

TRUTH AND RECONCILIATION COMMISSION**AMNESTY HEARING¹****DATE: 14-02-2000****NAME: CHRISTO PETRO DEETLEFS****MATTER: DE KOCK 6 - ABDUCTION OF GLORY SEDIBE****HELD AT: IDASA, PRETORIA****DAY : 1**

-----**CHAIRPERSON:** Good afternoon everybody. Before we proceed, I just want to introduce myself for the purposes of the record. I'm Judge Pillay and I want to ask my colleagues and the various representatives to do the same, so that when the record is typed a certain form of identification can take place.

ADV BOSMAN: Advocate Francis Bosman of the Amnesty Committee.

JUDGE KHAMPEPE: I'm Judge Khampepe.

MR HUGO: Thank you, Mr Chairman. My name is S W Hugo, I'm acting on behalf of Mr E A de Kock.

MR LAMEY: Thank you, Chairperson. A T Lamey, I represent the applicants, Bosch, Fourie and Koole.

MR PRINSLOO: H J Prinsloo, Honourable Chairperson, I appear on behalf of Pienaar and Deetlefs.

MS VAN DER WALT: Louisa van der Walt and I appear on behalf of Schalk Jan Visser and Paul Jacobus van Dyk.

MR LEOPENG: Thank you, Mr Chairman. I am Leopeng P M, I'm appearing on behalf of the victims, the brother of the deceased and the wife of the deceased.

MS PATEL: Ramula Patel, Leader of Evidence. Thank you.

CHAIRPERSON: Has there been any agreement as to the format and the order in which evidence shall be led?

MR PRINSLOO: That's correct, Mr Chairman, I will commence with the evidence of Deetlefs and thereafter I will be calling the applicant, Pienaar, Mr Chairman. So with your leave I will call the applicant, Deetlefs.

¹ Source: <https://www.justice.gov.za/trc/amntrans/2000/200214pt.htm>

CHAIRPERSON: Mr Deetlefs, what language would you prefer to use?

MR DEETLEFS: Afrikaans, Chairperson.

CHAIRPERSON: Mr Deetlefs, do you have any objection to taking the oath.

CHRISTO PETRO DEETLEFS: (sworn states)

CHAIRPERSON: Please be seated.

EXAMINATION BY MR PRINSLOO: Thank you, Chairperson.

The application of the applicant appears in the volume, on page 111, and the contents of the application appears on page 114 and 115, and the political motive follows thereafter.

Mr Deetlefs, you apply for amnesty with regard to the abduction from Swaziland of a person by the name of Glory Sedibe.

MR DEETLEFS: That is correct, Chairperson.

MR PRINSLOO: And your application appears as it has already been indicated to the Committee, for this specific matter, is that correct?

MR DEETLEFS: That is correct, Chairperson.

MR PRINSLOO: Mr Deetlefs, at the ...(intervention)

CHAIRPERSON: Which matter do we refer to?

MR PRINSLOO: I shall put that to the Committee, but at this stage I will put it forward as abduction, assault and illegal crossing of the border and left Swaziland without going through the border post.

CHAIRPERSON: Illegal?

MR PRINSLOO: Illegal crossing of the border, Chairperson.

VOORSITTER: "Is dit al?"

MR PRINSLOO: And any delictual responsibility which might emanate from this.

CHAIRPERSON: But are these the criminal charges?

MR PRINSLOO: Yes. I say it as abduction, it might be kidnapping, but this would be the overhead one.

Mr Deetlefs, can you recall the specific dates of these events?

MR DEETLEFS: Chairperson no, I cannot recall the specific date, according to my recollection it was during 1986.

CHAIRPERSON: Which month?

MR DEETLEFS: Chairperson, I think it was approximately June or July. I may be incorrect. It was more-or-less during that time.

MR PRINSLOO: And this incident, the incident of Mr Sedibe, did this take place a day before the event which is known as the Nerston matter?

MNR DEETLEFS: "Dit is korrek, Voorsitter".

MR PRINSLOO: Honourable Chairperson, I shall attempt to give a date to the Committee.

Mr Deetlefs, during this incident were you the Branch Commander attached to the Security Police stationed at Ermelo? Is that correct?

MR DEETLEFS: That is correct, Chairperson.

MR PRINSLOO: What was your rank at that stage?

