done".

Now Mr Chairman I don't in open committee want to ask you for a reply in that regard or an explanation unless you of course want to give it, but what we say is that it would be helpful to know that there are some reassurances coming from somewhere because as matters stand now, and according to what we hear Mr Dullah Omar saying, it appears that there is no guarantee at all that applications for extradition, that any attempt would be made not to extradite and you can understand the situation Mr Chairman.

So that with that in mind, and I am finished Mr Chairman, with that in mind I would appeal to Mr Goosen and to members of the Committee to bear those issues in mind when they direct questions. But for the rest my clients are here and they are ready to proceed with their evidence Mr Chairman.

CHAIRPERSON: Thank you Mr Visser. I don't want us to engage in a discussion because we have a very full programme, but I must at least make a couple of comments.

Firstly, it is true that the questions often are, somebody termed it, robust. They are direct because we are looking for the truth. How can you not be direct when you are seeking truth?

And let me say that this is a two-way street. If witnesses or people before us giving evidence, and I am not talking about today because it hasn't happened, but I am saying that we have had experience where people have been evasive, that people have given half answers on very obvious facts and you will appreciate that after an hour or two of that kind of evasiveness sometimes the questions become a little more than robust, and I think that in a two-way street we would ask that those responding would do it as fully as is humanly possible so that we don't waste time and that we don't have to become adversarial. That's what we don't want to happen and we will do everything we can to ensure that that doesn't take place.

My second point is that in many respects we think, and we may be wrong, that we in subpoenaing people who were, if you like, in the front line of the conflict, the operatives, the generals, the people who were waging that conflict on all sides, we are actually doing them a service in enabling them to state the situation as they saw it, as they experienced it and particularly in terms of ultimate accountability. People don't invent things normally. They don't suddenly decide in a tightly organised security force to do things on their own. There is usually a reason, there is usually an order and we are trying to establish a chain of command.

Because it is our view so far, it is not our finding, it is our view so far, that some people are being left to take the blame and others are walking away. And we don't want to attribute blame to anyone. We want people to accept responsibility for what has happened. If there are people who have created a climate or given an indication that this is what should happen and then those become the fall guys I would have thought that we were actually doing some people a service to tell us how they saw it, and where they were coming from, and we don't want to point a finger at anyone, we just want to say - what really happened? What were the perceptions, what were the motivations, why were you doing what you were doing? And we have asked exactly the same questions to everybody who has participated in the conflict and I assure you that we will do that.

Finally, the whole vexed question of extradition is a very real one, and I don't want to in any way minimise that problem. The problem is that assurances can be given but there are certain legal instruments over which we have no control as a Commission, and I just think I will leave it at that.

I think that Mr Goosen has heard what you have said. We have heard what you have said and we will, I think, conduct this inquiry in a best possible way as to serve the purposes of everybody concerned.

Without any further ado I think we must proceed and I would welcome especially General van der Merwe and ask him if he has any opening word - yes you would like to speak on his behalf, thank you. Mr Levin.

MR LEVIN: Mr Chairman I speak on behalf of Major Williamson and in order to be as swift as possible I will get to the point very briefly, and that is I am ad idem with my learned friend. There is a very real need for mutual cooperation, but there is a problem insofar as I perceive it, insofar as my client perceives it, namely the question of acts outside of the borders of the Republic. And to that extent I am not able, professionally, to advise my client to give any evidence in regard to extraterritorial matters which may ultimately affect him. There is machinery which is available to this Commission to hear those matters in camera and I would assume to also ensure confidentiality of the record in regard to those issues.

I have similarly been in correspondence with various members of the Truth and Reconciliation Commission since as far back as the 14th of November 1996 when I articulated, to the best of my ability, the problem as far as my client was concerned and save for advising you that I reserve the rights of my client at any stage should questions be asked of him which touch on extra-territorial matters, to then argue the matter fully behind closed doors, as I understand the position would be, in order that my client would be protected because it really is something that one must look at from a professional point of view in advising a client.

And whilst my client is willing and able and I think you've seen by his performance to date and by the reams of documentation he has presented to you to cooperate fully he must do so having regard to his future life and his position and that will be the thrust of my argument should it become necessary. I do not want to maintain a silence at this stage and have it said of me at a later stage, well this is something of an afterthought Mr Levin, why did you not raise it in inception? And therefore I make my client's position clear by those few brief statements. Thank you for bearing with me.

CHAIRPERSON: Thank you Mr Levin. Mr Goosen.

MR GOOSEN: Thank you very much Mr Chairperson. Mr Chairperson it's, as we indicated in the hearing yesterday, it's not my intention to ask questions about the specific facts in relation to cross-border

operations. The thrust of the questions will be directed at the general authorisation and the process in terms of which such operations may have been launched. But it's certainly not my intention, I take heed of what Mr Levin has said, and will clearly not be directing questions at Major Williamson, or at any of the other witnesses in relation to the specific facts in regard to a particular operation cross-border.

CHAIRPERSON: It remains for me then just to simply add that we, through Mr Ntsebeza in particular, and other members of the Commission, we have given the assurance that some of these matters can be and should be heard in camera and we would adhere to that. Let's take it as we go and if there's an objection that needs to be raised you will do so, we will hear you and we will proceed.

MR VISSER: Perhaps Mr Chairman I neglected to mention one further aspect, perhaps it's not even necessary to mention it because I did perceive yesterday a sensitivity not to ask any of the witnesses about their applications for amnesty. We do really appreciate that Mr Chairman because you can imagine the invidious situation in which an applicant whose amnesty application still has to be heard finds himself if he finds he has to answer questions now about which he will have to give evidence later. We just want to express our appreciation that that has been done.

We present General van der Merwe to you Mr Chairman.

CHAIRPERSON: Thank you. Again welcome.

GEN VAN DER MERWE: Thank you Chairperson.

CHAIRPERSON: Mr Ntsebeza will swear you in now and obviously people must use whatever language is comfortable for them. There are translations for those who need it.

MR NTSEBEZA: I would have loved to administer the oath in Afrikaans but I am not so sure that I will be able to go through with it ...(intervention)

GEN VAN DER MERWE: You are most welcome to do so.

MR NTSEBEZA: ... in very good Afrikaans.

JOHANNES FELDE VAN DER MERWE: (sworn states)

CHAIRPERSON: Thank you very much you may proceed.

GEN VAN DER MERWE: Mr Chairman I am a retired general and a former Commissioner of Police. I will speak as slowly as possible.

As mentioned on three occasions ...(intervention)

CHAIRPERSON: Sorry to worry you straightaway but do you have a copy of that statement or not?

GEN VAN DER MERWE: Unfortunately not.

CHAIRPERSON: Alright, fine, thank you very much. Please proceed.

GEN VAN DER MERWE: On three occasions I appeared, I testified before the Amnesty Committee about several aspects which are being raised again today. I would like to give my perspective again, repeat some of these statements.

In my evidence to the Commission I confirmed that since the SACP decided to overthrow the government, the police were faced with a superhuman task. On the one side they were expected to maintain law and order in a legal way and on the other hand to protect the society against terror and violence in circumstances in which the other side followed no rule and even where the boundaries of ordinary warfare were exceeded. So it was the point of departure from the government of the day that for all practical purposes we were in a war situation and that the enemy had to be defeated at all costs.

The armed struggle went through several phases. At the beginning MK and other organisations concentrated on sabotage of State buildings and other assets. The Soweto uprising in 1976 placed them in the forefront and the SACP/ANC alliance involved youth in its revolutionary struggle.

With the foundation of the United Democratic Front in 1983 a new phase was entered. Many organisations joined the UDF and although it could never be determined exactly to what extent the SACP alliance governed the UDF there was very close cooperation. A large portion of the black community followed the UDF and the South African Council of Churches also played an important role.

Under guidance of the UDF resistance to the government and government institutions increased sharply. This was followed by civil disobedience in order to make the country ungovernable.

In 1985 the SACP held a conference in Zambia where it was decided that the difference between hard and soft targets no longer applied. Violence increased and many civilians, women and children were wounded or killed. The SACP, UDF and other bodies following the same aims tried their best to make the country ungovernable and to alienate the black community from the police. Large scale intimidation was used to try and prevent the SAP from operating efficiently.

The notorious necklace method, which is even more cruel than anything the Nazis did, was used to kill many people who were seen as collaborators. The police were regarded as hard targets which could be killed at will. More and more people became victims of violence. People in black townships lived in fear of their lives.

To counter this attack by the SACP alliance the former government used all the forces at its disposal and combined these under the State Security Council. I have already testified about these structures and I am not going to expand at this stage. I would like to concentrate on the influence of these structures on the SAP and how these structures operated.

From 1 January 1986 to '88 I was head of the security branch of the SAP. I only served in the coordinating committee which consisted of members of various branches of the security services. Some months ago I

asked that the minutes of these meetings be made available to me but I have not been able to have these. I think that these minutes should throw material light on the circumstances at the time.

The joint management committee and its structures and the counter-revolutionary force I served, a member of the security branch also served in the Security Council, the security forces and various State departments were to be united. From the viewpoint of the SAP and the special branch the government was - the aim was to ensure law and order and to ensure the security of the civilian population. This was so closely allied with the activities of the police that the police regarded itself as an ally of the government inevitably. Since 1948 an intimate relationship developed between the police and the Cabinet and this was influenced by many factors - the attitude of the Afrikaans churches and other organisations. The National Party was the natural home of most Afrikaners and the top echelons of the SAP agreed fully with the policies of the National Party.

Since 1948 the NP government saw itself as an ally of the West which, as it was then seen, was involved in a cold war with the East bloc. The ANC/SACP saw themselves as part of the East bloc countries. And the struggle between the SA government and the SACP/ANC was seen as an East-West conflict.

South Africa with its mineral wealth and strategic location was seen as the last bastion of civilised Christian norms of the Western world, and the government used everything in its power to convey the message that if South Africa should fall prey to Communism it would be a disaster for the Western world too.

For most of the people in the SAP it was about more than just law and order. The promotion of the interests of the former government was an important consideration and there was a close relationship between the Commissioner and his Minister and this attitude played a very important role in which the planning occurred in the various structures.

On the 1st of January 1990 I became Commissioner of Police and up to my resignation in '95 I served in the State Security Council and other bodies. I am not aware that the State Security Council during this period issued any instruction or gave any approval for any action which could be seen as a serious violation of human rights. I have not applied for amnesty regarding this period although this perception has been raised. As Mr de Klerk said that the South African Police should not move in the political terrain but the security forces were still trapped into the political struggle in which the interests of the former government were the most important aspects.

Insofar as to the extent to which other ministers became involved would have to be analysed, what they said and the request they may have issued, the role of these people still needs to be determined in these various bodies.

All the powers were to avoid the ANC/SACP achieve their revolutionary aims and often with the approval of the previous government we had to move outside the boundaries of our law. That inevitably led to the fact that the capabilities of the SAP, especially the security forces, included illegal acts. People were involved in a life and death struggle in an attempt to counter this onslaught by the SACP/ANC and they consequently had a virtually impossible task to judge between legal and illegal actions.

CHAIRPERSON: Thank you General. Mr Goosen.

EXAMINATION BY MR GOOSEN: Thank you very much Mr Chairperson. General I am going to put the questions in English. Thank you very much I appreciate that.

General did I understand, just towards the end of your opening statement you indicated that from when you - after you were appointed as Commissioner of Police you took up a permanent seat on the State Security Council, did I understand you correctly that you said that as far as you are aware at no stage, at any stage that you participated did the State Security Council or any of its sub-committees or sub organs, I think you used the word "doelbewus besluitgeneem", deliberately decide that any unlawful actions should be carried out? Did I understand that part of your submission correctly?

GEN VAN DER MERWE: That is correct Mr Chairman. While I was Commissioner and served in the State Security Council I was not aware of any occasion when such a decision was given or such an instruction was given which could deliberately be interpreted as acting unlawfully.

MR GOOSEN: I take it from that that you would leave open the possibility that the decisions of the State Security Council or any of its sub-organs would when communicated to the various departments may have been interpreted as authorising particular action, unlawful action in the circumstances?

GEN VAN DER MERWE: Mr Chairman I don't know of a specific incident, this is a very general statement. Anything is possible but I am not aware of any facts in this regard.

MR GOOSEN: General in your opening statement, as well as in the submission that you made, in fact more-or-less a year ago to the Amnesty Committee at the time that certain applications were being heard, you paint a very clear picture of what the perception was at the time of the security forces as to the seriousness of the threats facing South Africa and what was required.

That perception is consonant with views that were expressed also yesterday by various, some of the generals who presented submissions, as well as statements made by Ministers serving in the Cabinet at the time about quite how serious the situation was in the country. I have no difficulty with the way in which you present it and I don't wish to challenge you in that regard.

One of the difficulties, and this perhaps goes back to the reason for having this enquiry, is that it is also presented at various times, both in political party submissions made to this Commission, individual submissions made to this Commission, that unlawful actions carried out by either members of the security police or members of the police or members of the South African defence force were never authorised and did not in any way form part of a policy or an acceptable practice of the government at the time. Would you agree with that view or not?

GEN VAN DER MERWE: Mr Chairman often during my evidence given to the Amnesty Committee and also before the Investigative Unit that there had never been a clear instruction by the previous government or the State Security Council that any unlawful deed which was a violation of human rights had to be committed which we can substantiate through facts today.

On the other hand it is so that if you look at these various incidents that those circumstances were of such a kind that members of the State Security Council, not necessarily all of them did know that certain unlawful actions were approved. Because of this approval explicit or otherwise which they have given to this that they accepted this fact and therefore that certain actions flowing from that were committed within a certain framework and the State Security Council and the members who were involved have to be accountable for that.

MR GOOSEN: If I understand you correctly you would say that there was not a general authorisation or necessarily a general policy that certain unlawful actions could be carried out, but that unlawful actions were carried out, were authorised in particular instances, and that senior members of either the State Security Council or senior members within either the police or the military or politicians in those instances would have been aware of that and that they agreed with that. Is that I understand the thrust of your answer?

GEN VAN DER MERWE: That is correct. This is also presented in my amnesty application.

GEN VAN DER MERWE: You see General that - calling you again to this forum is not in any way an attempt to harass you by getting you here for a third or fourth or fifth time, but one of the significant difficulties experienced by the Commission has been that when the question has been asked was there in any way acceptance of the fact that unlawful actions could be carried out as part of the process of combatting the revolutionary onslaught against the country the answer that comes back is "no". And I can cite the instance.

I will probably get into trouble in the Commission for doing it. But when the National Party made its submission, when the former State President made his submission he said actions of an unlawful nature were never authorised, they were either bona fide misinterpretations of lawful instructions or they were bona fide actions as a result of people who were over-zealous or they were male fide. Those people, you, he didn't mention you in particular, but you and your subordinates were bad apples and that that was never authorised. Can you comment on that perspective please?

GEN VAN DER MERWE: Mr Chairman I have already testified before the Amnesty Committee and before the Investigative team and I've confirmed that certain instructions were given with the approval of the Minister, I do not doubt that at all, he would have informed the State Security Council. Consequently if that is denied that the previous government in this case, specifically the State Security Council did not have knowledge of certain unlawful actions that is not true.

GEN VAN DER MERWE: Thank you very much General. Indeed in some of the documents that we made available to you as part of the package that we sent and also in other documents which we did not extract, terms like "elimineer", "neutraliseer", "om vyandelike leiers", "uittewis", to eliminate, to neutralise, to eliminate the enemy leaders, are scattered throughout the policy documents that were circulated at the State Security Council even before you took up your post there, and in approaches that the State Security Council adopted in respect of how to deal with the revolutionary onslaught. Now it may be that the terms in and of themselves, "neutraliseer and elimineer" may be ambiguous and one may have to look in each and every instance at the particular context in which those are used, but would you agree that one interpretation of particularly the term "elimineer" when it is used in the context and the document that was provided to you, is that "vyandelike leiers" - enemy leaders should be eliminated or neutralised, one of the interpretations of that is that those people should be killed, would you agree with that?

GEN VAN DER MERWE: Mr Chairman not if you look at the contents of the document, definitely not. If you look at the contents of this document or most documents it becomes clear that it means that certain activities had to follow on this, but if you keep in mind that those documents were put into a system, the joint operations system, where members from the defence force served on that, people from grassroots level and many of those members were involved in a struggle for life and death every day. From that viewpoint you would regard it and, yes, it could have meant to kill people.

And if you ask me what I understood by that I would say no, at that stage and on that level it was not meant that people had necessarily to be killed. Every person involved in the State Security Council has to explain what his specific viewpoint was.

But from this document I could not deduct this. The member received this document and had to plan according to that against the background that he had the impression that they have to act violently and that he had to use everything in his power to combat the enemy.

And consequently I also understand the possibility that this person could be killed.

MR GOOSEN: Thank you. And would you agree that the effect of utilising ambiguous language like "neutraliseer", "elimineer", "uittewis", terms which, perhaps for the people immediately involved in those discussions may convey one meaning, and for people who come to understand that that is the approach or that is the policy that is being put forward may come to mean something entirely different, that the effect of that was to create precisely the situation that lower order operatives within the security forces could interpret words like "elimineer" and "neutraliseer" to mean precisely that people should be killed and harsh action should be taken against the defined enemies of the State?

GEN VAN DER MERWE: Mr Chairman what do you exactly mean, was that deliberately done that those words were deliberately used in that way to create that perception on groundroot level? That there was a

deliberate attempt by the State Security Council to in that way create the perception that those people had to be killed, is that what you mean?

MR GOOSEN: Well you have indicated General that in the context it would be reasonable, given what was being said at the time and given the use of those words, that it would be reasonable for people to interpret them to mean "elimineer" means kill.

But you've also indicated that operatives, security police members, lower order security police members, members of the South African defence force, were enjoined in fact to take harsh action, that by utilising those words the State Security Council members were creating for themselves a situation in which they could deny that they had instructed the elimination, meaning kill, of any particular person.

GEN VAN DER MERWE: Mr Chairman, no, I was never involved in such a way in these discussions, I have no facts on which I can base a viewpoint to say that it had been deliberately done to create such a perception so that a message could be conveyed subtly, that people, the lower order operatives, could kill people. These are aspects which can be determined if the people were involved in these discussions in the State Security Council could be asked. I have no facts. I have no grounds on which I can base such a statement or point of view that those words were used to create a perception under lower operatives that they would accept that people had to be killed.

MR GOOSEN: And General in the circumstances why do you think that words of that nature would have been used, if for example intention was in the particular context "neutraliseer" should mean that people should be detained, why not say that people should be detained? Why utilise language that is capable of an interpretation other than that which is intended by the people that use them in the first place?

GEN VAN DER MERWE: Mr Chairman like you and Mr Goosen I can only guess about that. I have no facts to my disposal. I agree it would certainly have been better, and I think at a certain stage a committee of inquiry said where the word "elimination" was used it was an unfortunate choice of word, but to go as far to say that was done deliberately I do not have any grounds to substantiate that.

CHAIRPERSON: Mr Ntsebeza, if I can just....

MR GOOSEN: Can I just follow-up on one aspect?

CHAIRPERSON: Go ahead Mr Goosen.

MR GOOSEN: Thank you very much Mr Chairperson. General you've indicated that it's an unfortunate use of language, would you regard the use of such language, from one of the highest organs of political authority in the country, as an irresponsible action in the circumstances?

GEN VAN DER MERWE: Once again you must keep in mind that we were in a situation of war. Even the members of the State Security Council were aware of the desperate situation prevailing. Against that background I believe that from their side also there was this need for more strong or harsh action to combat this situation which was deteriorating.

We should look at all the factors involved again and I would not like to say that it was a reckless attitude they had but you must keep in mind that the consequences of that was that the lower operatives did develop some perceptions, and you as a committee have to decide which value can be attached to that.

CHAIRPERSON: Mr Ntsebeza.

MR NTSEBEZA: Thank you Chairperson. You see General the problem that I also have with those ambiguous words is the context and the time, the context in which and the time at which they were used. Now as one time head of the Security Police you are aware that you had an armoury of legal provisions, firstly in the form of the Terrorism Act, or the Internal Security Act as it then was, do you concede that?

GEN VAN DER MERWE: What is your question, yes that is correct. There was security legislation which gave us certain powers.

MR NTSEBEZA: You were by law permitted to hold in detention incommunicado in circumstances where a detainee would not be seen, would not be visited by friends or family, by even lawyers, and in terms of which you could legally hold him for an indefinite period until he has answered questions to the satisfaction of his detentors generally. That was the general position in terms of Section 6 of the then Terrorism Act and for subsequently Section 29 of the Internal Security Act.

GEN VAN DER MERWE: Mr Chairman no he could not be detained for undetermined periods. He had access to the courts. There were many incidents where we had to provide reasons why a person was detained. He was also visited by a magistrate and other people. It's not a question that he could be removed from the community and be detained indefinitely and no people had contact with him. There were certain control measures in this regard.

MR NTSEBEZA: But generally I mean the fact that he was not able to, he or she would not be able to be visited by certainly legal representatives made the conditions of his detention all that much more stringent. He was available, at most instances, for longer periods only to members of the Security Police.

I take the point about visits by judges and magistrates and medical people, but generally the conditions under which people could be detained or arrested were such that the police could have a reasonable and a longer time to deal with the person in detention in such a way that that a person could be neutralised in the sense of detaining him for a longer period so that he or she is not available in the community to do the things that the person was doing or was perceived to be doing. Would you agree with that?

GEN VAN DER MERWE: Mr Chairman, if by this question you mean that we could just avert this threat by detaining them by security legislation it could not be done. At a certain stage we detained more than 40,000 people in terms of this legislation and then this conflict even worsened. Security legislation could, in

this war situation where intimidation was used so that the greatest deal of the masses were forced to use civil disobedience then legislation could not be the solution.

MR NTSEBEZA: This is exactly the context, you have just stated the point in my view, you are saying even with such draconian laws it was the perception at the time that the legal or legally available methods of dealing with perceived enemies of the State were not efficient to deal with the situation. Is that what you are saying, because ...(intervention)

GEN VAN DER MERWE: Yes definitely Mr Chairman. I have also said that if the previous government would be honest and adding to that if circumstances allowed that they had to ask for a martial, apply martial law. We were almost busy with a civil war. If we look at the civil disobedience on the wide level and organisations when they were all united by the UDF it could not have been able to combat that effectively through legislation. That's why the government used other methods apart for a constitutional solution.

MR NTSEBEZA: Yes. And if I understand you well then it was as a consequence of a conclusion drawn by yourselves, and as I understand it by the government, that because the legally available methods of dealing with the perceived enemies of the government were not effective some other measures were resorted to, and it was in the context of other measures that terms like 'elimination of enemy leaders' came to be the vocabulary of a strategy to deal with the enemies of the people.

GEN VAN DER MERWE: No Mr Chairman that is not what I said. It was not possible to contain this whole situation through security legislation and to handle this situation I did not say that because of that we used other methods. On grassroots level the people became aware of this situation and they decided that against this background and where these words also played a role and other factors to be able to contain the situation other methods and actions had to be used and that's why we used harsher actions.

MR NTSEBEZA: Lastly on this aspect. Now since we are dealing with perceptions, I think the question that we seek to get an answer from you on is, if it was generally accepted, and I think you say it was generally accepted, that the legally available methods of dealing with perceived enemies of the State were not effective. And I think we are seeking to say is, would it therefore not be reasonable against that acceptance for a person who is an operative, a foot soldier, when he gets an order that enemy leaders must be eliminated or neutralised that it was a test, if not an explicit authority for them to deal with those leaders other than in accordance with the law?

GEN VAN DER MERWE: Mr Chairman I want to emphasise strongly that you must keep in mind that those documents in which those words appear would not be provided to members on the lower levels. It would have been channelled through the management systems and it would differ from the one committee to the other committee, and from the one incident to the other incident regarding which interpretation should be given to this document, and if and whether these people came to that conclusion.

I want to agree with Mr Ntsebeza that people on the lower levels were in such a poor situation and that the message was conveyed that harsher actions should be taken and people should be killed. I do not have those facts in my possession. I am interpreting certain circumstances and necessarily it must be evaluated at the hands of each incident and determined during which circumstances those words were used.

MR NTSEBEZA: Do you then accept that it is one of the possible meanings of those words to say that people must be killed?

GEN VAN DER MERWE: Yes definitely Mr Chairman. If you tell a soldier eliminate your enemy, depending on the circumstances he will understand that means killing. It is not the only meaning but it is specifically one meaning.

CHAIRPERSON: Thank you. Mr Lyster.

MR LYSTER: Thank you Chair. General I just want to try to just succinctly bring this discussion to a close because I think Mr Goosen has largely finished his line of questioning.

Just from a study of the documents, the sorts of documents that have been referred to, and these are State Security Council documents and minutes of DST projects and other military Intelligence and police documents, the sort of ambiguous words that we have been talking about are, or some of them are as follows, "uithawetekens", "elimineer", "neutraliseer", "uitrooi", "uittewis", "uit die gemeenskap verwyder", "maak 'n plan", those are the sorts of words that are used in documents. Now do I understand your evidence really to be that these were synonyms for arrest and charge, or detain and they were not in fact synonyms for kill, is that your evidence?

GEN VAN DER MERWE: Mr Chairman my evidence is that the people who handled that document in the State Security Council could understand it like that. That document was not presented in the sense that those people deliberately had to be killed. If you study the contents of the document and the scope of that, provision is made for arrest, for detention and for removing from society. You can just evaluate the words as they stand. But if you want to take this further, like I've said repeatedly, the circumstances surrounding this document and how the document was evaluated that should be judged.

If you look at the document it gives, or some of the document gives the impression that the meaning was that people should be detained or arrested. It was unfortunate choice of words. It could have been put more clearly. But you have to ask the specific people involved why those words were used. I can just look at the words on face value and I did not have the impression that the people had to be killed deliberately. Operatives on the lower levels regarded it differently perhaps.

MR LYSTER: You see if the words were meant to convey arrest, detain I mean those really were the only legally available methods to deal with people, arrest them, detain them, place them under house arrest, ban them, then why didn't the documents simply say that? Why use words like "uittewis", "uitrooi",

"vernietig", "neutraliseer", "elimineer"? Really to describe those as an unfortunate choice of words, General, we'd like you to come up with something more direct.

GEN VAN DER MERWE: That is what it is. If you look at the document and at the contents you cannot infer another meaning. If you look at that clinically I can't say that based on facts, I can't say anything more than I have already stated.

CHAIRPERSON: Mr Goosen.

MR GOOSEN: General would you agree that the unfortunate use of that language resulted in people being killed?

GEN VAN DER MERWE: No Mr Chairman it happened afterwards, Mr Biko died long before that time. Those documents were written in 1985, Mr Biko took place beforehand.

MR GOOSEN: I didn't mention Mr Biko. I am saying would you agree that that unfortunate use of that language, "vernietig", "uitrooi", "uittewis", "elimineer" and so on, you describe it as an unfortunate use of language that that unfortunate use of language resulted in deaths, would you agree with that?

GEN VAN DER MERWE: Yes Mr Chairman.

MR GOOSEN: General there is just one further aspect that I would wish to deal with and you alluded to it when indicating that in interpreting instructions that would come down as the, perhaps the document might not necessarily be given to a particular operative, but that the sense of that would be conveyed and in certain circumstances when the general instruction would be conveyed and words like "elimineer" would be used, a guess in those circumstances people might interpret them to mean kill. Would you agree that there developed a culture amongst security force operatives, given the use of language of that nature and given the exhortation to even firmer action, and given the realisation that legal means were not sufficient to combat the revolution, that there developed a culture in which illegal activities became fairly generally accepted?

GEN VAN DER MERWE: Mr Chairman to describe that as a culture and to generalise is not correct. You have, once again, to look at the circumstances under which these operatives worked to decide how they understood those words and reacted to them. Many operatives countrywide would have worked in a more secure position where they were not exposed to this type of violence which would necessitate that those words should be interpreted in an extremist way, in an extreme way.

You can't generalise and describe it as a culture, but it did have an influence on the actions of operatives, but you have to analyse those circumstances to determine what the extent was. You can't generalise. That would be wrong.

MR GOOSEN: Thank you. General in relation to a specific matter for which you have sought amnesty, I am not going to go into the detail of that matter, but you are on record as stating that when knowledge about that particular death had come to your attention, and this is the motivation in your application, you are on record as stating that any steps which could create the impression that the command structure were not supportive of the operatives that that would lead to them becoming totally demoralised and the command structure of the SAP losing their loyalty in those circumstances. Would you agree that where an operative is responsible for illegal action and senior command levels of the police who become aware of that, who have a responsibility to uphold the law condone that action and ensure that those operatives are not brought to justice for that illegal action, that that creates a climate of endorsement of such illegal action?

GEN VAN DER MERWE: Chairman once again one cannot generalise. The circumstances of this specific case was described in detail. It depends or it differs from case to case.

There were many instances where members of the South African police, especially the Security Police, were involved in unlawful actions. They were prosecuted and the law took its course. Once again every incident has to be analysed to determine what the circumstances were.

And whether one could say that it did influence the moral fibre of the South African police, that it requires certain deviation, that was not a general rule and it was not so that it was allowed, in general, that people could act unlawfully. I wish to assure you that if that was the case it would have been a worse situation than in Bosnia. You have to analyse each situation to determine the merit.

MR GOOSEN: But General you would agree that in circumstances where the head of the Security Police, and ultimately the Commissioner of the Police, because you moved from that position to the Commissioner of Police, is the person who is participating in the covering-up of illegal activity on the part of security police that that sends a very strong signal to those operatives, not so?

GEN VAN DER MERWE: Mr Chairman if Mr Goosen wishes to indicate we publicised that this incident took place countrywide I would say no, that was not the case, you can't understand it in that way. It just happened in a small circle and the influence of this could not be determined countrywide and the influence on other operatives. In other words the answer is definitely, no.

MR GOOSEN: In the position of leadership in which you would have been at the time and remained for a long time, you would have the responsibility to set the moral tone, not so?

GEN VAN DER MERWE: That is correct Mr Chairman.

MR GOOSEN: Therefore in the circumstances if you step outside that moral tone it does, surely, send a signal to the people that you are dealing with below you?

GEN VAN DER MERWE: Mr Chairman we were dealing with members of the security forces who were totally devoted to their task, people with a sense of responsibility and whatever they did they tried to do to promote the country's interests and the image of the SAP. Errors were made, I made them too, but the

point of departure was never that we would abandon all moral precepts and violate all laws at will, and there were very difficult circumstances, but we tried at all times to act fairly and legally.

CHAIRPERSON: General van der Merwe thank you very much. There are just a couple of last questions from the panel. Let me start and I will be very brief, just two quick questions so that I make sure I understood you correctly. First, right very early on in your presentation you talked about the circumstances in which the police and other people found themselves in supporting a government that most Afrikaans-speaking people, in your words I think, culturally, religiously and in terms of - were government supporters. There have been those before us who have argued that for example that the SADF was totally above all of this and was neutral, the exact word was used. Now as I heard you, and I am not putting words in your mouth, that it was natural that you would identify yourself with the objectives of the government of the day. Is that a correct interpretation of what you said?

GEN VAN DER MERWE: Very clearly, I will go as far as to say that although in theory it has been put like this and everyone strives towards this there is no police force in a country which can completely detach itself from a government, from any government.

CHAIRPERSON: Right, thank you. The only other question - I really don't want to go back to definitions of words and so on, I just want to ask one question about that. As I heard you speaking it seemed to me you were saying that even though you had enormous legal machinery at your disposal the situation became so desperate, I think was the word you used, that even this was not enough, but that it doesn't necessarily follow that the words used necessarily meant that people should be assassinated or killed or whatever.

Could I ask you then in a desperate situation, in a war situation, was it never considered to use desperate measures, because if you weren't able to combat the attacks from those who were resisting the State and the legal machinery was insufficient well then what do you do? What sort of plan do you make if you don't rely on that then you must rely on something else to try to combat that, what did you do?

GEN VAN DER MERWE: Mr Chairman by means of the competence and legislation at our disposal we could have handled the situation so that it wouldn't lapse into total chaos. Until such time as another political dispensation could be found we had no other way than to deal with the situation in this way and with the means at our disposal. I am talking about the legitimate means to do everything possible to maintain law and order that we could protect the interests of the people and the government. On no occasion was there ever an open decision by the State Security Council, or any level that I am aware of in government, that we went over to the killing of people or actions leading to this, apart from this framework which I have already sketched for you where this perception might have arisen among operatives. But if you are asking me about occasions when thinking went like this I - nothing to my knowledge.

CHAIRPERSON: Thank you. Mr Lax.

MR LAX: Thank you Chairperson. General yesterday we heard from a number of very senior defence force personnel and you will know, have read about that, Mr Visser was present, I am sure he may have informed you about some of the evidence that happened yesterday. He is shaking his head at me. Be that as it may the situation that pertained yesterday - just before I go on to the question, you were head of Security Branch from about '86 to '88, is that correct?

GEN VAN DER MERWE: That's correct.

MR LAX: Some of the incidents that were discussed yesterday, without going into the detail of the specifics of those events, related to joint operations between South African defence force personnel, special forces personnel, in support of South African police elements and in the situation people were murdered and that came to the attention of the then Chief of the Defence Force who indicated that the matter had been discussed with senior police officials. Now you were head of Security Branch, it had been reported to him that it had been already reported, we asked him why didn't you phone up your colleagues in the police and discuss it, and he said no it had been reported to him that it had already been done. In your time as head of Security Branch were matters of that nature ever discussed with you?

GEN VAN DER MERWE: This is quite vague in general but I can put it to you like this. I am not aware of any case where the defence force and the police would have acted together internally and where people had been killed and had not been discussed with me. I am not aware of any such case.

MR LAX: Do you have any knowledge of situations where the defence force in support of the police used what were referred to as revolutionary methods that resulted in the killing of people?

GEN VAN DER MERWE: Internally?

MR LAX: Correct.

GEN VAN DER MERWE: No not at all.

CHAIRPERSON: Mrs Burton.

MS BURTON: Thank you Chairperson. I would like to ask a different question which arises really from the work of the Human Rights Violations Committee and the statements that have been made to us. One of the mechanisms that was used to try to control the countrywide resistance was the introduction of special police personnel, municipal police, people often referred to as "kits constabls". We've had a number of statements from such persons or from their families about their gross violations of human rights, they were seen as targets, they were killed or injured, their houses were destroyed, and we have been told by some of them that they did not enjoy the same kind of protection as a fulltime or regular police personnel, that they could not expect the same kind of compensation or insurance if their homes were damaged or they themselves were injured as a result of their line of duty. Would you be able to comment on that?

GEN VAN DER MERWE: It's unfortunate that these special constables did not enjoy the same privileges as members, fulltime members of the SAP, with the result that there could have been, when they were exposed to certain incidents, that they could not have enjoyed the same protection as that given to fulltime members of the SAP. They delivered a valuable service to us and everything possible was done within - what was able to be done they were protected and eventually we were forced to close down this force, or to transfer them to the permanent SAP, but they did not enjoy the same privilege as members of the SAP. We did not stand indifferent towards them because they delivered such a useful service. As far as we were able to do it we protected their interests.

CHAIRPERSON: Alright, the final question, Mr Lax.

MR LAX: Sorry General I have just been alerted to one aspect that I forgot, specifically in relation to the last question I asked you which was about internal operations where special forces or SADF personnel acted in support of police operatives and I just wanted to remind you that in your own amnesty application there is such an incident that did result in people's death where there was such a joint operation.

ADV VISSER: No Mr Chairman with respect, what the witness said was that such a matter was never discussed with me from the side of the SADF, that was the question ...(intervention)

MR LAX: No the question was was he aware, not that he discussed.

GEN VAN DER MERWE: Which incident is this?

MR LAX: I don't want to go into specifics with all due respect because we have agreed that we won't do that, but if ...(intervention)

GEN VAN DER MERWE: Where defence force members were involved?

MR LAX: Absolutely.

GEN VAN DER MERWE: I am not aware of such an incident. Which one are you talking about, say it?

MR LAX: Zero zero hour ...(intervention)

GEN VAN DER MERWE: No, Zero Zero Hour no members of the defence force were involved.

MR LAX: We've received evidence to the contrary.

GEN VAN DER MERWE: No, according to my application I handled it with Jack Cronje but no members of the defence force, and I am not aware that any member of the defence force was ever involved. It was not a joint operation. It was under my control. It had nothing to do with the defence force.

MR LAX: Thank you General. We can clear that up later in any event.

ADV VISSER: Mr Chairman the Amnesty Committee will clear that up.

CHAIRPERSON: That concludes the questions that we have for you General van der Merwe and we appreciate very much the manner in which you have replied to these questions. We thank you very much for your attendance.

GEN VAN DER MERWE: Thank you Chairman.

CHAIRPERSON: Could I just make one announcement before we adjourn for tea. We will adjourn until 11 o'clock and after which we will hear General Coetzee as well as Brigadier Alfred Oosthuizen and Major Craig Williamson. Thank you.

HEARING ADJOURNS AT 10H36

ON RESUMPTION

ADV VISSER: ...that my client isn't here yet. He obviously did not look at his watch. I am terribly sorry Mr Chairman.

CHAIRPERSON: It is understood, I am sure he will be here very soon, otherwise we will send out a search party for him.

General Coetzee it is good to see you. Are you going to make any opening statement or shall we proceed immediately?

GEN COETZEE: (Microphone not switched on)

CHAIRPERSON: Thank you very much but of course obviously you will have to take the oath so I will ask my colleague Mr Ntsebeza to do that.

PETRUS JOHANNES COETZEE: (sworn states)

CHAIRPERSON: Thank you very much General Coetzee. Mr Goosen.

MR GOOSEN: Thank you very much Mr Chairperson. General Coetzee you were obviously present when General van der Merwe testified a short while back and you've also just indicated that you are in agreement with the thrust of the evidence that he has tendered before the Commission this morning, is that correct?

GEN COETZEE: Mr Chairman with great respect I am quite prepared to give evidence in English, but I would prefer if the questions could be posed to me in Afrikaans, but if Mr Goosen is not able to do it then I will indulge and also take the questions in English. That is by way of preamble Sir.

Secondly Sir, I said I am in general agreement with the main thrust of the evidence by General van der Merwe. Obviously from my own point of view I would have placed the accent on other aspects etc, but in general I am in agreement with that.

MR GOOSEN: Thank you. General Coetzee I am going to, if you will indulge me, I am going to ask questions in English. If you, if there is any question that you don't particularly understand I can try to rephrase it in Afrikaans. Obviously if you wish to answer in Afrikaans you will be more than entitled to do so.

GEN COETZEE: Yes thank you very much Mr Chair.

CHAIRPERSON: Could I also remind the General that there are headphones which would give the Afrikaans translation but I am quite sure you don't need that.

GEN COETZEE: You know me well Chairperson.

MR GOOSEN: Thank you very much General. Just to come back to the agreement with General van der Merwe's evidence would you agree with the evidence that he tendered that the situation in the country in the period '84 through to the late 1980's was such that reliance solely on the legal framework available to the South African police and security forces in general was insufficient to be able to combat the revolutionary onslaught against the country at the time?

GEN COETZEE: I would say, Mr Chairperson, that if the legal machinery available to the police was placed in isolation, yes, it would be insufficient, but it wasn't placed in isolation, Sir, it was placed within the whole framework of the capabilities of the State. That was the other auxiliary and accessory capabilities of the State.

MR GOOSEN: Understood that that's clearly a legal frame that doesn't operate in isolation but what he specifically indicated was that it was not sufficient to rely on, for example, long term detention in terms of Section 29 and various other legal mechanisms, prosecutions and so on, to be able to ensure that the security forces could contain the revolutionary onslaught against the State, and in that context other non-legal means were, from time-to-time, resorted to. Would you agree with that?

GEN COETZEE: Mr Chairperson that is not how I understood General van der Merwe. I understood him to say that the onslaught, the revolutionary onslaught was many faceted and that in answer to that, in response to that, a many faceted response was necessary, including, including the use of what the vice-chairman, or Mr Ntsebeza has mentioned, draconian laws, I am not quarrelling with his definition of the laws which obtained at the time, including that, and including in certain circumstances which he has described the use of what he termed illegal operations.

MR GOOSEN: Yes. No that's precisely the point ...(intervention)

GEN COETZEE: Unsanctioned, but the use of that.

MR GOOSEN: He did indicate though that authorisation was provided for specific illegal actions carried out.

GEN COETZEE: Yes Mr Chairman I know of one incident, I personally know of one incident. I know that we have already discussed that, my legal counsel, over-border operations. I have got serious doubts whether that could per se be described as legal operations, but there was no pattern of illegal operations ever authorised that I am aware of Sir.

MR GOOSEN: No I think that's correct. I think General van der Merwe indicated that it was not a general authorisation to resort to illegal means ...(intervention)

GEN COETZEE: That's right.

MR GOOSEN: But that in specific instances yes there was authorisation given for illegal activities.

GEN COETZEE: Sir I cannot indulge in conjecture. I must be supplied with the specific incident and my response will then, if I know about, if it's within my knowledge, be specific. But just to say that there were general incidents, that I cannot comment on Sir.

MR GOOSEN: Would I understand it then that you would say that in the period in which you were, firstly, head of the Security Police and then Commissioner of Police subsequently when you served in the State Security Council, over that period until your retirement, that under no circumstances where you were involved no illegal activities were ever authorised?

GEN COETZEE: By the State Security Council Sir, I am not aware of any illegal operation, and I am not referring now, I am placing that in parenthesis, in brackets, I am not talking about cross-border operations, but inside the country I am not aware of any illegal instruction being given by the State Security Council that illegal operations should be embarked on.

MR GOOSEN: Ja. General van der Merwe also testified that when we were dealing with the use of words such as eliminate, "elimineer", "neutraliseer", "uittewis", "uitrooi" and words of that nature that those were - that that was unfortunate language used at the level of State Security Council and in various other fora where those phrases were used, would you agree with that?

GEN COETZEE: Sir I think I must explain the procedure. During my term of office only portions of State Security documents were forwarded to me via the office of the Minister of Police. I never was in possession of documents itself, the whole complete set of documents. So I responded by giving instructions based on the portions that I got, reported back to the Minister of Law and Order and he responded at the State Security Council, supported by me if necessary. That is the first point that I want to make Sir.

How it was dealt with by the Secretariat of the State Security Council I cannot comment on. They formulated it. They had a representative at the State Security Council, they overheard the discussions and I suppose they made a tape recording and they made the - they prepared the minutes.

Secondly Sir about the words itself. I have, Sir, although I am in agreement with General van der Merwe that some of these words could lead to misunderstanding, but I have - this is a matter of interest Sir, I went and looked at just a school dictionary, initially, about the word "elimineer" and it's a school dictionary and I can give the particulars of it if it's necessary. It's Bosman, van der Merwe and Barnes page 480 and it merely says it means in Afrikaans, "to remove or to eliminate". That's the first point that I want to make. Then I went to a more authoritative dictionary Sir, the "Hat" as we call it in Afrikaans, and there on page 194 it says "eliminate or remove", and it gives an example there of a sentence, "to try and eliminate all

mistakes". To my mind Sir it is thus obvious that the word per se does not mean when it is used in connection with a person that that person should be killed or assassinated. That does not mean that in Afrikaans at all if you look at just an ordinary school dictionary or the more authoritative one Sir.

But more particularly Sir, in the document that you furnished me with, it says quite clearly what the steps are that should be taken to eliminate the person. It sits quite clearly, in Afrikaans it's "gryp operasies". "seizures" and there's such type of operations. It's military terms but nowhere does it indicate there that it means that you should go and kill a particular person if you read it in context. I have it available if you want to discuss it.

I am in agreement Mr Goosen that in the process, as the document went its way wherever it went, to different committees and to different situations and different circumstances it could have been misconstrued, but to my mind sitting there, as a member of the State Security Council this is what it meant.

MR GOOSEN: Firstly General you indicated that the documents would have been forwarded to you by the Minister of ... (intervention)

GEN COETZEE: Portions of documents Sir.

MR GOOSEN: Or portions of documents. Did any of the documents ever forwarded to you contain those words?

GEN COETZEE: I cannot recall that Sir after more than a decade.

MR GOOSEN: I take it from your previous answer, that that's not the one that you have just given, but the previous answer, that you concede that at the very least those words are ambiguous and capable of different interpretations, correct?

GEN COETZEE: Yes not only those words Sir, all words are open to misconstruction or - I cannot go into semantics about that Sir. The dictionary meaning is quite clear, but I don't think policemen or soldiers have got dictionaries when they read these things, these instructions, and I say depending upon your culture, your understanding, your comprehension, your language capability, it could have been misconstrued.