MR DEETLEFS: Chairperson, I believe at that stage I was a Captain.

MR PRINSLOO: Mr Deetlefs, at that stage you were tasked with investigations and the gathering of intelligence in Swaziland and you were familiar with Swaziland.

MR DEETLEFS: That's correct.

MR PRINSLOO: Will you please tell the Honourable Committee how this aspect originated.

MR DEETLEFS: Chairperson, on this particular day during 1986, it was a Wednesday, I paid a routine visit to Swaziland where amongst ...(intervention)

CHAIRPERSON: Legally or illegally?

MR DEETLEFS: It was legally I went through the border post. It was within the ambit of my normal working circumstances.

I visited the Swaziland Police head office, where amongst others I held interviews with, at that stage, the chief of the Swaziland Intelligence Branch, as well as the Commissioner of Swaziland Police at that stage.

And during these conversations I heard that the Swazi Police only the previous evening had apprehended one Glory Sedibe, a well-known ANC member of the ANC at that stage, amongst others because he had illegally entered Swaziland. I cannot recall whether they found any weapons on him and I am not certain about further charges against him.

MR PRINSLOO: Mr Deetlefs, at that stage was Glory Sedibe known to you or not?

MR DEETLEFS: He was. From intelligence sources we were aware that he was a senior member of the ANC in Swaziland. At that stage he was attached to the Transvaal machinery. He was one of the leadership figures there and we also had information that he was involved

in giving commands for acts of terror in the RSA, as well as the infiltration of trained ANC cadres into the RSA at that stage.

CHAIRPERSON: In other words it would appear that he was high up in the MK structures.

MR DEETLEFS: That is correct, Chairperson.

MR PRINSLOO: Was he also high up in the echelons in the Intelligence Services?

MR DEETLEFS: Yes, he was also involved in the Intelligence Services of the ANC.

MR PRINSLOO: You say that you met with the Swazi authorities, what happened then?

MR DEETLEFS: They told me that they held him at Mankanyane Police Station and that they would deport him to Zambia soon afterwards.

At that stage I also had information that Mr Sedibe caused much unrest in Swaziland and that he was afraid for his life because he was so high up in the MK structures and he always awaited attacks from the RSA which would be launched against him. And that is why he was all - it was known that he never spent the night twice in the same place. He used to consume large volumes of liquor and this created the impression that if I could get in touch with him I might be able to convince him to cooperate with us.

When I received this information that he was being held in the Mankanyane Police Station, I saw the possibility that we may remove him from there and bring him to the RSA, and I was convinced that we could convince him to be of assistance to us. I also knew that because ...(intervention)

CHAIRPERSON: Before you continue, what made you think that you could convince him to do this? Here was a man that was highly placed in the structures, why did you think that without speaking to him before you brought him to the RSA, how would you decide that he could be convinced?

MR DEETLEFS: It was just a feeling that I had because I knew that he was uncomfortable in Swaziland and that is why I made the assumption. It is a chance one takes. One can never be certain.

CHAIRPERSON: As I understand your evidence thusfar you never met the man.

MNR DEETLEFS: "Nee, nee, nee".

CHAIRPERSON: And when you made the decision that you would convince him, you still had not spoken to him?

MR DEETLEFS: No, I did not, it was just an assumption that I made at that stage, incorrectly or correctly, but I thought there would be a possibility that we could convince him. At the same time I was also aware because of his stature in the ANC in Swaziland, that he would be an invaluable source of information to us. Because acts of terror and landmine incidents took place on a daily basis during that time and I believed that he could help us with information in that regard and he could supply us with information about ANC structures in Swaziland

and the deployment of cadres in the RSA. And at the same time if we could remove him from the structures in Swaziland, I believed that it would be to the detriment of the ANC structures in Swaziland.

The fact that he was held in Mankanyane Police Station also convinced me - it might be the incorrect word, but I then decided that since it was a quiet and remote police station I saw that there was the possibility of breaking him out from there against the possibility of him being at a bigger police station. Mankanyane was a remote police station and because of my knowledge of Swaziland and the Swaziland Police ...(intervention)

CHAIRPERSON: How do you spell that?

MR DEETLEFS: M-a-n-k-a-n-y-a-n-e.

I was aware that the Swazi Police, specifically the uniform members never carried any handguns. They usually had one R4 rifle which was usually kept below the desk and members were instructed never to carry the weapon themselves, it was there for the protection of the police station.