MR GOOSEN: Would you agree that given the fact that it would be capable, those words "elimineer", "neutraliseer", "uithaal", "verwyder", "uittewis", "uitrooi", that those words used in their ordinary usage in the context in which they were used as well within the security forces as a whole, that they would be capable of being interpreted to mean kill, to kill individuals?

GEN COETZEE: Sir I cannot comment on that, that's hypothetical Sir. I can say how I understood it. No-one ever came to me from grassroot level and said to me but I understand this word, this particular word, I've heard it at this committee or I've heard it at that committee and to me it means in fact that I should kill someone, because I would immediately have told him this is not what was meant.

MR GOOSEN: Would you agree that in consequence of the use of that veiled language if you like or ambiguous language, that when those instructions and orders and general policies were in fact presented to lower order officers within the security forces as a whole, particularly the security police since you were in the security police or in the police, that in consequence of that they were interpreted to mean that people should be killed and that death did arise in consequence of that?

GEN COETZEE: Sir I am completely unaware of a particular occasion where that was the defence at that stage, or that was, not the defence, but that was the reason why something was done. I was completely unaware that it could be construed in that way at that stage. With hindsight yes, I say it could have been misconstrued. If someone now comes and says I construed this particular word in the circumstances in which I were, in the situation in which I were, and I construed it then to mean that, I can't gainsay that. I can't say no but that is untruthful. I can only say how I understood it and what the procedure was. And let me say Sir, that whilst I was with the Security Police I don't remember or recollect on one occasion where these State Security Council documents came or either the complete documents or portions of it, came through me intended for the lower ranks.

So what I am trying to avoid Mr Chairperson is to create the impression that this misconstruction, this possible misconstruction of a word was the sole, one of the main reasons why certain acts were committed. If a man says so, if he understood it so, he must say it, where he saw it, under what circumstances he saw and in what committee he saw it and what the discussion entailed there and why he thought this meant that. That I cannot comment on, with great respect Mr Chairperson.

MR GOOSEN: General do you have any explanation as to why words like "uithaal", "uitrooi", (remove), "uittewis" (eradicate), "verwyder", "elimineer", (eliminate), "neutraliseer", (wipe out), why would those words be used, can you explain that?

GEN COETZEE: Sir, I did not formulate, I've said it Mr Goosen, I did not formulate the minutes of the State Security Council, it was not part of my duty. So I cannot comment on it whether from the discussions that took place there in a committee meeting the person that's in charge of the minutes preferred certain words or whether he used, wanted to use certain words, or how he understood it, with great respect Mr Chairperson I think he should be approached, or she should be approached and asked what he understood and why he used those particular words.

To my mind, I've already said, where once this occurred in one of the documents which you have sent me, when you construe it in its context it's quite obvious that there's no inference can be made from that particular word that someone should be assassinated. Rather that it's a "gryp operasie" and the other it's a - well it's here I can read it out, four items enumerated under "eliminated" and not one of them refers to assassination.

MR GOOSEN: I've also just been passed a dictionary. I want to read to you, I don't want to get into a semantic debate with you but you've chosen a particular interpretation of the word "eliminate and elimineer", let me read another one to you. This is from Oxford Advanced Learners Dictionary, it's the English version.

GEN COETZEE: Is it in Afrikaans Sir?

MR GOOSEN: It's an English one.

GEN COETZEE: No then I must object immediately Sir, the word "eliminate" in English will not have semantically absolutely the same meaning in Afrikaans.

MR GOOSEN: Let me read it to you nonetheless.

"Eliminate - remove; eliminate mistakes from one's writing; the police have eliminated two suspects from their enquiry; eliminate waste matter from the body; kill ruthlessly - the dictator had eliminated all his political opponents; exclude from further stages in a competition - he was eliminated from the contest in the fourth round, and so on".

Would you agree that the word eliminate can be interpreted to mean "kill"?

GEN COETZEE: Yes it can.

MR GOOSEN: Yes.

GEN COETZEE: I don't disagree with that Mr Chairperson.

MR GOOSEN: Do you agree with the context, the general context of the nature of the revolutionary onslaught presented by General van der Merwe in his testimony this morning ...(intervention)

GEN COETZEE: Yes.

MR GOOSEN: You agree with that?

GEN COETZEE: Yes.

MR GOOSEN: And do you agree that very senior members of the security forces, members of the Cabinet, members of the Government on numerous platforms exhorted members of the security forces to use the harshest possible action in order to counter the revolutionary onslaught against the country?

GEN COETZEE: Again Mr Chairperson this is a hypothetical question. I will agree that I have heard politicians in Parliament, out of Parliament, I've heard academics in universities, at universities, at symposiums, stating that a revolutionary onslaught must be combated with extraordinary means, that the State should harness all its capabilities to combat it. What I am objecting to Sir, is you say "harsh", harsh, you emphasise that word. What I am saying Sir, and the case of my own Minister at that stage who was Minister Louis le Grange he stated it quite categorically firm, firm action. So there could be no, as far as the senior levels are concerned no meaning placed on that, that it means that someone should be assassinated.

MR GOOSEN: So I take it General that you are saying that it was accepted in government, it was accepted in security forces and you accepted that it was possible to combat the revolutionary onslaught against the country, and you were Commissioner of Police from 1983 through to 1987, is that correct?

GEN COETZEE: That is correct.

MR GOOSEN: Yes. So from 1983 through to 1987 that it was possible to combat the revolutionary onslaught against the country by resorting only to the use of legal means to do so? I am not talking now about cross-border raids, let's leave that aside for the moment, by resorting inside the country only to the use of the legal framework, is that what you are saying?

GEN COETZEE: I have given that evidence under oath Sir to the Cillier Commission of inquiry, so that is my attitude that extraordinary legislation was required, it was termed draconian, that is the evidence that I gave then.

But I also said Sir, that the State with its capabilities beyond the police, which is surely a big capability, that all those capabilities should be utilised. So we mustn't narrow it down that I am of the opinion, I was of the opinion that only absolutely legal means as described in the common law of the country was necessary. Obviously there were different facets, I've said that already.

The Terrorism Act was not meant Sir to combat a mass uprising. It was meant to get hold of the returned terrorists in the country, the returned cadres in the country, that was what that was meant for.

The emergency regulations were meant again to combat mass action and so on and so on.

So the legal means must not be looked upon as solely formulated to combat a particular situation. It is the legal means in the country is also formulated and structured, and you do it every day Sir, you reimpose, you amend laws, you amend statutes, you go on and on and on with the legal means, and I said all, encompassing all the legal means, I, at that stage when I gave evidence, when I was in charge of Security, I said that I think that is sufficient to combat the threat as it then was.

MR GOOSEN: It was never necessary, in the period '83 to '87, never once necessary to do anything other than arrest people, detain them, charge them, ensure that the prosecution, the lawful evidence is presented, incarcerate people, restrict them to areas, utilising the legal framework, it was never, ever necessary in that period to step outside the bounds of what you are entitled to do in law, is that correct?

GEN COETZEE: Mr Goosen, I think General van der Merwe has commented on that very clearly. At the level where I moved that was the understanding, that and all the other capabilities, all the energy of the State was used to combat it. But Sir, and we've said it, in the process, in the structuring, in the

circumstances, in the structuring of the organisations and in the process and in the understanding of people, in their perceptions, other perceptions could have developed. Not on a broad pattern but it's for those people that's concerned there to explain that how it affected them particularly and individually. I cannot comment on that.

MR GOOSEN: General I don't think that, firstly I don't think you've answered the question, I don't think you are fully understanding it, perhaps that's why you don't answer the question ...(intervention)

GEN COETZEE: Alright, perhaps you should pose it in Afrikaans.

MR GOOSEN: Perhaps I should just explain it to you. I am asking you whether it is your view that from the period 1983 through to 1987 it was never necessary for a member of the police or the army to ever act outside the law in order to combat terrorism or the onslaught against the country? It's a very simple question ...(intervention)

GEN COETZEE: But Sir ...(intervention)

MR LAX: Sorry if I could just intervene. What seems to be going wrong here is that you are construing legal measures as what he's referring to, he's meaning unlawful actions, ja, that's what he's intending to say. So if you can, if I can maybe help just by explaining, he's referring to unlawful actions when he says outside the law, not outside the legal framework or legal mechanisms or so on, or organs of State, it's in that sense that he's trying to focus the question. So it's essentially unlawful acts.

GEN COETZEE: Well Sir let me comment then on the particular incident, the case of the so called doctored handgrenades that went to the Minister of Law and Order. Is that per se a legal action? If I now go on record and I say yes, and eventually a court of law decides that it wasn't self-defence, that defence is not obtainable in those circumstances, then I've lied.

So I say, what I say to you Sir, is that at my level, at my level, I never gave and it was not required of me to give any illegal, within the country, any operation of an illegal nature, at my level.

How in the process into a big organisation, structured in very many layers of command and as I've stated, also structured in the State Security Council line of functioning, and which I've commented on at a former meeting, created to some extent, Sir, another line of command, how it was understood and comprehended by everyone Sir, that's impossible for me.

And for me to respond to you Sir, to say yes, I think we could have combated the whole onslaught at that stage purely by using absolutely legal means, that I cannot say to you. What I can say to you Sir that many means are used which is neither legal or illegal. It doesn't mean - some of these Stratcom actions are of necessity illegal nor are they legal. But those are the strategies that you use in a counter-revolutionary situation.

MR NTSEBEZA: General maybe ...(intervention)

CHAIRPERSON: Mr Ntsebeza.

MR NTSEBEZA: Thank you Chair. I have a difficulty, maybe part of the difficulty is that I am aware that you are also an academic and you may slip into that mode. Just taking the incident that you have referred to, the Zero Zero Hour incident, the handgrenade, as I understand the position there handgrenades were spiked, the effect of that was that when the mechanism was removed it should blow off those people who were operating those. Now - and as I understand it, I am stating the position in very broad terms, the Minister of Law and Order then was aware of this, actually authorised it, and it was implemented. Now are you seriously wanting us to accept that that was a legal operation in any sense of the word?

GEN COETZEE: Mr Chairperson firstly I have mentioned the incident in a certain context. If you rule Sir that I should comment on it again I have done so in my submission and General van der Merwe has discussed it and placed it in its proper context and that is what I say it's necessary. He explained how many policemen were killed by having handgrenades thrown at them. He explained the circumstances in which this occurred.

I have said, Sir, that it was the duty of the Minister to take it either to legal advisors, either to the State Attorney and then make his decision. That's what he was supposed to do.

For me, at this stage Sir, to say well the Van Wyk decision in such and such a case that you can place a loaded firearm in your premises so that if someone breaks into it he commits a crime and he is then killed that was held by the Appellate Division to be legal. I don't think that will be help the issue at all Sir.

I am saying that every case of that nature should be dealt with. This is how these people, they understood it. They took the safeguard of submitting it to their Minister to ask him what is - they didn't go off and commit an unlawful act. They submitted it and it was then the duty of myself and of the Minister to judge it and to give authority or not.

Now obviously Sir, until and unless that memorandum is placed before me I cannot say what ten years ago I personally recommended about it, whether it should be rejected, whether it should be done this or that, but the fact is that the Minister authorised it. Now I am only saying that it could be construed as an illegal action.

MR NTSEBEZA: I just want, without looking into the general circumstances, I am just wanting you honestly as you sit there before God to tell the Commission, let's forget for one moment the legal trappings and what have you, we are sitting here as a Commission that seeks to find the truth, and at this point we are not even sitting in judgement, we are not even wanting to make a finding, are you saying as you sit there before God, that where a Minister knew beforehand that handgrenades were going to be used to his knowledge, with his authorisation, they were going to be placed in the hands of youths who did not know

that the damage would be to themselves than to their objects, that they would be killed thereby, that that was a lawful action of self-defence, is that what you are saying?

GEN COETZEE: I am advised by my legal advisor that I need not answer that question at all because it goes into a particular case where amnesty is being asked for. But my general, just, I want to say this apart from that, that I don't know what stood, and I've said it, in the memorandum. You are surmising Sir this is what stood there.

MR NTSEBEZA: Yes.

GEN COETZEE: And that is untrue Sir.

MR NTSEBEZA: Yes. Well I would have hoped that your legal advisors should have advised you not to raise it specifically because this is a matter that you raised specifically but I take the point. Advocate Goosen.

MR GOOSEN: Thank you very much Mr Chairperson. General could you disabuse my mind of the impression that I get from your answer that whether a matter is lawful or unlawful, bearing in mind that you were a policeman for many, many years charged with the responsibility of upholding the law so you should understand in essence what it is, that whether a matter is lawful or unlawful is determined solely by the circumstances which motivates the action in the first place, is that what I understood you to say?

GEN COETZEE: Yes, I said that the circumstances which obtains at the time when the decision is taken to do a certain act that may affect the legality or illegality of that subsequent action.

MR GOOSEN: It is unlawful to kill another person, do you agree with that?

GEN COETZEE: No, Sir, no, no, no.

MR GOOSEN: You don't agree with that?

GEN COETZEE: It's illegal to intentionally and unlawfully kill another person Sir.

MR GOOSEN: Good. Now in circumstances in which a member of the Security Police who would have fallen under your command then, while you were the commander of the Security Police and between 1983 and 1987 you were the Commissioner of the Police ...(intervention)

GEN COETZEE: No, no, no, '80 to '83 sir.

MR GOOSEN: '83 to '87 you were Commissioner of Police?

GEN COETZEE: Ja.

MR GOOSEN: So all policemen fell under your command in essence at that stage?

GEN COETZEE: Yes.

MR GOOSEN: If a member of the Security Police applies for amnesty for intentionally and unlawfully taking the life of an individual, therefore stepped outside of the bounds, and it's clear that it was intentional, that it was unlawful, you would say that that person firstly was never authorised to do that, and secondly that person was acting outside of any authority that could have emanated from you or any higher authority, correct?

GEN COETZEE: No Sir. What I would say to that question I would say that that is specifically why this Commission was created with all its subsidiary committees to look upon it, to investigate it, to probe it Sir, and for that man to appear before the Amnesty Committee. That's how I would answer that question Sir. This is specifically why this was created, as I understood it Sir.

MR GOOSEN: And the way in which this Commission can get to that answer is to ask you as a Commissioner of Police what your perspective is on that, and that's why I am asking you the question.

GEN COETZEE: I have responded to that Sir by saying that at my level, at my level of command at that particular time there was no illegal instruction to policemen to commit acts outside the realm of the South African law within the country. That's what I said.

MR GOOSEN: Thank you.

GEN COETZEE: If they did it Sir, they did it prompted by reasons which they must explain Sir, reasons which I have tried to spell out and General van der Merwe has also tried to spell out, misconstruction of words, misconstruction of commands, misconstruction of instructions, all those matters which they must handle themselves and their legal advisors.

MR GOOSEN: But you would say then in the period '83 to '87 any actions of that nature would be totally unauthorised, fall completely outside of the ambit of the authority vested in a member of the police, is that correct?

GEN COETZEE: Sir I cannot comment in a blanket way on that issue. I have told you that there were certain actions authorised by the government in the State Security Council. I have said it in my initial statement, here it is, I've said it authorised and unauthorised actions, so I have already commented on that. I am again saying Sir, that as far as I am concerned I did not, I did not give any policeman any illegal instruction, unlawful instruction, kill a person, assault a person or do anything of that nature. As a matter of fact the Vice-Chairman has spoken about people in incarceration. We had extensive instructions published in force orders about how these people should be dealt with Sir, not anything illegal contained in that Sir. How they should be treated. If a policeman stepped outside that he must explain that Sir. He must explain his actions.

MR GOOSEN: You never authorised anyone and if any person under your command purported to authorise someone to commit an unlawful act that person would have been acting unlawfully, is that correct?

GEN COETZEE: That person must be asked ...(intervention)

MR GOOSEN: That person would be acting unlawfully?

GEN COETZEE: That person must be asked ...(intervention)

MR GOOSEN: I am asking you whether that person acted unlawfully or not, it's a simple question.

GEN COETZEE: Yes but you place it in a very simple category. The fact is you are asking me, I've told you Sir, I've told you that I haven't given any policeman, not a single policeman, any order to commit an illegal act. Whether he constructed what I said in a wrong way, whether he constructed what I said in another way that I meant it, I cannot comment on it, he's the man, his mind must be probed, not mine.

MR GOOSEN: General you never gave any person in your command beneath you the authority to commit an unlawful act, agreed, and I accept that ...(intervention)

GEN COETZEE: Inside the country....

MR GOOSEN: Yes we are talking about inside the country. You also stated that it's not within the authority of a person beneath your command to be able to authorise an unlawful act, is that correct?

GEN COETZEE: But Sir how do I know that? How do I know how another person - in theory yes, but in principle he may be under the impression that he's giving a legal order, he's obeying a lawful command. This is what I say the Amnesty Committee should probe. He should question that man. That man should give his version.

I didn't, this is all that I can comment on, what I wrote, the instructions that I have given in writing, the instructions which I have given orally, I never told the man to commit in South Africa an illegal act.

MR GOOSEN: But General you did not have the lawful authority to issue an unlawful act, will you agree with that statement?

GEN COETZEE: I will agree with that ...(intervention)

MR GOOSEN: Thank you, thank you ...(intervention)

GEN COETZEE: ...that is quite, quite clear ...(intervention)

MR GOOSEN: And no officer under your command could ever have the lawful authority to issue an unlawful order, is that correct?

GEN COETZEE: In theory it's correct.

MR GOOSEN: Absolutely.

GEN COETZEE: Ja.

MR GOOSEN: Absolutely.

GEN COETZEE: Ja, as far as the legal situation ...(intervention)

MR GOOSEN: That's what we are talking about General.

GEN COETZEE: Ja.

MR GOOSEN: That's what we are talking about. Therefore if any person under your command purported to issue an unlawful order that person would be acting unlawfully.

GEN COETZEE: If he knew it was unlawful Sir. If he didn't know it was unlawful it was within his rights.

MR GOOSEN: Well, if he purported to issue an unlawful order he would be acting unlawfully.

GEN COETZEE: No Sir, purport means that he didn't - I say that if he knew, if he knew, if he was aware that he was issuing an unlawful order he couldn't do it. He was not entitled by law to do it. But if he thought he was entitled to do it, that's his excuse, that must be probed. This can't be ...(intervention)

MR GOOSEN: He would have an excuse, he wouldn't ...(intervention)

ADV VISSER: Mr Chairman may I come in ...(intervention)

MR GOOSEN: ...it wouldn't render it lawful would it?

ADV VISSER: May I please come in here?

CHAIRPERSON: Yes go ahead.

ADV VISSER: I don't want to object to my learned friend, I could just see us sitting here until five o'clock this afternoon with General Coetzee repeating his answers, and my learned friend repeating his questions. And the problem which we have here Mr Chairman, and I think Mr Lax tried to point it out, is that what my learned friend is putting to General Coetzee is a question of argument, it's not a question of fact, and General Coetzee is attempting to answer it on a basis of fact whereas he could have just conceded the argument, as I will (...indistinct) because my learned friend is putting argument to the witness and with great respect that is what is causing all this delay with respect Mr Chairman. I am not trying to stop him, I am trying to assist.

CHAIRPERSON: Thank you very much. Mr Lyster is also going to try and assist.

MR LYSTER: The problem that we have is that a lot of people have applied for amnesty for unlawful killings, a lot of police personnel and some army personnel ...(intervention)

GEN COETZEE: Yes Sir by that admitting that they went outside the law.

MR LYSTER: Yes, ja. And all of them they've either said that they understood the various words that we have heard here, "elimineer", "uitrooi". "uittewis", "neutraliseer", "maak 'n plan" all that sort of stuff, "vernietig" they understood that to mean kill, or they have said, they are not relying on those words, they have said it was the unspoken understanding of the day that they were at war, it was a life and death situation as General van der Merwe said, that extraordinary measures had to be used; you had to fight fire with fire; you had to use the methods of the revolutionaries against them; had to counter them with their own methods and that they understood that what they were doing was within their jobs as policemen or

army personnel and they've applied for amnesty. Your attorney there acts for some of them and I am sure that when they apply for amnesty that is the argument that will be put forward, that ... (intervention)

GEN COETZEE: I am in complete agreement with what you have said this far.

MR LYSTER: And those people have said in their amnesty applications that under no circumstances whatsoever do they regard themselves as criminals, which is how Mr de Klerk described them in this very room some months ago, that anybody who committed an act committed it as an aberration or a bad apple and that they were criminals. And these people were very, very angry when it was suggested that they were criminals.

And they said that the unspoken understanding of the day, or the spoken understanding, clandestine understanding, was that they were entitled to do what they did, which was to abduct people, interrogate them and then torture them in some cases to get information from them, try to persuade them to become agents of the State and then when they refused to do it or when they were so badly injured that they couldn't have been prosecuted or taken to a State hospital they executed them and buried there and then. Those people believe that they were entitled to do it because that is what they understood their superiors to be telling them.

GEN COETZEE: But Sir I am in complete agreement with what you have said this far. They may have understood that, they may have genuinely have understood that and I can understand why they are so cross with an attitude of the three monkeys, we don't see no evil, we don't hear no evil and we don't speak no evil, I can understand why they are so cross with that and why they are angry with that. I can understand that very well. But what I am trying to convey Sir is that you must distinguish between that situation, that person, was influenced by a range of possibilities and probabilities which only he can come and describe to the Amnesty Committee. Only he can do that. What committee he belonged to, what the chairman of that committee said, what they decided together, where they decided and in what circumstances they decided, and what I did Sir, and what I understood. This is what I am trying to - I am trying to divide this into that situation, that's all that I am trying to do Sir.

CHAIRPERSON: Mr Lax.

MR LAX: Thank you Chairperson. General you've agreed with what Mr Lyster advanced as, what I would call and I am asking your opinion on this, in essence a culture that prevailed at that time within the security forces, would you describe it as such ... (intervention)

GEN COETZEE: No not at all ... (intervention)

MR LAX: Would you concede that?

GEN COETZEE: No, not at all Sir. A culture is something that is all-encompassing, a culture is something else. First these cases, although I am in complete agreement that some of them are to me, personally, repugnant, morally personally repugnant, but there was never a culture existed in the South African Police that any policeman or any of the branches of the South African Police could go and kill people at will, at their own motivation or anything of that nature. That is a culture, that is an all-encompassing thing of indiscipline, or a laissez-faire etc, that never existed Sir.

MR LAX: Well you see General what puzzles us is how this, and these occurrences, were so widespread in so many of the jurisdictions, whether it was KwaZulu Natal, take Trust Feed for example, whether it was the Seven Day War in our Province; whether it was a whole range of these other incidents that people have applied for amnesty for all over the country, every one of those individuals in one form or another believed that they were within the authority to act in the way they did, whether it was Eugene de Kock, whether it was whoever, and these are all people who believed they were honourable men, who believed they were acting in the course and scope of their employment with the police or the army or whoever.

How can - the issue I want to raise is, for a time you were a very senior head of the police and you were head of Security Branch, were you never aware of that culture, that attitude, that - call it what you will, but that ethos that people genuinely thought that's what they had to do? I am not for one moment saying they weren't bona fide those people.

GEN COETZEE: I must, just for the sake of clarity Sir, but the incidents you've mentioned I have very grave doubts whether they happened during my term of office, so please ... (intervention)

MR LAX: Well just if I could just clarify ... (intervention)

GEN COETZEE: No, no, no ... (intervention)

MR LAX: The one - some incidents that Mr Lyster referred to did happen during your term in our province.

GEN COETZEE: Which one is that?

MR LAX: 1985 and 1987 they were the situations that we have referred to where we exhumed bodies near Pietermaritzburg ... (intervention)

GEN COETZEE: In '87, when is that - the Operation Vula?

MR LAX: No, not Operation Vula, these were other personnel and I won't go into the specifics but they were people who have pointed out graves of people that they executed, interrogated and buried on farms that were leased by the police and so on. They have been in the media and so on, that's why I am referring to them.

GEN COETZEE: I've got doubts whether that happened during my term of office Sir, I've got no recollection of that. I may have read about it in the press subsequently but please, before I can comment Sir, on a culture Sir, which is a composite word which means that it infiltrates into and affects the whole organisation or the whole organism, before I can comment on that Sir I must have many more facts at my disposal Sir.

A culture is something much more. It could affect, for instance, isolated groups, yes, I can understand that. It may have done that. A certain commander may have misled his men, or he may have thought he was acting bona fide, so for me to make a blanket statement about it and say that was all illegal, they should have known it was illegal because it's illegal in the laws of the country, that Sir is not my position, and this is not what I can say Sir.

CHAIRPERSON: General could I, I think the word culture is all pervasive, I don't want to use that word, but I think what is clear from the - not now the untested allegations of victims, let's set that aside, but the actual confessions, if you want to use that word or admissions, accounts in amnesty applications, nearly 8,000 of them, and many of them refer to up to 30, 40 "murders", the word they use in their amnesty applications, and many of them are policemen. I am not suggesting for a moment that all of this took place under your command, but I think what puzzles us is that these were widespread, these weren't located, I mean Vlakplaas has become the dirty word, the swear word, but I mean we are listening to and reading applications which are, to put it no higher than widespread, over a long period of time, but particularly in the eighties where the situation became, as I think General van der Merwe described it as 'desperate', an escalation of the conflict on all sides, what I think we find difficult to understand is how this could take place, how people could die, could be tortured, could be abducted, could be buried and many of them - and people like yourself and others just didn't know, weren't aware of that these people were acting unlawfully or illegally or misunderstood or - help us! I mean how is it possible for that to take place?

GEN COETZEE: No, no, I think Sir one should look upon this whole matter in its whole situation. It lasted Sir, 30 years. What was described by both sides as a war situation lasted more than 30 years, point one. South Africa is a violent country. Every day as Commissioner of Police I was confronted with a list of murders the previous day which ran into tens and twenties and thirties. This is South Africa, this is the practicalities of the South African situation Sir. You have a war, you've got different organisations involved in this. On the government side you've got National Intelligence, you've got the South African Police, you've got the Army and you've got very many different organisations involved. You've got an organisation that I've heard of long after my retirement, the CCB. I never knew such an organisation existed. So there were many organisations, everyone created and did what he thought was necessary. Add to this potpourri Sir that the opposition side, it was an underground war Sir, it wasn't above ground so that you can probe it, every issue of it, it was all done on a need to know on an underground basis, both from the side of the ANC, APLA, South African Police, the Army and everyone that participated in this. So in that situation Sir I say that it's not a normal situation where you have evidence, information at your fingertips. In those cases Mr Chairman, and I can mention them if it's necessary where I became aware, where I became aware Vlakplaas operatives I had them charged for murder Sir. I didn't hide them. Back Sir, you've referred to Vlakplaas, when I became aware that one of them has committed a murder I, in Natal, I said charge him before the courts. When I became aware Sir that a Mr, a certain constable has shot a person through the head that he was interrogating and I could have, if I wanted to Sir, and the ex-Attorney General is here, I could have, I said no, no, no, no, no, wait, this man's father was an officer in the police and he was very annoyed that his young son was used to, what he described, to interrogate a person that sort-of inveigled him into this situation, that policeman Sir went to prison for 10 or 15 years. His father was a colleague of ours. That type of thing wasn't condoned Sir. I can go on and on and on with those incidents if it's necessary.

Departmental trials, regularly, but you must understand the atmosphere, the climate in which things occurred. A war situation Sir.

CHAIRPERSON: Mr Goosen.

MR GOOSEN: Thank you very much Mr Chairperson. General Coetzee did you ever become aware of the fact that a member of, or members of military special forces have been responsible for the murder of the Ribeiros?

GEN COETZEE: Sir I, Mr Chairperson I want to place it on record here unequivocally here today, firstly I never, ever knew about that, no plan, no envisaged plan, no joint venture of that nature was ever discussed with me at all, neither by any member of the South African defence force or by any of the officers of the South African Police, Chief of Security or the officer that was responsible for liaison to a certain extent with the South African defence force. And particularly Sir, I never knew that the South African defence force intended using special forces within South Africa in support of the police. That was never mentioned to me. I know nothing whatsoever about it.

MR GOOSEN: Did you become aware after the facts that that was the case?

GEN COETZEE: No Sir. I - what happened Sir if I have to tell the whole story again Sir, there were these assassinations, that morning in the ordinary course of events I heard about, it was in the press, it was in the press, the members of the family of these assassinated people immediately started comments, making statements, and this can be verified Sir, to the press alleging that some State organ was involved. They refused for about a fortnight to make any statement whatsoever to the South African Police, an affidavit of any nature.

But we also say Sir that immediately when there's an unnatural death in South Africa there starts an investigation. It was conducted by a senior police officer who is now a general in the police, General Britz. I never spoke to him about it. That is the position.

So the press stories, the press stories said "identified", not the police Sir, the press identified a certain gentleman, a white gentleman, as allegedly belonging formally to some scout organisation in the ex-Rhodesia. That is what their investigations revealed. (Whispering consultation) Ja, I am just saying, my, my - it's just that the position is that I am talking about an amnesty application by another gentleman, but as

far as I am concerned I am referring only to myself, you have mentioned the name referring to myself. So as far as I am concerned Sir, as far as I am concerned I never knew that he was assassinated by South African Defence Force special branch, or special forces.

There was, in the ordinary course of events, in the ordinary course of events there was a court case, and as far as I understand, that is where probing questions should have been asked and it should have been reported to me that there is something of that nature.

MR GOOSEN: Did you as Commissioner of Police at the time, did you make any enquiries in regard to the matter from any officer of the South African Defence Force in regard to the matter as to whether the allegations that were being made at the time had any substance?

GEN COETZEE: No Sir. These allegations were always made, they were always rife that some group or person or third force was involved in something. I couldn't make, every time when such an occurrence happened, make particular allegations, but what did happen Sir, and I've said so, that an officer, I do not know whom, it wasn't the person involved, phoned me or spoke to me, a senior officer and he said that he was perturbed about the allegations in the press alleging that the South African Defence Force was involved from which I gained the impression that he says it wasn't us. And my advice to him, which is the advice which I would as Commissioner have given to anyone in similar circumstances was man, let the investigation go its full course. If there are then at the end of it certain matters to be cleared get a good lawyer.

CHAIRPERSON: Mr Lyster.

MR LYSTER: So General you are aware then that no member of special forces came forward then and conceded that he or they had been involved in the killing?

GEN COETZEE: Yes ten years after my retirement Mr Lyster.

MR LYSTER: Yes, but you recall in the incident at the time you will know that no-one came forward and admitted it, and there was no inquest at which special forces ...(intervention)

GEN COETZEE: No I must say that very shortly after that I retired from the police, in early 1987, but as far as I am concerned Sir, there was a full investigation by a senior officer of the police under the command of the CID officer at that stage who I do not know who it is at this time, it was an ordinary investigation and I did not interfere in any way whatsoever with the course of justice.

MR LYSTER: No I am not at all suggesting that you did ...(intervention)

GEN COETZEE: And neither did I Sir have information at my fingertips to indicate to me that someone else was involved because then I would have done what I did in similar circumstances at other times, I would at least, at least have reported to my Minister and said this, this is the situation even if it's just a rumour and there's no evidence, this is the situation. I've done that before regarding ministers Sir, said this is the information that my information officers or investigating officers has brought to the fore. Or, alternatively the Attorney General has informed me of something like this, that this is what he suspects. Nothing happened of that nature.

MR LYSTER: No General you misunderstand me, I am not suggesting that you were in any way involved and I am not even suggesting that the inquest ...(intervention)

GEN COETZEE: It wasn't an inquest Sir. I believe from my investigations afterwards it was a preparatory examination which you know is meant to see if there are evidence available and what is the nature of this evidence.

MR LYSTER: But it's correct ...(intervention)

GEN COETZEE: It concerned a particular white person.

MR LYSTER: Yes, but it's correct that no member of special forces at the time came forward and admitted to the death?

GEN COETZEE: No Sir, no not at all, not to me. I don't know to the investigating officer whether he was - made a confession there.

MR LYSTER: And if there had been such a public admission by a member of the special forces you would have known about it, isn't that right?

GEN COETZEE: Oh yes.

MR NTSEBEZA: Can I just ask a general question General. You said you retired almost immediately after...

GEN COETZEE: That's right.

MR NTSEBEZA: ...these deaths. I think they occurred in December 1986.

GEN COETZEE: Yes I retired, well we've got a custom in the police the last three months you don't work, I suppose in the Commission it will be more-or-less the same, so early in 1987 Sir I was out of office.

MR NTSEBEZA: Ja. Did these killings have anything to do with your retirement? I see you smile.

GEN COETZEE: There is non nexus Sir.

MR NTSEBEZA: There is no nexus.

GEN COETZEE: No nexus.

MR NTSEBEZA: You were quite disturbed by these killings?

GEN COETZEE: I am disturbed ...(intervention)

MR NTSEBEZA: You were disturbed by the killings?

GEN COETZEE: I am disturbed by any killings.

MR NTSEBEZA: Yes, but these particular ones disturbed you especially when you began to hear that there suggestions that members of the security forces, not necessarily the police, were involved?

GEN COETZEE: I heard that Sir when I was already many years on pension.

MR NTSEBEZA: No you said immediately there were allegations by members of the family.

GEN COETZEE: Oh yes, oh yes, in the press Sir.

MR NTSEBEZA: In the press ...(intervention)

GEN COETZEE: And that was in the pattern of things at that stage.

MR NTSEBEZA: Would it be - you say we shouldn't draw the inference from your resignation that you felt that even if it is a mere suggestion that members of the security force were involved in these matters you cannot take that because you were so much against unlawful actions by members of the security forces, that you wouldn't like to associated with a situation where your police might have been involved in such killings?

GEN COETZEE: Mr Chairperson the fact is that there were these allegations, these allegations or assertions about a particular person in the press Sir, in the press. This man Sir, was placed at some stage, as far as I can recollect from what I have heard afterwards Sir, was placed on an identification parade and a full investigation was conducted by experienced police officers, not one of them, neither the officer commanding the CID came to me and said General please I want to inform you of an untoward incident that happened that you should take cognisance of. So as far as I am concerned it wasn't proven.

That doesn't mean Sir, that it cannot be reopened, it cannot be reinvestigated and if additional evidence is available a man cannot be charged, as you as an attorney should well know. So at that stage, like in many cases, many, many, many cases in South Africa you are confronted with a legal situation that went its full course at that stage as far as it could go. It didn't affect me further than that.

MR NTSEBEZA: And is it, just finally, is it then your evidence that to the extent that there may have been evidence suggesting that the police under your commissionership had given an impression to members of the special forces that there had been authorisation for that action by the South African Police, to that extent you would say there had been no such authorisation?

GEN COETZEE: No there's - what I can say Sir, what you've, how you've qualified it and yes and no, which require yes and no answers but in a nutshell I did not give, I was not approached and I did not give any authorisation for that situation.

As a matter of fact Sir, at that stage there was one instruction that I've given, and that was a long-standing instruction and that stemmed from very many conferences, the Kobie Coetzee conference that I have spoken about, the Simonstad Agreement etc that in what we termed the security family or the security organisations by - it was the policy of the government that all information should be shared, all information, and I supported that, that policy, inter alia for the reason that the South African Defence Force's attitude was that if this position deteriorated it turned into a martial law situation one cannot expect them to start operating in a vacuum. They've got to have the information available. So the instruction was information should be shared but operations should be separate, under own command. That was the standing instruction at that stage.

MR NTSEBEZA: And you are saying no ...(intervention)

GEN COETZEE: Whether it changed afterwards I don't know.

MR NTSEBEZA: And you are saying no information was shared with you by the special forces?

GEN COETZEE: No, not at all.

CHAIRPERSON: Mr Goosen.

MR GOOSEN: Mr Chairperson thank you very much. There are a few other matters but given where we are and where we have reached I am not intending to canvass those.

CHAIRPERSON: Any other member of the panel? Mr Lax.

MR LAX: Just one last thing General, just to follow-up on Mr Ntsebeza's last question to you and your reply to that, we're a little puzzled that in essence SADF people are saying that they did these operations in support of your people, in support of the police, I am not saying during your time or any other time, in general terms that's what they are saying, and the impression we are getting is that the police say no, that didn't happen. It certainly wasn't with our cooperation or for our support. Can you explain this?

GEN COETZEE: Yes I can to some extent Mr Chairperson. I think the position was very clear as far as riot control was concerned in South Africa. That was that the South African Defence Force was deployed in support of the South African Police. I've said it in another occasion also. So we had standing instructions about that, the deployment in riot control situations throughout the length and breadth of the country of the South African Defence Force in support of the South African Police. So to do that they had operational centres, they had joint command structures and so on and so on. So this may have stemmed from that situation. That is a separate situation. In one of my affidavits I've described it and said this is the situation.

So whether it then overlapped into another situation and some thought but now we are also in support of the police or they've analysed it that way that may be their problem, but the standing instructions- Now I've heard yesterday, I must be quite frank, say that there was a new order of some kind to the South African Defence Force about their operational situation, I'm not aware of that. That may stem from that also, but I am just indulging in conjecture here. And I am saying that as far as riot control in South Africa was concerned over a long period, just like in time of war the South African Police was by our law, it was dictated that we should go and support the army in the war, so the reverse position was the situation.

MR LAX: You see General ...(intervention)

GEN COETZEE: It may originate there.

MR LAX: General the issue really is subtly different in this sense. We acknowledge that in conventional terms and even in unconventional activities, and we use those terms as you would understand them as a member of the security forces, that was the case. What we are talking about are what they referred to as irregular or extraordinary measures, what they refer to as revolutionary measures when we were speaking about yesterday to them, and they were quite clear, absolutely clear that for example targets would be selected by your people and they would act in support. That's the language they used and so there seems to be this total lack of congruity between the two positions and that's what I am trying to understand.

GEN COETZEE: No I understand what you say Sir. The position is as I have said, the instruction was for a long period, for a long period since about 1980 as far as I am concerned, that the South African Police should make available all the information that they have to the other members of what we termed the security establishment. We should give it to the South African Defence Force, we should give it to the National Intelligence, we should give it to the Prison Services and that's that. We should give it. We did it, we had conferences Sir about every week in which these people has sent representatives to sit down and listen to our briefing. So they knew exactly what the position was. I said what their attitude was that - so they were entitled, they were entitled as of right to get any information from the South African Police that they thought they needed to act within their doctrines.

What I object to Sir from that evidence is that it's said that they, it's unbeknown to me and I've said it, that there was a deployment of special forces which I, as far as my experience goes, was utilised outside the country, that they were deployed or there was a decision to deploy them in support of the police, I am quite unaware of that. It never came to my notice. Yesterday was the first day that I heard it.

CHAIRPERSON: General Coetzee that concludes the questions we have for you and we are grateful to you for being here and for assisting us in the way you have. You may now retire from the podium and do whatever you want to do.

GEN COETZEE: Thank you.

CHAIRPERSON: Thank you very much. We are changing the order just a little to assist us in following a ...(no recording)

GEN COETZEE: Chairperson, I have a document here which I would like to hand to him which is entitled "Alternative structure as a factor in the revolutionary structure against South Africa". ...(intervention)

MR GOOSEN: I never realised that I had antagonised him that much.

GEN COETZEE: ...assistance to him.

CHAIRPERSON: I'd be grateful if you would give that to him. I am quite sure he is always ready to improve on his knowledge. (Talking in the background).... ja, but just get the word right though.

GEN COETZEE: Ja, ja, thank you I am very sorry.

CHAIRPERSON: No, no. Thank you General.

MR GOOSEN: General thank you very much.

CHAIRPERSON: We would like to call Major Craig Williamson now to the stand please. Major Williamson let me welcome you to the Commission and I will ask my colleague Mr Ntsebeza to offer the oath. Thank you.

CRAIG MICHAEL WILLIAMSON: (sworn states)

CHAIRPERSON: Thank you very much, thank you Major Williamson. I understand that you have an opening statement that you would like to read, if that is so would you please proceed.

MAJ WILLIAMSON: Yes Sir. I'd like to start with a quote from Clausewitz on war, and that is

"The state of circumstances from which an event proceeded can never be placed before the eye of the critic exactly as it lay before the eye of the person acting because above all it is almost impossible that the knowledge of the result should not have an effect on the judgement passed on events which preceded it".

Mr Chairman my evidence herein is not presented as expert testimony but is rather a summary of my understanding of the topic gained during my personal involvement in the conflicts of the past particularly from 1971 to 1991.

During these years I served firstly in the South African Police, Security Branch, then in the South African Defence Force, Directorate of Covert Collection and finally on the National Party Parliamentary caucus defence study group as a member of the President's Council.

An understanding of the motives and perspectives of those officers entrusted with the practical execution of the State's counter-revolutionary strategy must start with some examination of the theoretical tenets underpinning the strategy and the consequent tactics employed.

During the period in question I, along with many other security force members underwent various forms of training in the theory and practice of counter-revolutionary warfare. To my personal knowledge numerous courses and seminars were held by the SAP and SADF some of which I attended and others at which I lectured. In addition the Universities of Pretoria, South Africa and the Rand Afrikaans University all offered postgraduate degrees in strategic studies.

Now perhaps the most important writer philosopher on war was Karl von Clausewitz whose master work "Vonkrieg", On War, is regarded by many students of warfare as one of the most profound studies of the subject. Clausewitz infers that war, and I quote him -

"...is an act of violence intended to compel our opponent to fulfil our will",

He said further that -

"War belongs to the province of social life, it is a conflict of great interests which is settled by bloodshed and only in that is different from others".

In addition Clausewitz's most famous and outstanding contribution to the theory of war is his definition of the relationship between war, that is violence, and policy. And he said -

"War is to be regarded not as an independent thing but as a political instrument".

So from Clausewitz we were taught and we learned that the violent acts of war were not merely the acts of the security forces but were an expression of the social and political conflict of ideas between our society and the representatives of some other society who I can call the enemy.

I and others learned that we, as the security forces, were charged with the use of violence and bloodshed as a political instrument of the State, our society, in order to compel our opponents to fulfil our society's will. The theories and practice of Soviet revolutionary warfare as well as those of Marx, Engels and especially Lenin were also studied and taught. The central tenet of all we learned and taught was that the Soviet Union was central to our security problems as stated by Stalin in his book The Problems of Leninism, and I quote him. He said:

"We are living not merely in a state but in a system of states and the existence of the Soviet Republic side-by-side with imperialist states for a long time is unthinkable. One or other must triumph in the end, and before that end comes a series of frightful collisions between the Soviet Republic and the bourgeois states will be inevitable".

Mr Chairman we learnt and were taught that Communism was a religion and a faith and that it was messianic. It would use a series of revolutionary civil wars, that is internal as opposed to international wars, as a means to advance, in camouflage, the marxist ideal of world revolution.

As a result of the perceived importance of revolutionary warfare we in South Africa, as well as most security forces in the Western world studied the insurgencies in French Indo-China and Algeria as well as the British experience in Kenya and Malaya. From these insurgencies, as well as from the United States experience in Vietnam a host of expert theories on counter-revolutionary warfare emerged.

Without going into the detail of the theories of modern revolutionary warfare suffice it to say that it was assumed that the whole spectrum of human activity, that is political, social, cultural, economic, military security etc, would be involved.

It was also assumed, by most experts that the development of any revolutionary or internal war in South Africa would be in four phases. Firstly, organisation; secondly, terrorism; thirdly, guerilla warfare and finally mobile warfare.

Now Mr Chairman the State Security Council and especially the National Security Management System structures which developed and evolved during the time in question were implemented as a counter-insurgency strategy in an effort to mobilise the total resources of the State in its counter-insurgency campaign. This idea has often been expressed as the so-called total strategy in answer to total war.

Now as far as the theoretical aspects of the State's counter-revolutionary war are concerned I would like to refer the following documentation to the Truth and Reconciliation Commission. I have submitted the documentation, some of it from Unisa; the chapter on Insurgency and Counter-insurgency from an MA degree dissertation; articles by Lt General Dutton on Military aspects of National Security; by an American Colonel Philip P Katz on Psychological Aspects of Military Action; Security Branch lecture notes on the South African Communist Party, the ANC and PAC by Colonel Baker; and Security Branch lecture notes on Terrorism, Subversion and the KGB compiled by myself, and these will go, Mr Chairman, to support what I have said.

Now further to the academic aspects covered in the section above I would like to refer to another source from where South African counter-insurgency experts drew information on the enemy threat, and that is foreign and mainly Western intelligence agencies, military security organisations, government officials and politicians. During the time in question the West was deeply concerned about the Soviet Union and its surrogates. While most Western representatives, which I met in the above category, were not supportive of the South African government's racial policy of apartheid, they were all more concerned about the Soviet Union's increasing influence in the region.