CHAIRPERSON: Before you continue, there is something that concerns me. Did you at that stage decide that you would abduct him?

MR DEETLEFS: Yes, at that stage after I received the information.

CHAIRPERSON: Well you had good relations with the police in Swaziland, why did you not ask them "Listen, allow me to take this man away from here"?

CHAIRPERSON: Chairperson, I do not believe - I think the integrity of the Commissioner at that stage and the Chief of Security, I would not have taken that chance because I believed that they would have refused in the first instance and if something like this came out it would have caused an international scandal. They were people in senior positions and I do not believe that they would have become involved in something like this. I think they would have seen it as an embarrassment if I asked them, and that is why I did not ask them.

CHAIRPERSON: Very well, continue.

MR PRINSLOO: This police station, the one that you say in the evenings a rifle is held, one rifle is kept there, are there people in duty?

MR DEETLEFS: Usually there was only one person on duty, Chairperson, because they had a shortage of manpower and it was usually practice that the person would spend the night at the police station. After ten or so when it becomes quite, he would sleep at the police station and if someone visits the police station they would just knock him up.

MR PRINSLOO: Mr Deetlefs, after you received this information did you foresee the possibility of an abduction there at Mankanyane Police Station? Did you come into contact with anyone higher up than yourself?

MR DEETLEFS: I did, Chairperson, my Divisional Commander at that stage. My head office was in Middelburg in the Eastern Transvaal or Mpumalanga, I contacted Brig Visser and I

informed him what my idea was, that that abduction would be of invaluable value to us and that we would have such an opportunity to acquire an information source of this calibre. He then told me to contact Mr Freek Pienaar of Piet Retief and Mr Paul van Dyk, because at that stage I knew that Mr Paul van Dyk was originally from Vlakplaas and was at Piet Retief and that the two of them and two or three askaris would be sent to Swaziland to meet with me there and then we will conduct the abduction.

Brig Visser then eventually agreed that it would be worth our trouble because it was about the information which we urgently needed in order to combat these acts of terror in South Africa, and he then undertook to send these persons to me to assist me in Swaziland.

Later that evening, Mr van Dyk, Mr Pienaar and Col de Kock and two or three askaris, I cannot recall who they were, they joined me in the hotel in Swaziland. I informed them what the circumstances were and that I did not foresee any trouble because there was only one person on duty there ...(intervention)

JUDGE KHAMPEPE: But were you aware that there was only one person at Mankanyane Police Station?

MR DEETLEFS: At that stage I was not certain, but as I have said this was practice. I assumed that there would only be one person when we arrived there and if we arrived there and it was not the case, we would have to make some other plan. But at that stage I was reasonably certain, so I assumed that there would only be one person there.

CHAIRPERSON: Can you repeat who joined you that evening?

MR DEETLEFS: It was Mr Pienaar, Col de Kock, Mr van Dyk and then there were other members from Vlakplaas and I think Mr Nofomela was also there. I cannot place the other people's names.

JUDGE KHAMPEPE: Was Mr Nofomela one of the two askaris you earlier on referred to in your evidence?

MR DEETLEFS: Yes, I do speak under correction but if I recall correctly, Mr Nofomela was one of the askaris.

MR PRINSLOO: Do you remember a person by the name of Mngade?

MR DEETLEFS: No, Chairperson, it's possible. I did not know the askaris that well.

MR PRINSLOO: Please continue.

MR DEETLEFS: After I informed them about the circumstances we later that evening - I cannot recall the exact time, but it was probably after twelve, we drove to Mankanyane. And the plan was that the white members would wait away from the police station and that the askaris would attempt to enter the police station and to overpower the police officer on duty. It was also my instruction that under no circumstances would shots be fired because I did not want anyone to be injured.

CHAIRPERSON: What would have happened if the policeman on duty there was not sleeping and had his firearm in his hands?

MR DEETLEFS: Chairperson, no, I knew that they did not carry any handguns, that was against their regulations.

CHAIRPERSON: That was practice.

MNR DEETLEFS: "Ja".

CHAIRPERSON: But on this day, could it have been that he might have had a firearm? What would have happened, would you have just walked away?