In many instances their objection to so-called apartheid policies was based on the fact that the Soviets were using the issues of racism and apartheid as a justification of their role in supporting the liberation movements and to politically attack the West for so-called supporting apartheid.

Mr Chairman, with the benefit of hindsight I can only say that the sum result of all the abovementioned was that the South African security forces gave very little cognisance to the political motivation of the South African liberation movements beyond regarding them as part and parcel of the Soviet onslaught against the so-called civilised or free or democratic Western world. And this fact, I believe, made it easier

for the most violent action to be taken against the liberation movements and their supporters because such violence was not aimed at our own people but at quote, "foreign enemy".

During the period in question the ANC and the South African Communist Party did in fact work very closely with the Soviet Union and the East bloc. Soviet assistance to the Communist Party and the ANC was political, financial and military in nature. This fact made any other view of the liberation movements by the security forces very unlikely.

In an illustration of the above I append numerous documentation from Western intelligence agencies; minutes of meetings between South African and British security delegations; samples of Western intelligence reports liaised with us; seminar papers; statements to the South African Police and extracts from the South African Communist Party journal, African Communist; as well as a National Security Council "inligtings waarderings" about Mozambique.

Now Mr Chairman a particular aspect of the State's counter-revolutionary strategy, which I would like to address, is that of covert or secret operations.

As will be seen from some of the documentation that I have submitted dealing with the theory of insurgency and counter-insurgency a democratic state is often limited by its laws, values and norms in the methods it can use to defeat an insurgent movement.

For example the insurgent will often deliberately provoke repressive over-reaction from State forces.

The insurgent may also operate secretly and conspiratorially, often within the society he aims to destroy.

The insurgent may also operate from a foreign state under its protection.

The insurgent may attack the political legitimacy of the target government in a way which is legal or even constitutionally protected.

In many of these cases the security forces concerned resort to secret or covert actions against the enemy. One of the most well-regarded experts on counter-insurgency, J L McKewan who wrote the Art of Counter-revolutionary War, the Strategy of Counter-insurgency, says in his book that -

"The insurgents may be defeated by using their 'own weapons' on their own battlefields."

This tactic requires the security forces to reply, and I quote, "in reverse revolutionary methodology."

McKewan says that such a tactic is a big problem to a democratic state because its laws, values and norms do not allow it to use all the methods employed by the enemy, for example murder, intimidation, sabotage etc.

Now the well-known British expert, Wilkinson, author of Terrorism versus Liberal Democracy, the problem of response, said that security forces cannot be allowed to break the law in order to defend legality. The solution to this problem in many states has been to allow security force units to carry out extra-legal counter-revolutionary acts as long as they are done secretly.

In the South African context during the 1980's there was also an emphasis, specifically in early '80-'81 on attempting to legislate more effective powers for the State. I can mention the Rabie Commission in this regard. Despite new legislation the intensity of the revolutionary war intensified rapidly up to the mid-eighties when the states of emergency were used to give the security forces more powers.

Along with special legislation and even emergency powers covert operations directed against the perceived revolutionary enemy increased. The former Director General of the National Intelligence Service, Dr Barnard, in the 16th CR Swart lecture, which I append, defines covert actions as -

"Die Klandestiene magsaanwending van militêre vermoens van een staat om die soevereniteit van ander state ondermyn".

Dr Barnard here only refers to state versus state action, but covert action would also include actions aimed at the surrogates of another state, for example the ANC and Communist Party which were seen as surrogates of the Soviet Union or other enemies of the State.

Paramilitary action in support of the state while ensuring that the state sponsorship thereof was kept secret was a strategic instrument of policy which could be used rapidly, quietly and non-attributably. Such actions required only modest expenditure in relative terms on resource and manpower but could play an important role in terms of results when used as part of an overall coordinated counter-insurgency plan being implemented not only by the security forces but the government as a whole.

Now by their very nature covert actions were rarely, to my knowledge, discussed or written about.

However, I append hereto as document 21, the, and I quote "Report about the intelligence symposium" held at the National Intelligence Service head office in Pretoria on the 25th of June 1982. In this report of this symposium I am quoted on page 30 as having said that, and I quote:

"When survival is important it is often necessary for a service to resort to secret actions which does not comply with the laws, morality, norms or values which controls the public actions of the State. Secrecy, both defensive and offensive is important. Coverage is used to allow the operatives to execute secret instructions".

When I was instructed to present a paper at the symposium on the Use of cover in secret operations, as well as on 'The recruitment of long term deep cover agents or moles' I discussed the contents of my paper with my colleagues and found no disagreements with the views expressed. At the symposium I was not challenged on my views. The report was also circulated to the highest level as the distribution list shows.

And I may add Mr Chairman the fact that it quotes that part out of a long presentation that I made also says something.

In the light of the above and in terms of the knowledge which I had of standard secret and/or special force procedures in the then South Africa, as well as in many other states, I had no doubt that secret, violent and other actions against the revolutionary enemy were an accepted and approved procedure in our overall arsenal of counter-insurgency weapons.

In further illustration of the so-called mission of secret or covert special force units, security force units I append hereto as document 22, and I quote,

"The role of intelligence as part of the South African Police Security Branch's counter-revolutionary strategy".

which was presented to the 1985 annual RS Handlers Conference held at Daisy Farm. Our RS agents were fulltime officers in deep penetration roles. I was RS167 during my undercover years 1971 to 1980.

I also append, as document 23, an intelligence report on South African involvement and the activities of MNR 19 June 1983. This report was prepared for the ANC by Roland Hunter and gives a good overview of the Directorate Special Tasks, DST, of the SADF Chief of Staff Intelligence support for the MNR, Renamo, which support role was consistently denied.

During the past conflict in South Africa differences of approach to the various revolutionary problems existed within the various organs of the State security system. The broad difference was that on one hand some officials, especially from the Police, Justice and Foreign Affairs departments wanted the State's counter-insurgency programme to be conducted strictly in terms of the law and, if possible, for those laws to accord with the acceptable Western norms.

One example which I can give in illustration of this point was the increased use from the mid-1980's of common law charges, such as treason, against liberation movement members. This was because of the lack of legitimacy of the special anti-terrorist legislation of the time.

On the other extreme we had some officials, especially from the counter-insurgency element of the Police and the Military, who felt that a democratic state using democratic methods could never withstand a concerted Soviet-backed revolutionary effort. Their solution was to suspend democratic freedoms and to militarise the South African society. For example, proposals were even discussed whereby the SABC would be placed under military control and that political offenders would face military or state security courts. Now the upshot of this debate was, as it so often was, a mish-mash compromise. On one hand we had common law treason trials and on the other we had emergency powers given to the security forces. Nevertheless the drift in the eighties was more and more towards a militarily dominated state. The State Security Council and the National Security Management System structures were refined and expanded until they appeared in all sectors of public life.

Formal written strategies and orders of the type before the Commission were produced and the SADF even demanded a mechanism whereby the State President by executive order could indemnify them from civil and criminal liability for so-called bona fide actions taken in the struggle against terrorism.

Alongside all of the above the State and its security forces maintained and expanded their secret ability to attack their enemies without necessarily having to accept responsibility for what was done. The basis of such operations in the grey zone was deniability. It is for this reason that specific so-called chains of responsibility will in many instances be impossible to determine. The operational procedures were designed by people who knew the law in order to circumvent proof of legal responsibility for the deed by the upper echelon.

Such covert action leading to mysterious explosions, deaths etc cannot be said to be unusual in South African political life since 1961. A long list of incidents could be compiled starting with the explosion aboard the aircraft sent to Botswana in the early sixties to uplift Goldrich and Wolpe to safety.

With the benefit of hindsight it appears that the upper echelons, especially the politicians, were so keen to be at, what I call legal arms length from covert action that they abdicated their responsibility to exercise close operational supervision of such actions and so lost significant operational control. Nevertheless they can never deny responsibility for the budgets used to fund covert actions.

As a result of the ever increasing revolutionary climate in the Republic during the eighties, and especially after the so-called 1979 Simonstad Beraad at which the security forces were told to take the gloves off in the fight against the revolutionary enemy, the security forces came under increasing pressure to perform. The South African Police and its Security Branch in particular were under special pressure. There was the increasing revolutionary pressure on one hand, political pressure to resolve the problems on the other and various other elements in the security forces, especially the defence force and military intelligence structures which wanted to play an ever-increasing role in the conflict and in society.

As a result there was pressure on us all to perform. I would say that the pressure was probably most intense on the Security Branch divisional commanders, especially in hot spots such as the Eastern Cape, KwaZulu Natal and Johannesburg. In this context results became far more important than legality.

The eleventh commandment was well known, especially to those in the covert or the special force elements of the security forces, this was thou shalt not be found out.

The psychological effect of fighting such a counter-revolutionary war should also not be underestimated especially when this entailed long periods of covert operations either within or outside the Republic. The members of the security forces, especially those in covert units used against the revolutionary enemy, saw themselves as the elite frontline troops in a critically important secret theatre of the overall war.

Enemy successes, such as killing of security force members, attacks on economic targets like Sasol or Koeberg and civilian bombings produced recriminations, guilt, frustration and anger. Security force successes such as arrests with convictions, cross-border raids, covert killings or sabotage of the enemy produced praise, pride and relief from pressure.

Some of the main purposes of attacks on the enemy outside the Republic were, as I understood them, the following:

Firstly, the revolutionary onslaught was being directed from outside the Republic and the main perpetrators and/or resources of the enemy were to be found there.

Secondly, if the security forces attacked the enemy would have to defend. This meant that time, resources and manpower would be wasted on defence rather than utilised on attacking the Republic and its people.

Thirdly, the psychological effect of what we call terrorising the terrorists was important, both in the negative sense for them and in the positive sense for the security forces and the target civilian population of the Republic.

Fourthly, killing or injuring key enemy personnel was of strategic and tactical advantage.

Mr Chairman I have never before seen any of the State Security Council or defence force documentation given to me for comment along with my notice to attend these proceedings. I've carefully read the documents and can only comment that they accurately reflect the attitudes and mindset which existed in the then security forces and its political command structure as I understood them.

During the years I spent in a management role in the SAP Security head office from 1980 to 1985 I became increasingly sceptical of some of the basic tenets of the security forces counter-insurgency strategy of the time, and I was critical of many of the tactical approaches employed. As a result I published an article, "Wet, order and Staatsveiligheid, die uitdaging vir die Suid Afrikaanse Polisie in die wet en order gemeenskap" in the Journal of Criminal Law and Criminology in 1984 which I append hereto.

Mr Chairman I had come to the conclusion, firstly, that the security forces and their political masters were, like Clausewitz, seeking victory in a war rather than a peace. I had come to the conclusion that a military dominated political process aimed only at military victory over the revolutionary enemy was underway. I believed that the ANC's Communist bark was worse than its bite and that political action in cooperation with the West could possibly decrease Soviet and Communist Party influence over the ANC which would possibly in turn lead to firstly, the elimination of Soviet and Communist rhetoric from the ANC, and secondly, the downscaling and eventual stoppage of the ANC's armed struggle.

I believed that security force victories could not bring peace but could rather buy time which could be used to find a political solution which would ensure peace. And this is why I became a politician, during which time, while always taking a hard anti-Communist Party and ANC line, I always emphasised that negotiations would bring about political solutions.

I deeply regret that my previous high profile role in the security forces has prevented me from playing any constructive political role in the years since 1991. I hope that in some small way my cooperation with and testimony to the Commission in its various investigations has been and can be a positive contribution to peace in our land.

Mr Chairman I wish to end my submission by going back to Clausewitz. We learn from him that warfare belongs to the province of social life. In my role in the security forces I was never motivated by anything other than serving my society, if need be by shedding blood, be it my own or the blood of others, as a political act aimed at the settling of a political dispute to the advantage of my society.

My security force colleagues and I did not see the liberation movements and their members as fellow citizens of our society. We regarded them as an alien enemy which threatened our society. Our job was to eliminate that threat.

It is therefore not only the task of the members of the security forces to examine themselves and their deeds, it is for every member of the society which we served to do so.

Our weapons, ammunition, uniforms, vehicles, radios and other equipment were all developed and provided by industry.

Our finances and banking were done by bankers who even gave us covert credit cards for covert operations.

Our chaplains prayed for our victory, and our universities educated us in war.

Our propaganda was carried by the media, and our political masters were voted back into power time after time with ever increasing majorities.

And I would like to answer any questions Mr Chairman.

CHAIRPERSON: Thank you very much. I think this is a good time to adjourn for lunch and we will resume for questions directed to you, Major Williamson, at quarter to two. Thank you very much. This is now adjourned.

HEARING ADJOURNS AT 12H55

ON RESUMPTION AT 13H45

CHAIRPERSON: Right could we come to order please. One of my colleagues has just asked my permission to take his jacket off. It's not usual that they ask me for permission, I am just so overwhelmed I thought I'd say if you would like to take your jackets off feel free.

MR LEVIN: Mr Chairman, subject to the gravamen of the remarks I made in opening Mr Williamson will address any questions put by my learned friend Mr Goosen, by your good self Sir and by members of your

panel.

CHAIRPERSON: Thank you very much. Mr van der Hoven you asked if you could say a few words.

MR VAN DER HOVEN: Thank you Mr Chairman. I hold a watching brief for today, I just want to record that my clients and obviously other members of the SADF do not necessarily agree with all the evidence that was tendered this morning, and specifically my clients would just like to reserve their rights in this regard. That's all I want to say. Thank you.

CHAIRPERSON: When you say this morning, are you referring to the entire morning or to someone in particular?

MR VAN DER HOVEN: Well the entire morning.

CHAIRPERSON: Thank you very much, thank you for that.

MR VAN DER HOVEN: Thank you Mr Chairman.

CHAIRPERSON: Thank you. Mr Goosen.

EXAMINATION BY MR GOOSEN: Mr Chairperson thank you very much. Major Williamson the document that you presented sets out as it were a framework for understanding some of the actions in which members of the security forces were engaged in the period in which you were a member of the security forces. And it appears that it is in many respects consonant with some of the views expressed during the course of evidence that we heard earlier today also from General van der Merwe.

You indicate that, and it's really a portion that is extracted from your presentation, that you had no doubt that secret violent and other actions against the revolutionary enemy were an accepted and approved procedure in our overall arsenal of counter-insurgency weapons, and you've really motivated that in the way in which you have in your presentation. You indicate that that's on the basis of - from documents, from presentations made, from courses and so on, as well as aspects of your own experience.

That view in many respects flies in the face of the essence of the submission made on behalf of the National Party by the former State President, Mr F W de Klerk, in that he indicates that it was never government policy to authorise gross violations of human rights, and anybody who did so was acting without authorisation, was either misinterpreting stated policy or was acting male fide. Would you indicate whether you, in your interpretation, are misinterpreting the precepts of State policy at the time or not?

MAJ WILLIAMSON: Mr Chairman I unfortunately only got from the media what Mr de Klerk said, but from what I gleaned from the media and from what has been said here now by yourself and what was said earlier this morning, all I can say is that if he believes what he says then his eyes were closed. And perhaps I am willing in his case to be very careful what I say because he was never, I think, until 1989, 1990 really involved in a key way in the counter-insurgency struggle, to my knowledge. And perhaps he misinterprets the counter-insurgency tenets which were used by the State during the time that he was certainly a Cabinet minister, because as I have said in my evidence there was an attempt, quite a large attempt in fact, to preserve an image of legality, and that the actions taken in the South African context were not something that were dreamt up by the South African security forces. This is not new tactics to the world's counter-intelligence or counter-insurgency warfare manuals, these are things that have been done in all counter-insurgency fights.

So all I can comment is that from my involvement, and that includes my involvement as a politician, a National Party politician, a member of the President's Council, somebody who, because of my previous security force rank and role was an expert in the National Party in Parliament on these matters, you know that my view differs radically from his view.

MR GOOSEN: And those would have been the comments made specifically in regard to perhaps the interpretation or views of former President F W de Klerk, would you be able to comment, from your understanding of the matter, what you would regard as the views perhaps of Mr P W Botha and his perspective in regard to this framework?

MAJ WILLIAMSON: I can't comment, I mean I never discussed the matter personally with the previous President Botha, but obviously I was far more closely involved with Mr P W Botha's administration than I was with Mr de Klerk's administration, and at that time even as a member of the President's Council I could talk to President Botha's closest aides and that was a time when I was serving on the National Party caucus, standing committee on defence where we went on border trips. Our job was to educate other members of Parliament from other parties, from the other houses, also the media, in our counter-revolutionary strategy. And at that time, as I indicated in my evidence-in-chief, the situation in South Africa had become extremely militarised, and the military influence and effect, even on political level at that time was extremely high. And the theories of counter-insurgency were coming from military sources to politicians rather than the other way round.

MR GOOSEN: So in your experience in particularly the period when you would have interacted then very closely with senior politicians, both in government and those who may not have necessarily been in government but associated with government, would you say that at that period that from your experience that politicians, those that you interacted with, would have come to understand and appreciate the implications of the counter-revolutionary strategy that was being prosecuted by the security forces at that stage?

MAJ WILLIAMSON: I would imagine so Mr Chairman, and also I can go further and say that every serving high level politician, now I am talking about a politician in an executive position, a cabinet minister, most of the deputy ministers, chairmen of committees, had the advantage of receiving on a daily basis Intelligence summaries, Insums, which summarised everything that had happened the day before, the week before,

projected what perhaps would happen tomorrow and the coming week, and which reported incidents, all incidents.

And I would have thought that if there was a mysterious element in the country's counter-insurgency warfare effort, which was that there were things happening that nobody knew who had done, some politician would have asked their Intelligence chiefs to determine who was responsible for these activities, and ask why when with monotonous regularity the ANC cadres in one or other neighbouring states start their cars the cars explode. But these questions weren't asked. There was a tacit acceptance and understanding that this had something to do with South Africa's counter-insurgency programme, and that's the only answer I can give to that.

MR GOOSEN: Thank you. You indicate that in respect of, if you like, a decision-making at a senior level whether Cabinet level or State Security Council, within the National Security Management System, that there was a tendency for people involved at that level to wish to remain at legal arms-length from the conduct of secret or covert counter-insurgency operations. Now you were present earlier today when we engaged in a debate about the use of particular language in State Security Council documentation. Now you did indicate that you hadn't, prior to being provided with this documentation on any previous occasion, see that or have access to that documentation, but the use of ambiguous language in the policy documentation of the State Security Council, words like "eliminate", "neutralise" and so on, you know which words I am referring to, in the context of the counter-revolutionary strategy, that the National Security Management system was also an embodiment of, how would you understand the use of that language? What function would it play at that level?

And as a second part of the question, how would you understand that that terminology would be understood by the people who were responsible for executing the counter-revolutionary effort?

MAJ WILLIAMSON: Mr Chairman firstly without going into semantics and I might be wrong, but I believe in all the time I was involved that the language used was perhaps deliberately vague or all-encompassing. I will use the term all-encompassing rather than vague, so that it could perhaps mean this and it could in fact perhaps mean that, but what it definitely meant was that those problems must be eliminated or neutralised. And the way in which those problems would be eliminated or neutralised was to a certain extent an operational decision which the politicians didn't want to specifically make.

But a more important point perhaps that I'd like to make is that who wrote those documents? Those documents were written by functionaries, by officers of the security forces. They weren't written by politicians. They were notes taken by State Security Council secretariat staffers, so government officials, some Police, some National Intelligence, some Foreign Affairs, these were written by State bureaucrats, by civil servants and were drafted for the politicians approval. And again I must ask the same question that I asked about the deaths amongst liberation movement people, I must say that if I was a politician who read that document, and as I said I hadn't seen those ones, but that terminology was the same as a thousand other documents I've seen, if I didn't want it to mean "neutralise", "eliminate", "maak 'n plan" or whatever then I would have said to the man who was responsible for actually writing the minutes please change the minutes.

So - and if - the point I am trying to make might be a little esoteric but what I am saying is, if you allow a man who is now a civil servant and who is trained in a specific discipline and in most cases the civil servants charged with running those committees and writing those minutes were civil servants trained in war, not trained in diplomacy or other things, trained in war, and if you use that man with his academic and practical experience and training to write that document you must understand that the terminology that he uses and writes is coming from his experience and his world view. And if you disagree, hopefully you understand what that world view is because that's why you employed him to do that specific job because he's an expert.

So I come back to the answer I gave to you about former President de Klerk, that if he didn't understand how those civil servants like myself were trained and thought then there was something terribly wrong in the system. But I assumed the politicians and the political masters did understand, and I assumed that when I and others wrote the type of things we wrote that they understood what we meant when we wrote it. So it's not only something - these words, these phrases didn't come out of the air, it wasn't some politician who thought them up first. So the politicians should have questioned them and understood those phrases.

MR GOOSEN: Perhaps we can take that point a little bit further. The use of that language, written and used by the functionaries as you described them, would you regard the use of that language as an element of the deniability, plausible deniability if you like that you referred to when you referred to the fact that the eleventh commandment, thou shalt not be found out or that you can conduct a covert operation and in the nature of the covert operation should not be traced back to the persons who were involved in it, would you regard that as an element of deniability?

MAJ WILLIAMSON: Yes I think I would regard what I said, the deliberate all-encompassing nature of the words was to allow the overall authority and instruction to have been given for a range of possible counter-insurgency actions without anybody at the upper echelon, who actually was responsible then for that instruction, to have to believe or say that he or she had personal sort-of blood on their hands. I don't even think it was only a way to avoid accountability.

It was also - I mean for a tactical, for a cynical reason, it was also because when we talked about this level of counter-insurgency action we were starting to talk about some very nasty things, and a lot of people didn't want to talk about and be involved specifically in those things.

So it was a way to like fudge the issue and it gives people an easy way out, well we've basically authorised an all-encompassing State anti-insurgency programme, now we'll let the experts get on with doing it. But the element is, did they understand the full arsenal of the weapons available to those experts or didn't they? I believe they did.

MR GOOSEN: Would you have any specific instances where you would be able to indicate that politicians and persons functioning at the level of the State Security Council or the Cabinet at that level did in fact know exactly what was intended in a specific instance or not?

MAJ WILLIAMSON: Not that springs to mind but I mean I am sure we - are you referring to something specific or...