MR DEETLEFS: Yes, that is why we first sent the askaris - when I say quite a ways from there, it was dark, I would say about 50 or 60 metres away from the police station where we waited, and then they had to go in, have a look and depending on the circumstances, if it appeared that there would be more people, we would just have to withdraw. But we did not want to enter into any armed confrontation with them.

I cannot recall, but some of the askaris did go before I arrived there. It was also the idea why the whites did not go in immediately with this abduction, we wanted to try to create the impression that it was possibly ANC cadres, in other words Mr Sedibe's own cohorts who abducted him, so the finger would not point back to South Africa.

Some of the askaris then did go to the police station, but the door to the police station was locked. They apparently peeped through a window and saw that the one person, the policeman, was inside. They came back and said that they could not gain entry, upon which Mr de Kock went closer along with them. We also approached. Mr de Kock went to a window, I cannot say how he gained entry, whether the window was open or whether he broke the window, but he succeeded in gaining entry and overpowered the police officer inside.

This police officer acted against procedure and he had the firearm with him which had to be underneath the desk and he was apparently readying himself to go to sleep for the night. Mr de Kock convinced him to leave the firearm and to cooperate.

They then thereafter opened the door of the charge office and we went inside. One of us, I cannot recall whom, called the name September upon which Mr Sedibe answered from his cell. We unlocked the cell and went inside, where we found him on a mattress amongst some other detainees.

We took him outside where Mr van Dyk and the other askaris accompanied him to a vehicle and at the vehicle he resisted vehemently. He kicked at Mr van Dyk and there was a tremendous struggle and it took quite a few of us to bring him under control. He was put in the back of the vehicle, it was a station-wagon or a 4X4. He was forced into the back of the vehicle. Then we left the police station. Mr de Kock cut the telephone lines if I recall correctly, and then we all departed for the border.

On our way, Mr Sedibe struggled again the back of the vehicle, but I amongst ...(intervention)

CHAIRPERSON: At this stage you must have realised that the impression that you wanted to create that the ANC had taken the man, was no longer viable.

MR DEETLEFS: That is so, Chairperson, but at that stage it was done. We had to make the best of a bad case and we had to continue.

CHAIRPERSON: Did you still think that you could convince him?

MR DEETLEFS: Yes.

CHAIRPERSON: In spite of the fact that he fought back?

MR DEETLEFS: Yes, Chairperson, because I think at that stage - I do not believe that he knew what was happening, I think he might have been under the impression that we wanted to eliminate him and there was no time at that stage to speak to him to tell him that nothing was to happen to him.

CHAIRPERSON: It was a possibility?

MR DEETLEFS: Yes, but as I've said, on the way he struggled again, we aimed our firearms at him and convinced him to be quiet and then we illegally crossed the border from Swaziland close to the Nerston border post and we came into the RSA.

On the RSA side we met with Mr Visser ...(intervention)

JUDGE KHAMPEPE: May I interpose? Mr Deetlefs before you leave the struggle that ensued, whilst you were attempting to put Mr Sedibe into the car, what did you do, did you use any force?

MNR DEETLEFS: "Om mnr Sedibe in die voertuig te plaas"?

JUDGE KHAMPEPE: Yes.

MR DEETLEFS: Yes, he struggled vehemently against Mr van Dyk and the other askaris there and the rest of us arrived there and we forced him. If I remember correctly, it later was apparent that he had received a blow across his nose. He might have had some other injuries which I did not observe, but as I have said, he was violently pushed into the back of the vehicle, he did not go willingly.

MR PRINSLOO: Mr Deetlefs, on this point, Mr Sedibe was a large and a strong man.

MR DEETLEFS: Yes, he was a well-built man.

CHAIRPERSON: Mr Deetlefs, there are some things I do not understand, please assist me. Your group abducts this man in the hope that you can convince him to become an askari, let us say in order to assist you and to supply you with information and one of two things can happen, he can say yes or he can say no, if he had said yes and then you'd go along with that. What did you think before you abducted him, if he said no, what would happen to him?

MR DEETLEFS: Then we would have probably gone through the legal process, Chairperson. As I have said, at that stage we did not seriously consider that possibility. The only thing I can say with myself and I believe with Mr Visser, with the Sedibe matter there was no talk of eliminating him, we would have probably detained him in accordance with Section 29 and taken the process from there. And if we had to take him back to Swaziland, that would have happened, but I did believe that during this time we will be able to convince him.

CHAIRPERSON: Has it ever happened that you had abducted people and taken them back? - before then.

MR DEETLEFS: Not with myself, I only speak of reports here and I know Mr Dirk Coetzee - this was long before this incident, and askaris had abducted a man, I think his name was Joe Pillay, and he was detained on this side but there was some political pressure and the person had to be returned to Swaziland later.

CHAIRPERSON: But not under mysterious circumstances.

MR DEETLEFS: He was abducted under mysterious circumstances.

CHAIRPERSON: But when he was taken back?

MR DEETLEFS: As far as I am aware, he was also taken back under mysterious circumstances, but ...(intervention)

CHAIRPERSON: Officially?

MR DEETLEFS: No, everyone at that stage knew that the man was abducted to this side, but spare us the embarrassment the man was also taken back illegally across the border.

CHAIRPERSON: Please continue.

MR DEETLEFS: I've said that I don't have complete knowledge regarding that case, but I know that there was such a case that this man had to be returned.

Chairperson, on this side we joined Mr Visser, we went to Piet Retief ...(intervention)

MR PRINSLOO: Would that be the Nerston vicinity?

MR DEETLEFS: Yes, that is correct.

We went to Piet Retief to a safehouse or a safe premises which the Security Branch was running at that stage ...(intervention)

MR PRINSLOO: Where was this premises located?

MR DEETLEFS: Just outside Piet Retief, on the Amsterdam road.

CHAIRPERSON: Was it a building?

MR DEETLEFS: Yes, it was some form of an apartment on a farm.

CHAIRPERSON: Just tell me, I want to know something, it might not have anything to do with this matter, but I know of funds which were made available for farmers should they have experienced a bad year. With regard to the farms that the police had, did they also enjoy those funds?

MR DEETLEFS: No, I don't know.

CHAIRPERSON: Very well.

MR DEETLEFS: No, I don't know anything about that.

JUDGE KHAMPEPE: Mr Deetlefs, was this the farm that was used by members of Vlakplaas whilst they were in the Piet Retief area and its surroundings?

MR DEETLEFS: I don't believe that this particular premises was used, as far as my memory goes.

MR PRINSLOO: You have just said that it was on the Amsterdam road, where is this in terms of the Ermelo road?

MR DEETLEFS: When I refer to Amsterdam, I refer to the road which splits later, leading in the direction of Ermelo and Amsterdam respectively. It was on that road.

MR PRINSLOO: Was it near Piet Retief?

MR DEETLEFS: Yes, it was approximately 5 kilometres away from Piet Retief.

MR PRINSLOO: Five kilometres?

MR DEETLEFS: Yes.

MR PRINSLOO: Very well, please proceed.

MR DEETLEFS: Chairperson, we began talking to Mr Sedibe there. We could not conduct a thorough interrogation at that stage because we were quite exhausted after having spent most of the night awake, but we spoke to him and it became clear quite swiftly that I was correct in my assumption that he would be able to assist us, because he began to provide information quite quickly and it became clear after we had convinced him that we were not intending to do him any further harm, that he would definitely not be murdered but that we merely required his assistance. Based upon that he began to talk to us as well.

And from that point forward ultimately, Mr Pienaar took over the handling of Mr Sedibe. He provided us invaluable information which was of great assistance to the Security Branch at that stage. And indeed, he gradually did become a member of the Security Branch.

MR PRINSLOO: Is it correct that there was a lengthy trial of the State against Maseko and that you testified during this trial?

MR DEETLEFS: I wasn't at this trial myself, but I heard that he testified during this trial.

JUDGE KHAMPEPE: Mr Deetlefs - may I interpose, Mr Prinsloo?

When you allege that you began talking to Mr Sedibe and it quickly became apparent that you were correct in your assumption that he could be of great value to you as the police, in helping you against the ANC, do you mean when you "talk", do you mean interrogate?

MR DEETLEFS: Yes, I suppose one could call this interrogation, although it wasn't really interrogation. But I must add hastily that there was no violence because everything was aimed at getting him so far as to the point that he would assist us and the application of violence would definitely not have persuaded him to assist us. We wanted him to assist us on a voluntary level. We did give him a drink. He was quite a heavy drinker and it wasn't very long thereafter that his tongue loosened and we were all getting along quite well with each other.

JUDGE KHAMPEPE: So at no stage did you use any kind of violence whilst talking to him to persuade him to become an informer.