MR GOOSEN: No the question was really you've indicated you accept, given the motivation that you've given, that politicians must have understood what the full arsenal of weapons were that were available. The question was do you have any specific instances to which you could refer where you can indicate as a matter of fact, from your personal knowledge, that particular politicians did in fact know about particular actions that were conducted by the security forces or not?

MAJ WILLIAMSON: Well the one specific instance which I don't want to go into would be a matter for which I've applied for amnesty, but cross-border raids would be another one where, while this was not - I mean they might be covert or they might in fact later on have been admitted as being South African actions. But I think the distinction we are trying to draw here is one between open shedding of blood or use of violence by the security forces in pursuit of the State's counter-insurgency aim and the secret use of violence or shedding of blood with the same objective.

And I think on the second, on the latter, the very nature, the very covert nature of these activities was, as General Coetzee also said earlier, the watchword was need to know, and it wouldn't have been one - so only those specific people who needed to know, who needed to authorise an operation would be in the know about that operation, for example one of the acts for which I've applied for amnesty.

MR GOOSEN: Thank you very much. I just want to refer you to page 6 of your submission, it's paragraph 5.6. I am not going to go through the paragraph. You indicate there that a report was prepared following a symposium where you are quoted and you've - I am not going to read through the quotation, but you indicate that that was distributed. You provided that document. The distribution list, according to the bundle of documents that you've provided for the record, was, at that stage it went to the Prime Minister, Chief of the South African Defence Force, Director General, the Commissioner of ...(intervention)

MAJ WILLIAMSON: Foreign Affairs and Information.

MR GOOSEN: Ja, Director General Foreign Affairs, Commissioner of the Police, Commissioner ... (intervention)

MAJ WILLIAMSON: The Railways Police.

MR GOOSEN: Railway Police, to General Coetzee of ...(intervention)

MAJ WILLIAMSON: Security Branch.

MR GOOSEN: And Major General Groenewald. And then a number of other people in the Department of Military Intelligence, Foreign Affairs, Police and so on, a very substantial list of people, some 26 senior members in the security forces as well as politicians. Did any one of these people ever revert to you or to your knowledge raise any objection with the principal that you set out or that is set out in the portion that was quoted by you, to your knowledge?

MAJ WILLIAMSON: No Sir.

MR GOOSEN: Thank you. Thank you very much. I want to move onto a slightly different aspect, that's in fact also on page 6, paragraph 5.5 of your submission. You indicate there,

"Paramilitary action in support of the State while ensuring that the State sponsorship thereof was kept secret was a strategic instrument of policy which could be used rapidly, quietly and non attributably".

Do I take it there that you are referring to, inter alia, to counter-contra-mobilisation efforts as an element of counter-revolutionary strategy?

MAJ WILLIAMSON: It could refer to that Mr Chairman. What I am - why I used the word paramilitary there is because you could in fact use the word military but that implies for example the raid against ANC houses and other bases in Gaborone or Maputo where Air Force jets were used to actually bomb installations. So that's a flat out attributable military action. A paramilitary action is one which may be carried out by military elements but which is covert and secret and then could also include the utilisation of surrogate forces of non directly in the command structure of whichever organisation was carrying it out, ja.

MR GOOSEN: Thank you very much.

MR NTSEBEZA: Just ask there, would the elements which are non military or non conventional elements be for instance the so-called askaris?

MAJ WILLIAMSON: Mr Chairman I am speaking here not from personal experience I am speaking now more theoretically and from my experience about general counter-insurgency strategy. And that was that there was another element or like I used the phrase, terrorise the terrorists, there was one which went along the lines that our enemy's enemy is our friend, and if our enemy is arming our, his friends, their enemies we will arm our enemies' enemies and this is where surrogate forces and askaris and other paramilitary, I would term them, elements could then be used as part of an overall strategy of counter-insurgency.

MR NTSEBEZA: Would that have included, for instance, assisting in covert terms, elements like Renamo in Mozambique?

MAJ WILLIAMSON: Yes. There's a famous video which was used in the Security Branch during my time in training courses of a speech made by the then Minister of Foreign Affairs, Mr Pik Botha, in which he warned neighbouring states of South Africa, that they should not support the liberation movements, specifically the ANC, because if they did so they would find out that South Africa could do the same except much more efficiently. And the arming, financing, supporting of opposition groups in neighbouring states I would say in every neighbouring state except Swaziland and Botswana was standard procedure.

MR NTSEBEZA: Now what would your view be if there was evidence that seems to suggest, in the context for instance of Renamo or Mozambique, that after the signing of the Nkomati Accord none of the terms thereof were violated in any sense by the South African Defence Force? I see you smile Mr Williamson, but...

MAJ WILLIAMSON: Mr Chairman it was a sore point that at the time of the Nkomati Accord official backing for Renamo had to be cut, and I think it's one of the clearest cases where the covert and secret capabilities of the State took over a role which before then, while secret in terms of policy was official policy, do you get what I mean, support for Renamo up until that time had been kept secret as an operational secret, but everybody new politically we were supporting Renamo. We even admitted we were supporting Renamo before 1984. But after the Nkomati Accord interference in the sovereignty and the affairs of Mozambique had to be disguised and had to be carried out in a classic covert action operation, and was.

MR NTSEBEZA: And you would say that the SADF was involved in those secret and covert operations to undermine the spirit and tone of the Nkomati Accord?

MAJ WILLIAMSON: Mr Chairman I have to say they were, and I can tell you why I say they were, because it happens that in those years from - the Nkomati Accord was '84, then '85, end of '85 I joined the Military Intelligence Directorate of Covert Collection and the next year '86 when I left and then became a politician I in fact spent several years as a liaison between the South African government and the Mozambican government, and I was playing a very difficult role where I was an official political emissary who went and had the highest level meetings in Mozambique while having to play a game at the same time knowing that we were supporting Renamo.

MR NTSEBEZA: Well I would say that it was not a game you were not unused to given your ... (intervention)

MAJ WILLIAMSON: No absolutely ...(intervention)

MR NTSEBEZA: ...career.

MAJ WILLIAMSON: No that's why I say if you employ people with certain skills you must accept that that's why you employ them and it's what you expect them, they do the job you expect them to do and you've trained them to do.

MR NTSEBEZA: Thank you.

MR GOOSEN: Could I just follow up on that aspect briefly?

CHAIRPERSON: Go ahead Mr Goosen.

MR GOOSEN: Thank you very much Mr Chairperson. Major Williamson from what you are saying then, the support for Renamo in fact never stopped, from prior to Nkomati to after Nkomati, it in fact continued?

MAJ WILLIAMSON: The political support for Renamo never stopped, material support for Renamo changed dramatically from the time, and even after the Nkomati Accord, before I fulfilled the role that I spoke about in the previous answer, I sat as an official with General Coetzee on the Joint Security Management System that was between Mozambique and Angola established by the Nkomati Accord, and one of the - every single meeting we had I, as an Intelligence officer, had to go away from the meeting with another ten, twenty or however many claims by Mozambique of violations and radar trackings and all sorts of things and support for Renamo.

I personally was in charge of an investigation into support for Renamo after Nkomati Accord. I was told investigate where is Renamo getting the support from, and I know exactly where it was coming from, it was still coming from Military Intelligence. And then it was almost embarrassing because when we presented that sort of evidence you know it had to then be disappeared again. And I remember asking the question at the time, well if you didn't want to know the answer why did you ask me to find out the answer? You know then you should have told me in the beginning look we don't really want to know the answer, just pretend you are finding the answer. So the support, political support went on. The material support changed in the way it was managed.

MR GOOSEN: But material support was still rendered?

MAJ WILLIAMSON: Yes. And you must also understand the semantics of the Intelligence world, because an Intelligence officer can go to his commander and say I am no longer supporting the counter-revolutionary aspects of Renamo, I am now just doing my line function which is to gather intelligence about the ANC in Mozambique, and to gather intelligence about the ANC in Mozambique I have recruited a whole lot of sources who just by the way happen all to be Renamo and I'm paying them but I'm now not paying them to subvert the Mozambican government I am now paying them for information about our common, our enemy the ANC. And if they then take that money and use it to continue the same activities they were doing before well that's not my responsibility. And the politicians can say oh well yes of course so we are

not any longer supporting the subversion of the Mozambican government, we are just carrying out normal intelligence-gathering operations. But the sum effect was that exactly the same activities continued.

MR GOOSEN: And just a further aspect to pick up on an earlier question you indicated that to your knowledge in every front line state then, other than Swaziland and I think you said Botswana, the South African security forces were assisting, providing support to other forces in those other countries, did that include Zimbabwe?

MAJ WILLIAMSON: Yes.

MR GOOSEN: Are you aware as to whether the South African Defence Force, or for that matter the South African Police perhaps, but the South African Defence Force were involved in arming and training Zimbabwean dissidents for operations in Matabeleland in the 1980's?

MAJ WILLIAMSON: I have no documentation but they were.

MR GOOSEN: Thank you.

CHAIRPERSON: Mr Lax.

MAJ WILLIAMSON: Sorry may I just make a point, not the police, the defence force.

CHAIRPERSON: Mr Lax.

MR LAX: Thank you Chairperson. Closer to home, for example what other surrogate forces would the security forces have supported and how would that have been done? For example say Lesotho, you didn't mention Lesotho in that.

MAJ WILLIAMSON: Political support was given to opposition groups in Lesotho.

MR LAX: You see I am - there was a special project of DST which was known as Operation Endeavour, do you have any knowledge of that?

MAJ WILLIAMSON: No I don't, that's the first time I've heard the name.

MR LAX: It entailed the training of Lesotho Liberation Army cadres based in South Africa. ...(intervention)

MAJ WILLIAMSON: And the carrying out of attacks in Lesotho which were then attributed to the LLA.

MR LAX: Correct. Internally in South Africa one of the standard measures in a counter-revolutionary war is to use surrogate forces internally as well, what surrogate forces were used internally?

MAJ WILLIAMSON: To my knowledge Inkatha or - I don't know how to phrase it whether units of Inkatha, but certainly elements related to the Inkatha Freedom Party were given weapons - what I was referring to earlier where it was felt that if the ANC was giving their supporters weapons the South African government should give weapons to the opposition or to the opposite forces, you know my enemies' enemy theory. And I know G3 at one time, I know specifically of some G3 rifles that were issued as - to some type of home guard or chief's guard. I was never specifically involved, I just knew broadly that there was such a policy.

MR LAX: Did you know of Operation Marian, have you ever heard of Operation Marian?

MAJ WILLIAMSON: Not until afterwards.

MR LAX: Would that fall within, in your - I am asking here as an expert in these matters, would that form within the classical mode or a counter-revolutionary type operation?

MAJ WILLIAMSON: Ja I said in the beginning that I didn't wish to testify as an expert, but in my experience I regarded what I saw later about Operation Marian as being the culmination of what I knew to have begun with the distribution of those first G3 rifles which I think even came from the police, the first arming of these anti-ANC forces.

MR LAX: Well it won't surprise you then that Military Intelligence paid the Caprivi trainees and elements of those people right until the 1990's.

MAJ WILLIAMSON: No.

MR LAX: What other sorts of surrogates would the State have used at that time?

MAJ WILLIAMSON: Any force, any - not only military, political, economic, any element of society which would be useful in countering the revolutionary onslaught within that area of society, so that this could be from military or paramilitary forces through to political forces, to economic groups who pushed capitalism as opposed to socialism, any area where the revolutionary enemy was active we would try to establish and nurture and support and develop counter forces.

MR LAX: So for example the kinds of organisations that we have heard about, say in the Free State, the A-Teams, the Three Million Gang, the Eagles, which was a so-called youth movement, all these organisations are alleged to have been involved in gross violations of human rights of one kind or another and appear to have, in many ways, had support of police elements and defence force elements, would those be classic examples for example? The Witdoeke is another example.

MAJ WILLIAMSON: Yes again Mr Chairman I don't have any specific knowledge of these things but they fall within the normal ambit of counter-insurgency operations, and would be based on the theory that divide and rule and let other people do your dirty work for you.

CHAIRPERSON: Mr Goosen.

MR GOOSEN: Thank you very much Mr Chairperson. Perhaps just one further question. I am going back to the earlier one I asked. The Gorongosa Diaries reveal that Deputy Minister for Foreign Affairs, Louis Nel, visited Renamo camps inside Mozambique after 1984, do you have any knowledge of what he might have been doing there at the time? Who he was representing? Whether he had any relationship with DMI's

covert support for Renamo at the time? And whether his presence in Mozambique, according to the diaries, whether the Minister of Foreign Affairs would have had knowledge of that?

MAJ WILLIAMSON: Sorry Mr Chairman I don't have any direct knowledge. I obviously remember the incident. It caused a huge - it gave the Mozambicans a huge propaganda victory and we spent a lot of time trying to explain it, but I was not never put into the picture as to why it happened.

MR GOOSEN: Major Williamson thank you very much, I have no further questions at this stage thank you.

CHAIRPERSON: I just have a couple of short questions. The first is page 861, but then turning the page to the top of page 9 and you told us earlier that security forces successes such as arrests, cross-border raids, covert killings, sabotage of the enemy produces praise, pride and relief from pressure. Where did the praise come from?

MAJ WILLIAMSON: The praise came from our superiors and from the politicians. I think that, if I can give you an example, was it '83, the Pretoria car bomb, '83? Certain of these incidents caused huge pressure on the security forces because they were seen to be failures. It was not the ANC success it was our failure. And there was I would say for example that and also attacks like on Koeberg and the Voortrekker incident caused great anger, especially right at the top, I am talking now about the Prime Minister, later the President, and it was based on failure.

On the other hand if the revolutionary enemy were unsuccessful in terms of - and I, you know I don't have any - I wasn't specifically involved, but it's an incident we talked, or was being discussed this morning, the one about the handgrenades, is that type of incident would, and I remember at the time, caused praise and happiness because it was seen as a great setback for the revolutionary enemy, and a victory, something clever that had been done by the security forces. So that's the - I am just trying to sketch somehow the psychological pressure that there was.

CHAIRPERSON: I don't want to pursue this unduly but when you say praise from your superiors, also from politicians, who exactly do you have in mind? Was this just a general feeling that the government of the day was pleased?

MAJ WILLIAMSON: Yes and reflected in the media Mr Chairman.

CHAIRPERSON: Okay. Thank you. The other question, page 10, the second paragraph under Section 9, you talk about that

"The liberation movements and their members were never seen as fellow citizens of our society. We regarded them as an alien enemy which threatened our society, our job was to eliminate that threat".

Did you use that word before you got our material or is that coincidental or is it just part of the language that was used?

MAJ WILLIAMSON: Parts of the language.

CHAIRPERSON: And the last question. The last paragraph, it's a pretty angry paragraph in some ways if I may say so, very understandably so, if it is angry, we have been accused, and of course there are many accusations against the TRC, but one of the things that people have become impatient with us about is that we have said repeatedly that involvement in the conflict of the past, and responsibility and accountability for that involvement should never ever be limited to the security forces, whether it be the foot soldiers or the generals, but that the whole of society really needs to deal with its past. So you are really echoing, I think, and not deliberately so, something that we feel very strongly about. And certainly some of the people who have come before us, some in camera and some in public have expressed a feeling of being victimised or being blamed or being separated out, and that a whole lot of people within the common society have simply stood back and looked in horror and rubbed their hands and said this is terrible, how could they do these things? It seems to me you're saying something very different and I wonder if you wanted to elaborate on that?

MAJ WILLIAMSON: Mr Chairman all I am trying to say is that what the security forces did in general was not something that they dreamed up. They, the security forces, are parts of the general society, and that society is made up of various elements. And that that, our society, I am using that word to maybe denote the then National Party dominated state, was under attack, saw itself under attack not only by international forces but also by domestic forces who they believed had only one interest and that is that they were part of the international onslaught against the South African state. And I, like many of my former colleagues, do feel that certain people and certain elements of society have attempted to suddenly distance themselves from something which they were an integral part of, and that really is the only point I am trying to make, that this wasn't a war between the armed wing of the National Party, which - the Security Branch was the armed wing of the National Party, let's not mince words, and the armed wing of the ANC and the Communist Party. This was something which encompassed a lot more than that.

CHAIRPERSON: Just one - one of the hearings that we have planned for the future is that of the role of business and labour because it is our view that the whole of society was involved in this one way or another, and you talk here about

"Our finances and banking were done..."

and I am quoting,

"...were done by bankers who even gave us covert credit cards for covert operations".

now is this a general statement or is this something which either now or later you could furnish us with specifics?

MAJ WILLIAMSON: I can furnish you with specifics with pleasure.

CHAIRPERSON: I'd be grateful if you would, thank you. Mr Lyster.

MR LYSTER: Mr Williamson in a couple of amnesty applications which I won't go into now in any detail people have said that the revolutionary climate in 1985, and particularly '86 were such that the traditional distinction between the ANC abroad, the ANC in Mozambique, Botswana, Lesotho, and the enemy forces within that that traditional distinction started disappearing and that it was perceived of as proper and the right thing to do to attack hangers-on, followers, supporters of the ANC internally as well as externally. I think up until '86 action had been taken externally, raids into neighbouring states. And in these amnesty applications senior people have said that 1986 was a watershed year in that supporters of the ANC internally, surrogates, the UDF, became fair game as it were and actions were then - people were then identified as targets and they were killed and amnesty is being applied for in those specific cases. Would that accord with your understanding of the counter-revolutionary strategy at the time, that that traditional distinction between the ANC abroad and the UDF internally as having fallen away?

MAJ WILLIAMSON: Mr Chairman I was really never involved in internal operations, but it is correct that in external operations it was regarded as standard procedure much earlier than internally to target and eliminate the enemy. And from '86, during my involvement then with Military Intelligence and then later in politics, it did become clear to me that - in fact what happened, and we used to talk about it specifically, if you remember also in '87 when the whole possibility, the whole breakdown of the Soviet empire, and the possibility of the Soviets withdrawing their forces from Angola specifically started being discussed, that there was a feeling generally amongst the, I would say the upper echelons politically and militarily in South Africa that the war was going to move from the South West African/Namibian and Angolan border into South Africa. And that there was that perception and it happened. And therefore the reaction by members of the security forces to start using the type of counter measures that they'd used outside the country inside the country against what was seen as the same enemy didn't surprise me. And I really can't understand why it surprises some of the politicians.

I will just add, one quick thing I can throw in is that the whole Vlakplaas operation was something that was transplanted from outside and brought inside. That was Koevoet that was brought into South Africa and it had a role and a function outside which was naturally just continued internally.

CHAIRPERSON: I am sorry to keep you but it seems that you have prompted another question and that is from Mr Lax and I think that's the final one.

MR LAX: Thank you Chairperson. One last issue just struck me and that was yesterday when General Viljoen gave his address and his input he characterised the SADF as a politically neutral organisation, would you comment on that in the light of what you have said earlier?

MAJ WILLIAMSON: Mr Chairman I think the SADF was far more politically neutral, but now I am talking about the SADF as the huge organisation, the SADF was far more politically neutral than the South African Police.

I think if you study the history of the South African Police, going back to the Transvaal Republic, and it's got a proud tradition which it takes right back to that time, to the South African Constabulary, it's a military, was a military force and it was in support of political aims and objectives, and the Security Branch particularly was a political organisation.

But I must add that special force elements, covert counter-insurgency, counter-revolutionary war elements in the defence force were also very much political in the broad sense. But the organisation itself was far, far more politically neutral than the South African Police.

CHAIRPERSON: Major Williamson thank you for attending, for your frank answers to our questions and if - we have all the documents that you've given us, we obviously will study them very carefully and I hope that if anything occurs to us that we could follow that up and perhaps get additional information from you, and in particular with the one question that we left undone. Thank you very much indeed again.

MAJ WILLIAMSON: Thank you Mr Chairman.

CHAIRPERSON: I call now Brigadier Oosthuizen and whilst he's coming to the podium could I excuse myself from this hearing, unfortunately I have other things I have to attend to now and I've asked my colleague Mr Ntsebeza to assume the chair, thank you.

MR LEVIN: Mr Chair may we too be excused?

CHAIRPERSON: Yes of course, thank you very much, and thank you for your attendance.

MR NTSEBEZA TAKES OVER THE CHAIR

CHAIRPERSON: Advocate Visser are you representing Brigadier Oosthuizen?

MR VISSER: Indeed and as well as Brigadier Schoon who is still to come.

CHAIRPERSON: Oh yes, thanks I just wanted to establish that.

MR VISSER: Yes Mr Chair, Mr Oosthuizen, Brigadier Oosthuizen is available to give evidence now.

CHAIRPERSON: Yes we will go straight into your testimony Brigadier Oosthuizen and I will ask Commissioner Lyster to swear you in.

ALFRED OOSTHUIZEN: (sworn states)

EXAMINATION BY MR GOOSEN: Mr Oosthuizen doesn't have any statements as we intimated this morning, he can go ahead straight and answer questions Mr Chairman.

CHAIRPERSON: Very well, Advocate Visser. Advocate Goosen?

MR GOOSEN: Thank you very much Mr Chairperson. Brigadier I'm going to ask the questions in English as I've indicated. I hope that that is okay with you. If you want me to ask any question in Afrikaans please indicate it and I'll repeat it in that. But obviously you can answer in Afrikaans if you wish to. Thank you very much.

Brigadier Oosthuizen I'm not going to deal, and we've made this quite clear and we've kept to it, I'm not going to deal with the substance of factual matters or anything in that nature or even identify the instance in respect of your amnesty application. I'm going to deal however just with the motive or perspective that you put forward in that, just so that, and that's really the essence of these inquiries. You indicate in that particular document and in respect of the matter that you've sought amnesty for that -

"Normal legal options regarding arrestation of student leaders was impossible due to the intimidation of witnesses and fears of informers and police officials to take any further actions against these leaders became the focus of new activities which anyway increased the intensity of activity of other unrest related actions",

Now that is indicated as a background and in consequence of that certain acts were authorised. I'm not going to go into the detail of that. Would you give an indication to the Commission about the authorisation provided for the conduct of what would otherwise be unlawful or illegal activities in your experience of that within the Security Police, in the period that you were in the Security Police in D Section. How did that authorisation work and come about?

BRIG OOSTHUIZEN: Mr Chairman, to answer the question I would have to go a bit wider. In the first instance it was true that against the background of the threat at that stage the legal option was always considered the first option. Depending on the degree of threat it was also true that other options were also executed and these included illegal actions.