MR DEETLEFS: No, the only violence which was applied was with his seizure at the police station and along the road as we undertook our journey, but definitely not at Piet Retief, not while we were questioning him, he was not assaulted.

JUDGE KHAMPEPE: Thank you.

MR PRINSLOO: Thank you.

Mr Deetlefs, after he was brought to the farm at Piet Retief and after you spoke to him, were you quite closely involved with him in terms of interviews and interrogations, or what was the position?

MR DEETLEFS: From time to time I was involved, I was not continuously involved because I was stationed at Ermelo and I left him to Mr Pienaar, who then dealt with him on a daily basis. Mr Sedibe had free access. Although we applied for a Section 29 detention, it was merely to prepare the books so to speak. But otherwise Mr Sedibe was actually a free man and he operated freely with the Piet Retief people.

Mr Pienaar assumed control of the interrogation, but from time to time I did go to Piet Retief and from time to time he came with to Ermelo and we had lengthy discussions. We worked thought documentation which was made available to us and evaluated these documents. So from time to time I did work quite closely with him.

MR PRINSLOO: Very well. And later, was he applied as an askari?

MR DEETLEFS: Yes, that is correct.

MR PRINSLOO: At any stage that you know of while he was there in Piet Retief, are you aware of any assault?

MR DEETLEFS: No, I don't know anything about that.

MR PRINSLOO: You have already stated that he was of immeasurable value to you and that it was your initial intention to seize him with the objective of obtaining information from him.

MR DEETLEFS: That is correct.

MR PRINSLOO: And during that period you were also involved in investigations which took place in the Eastern Transvaal, as it was then known, which preceded this seizure, investigations that had to do with landmine explosions in the Eastern Transvaal.

MR DEETLEFS: That is correct.

MR PRINSLOO: And the Transvaal machinery was responsible for these incidents.

MR DEETLEFS: That's correct.

MR PRINSLOO: Mr Deetlefs, did you at any stage as a result of any sense of vengeance or personal benefit or any other reason, seize this person, Mr Sedibe, from the police station?

MR DEETLEFS: No, not at all.

MR PRINSLOO: Did you do this as part of the execution of your official, express or implied duties? This seizure of the person and the investigation which was conducted by the Security Branch that you were a member of?

MR DEETLEFS: Yes, I believed that it was a matter of national interest at that stage.

MR PRINSLOO: Did you have any other personal motive for your involvement in this at that stage?

MR DEETLEFS: No, none.

MR PRINSLOO: And as it turned out you benefited from it, the country benefited from it.

MR DEETLEFS: Yes, that is correct, he provided us with information which we could act upon.

MR PRINSLOO: Please continue, I beg your pardon.

MR DEETLEFS: He provided names and I might also add here that in discussions held with Mr Matthews Phosa many years later, he mentioned to me that this abduction was a tremendous blow to them. He was at that stage involved with a structure in Mozambique and he personally told me that although everything had not run smoothly at the police station, and we had to enter the premises, it created confusion and they believed for quite some time that it had been their own people who had released Sedibe. So even to that extent we had succeeded in our objective and we managed to disrupt their structures for quite some time.

MR PRINSLOO: Was Brig Schoon involved in any discussions or negotiations to release this person?

MR DEETLEFS: No, not that I know of. I did not inform him myself and as far as I know, he did not have any prior knowledge of this.

MR PRINSLOO: Do you request the Amnesty Committee to grant you amnesty on a charge of abduction, assault and the illegal crossing of the border between the Republic of South Africa and Swaziland, or any other charges which may emanate from this matter?

MR DEETLEFS: That is correct.

MR PRINSLOO: As well as any delictual accountability which may emanate from this matter?

MR DEETLEFS: That is correct.

MR PRINSLOO: And you also confirm your application as it appears within the bundle.

MR DEETLEFS: That is correct.

MR PRINSLOO: And it has also been submitted, Annexure A, the amnesty application that you have been made aware of. It has been compiled by Adv Visser and Mr Wagener.

MR DEETLEFS: That is correct.

MR PRINSLOO: Thank you, Chairperson.

NO FURTHER QUESTIONS BY MR PRINSLOO

CROSS-EXAMINATION BY MR HUGO: Thank you, Mr Chairman.

Mr Deetlefs, you testified that when you liaised with Brig Visser you amongst others, requested the assistance of Freek Pienaar and Paul van Dyk, is that correct?