It is also true that the operatives on the ground like myself, we also served on various security committees. The documents discussed here were not made available to the operatives but the heads serving under these joint committees returned with specific orders and the orders were very broad and vague and it would be something like, the situation must be controlled at all costs. It wasn't that authorisation was given to kill people but it meant that a variety of options could be considered and this variety of options included legal and illegal options depending on the nature of the threat.

To answer your question it is very important in this case that you refer to that at that stage the legal options had been used up and the execution of the option did not occur inland or internally but even if it should have happened internally then the actions of the people involved, I don't want to go into any detail, but if the lives of police were being threatened, and some of them had been killed, then illegal options were used after the legal options had been exhausted and this included killing people.

MR GOOSEN: Thank you very much. In those circumstances, given how you would understand how a particular instruction or authorisation would emerge, how could you as an operative then be sure that you would, in exercising an option which was unlawful, how could you be sure that that action would in fact be authorised?

BRIG OOSTHUIZEN: Mr Chairman in most cases, maybe I should just raise one point. The commanders, the regional commanders were under enormous pressure and all areas with the main focal points in Joburg, Durban and in the Western Cape, theoretically speaking he fell under the security head office but practically he fell under the divisional commander in that region, but also for the purpose of stabilising an area he was also a representative on the JMS system, and in the third instance he also fell under head office for operational purposes. There was enormous pressure on him from all these quarters to stabilise the situation.

So depending on the threat, in practice, below commander level he would have to go to his regional head where the matter would be fully discussed with either that person or his deputy and the situation would be discussed against the threat at that stage and in many cases it was preceded by several acts of terror, maybe five or six in quick succession which then created panic.

The threat analysis would have been discussed with the commander and then the options, the possible options would also be discussed. But when we talk about a threat we also talk not only about what was happening but who was responsible for it, what strategy was being followed, what they still intended to do, what the results might be if there wasn't quick action. These weren't just arbitrary decisions, it's not only that these people had to be eliminated but this matter was discussed.

It is also so that the regional commander, there were a number of divisions and each division was responsible for a certain part of the threat. I can't say that I got permission from head office, I got instructions from my regional commander and I was part of intelligence service, the operative on the ground was satisfied that the threat had been analysed, all the options had been discussed and that his commander would take the decision or would have cleared this with head office.

MR GOOSEN: And at all points in the discussion as it were, seen from the point of view of the operative then, who would then ultimately carry out that particular operation, if I understand your evidence correctly, at that period both lawful and unlawful options were available, in other words it was understood, that both lawful and unlawful means could be utilised in the process of dealing with any one particular situation, is that correct?

BRIG OOSTHUIZEN: No that's not quite correct, when we talk about legal options the question was, were these able to be executed. If the situation was such that no witnesses could be produced or that reporters

were killed or that policemen would be killed, if the law was rendered inoperative then alternative options would be considered and were also executed.

MR GOOSEN: With reference to, or you use the words yourself, elimineering, uithaal and so on, from your experience and your perspective within the Security Police at the time, how did you understand that terminology, those phrases?

BRIG OOSTHUIZEN: It means what it says, to kill that's clear.

MR GOOSEN: Chairman if you'll just bear with me for a second please. Thank you Mr Chairperson. Brigadier Oosthuizen you yourself assumed an important position. You were a senior officer in the Security Police at the time, as your rank indicates, and I accept the fact that the first port of call was whether a legal mechanism for dealing with the problem would be evaluated and only in circumstances where that was not deemed to be feasible, if you like, to use that term, would resort be had to illegal mechanisms. From your experience within the Security Police was that perspective shared by you senior officers and by those officers that worked in close collaboration with you in D Section and other sections of the Security Police?

BRIG OOSTHUIZEN: It is difficult to say, the security branch had various components. When we talk about operative level, which was about 32% of the whole, it wasn't a culture or a norm but it was an option which had been discussed, especially in those areas where the threat was severe.

MR GOOSEN: Would you say that the same applied at a leadership level within the Security Police at the time, that perspective?

BRIG OOSTHUIZEN: My own assumption was that you must accept he would not easily give an illegal order, not at general level. Therefore in many cases people said, why didn't the generals not issue these orders? I can speak from personal conviction, I never received an illegal instruction from a general. What did happen was that a matter would be presented to somebody like a general and his answer would be, you are at the scene, act in the best interest of the community. But in my whole career I never heard an order saying go and eliminate someone, and I never knew of anybody who got such an order.

MR GOOSEN: And would you say that he would have interpreted that as an implied authorisation to carry out also illegal actions where it was deemed by the operatives who were dealing with the matter to be appropriate to do so and in the best interests of the country? Would that be correct.

BRIG OOSTHUIZEN: I wouldn't regard it as an authorisation or an order, I would call it a sanction, that action would be sanctioned.

MR GOOSEN: Thank you very much. Mr Chairperson I don't have any further questions for the witness, thank you.

CHAIRPERSON: Mr Lax.

MR LAX: Thank you Chairperson I just wanted to follow up with you Brigadier the issue of words like elimineer, uittewis and so on. You indicated that to your mind of thinking there was only one meaning and that was straightforwardly killing the person. Did I hear you correctly?

BRIG OOSTHUIZEN: That is quite correct Chairperson.

MR LAX: Did you ever discuss such meanings with other people or with your fellow officers or, we're just trying to get a sense of, you said it wasn't a culture per se but there was clearly that ambit went further than yourself and one would just like to get a sense of how far, how broad was that understanding in your experience.

BRIG OOSTHUIZEN: I just want to make a point. Now when we talk about eliminate in retrospect the JWS was militarily propelled and this terminology was more common to the defence force. That word eliminate virtually did not exist in police language, which in police language someone would say we would have to make a plan and then that would be a reference to eliminate. There are two clear differences. What I will admit is that eliminate as it stands meant to kill, that was part of an option, but when the option was discussed by police the word eliminate would not be used.

MR LAX: You know one is familiar with terms like take out if one uses the English, take somebody out, that was fairly wide usage, it became common parlance even in ordinary everyday language of ordinary vernacular amongst ordinary people. So the point I'm trying to make in a sense is that in many ways white South African society became quite militarised. Major Williamson made reference to that in his discussion with us and terms like that became common parlance. You would hear of people being taken out, you wouldn't hear of people being killed or murdered. That was just the way things were and I'm just trying to understand if you're in agreement with that.

BRIG OOSTHUIZEN: That's quite correct but I want to expand a bit. What you say today we are saying retrospectively. At no stage did any operative regard himself as a murderer or a criminal, that's why terms like murder or criminal terms simply did not form parts of the vocabulary. Disappear, take away, disappear, but from a war - seen in a war context that is what happened.

MR LAX: Ja we appreciate that gloss that you put on it and we understand that.

CHAIRPERSON: Let me just ask for my own understanding. Would, and this is because this term has exercised our minds from yesterday to today, at your level which is as I understand police rankings, a level just below that of a general, would you have expected that your understanding of what it meant to eliminate would be the understanding of generals who were your superiors, and if you had any doubt would you have taken the occasion to clarify the concept with them?

BRIG OOSTHUIZEN: If I understand the question there was never any lack of clarity about take out or eliminate, it meant that the person had to be killed.

CHAIRPERSON: I think that brings to the end your testimony Mr Oosthuizen.

MR VISSER: Mr Oosthuizen has asked me to enquire whether it will be possible for him to be excused at the time when he's finished with his evidence today, I think he has a flight to catch Mr Chairman.

CHAIRPERSON: Well excused. I have to thank you for your frank answers. I'm not insinuating anything about other witnesses but there is something to be said about the freshness of the kind of testimony that you have given, and it is reflected in the time that we have taken to take your evidence, thank you very much.

Brigadier Schoon, Willem Schoon.

MR VISSER: Mr Chairman may I just warn you that Mr Schoon is even more hard of hearing than I am. I've attempted to give him an ear ph., I'm hoping that it's working for him.

BRIG SCHOON: It's working perfectly thank you.

MR VISSER: Well there you go. Thank you Mr Chairman.

CHAIRPERSON: Brigadier Schoon, don't they have a name tag for you, you appear still as Brigadier A Oosthuizen? Maybe they should remove the name tag you are sitting at. (laughter)

Brigadier we are now going to take your evidence and before we do so, I will ask Commissioner Lyster to administer the oath.

WILLEM FREDERICK SCHOON: (sworn states)

CHAIRPERSON: I do not know Brigadier if you have any statement and or ...

BRIG SCHOON: Mr Chairman I have a short statement and to save time I'm just going to read paragraph 4.

CHAIRPERSON: It had to be very very short, if it's a short statement. (laughter) Which paragraph are you referring to? It's page 2 paragraph 4.?

BRIG SCHOON: Page 4 paragraph 4.4. Regarding the annexures to the notice regarding Section 29 I refer to the following

According to me these documents were circulated on a high level on the National Security Council and its various structures and it was not directly brought under the attention of the members on grassroots level or on the lower levels.

I don't want to be involved in a semantic level regarding the meaning of certain words in this document. I want to emphasise like words like eliminate and take out for the members on the ground who were in a war situation referred only to killing people.

EXAMINATION BY MR GOOSEN: Thank you very much Mr Chairperson. Brigadier I'm going to put my questions in English. If you have a problem I'll try to translate into Afrikaans. You can answer in Afrikaans, thank you.

General thank you very much for the statement, I think it will assist ...(intervention)

BRIG SCHOON: Brigadier.

MR GOOSEN: I beg your pardon, did I call you General? I've promoted you...(intervention)

BRIG SCHOON: Thank you.

MR GOOSEN: I must apologise. Thank you for the statement, I think it will assist and also render a number of questions that I might have asked, unnecessary. You were for quite a considerable period in your career the head, from in fact from 1980 through to 1989, the head of C Section, the Security Police headquarters, is that correct?

BRIG SCHOON: Correct.

MR GOOSEN: Yes. As head of C Section the Vlakplaas unit and various other Security Police structures would have been directly under your command, is that correct?

BRIG SCHOON: That is correct.

MR GOOSEN: Thank you. Brigadier you - I'm not going to go into the detail of it in any way, any of the incidents for which you seek amnesty, but on a reading of the amnesty application it's clear that you seek amnesty on the basis of the provision of authorisation to operatives who themselves carried out certain actions, either by providing authorisation or approval to them for those actions or as a conduit for such approval from superiors. Would you agree with that assessment of your amnesty application?

BRIG SCHOON: Yes I agree with that.

MR GOOSEN: Now you heard a few minutes ago the evidence of Brigadier Oosthuizen where he indicated that in dealing with a particular situation that would confront operatives or would confront commanders who were under pressure to deal with the revolutionary activities of various organisations, that the first option would be to determine whether a legal option to deal with that particular problem was feasible or not and if not, then it was accepted that the operatives could go over to illegal mechanisms to deal with that particular problem. Would you agree with that, with the thrust of his testimony in that regard?

BRIG SCHOON: Mr Chairman I have no problem with Oosthuizen's submission and I agree wholeheartedly with that.

MR GOOSEN: You were in fact by virtue of your position as head of C Section in the period '83 to 1989, a critical period in the history of the country, you would have come into contact with numerous more senior officers than yourselves, your superiors as well as other members of the security forces both police and

military. Is it your understanding that that conception of how to deal with particular problems was one that was generally accepted or understood by the officers in the Security Police with whom you dealt, both those as your equivalent ranks and as well as senior ranks to you?

BRIG SCHOON: Yes Mr Chairman.

MR GOOSEN: In those, in the light of that would you agree that the authorisation or sanctioning, I think was the word that Brigadier Oosthuizen used, sanctioning, that the sanctioning of illegal activities, where those were judged to be the most appropriate response in the circumstances was fairly widespread within the Security Police at the time.

BRIG SCHOON: No Mr Chairman, I don't think it was widespread. The illegal activities were the exception and not the rule.

MR GOOSEN: The person to whom you would have reported as head of C Section, that would have been the head of the Security Police at the time, not necessarily directly, but you would clearly have fallen under the authority of the head of the Security Police at the time.

BRIG SCHOON: That is correct Mr Chairman or then the second in charge or the next officer in line.

MR GOOSEN: And presumably from time to time you would also have dealt with the Commissioner of Police as well or would that not have been something that you would have done regularly?

BRIG SCHOON: That would have been the exception.

MR GOOSEN: In your assessment, the approach that we've described now, that though not as a general rule, but as an option available to deal with the situation on the ground, would you say that officers at the level of the head of the Security Police and/or the Commissioner would have shared that perspective, the perspective that resorting to illegal means was an option available in particular circumstances?

BRIG SCHOON: I think so Mr Chairman. I can't state it as a fact but I presume it was like that.

MR GOOSEN: And that would in fact account for why in certain circumstances you would act as a conduit for authorisation coming from a more senior level than yourself.

BRIG SCHOON: That is correct.

MR GOOSEN: In any event will it be correct that you at no stage in your career, and particularly when you were head of C Section, you were at no stage rebuked or in any way disciplined for actions carried out by you, authorised by you, actions of an illegal nature?

BRIG SCHOON: No, at no stage.

MR GOOSEN: Who was the Minister of Law and Order when you headed C Section?

BRIG SCHOON: Initially it was I think, Mr Louis Le Grange and after him I think it was Mr Adrian Vlok. I'm not sure whether there was anybody in-between, but Louis Le Grange and Vlok are the ones I'm referring to.

MR GOOSEN: Would you have had any dealings with either of those Ministers at the time, obviously it's not your day-to-day function, that occurs at a higher level than you which would have placed you in a position to comment on their attitude to the approach adopted by the Security Police during that period?

BRIG SCHOON: I think there was one occasion when I met Minister Vlok personally.

MR GOOSEN: And on that occasion if you could indicate, would you have from that meeting and from that interaction, would you have gained any insight into the Minister's view in regard to the approach adopted by the Security Police that we've been talking about?

BRIG SCHOON: Mr Chairman, I think this is a very personal question and I would rather not answer this here.

MR GOOSEN: Brigadier I can understand the difficulty but part of the function is to probe and understand, not only the circumstances in which operatives within the Security Police, the security forces functioned at the time, but also the circumstances which have given rise to either authorisation for or approval of particular actions. If you're able to give an indication from your personal experience as to what you would understand I think that it would be necessary for you to answer the question.

BRIG SCHOON: Mr Chairman, Minister Vlok visited Vlakplaas one day where he addressed all the people, black and white. He thanked them for services rendered in the past and he wished them everything of the best with their careers ahead and the services they would render in the future. That provided them with renewed support from his side.

MR GOOSEN: Thank you very much Brigadier. I don't have any further questions at this stage.

CHAIRPERSON: Mr Ilan Lax.

MR LAX: Thank you Chairperson. Brigadier you said that Minister Vlok visited Vlakplaas, which other ministers, you mentioned Le Grange as well, which other ministers would have visited Vlakplaas or other politicians would have visited Vlakplaas?

BRIG SCHOON: I can't remember whether any other ministers visited Vlakplaas.

MR LAX: And other senior police officers?

BRIG SCHOON: The Commissioner of Police and some of his senior staff.

MR LAX: That would have been for example, General Coetzee.

BRIG SCHOON: Yes General Coetzee visited Vlakplaas a few times.

MR LAX: General van der Merwe?

BRIG SCHOON: General van der Merwe a few times.

MR LAX: People like Engelbrecht?

BRIG SCHOON: General de Witt.

MR LAX: Was General Smit ever there, Basie Smit?

BRIG SCHOON: Yes he was there, he came there often,

MR LAX: Any of the others, I asked you about Engelbrecht, you mentioned de Witt when I was asking that.

BRIG SCHOON: Ja Engelbrecht and I think he only came on the scene later on after I had left.

MR LAX: Thank you. If there are any others that you remember, if you wouldn't mind through your legal advisers letting us have those details in due course. If you can just cast your mind back. We don't need to waste time here now.

BRIG SCHOON: I know all the generals from the Security Branch periodically visited Vlakplaas.

MR VISSER: Mr Chairman, perhaps I should just from the bar inform you because it seems to me that perhaps you don't know, Vlakplaas isn't a place that is a secluded place somewhere in the bundu, it is basically at Swartkops. A lot of people went there, with great respect, it's going to be virtually impossible to give you a list, exclusive list of - in fact you could rather assume that most of the generals must have been there at some stage or other. But we can go into that matter if it's of any importance to you.

MR LAX: No that's fine, my next question is really the more important issue. To what extent would you be in a position to say that all these people that Mr Visser's now referred to and whose names you've mentioned, to what extent were they now familiar with the operations of Vlakplaas?

BRIG SCHOON: Mr Chairman I don't think they were aware of what was going on there.

MR LAX: Let's just differentiate here between general visitors and the senior police officers that visited there, heads of Security Branch, two IC's of Security Branch and so on, would they have been familiar?

BRIG SCHOON: Yes I think so, because they were the people who controlled the finances.

MR LAX: Thank you Brigadier.

CHAIRPERSON: Well Brigadier, you and I have met in this room previously and I thank you for having come today as you did come that other day. Do I get an indication that I should not release this witness before something has happened?

MR JANSEN: Yes please Mr Chairman, as indicated when I placed myself on record, that we would be seeking an indulgence from this Committee to place certain questions to Mr Schoon which will not relate to any incidents as such but would relate from, or would relate to the perspective of a Vlakplaas operative to the structures above, from Vlakplaas commander to the structures above such a person.

CHAIRPERSON: And you feel that notwithstanding what has been done so far you still need to put the questions? I'm not preventing you from doing so.

MR JANSEN: No, there are certain aspects which I think has not been dealt with. I accept that I have only been here at these hearings today so I don't know what's on record as in previous occasions but there are certain matters which I think should be canvassed.

CHAIRPERSON: Mr Visser?

MR VISSER: Mr Chairman, what my learned friend Mr Jansen had just intimated to you, he gave me an undertaking about during lunch time. I have no basis nor do I wish at this stage to make any objection, the only point Mr Chairman is that I do have to say that we are here on Clauses 1 and 2, vaguely what my learned friend says may fit into paragraph 1 of the Section 29 notices. I would certainly, I believe that perhaps one should just allow my learned friend to ask a few questions and let's see what the drift of it is and then one can perhaps deal more practically with the issue if it's necessary. Perhaps he has a few questions which we can deal with quickly and get it done with Mr Chairman.

MR GOOSEN: I have no difficulty in the circumstances but I would wish to be able to proceed to our next witness as rapidly as possible, thank you.

MR VISSER: But may I add Mr Chairman with respect to my learned friend, if it's something that is going to be dealt with at an amnesty application in any event, then I would certainly say it would be a waste of time to do it here.

MR GOOSEN: Mr Chairperson from my side I would agree with that given the format that we've adopted for this hearing as well.

CHAIRPERSON: Advocate Jansen I think we should hear you. You obviously are now aware of the dynamics.

EXAMINATION BY MR JANSEN: Thank you Mr Chairman, just to place the structure of Security head office in context. The security head office or headquarters consisted out of eight sections, A to H. Is that correct?

BRIG SCHOON: It could have been at that stage. I know it changed from time to time. The commanding officer could decide how many sections there should be. Sometimes these sections were expanded and I think when I left there, there were more than eight. I'm basing my information on a telephone directory for 1980.

MR JANSEN: These sections consisted out of various subsections?

BRIG SCHOON: That is correct.

MR JANSEN: Section C consisted out of one subsection and that was C1 at that stage?

BRIG SCHOON: Yes I think that was Section C and C1.

MR JANSEN: And in 1980 there were only five officers serving under you?

BRIG SCHOON: That is possible.

MR JANSEN: It is then just to say that Section C was much smaller than for example Sections A, B or D?

BRIG SCHOON: Mr Chairman the section was extended after other persons joined this section.

MR JANSEN: Now above you you directly reported to the head of Security namely Johan Coetzee or second in charge, Jan du Preez. There were no structures, any other structures between the head of Security Police and the C Section.

BRIG SCHOON: I was not directly involved in C1. At that stage there was a Colonel van Rensburg who was a direct commander of C1 Section.

MR JANSEN: If you refer to C1, you refer to Vlakplaas?

BRIG SCHOON: Yes, I'm referring to Vlakplaas.

MR JANSEN: The C Section and later was divided into C1 and C2 and C2 specialised on intelligence functions, that is the gathering of intelligence and the processing of that?

BRIG SCHOON: No, C2's purpose was the interrogation of arrested terrorists.

MR JANSEN: I've left out the interrogation or the questioning part but they were stationed at headquarters, namely at Wagthuis.

BRIG SCHOON: That is correct.

MR JANSEN: At that stage C1 specifically referred to Vlakplaas itself?

BRIG SCHOON: Yes that is correct.

MR JANSEN: Just to return to the previous question, you did not answer that. Between you and the commanding structure of the Security Police there was no other structure. You reported to him directly and these heads of the sections and a security head office met on a daily basis, usually during the mornings, is that correct?

BRIG SCHOON: Yes.

MR JANSEN: Those meetings were referred to as Sanhedrins?

BRIG SCHOON: That's correct.

MR JANSEN: Is it correct that your office and the office of the head of the Security Branch or the security section of the police were very near to one another.

BRIG SCHOON: Ja.

MR JANSEN: And would it be a just remark to say that it was the perspective of the commander of Vlakplaas that after having received an instruction from you that you were acting on your own discretion or that this authorisation had been cleared from head office?

BRIG SCHOON: That would be normal to accept this situation.

MR JANSEN: They never got the idea that you were acting against the wishes of your seniors?

BRIG SCHOON: No.

MR JANSEN: Is it correct that in 1980 Vlakplaas was a relatively small unit?

BRIG SCHOON: Ja.

MR JANSEN: In 1990 it was a relatively big unit?

BRIG SCHOON: Ja.

MR JANSEN: Initially it consisted out of five white staff members and 15 askaris?

BRIG SCHOON: That is correct.

MR JANSEN: By 1990 there were more than 100 people involved in Vlakplaas?

BRIG SCHOON: I can just speak up to 1989, that was more than 100 at that stage.

MR JANSEN: The official purpose of Vlakplaas was the identification and tracking of ANC and PAC infiltrators and also their rehabilitation. Did you ever receive statistics from the Vlakplaas commander of how many infiltrators were arrested?

BRIG SCHOON: Initially they were very few.

MR JANSEN: Did they increase?

BRIG SCHOON: I would not say that it had increased but there was, but more and more terrorists came to Vlakplaas, those people had to be rehabilitated.

MR JANSEN: Good. I accept that Vlakplaas' budget had to be motivated on an annual basis.

BRIG SCHOON: Any budget has to be motivated.

MR JANSEN: To whom did you have to motivate Vlakplaas' budget?

BRIG SCHOON: I had to motivate it with the financial section.

MR JANSEN: And they would have conveyed it to the head of security?

MR JANSEN: No there was a division involved with finances.

MR VISSER: Mr Chairman I just want to point out with all due respect my learned friend is going beyond all realms of possible relevance with his questions in my opinion, with respect.

CHAIRPERSON: Mr Jansen?

MR JANSEN: Well ...(intervention)

CHAIRPERSON: I dare indicate that I have also been wanting to know whether you are going to come to a stage where I should see in what way your clients, in particular Dirk Coetzee is affected by all of this. May I just remind you that in the nature of these proceedings we allow limited cross-examinations and if you could just home on to the things that you'd like to put in terms of instructions, maybe then we'll get quicker to that.

MR JANSEN: Yes yes Mr Chairman I'm aware of the fact that I must get to the points I'm trying to make, but you must understand Mr Chairman that one thing that runs through as a golden rule in the amnesty applications of Mr Coetzee and the other commanders and the other operatives is that Vlakplaas had a double agenda. It's official purpose was these arrests, but that hardly ever happened, or that considering the amount of times that that was actually effectively done and considering what was spent on Vlakplaas, no reasonable person would not have asked, but what is actually going on at Vlakplaas? It's just to lay the basis that, that for instance the budget had to be motivated at a very high level.

CHAIRPERSON: Yes I think that what I'm saying and I don't want to rule at this stage, but I just want to indicate my inclination, is that I can quite see, in fact I could quite perceive that that was the nature of what you were laying the basis for, but in the time constraints that we have and given the fact that we usually constrain counsel to be brief and to be limited in their cross examination, I think if you put ... (intervention)

MR JANSEN: Can I go on to my next point Mr Chairman then maybe I can just leave that for another day?

CHAIRPERSON: Well as long as your point is going to be that you are going to put your versions that you want to put to this particular witness.

MR JANSEN: Yes. Mr Schoon, what was regarded in C1 and at Vlakplaas as covert operations?

BRIG SCHOON: Covert operations would be cross-border operations and clandestine operations where people were tracked in various areas.

MR JANSEN: Trying to track infiltrators in various parts of the country?

BRIG SCHOON: That is correct.

MR JANSEN: Would you say that everything Vlakplaas did could be regarded as covert operations?

BRIG SCHOON: Not necessarily.

MR JANSEN: If the illegal actions and the tracking of persons can be categorised as covert nothing Vlakplaas did was not covert?

BRIG SCHOON: Some of these people gave evidence during court cases or during trials.

MR JANSEN: I wish to put it to you that covert operations referred more often to illegal than legal operations.

BRIG SCHOON: I wish to differ from you Sir.

MR JANSEN: But at least one can accept that all illegal operations would then be described as covert?

BRIG SCHOON: I did not say that illegal operations were initiated at Vlakplaas.

MR JANSEN: Well at least cross=border operations were illegal?

BRIG SCHOON: That is correct.

MR JANSEN: What were the rules for covert operations, where would authorisation come from?

BRIG SCHOON: Authorisation had to come from headquarters.

MR JANSEN: Would that involve you?

BRIG SCHOON: It had to come through me.

MR JANSEN: Would you use your discretion whether you would approve it yourself or would you consult your superiors?

BRIG SCHOON: As a general rule I got clearance from the next senior person or from the commanding officer.

MR JANSEN: That would be the head of security branch itself?

BRIG SCHOON: That is so.

MR JANSEN: It is so that the people at Vlakplaas used the people from the technical division for their operations. Is that correct?

BRIG SCHOON: No they use them very seldom.

MR JANSEN: Let's just put it that from time to time the services from the technical department were used. Would that include operations?

BRIG SCHOON: That's possible.

MR JANSEN: What was discussed on the level of sections? Let's first establish, the technical department was called D3, would you agree to that?

BRIG SCHOON: Yes.

MR JANSEN: If officers from C wanted support from officers at D, one would assume that it would be discussed during a meeting of the heads of sections?

BRIG SCHOON: I assume so.

MR JANSEN: Was there ever a discussion by heads of sections that the technical section could be used for covert operations?

BRIG SCHOON: Please name an example?

CHAIRPERSON: Again I think I must intervene here Mr Jansen. With great respect I can quite appreciate that there is a sense in which you might be laying the basis for what your client would say, Dirk Coetzee would say, and I don't want to put words in your mouth, but I think you have specific instructions, overall instructions in terms of perhaps you want to say that whatever Dirk Coetzee said or did, he acted on instructions, either implied or express authority. That's what it is all going to boil down to, that is what I would like to have. I am not in a position to allow any more cross-examination on the basis of which we are not able to see in what way you are serving the interests of your client Dirk Coetzee.

MR JANSEN: Alright, good. My instructions are that from a point of view of Vlakplaas the services of the technical division was used regularly and it just could happen to use those technical people if that had been cleared out at the sectional level. Was that while Dirk Coetzee was in charge?

BRIG SCHOON: I think at that stage the technical section had very little to do with Vlakplaas. I think you should ask them.

MR JANSEN: Further it is so that the members at Vlakplaas received awards or certificates or even medals for certain operations. Is that correct?

BRIG SCHOON: Was that during Coetzee's time?

MR JANSEN: During his time financial remuneration was given after operations, but I don't want to go into detail. From the top echelons people were rewarded financially or by means of other awards.

BRIG SCHOON: I know of just one case where that had happened.

CHAIRPERSON: Mr Jansen do you have any instructions from Dirk Coetzee which this particular witness can give the reply to? Otherwise I'm going to have to curtail your cross-examination. I'm very serious about that. In fact if you don't put to him to him what your instructions are, I would with great respect have to say that you should now bring your questioning to a close.

MR JANSEN: Mr Chairman let me put my instructions to him.

My instructions are once again that it was very clear from the lower levels that the operations at Vlakplaas were not only known to yourself but also the higher echelons, that means to the top, to the commander of the Security Branch.

BRIG SCHOON: Yes certain of these operations were known to everybody.

MR JANSEN: And my instructions were that these also included the illegal actions.

BRIG SCHOON: Can you be more specific?

MR JANSEN: I don't want to refer to things implied in the amnesty applications but at this stage operatives of Vlakplaas are applying for amnesty for many incidents and those incidents are not reflected on your level and on the level of the generals. In other words there is a denial of knowledge.

BRIG SCHOON: Are we referring to operations during Dirk Coetzee's time or operations ... (intervention)

MR JANSEN: I'm referring to Dirk Coetzee's time. The tendency is the same whether it was during his time or at other stages, is that these things are false and the circumstances can prove that it is false.

MR VISSER: I'm sorry. I don't know what the ontkenning is wat false is nie, this witness has actually conceded every question that my learned friend has put to him, so I don't know what the basis is of my learned friend accusing this witness of giving false evidence or making false denials. But Mr Chairman it's quite clear now that what my learned is doing, is he's laying a basis as corroboration for his witness' evidence in the amnesty application, I therefore now formally make an objection to his evidence and I now ask you to terminate it.

CHAIRPERSON: Your objection is sustained. Mr Jansen do you have any other questions to put to this witness on the basis of which you want to say about your client's interests?

MR JANSEN: No Mr Chairman if I'm stopped from asking questions which corroborate statements made ... (intervention)

CHAIRPERSON: I didn't ask you that question Advocate Jansen, with great respect, I have not asked you that question. I've asked you if you've got any further questions on the basis of which you want to safeguard the interests of your client. Are there any instructions which you have which you can put to this particular witness?

MR JANSEN: Well yes Mr Chairman but I accept that they would be in the same vein as my previous questions.

CHAIRPERSON: In which event those questions must be disallowed.

MR JANSEN: Then I accept it, then I don't ask anymore questions.

CHAIRPERSON: Thank you very much. In which event, are there any questions arising out of these questions?

MR GOOSEN: I have no questions arising Mr Chairperson.

CHAIRPERSON: Advocate Visser?

MR VISSER: Yes we have no re-examination Mr Chairman. The only request we have is that might we also be excused from further attendance this afternoon.

CHAIRPERSON: You are excused.

MR VISSER: Thank you Mr Chair.

Shall we then call the next witness Mr Goosen?

MR GOOSEN: Sorry to prolong this Chairperson, just an issue arising out of the questioning. Sorry Brigadier to delay you from leaving, just one issue that's arisen out of Mr Jansen's questioning and that goes along the issue of - you indicated that there were some operations, that would have been unlawful, that authorisation would have come from your seniors and all I'm asking is who would those seniors have been? Which individuals?

MR VISSER: Mr Chairman there's a problem with that, as I intimated to you this morning at the inception, we have a problem with cross-border raids and my witness tells me that it has to do with those, with respect Mr Chairman.

MR GOOSEN: With respect, you've just put that issue on, I wasn't being specific about what kind of operations they were.

MR VISSER: But the problem is that you've asked him for names and he's turning to his lawyer and he's saying these are the names that are involved in cross-border raids and this is the problem which we mentioned earlier today Mr Chairman.

MR GOOSEN: Alright let's leave aside the cross-border raids. Were there any other unlawful activities internally that were authorised by your seniors?

BRIG SCHOON: Yes Mr Chairman.

MR GOOSEN: Without going into the details of those specific incidents, which seniors authorised them?

BRIG SCHOON: General van der Merwe.

MR GOOSEN: Who else.

BRIG SCHOON: This is all I know of.

MR GOOSEN: What about General Smit?

BRIG SCHOON: No.

MR GOOSEN: Are you saying no you can't remember or ...(intervention)

BRIG SCHOON: No, not as far as I know.

MR GOOSEN: So you just aren't sure?

BRIG SCHOON: No I'm certain. He did not give any authorisation.

MR GOOSEN: Thank you Chairperson.

CHAIRPERSON: I had thought that by half past three you would have gone home Brigadier, but thank you very much again for having come, and I am quite certain that your testimony has enhanced our body of knowledge. You of course will expand on some of the things that you have been talking about when you appear on your amnesty application.

You are excused as well as your legal representatives.

BRIG SCHOON: Thank you Mr Chairman.

MR VISSER: Thank you Mr Chairman although my attorneys instructed me to listen to the next witness' evidence, but I thank you for excusing me anyway.

MR GOOSEN: Mr Chairperson, perhaps whilst Mr Visser is listening to the next witness' testimony he could consider whether I satisfied him. He made an appeal earlier this morning that I shouldn't be adversarial, I hope I hope that I've managed to live up to his ...(intervention)

MR VISSER: I forgot Mr Chairman, I have to congratulate my learned friend on living up to all expectations. Thank you Mr.

MR GOOSEN: Thank you very much.

CHAIRPERSON: Thank you. Can we now have Major Sarel Crafford. I have welcomed you Mr Britz and we saw each other during the course of the day.

SAREL DU PLESSIS CRAFFORD: (sworn states)

MR GOOSEN: Mr Britz is that your counsel with you, if you'd just place yourself on record?

MR DU PLESSIS: Yes du Plessis from the Pretoria bar.

MR GOOSEN: Thank you.

CHAIRPERSON: If you all could move to the far microphone so that Mr Goosen can have a sense that he's not speaking to a brick wall.

MR DU PLESSIS: I beg your pardon Mr Chairman.

Mr Chairman, Mr Goosen and I have reached an agreement that we would deal with Major Crafford's evidence very shortly by way of me asking him a few questions, most of the questions I wanted to ask and the evidence we wanted to present to the Commission have already been presented by other witnesses and I don't deem it necessary to go into the details of that again. Before I go on to ask just a few questions I want to place on record right from the outset that we are prepared to answer any questions the Commission wants to ask us and that we, from our point of view, do not want to place any restrictions on any questions. We don't have any objections to any questions pertaining to any matters the Committee members want to ask Major Crafford and he's available to answer any questions. We offer our full cooperation.

Now Major Crafford, you heard the evidence of the former witness, especially regarding the counter-revolutionary strategy followed by the government and the security forces from in the 1980's and specifically during the time when you were at the security branch. Do you agree broadly speaking with what Major Williamson testified and what Major Oosthuizen testified?

MAJ CRAFFORD: That is correct.

MR DU PLESSIS: Major Crafford there is one aspect regarding the counter-revolutionary strategy which has not come out in evidence here today and that we consider important enough to put it before the Commission which has already been placed before the Commission in amnesty applications and we think it is very important in the light of the evidence here today, and this regards the execution of the counter-revolutionary strategy, and the question of whether it has been done by way of orders to the people on the ground, did it reach the people on the ground in the shape of orders. In 1987 you joined the Security Branch in Northern Transvaal, is that correct?

MAJ CRAFFORD: That's correct.

MR DU PLESSIS: Major Crafford, evidence was led by General Cronje and Captain Hechter in front of the Amnesty Committee regarding a specific order which Brigadier Viktor who was in command of the Counter Insurgency Unit had given to Captain Hechter. This evidence was confirmed by Captain van Jaarsveld who was also in the Special Branch, and I'm not going to repeat this because it has been done before the Amnesty Committee and the evidence by Brigadier Cronje and Brigadier Viktor concerning the order given by Viktor to Hechter was that early in 1986 - and I wish to emphasise that specific time period with reference to the documentation we've been provided, early in 1986 Captain Hechter was contacted by Brigadier Viktor and he, Brigadier Viktor's son and Captain van Jaarsveld were called into his office and he called them that the Security Police were not doing their job, not bringing their part and that something had to be done about it. The evidence was that it didn't matter how it was done or what was done but he said Pretoria is burning and South Africa is burning. He said all steps had to be taken to control the situation and also said that an act must be answered with a particular act.

In other words the evidence was that Viktor said that if a policeman's house was attacked, the person who did the attack, his house had to be attacked as well. If someone's house was petrol-bombed the bombers house also had to be bombed.

And then the evidence was that at that stage there came a change in the actions of the Security Police from reactive to proactive. In other words the Security Police started acting in terms of the counter-revolutionary strategy. This was the evidence in broad terms. For the purposes of the Committee, I'm placing that on record.

Now what I want to ask, in 1987 when you started working under Brigadier Cronje, what did Cronje tell you about Viktor's order?

MAJ CRAFFORD: Brigadier Cronje told me that an order had been issued by Viktor in broad terms. He explained this order to me as Advocate Du Plessis explained it here to the Committee. It boiled down to this. Members of the Security Police did get instructions from time to time, more specifically regarding the elimination of high profile activists.

MR DU PLESSIS: Did you understand that all illegal actions were sanctioned by this instruction or order of Viktor?

MAJOR CRAFFORD: Yes that is correct.

MR DU PLESSIS: Major Crafford, if we look at actions outside the legal system performed or executed by members of the Security Services, I want to give you four examples. As I understand the evidence of several people before the Amnesty Committee, there were interrogations which were illegal, there were detentions for periods which had not been in terms of security regulations, there were petrol bomb attacks which would include assaults, there were assaults and then there were eliminations. Can you think of any other examples?

MAJ CRAFFORD: Not at this stage.

MR DU PLESSIS: You've read the documentation and a lot was said today about the words neutralise, eliminate with particular meanings and there were cases where it was said that certain leaders of the liberation movements had to be eliminated. In terms of the kind of operations that we looked at which fell outside legal actions, is there any, do any of these actions, interrogations, bomb attacks, detentions, could any of these actions also be termed neutralising or to eliminate or was the elimination, in other words the killing of activists, would you consider, neutralise or eliminate, killing to be the only illegal action?

MAJ CRAFFORD: Elimination as set out in this document and that had only one meaning and that was to kill. I want to agree with Mr Williamson, if you look at the compilers of these documents, if they wanted to give any other meaning to the word elimination they would have used another word. I think personally that elimination in this context means to kill.

MR DU PLESSIS: You heard evidence that this word could be ambiguous, that it could mean something else, but if you look at the other actions of the Security Police, other illegal actions, in the light of your knowledge of the situation as Security policemen and your knowledge of the concepts used by them, would you say that illegal interrogations could be considered as any forms of elimination or neutralising?

MAJ CRAFFORD: No.

MR DU PLESSIS: Assaults?

MAJ CRAFFORD: No.

MR DU PLESSIS: Petrol bomb attacks?

MAJ CRAFFORD: No, there maybe some possibility that people could be killed in a petrol bomb attack.

MR DU PLESSIS: Any form of detention?

MAJ CRAFFORD: No Mr Chairperson.

MR DU PLESSIS: These types of illegal detentions, not in terms of the emergency regulations, what periods of time are we talking about, were people held for longer than a year?

MAJ CRAFFORD: As far as I know these detentions were never longer than two weeks.

MR DU PLESSIS: So if we look at the kind of illegal actions performed by the Security Police, your evidence is that the only reasonable interpretation that could be given to eliminate and neutralise would be the killing of people?

MAJ CRAFFORD: That is correct?

MR DU PLESSIS: You've read through these documents. Did you want to say anything else to this Commission in this regard?

MAJ CRAFFORD: I want to say I'm surprised, I make this deduction when I look at the date stamps on these documents. Did these date from 28 August this year? I question the timing, that it has come to the Commission's attention at such a late stage. I was very happy to receive these documents. They give me and other amnesty applicants, it supports us that from higher up, from government level that permission has been given to the security forces to murder high profile activists or to use your words, to eliminate them. This is as much as I want to say about these documents.

MR DU PLESSIS: Major Crafford, you were also intimately involved during the appearances of Cronje, Hechter, van Vuuren, Venter and Mentz who were the first Security policemen who testified before the Amnesty Committee. You were also present during consultations and you are aware of the problems which existed around the absence of documents regarding instructions or orders from higher up. Is that correct?

MAJ CRAFFORD: That is correct.

MR DU PLESSIS: Are you of the opinion that if these documents had been available during those interviews it would have been much easier for those amnesty applicants?

MAJ CRAFFORD: Very definitely Mr Chairperson.

MR DU PLESSIS: Do you want to comment at all about the fact that commanding officers and other persons in positions above yourself, Brigadier Cronje and such like, at the time when that evidence was presented, that they denied giving any such instructions or orders? Do you want to say anything about that?

MAJ CRAFFORD: The denials by those senior officers are neutralised by these documents. These documents prove that approval was given at high level for illegal operations, covert operations.

MR DU PLESSIS: Thank you Mr Chairman, I have no further questions. Thank you for the opportunity to have dealt with the matter in this way.

CHAIRPERSON: Thank you Mr du Plessis. Mr Visser, do you want to put any questions? Mr Visser did you want to say something before Mr Goosen? If you could then.

MR VISSER: Please Mr Chairman, rather just a remark than anything else. I find myself in a position where I should really cross-examine Major Crafford but I'm not going to do that. I'm surprised that my learned friend has sought here, with respect, to attempt to boost his amnesty applications in the first place.

In the second place I'm surprised that my learned friend does not inform you that a full hearing about the alleged orders, instructions given by Brigadier Viktor was held in Benoni before the full Amnesty Committee where Brigadier Viktor gave evidence and he was cross-examined. Heads of argument have been presented to the Amnesty Committee and we're awaiting the outcome of that issue. I believe that you should be aware of that Mr Chairman. And may I tell you that the allegations of Cronje et al about this general instruction by Brigadier Viktor has been vigorously denied, with respect and the evidence has been given.

MR DU PLESSIS: Mr Chairman may I just respond to that. The only reason why the evidence of Brigadier Cronje and Captain Hechter was placed on record was to make clear in respect of this witness what was told to him when he started working there. That was the only reason. I was present at that hearing, I cross-examined Brigadier Viktor and if you want to know a little bit more about what he says, and about the effect of my cross-examination, I suggest you read that record. In respect of that there is a dispute about, or Brigadier Viktor disputed to a certain extent, or he tried to dispute the order at the end of the day it came to the effect that he said that it was a suggestion and not an order. But I don't want to go into that detail. The only reason why I placed that on record was to make clear what Major Crafford was told by Brigadier Cronje and Captain Hechter when he started working at the Security Branch and that was the only intention of that.

CHAIRPERSON: Advocate Goosen.

EXAMINATION BY MR GOOSEN: Thank you very much Mr Chairperson. I don't have much to ask Major Crafford. I think most of the issues that I would have canvassed in any event have been canvassed in evidence thus far.

But Major Crafford, first let me state I'll ask the question in English, obviously you can answer in Afrikaans if you so choose. You indicate in your amnesty application that you submitted regular reports about the operations in which you were involved and the activities in which you were involved which were illegal activities. Could you indicate whether those would have been reports submitted in writing or would there have been verbal reports submits about the outcome of those operations?

MAJ CRAFFORD: As far as I can remember these were all oral reports.

MR GOOSEN: Did you at any point receive any rebuke or reprimand or reaction to any of the reports that you would have submitted to your superiors in regard to those operations?

MAJ CRAFFORD: No Mr Chairman.

MR GOOSEN: Could you indicate to whom you would have submitted those reports?

MAJ CRAFFORD: That would have been normally to Cronje.

MR GOOSEN: Do you know of any of your colleagues who would have been involved either with you or to your knowledge in other operations and who submitted reports, who was subjected to either disciplinary action or rebuke in consequence of the information that was conveyed in those reports?

MAJ CRAFFORD: Not as far as my knowledge goes.

MR GOOSEN: Thank you Mr Chairperson, I have no further questions.

CHAIRPERSON: That brings to a close your testimony unless to the extent that there is something else to be placed on record. You did indicate to me but was it in relation to this witness or overall?

MR VAN DER HOVEN: Overall Mr Chairperson. Shall I proceed?

CHAIRPERSON: If you could.

MR VAN DER HOVEN: Mr Chairperson, just for the record, van der Hoven...(intervention)

CHAIRPERSON: If you can just place your name on the record again.

MR VAN DER HOVEN: Van der Hoven is my name. I just want to record that the remarks I made earlier just after the lunch break this afternoon with regard to the evidence tendered this morning should also be made applicable to the evidence tendered this afternoon. Thank you, that's all I want to say.

CHAIRPERSON: And that's it. In which event the proceedings today have come to an end, and it remains for me only to thank everybody who has made these hearings today the success that they are, because we've concluded far ahead of time. So they have been quite a successful hearing,

And now without being facetious, I thank the legal representatives who have been very patient and who have had to put up with some of our unconventional ways of dealing with legal representatives, but it is all in the nature of our understanding of what our duties is.

And I thank the witnesses of course for having come and who have facilitated our hearing. These proceedings are adjourned.

HEARING ADJOURNS

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