MR DEETLEFS: Yes, that is correct.

MR HUGO: Paul van Dyk was attached to Vlakplaas at that stage.

MR DEETLEFS: That is correct.

MR HUGO: What was your perception as to what he busied himself with during that time?

MR DEETLEFS: Chairperson, it was about the tracing of terrorism. They moved along the borders and the askaris because they were former MK members, went to the border posts and see if they could do any identifications and they were also of assistance during the normal course of duties of the South African Security Branch.

MR HUGO: Would it be correct to say that Vlakplaas members such as Mr van Dyk, were applied for clandestine operations?

MR DEETLEFS: Yes, that is correct, Chairperson.

MR HUGO: The commander, operationally speaking, of this operation in Swaziland, Mr de Kock says was himself, he was senior in rank there.

MR DEETLEFS: Yes, Chairperson, he did work in that manner because I - the are itself including Swaziland, because Swaziland resorted under my command for purposes of intelligence, but for the operation itself because Mr de Kock because of his expertise with these operations it was generally accepted with regard to the execution of the operation, that I would not trouble myself there and he would take command of the operation.

MR HUGO: And then everyone, including Mr de Kock, were all under the overhead command of Brig Visser.

MR DEETLEFS: That is correct.

MR HUGO: What is your recollection, what firearms did you take along with you?

MR DEETLEFS: Chairperson, I can really not recall. I know that I was issued with P38 pistol with a silencer. I cannot recall what the other members were armed with.

MR HUGO: And then a final aspect. You say that Mr Sedibe was relatively free to move as he felt. I accept that was not like that from the beginning.

MR DEETLEFS: Yes, when I say move around freely, he could not walk around town, he was always accompanied by a member of the Security Branch, but he had freedom of movement, he was not detained in the cells all the time. That is what I meant by that.

MR HUGO: I will tell you why I ask that of you, it is because Mr de Kock's recollection is that Mr Sedibe was cuffed to a bed initially.

MR DEETLEFS: Yes, that is when we arrived here for the first time.

MR HUGO: And it would appear from Mr Fourie's application the same.

MNR DEETLEFS: "Ja, dit is so".

MR HUGO: Thank you, no further questions, Chairperson.

NO FURTHER QUESTIONS BY MR HUGO

CROSS-EXAMINATION BY MR LAMEY: Thank you, Chairperson.

Mr Deetlefs, I would just like to arrive at the position of Mr Fourie. Were you aware that he at that stage also worked in the area, but as a member of Unit C2, is that correct, who resorted under the command of Col Martin Naude?

MR DEETLEFS: Chairperson, I cannot recall right now whether he had already been there, but I know the following day after we brought out Mr Sedibe, he arrived at the house. So I would not like to state it as fact, but I would recall that he was there with some or other action in Piet Retief.

MR LAMEY: Are you aware that the members of C2 - they were attached to head office, specifically undertook interrogations of detainees by means of photo albums in order to identify other insurgents and MK members in order to trace their movements?

MR DEETLEFS: That's correct, yes.

MR LAMEY: Then just another aspect. In the police station there in Swaziland, do you recall how many cells there were in the police station?

MR DEETLEFS: This is a long time ago, Chairperson, it may have been two to three at the most.

MR LAMEY: Do you know what happened to the other detainees who were in the cell with Sedibe?

MR DEETLEFS: Chairperson, after we left we left the cell door open and some of them escaped while we were there. Later I understood that they had all returned. But the cell door was left open and they also ran away when we took Sedibe out.

MR LAMEY: Yes, those are also my instructions from Mr Koole, that the other inmates ran away into the darkness.

MR DEETLEFS: That is correct.

MR LAMEY: Very well. He states indeed that Mr de Kock apparently told the other inmates that they were free to go.

MR DEETLEFS: It is possible, but I cannot really recall.

MR LAMEY: Then just another minor aspect. When you said that you called out the name of Sedibe in the police station ...(intervention)

MR DEETLEFS: That is correct.

MR LAMEY: ... did he respond?

MR DEETLEFS: Yes.

MR LAMEY: Mr Koole's recollection in his written application, indicates that he is not one hundred percent certain about it, but that he thinks Mr Pienaar stated that he recognised Mr Sedibe.

MR DEETLEFS: Chairperson, no, I cannot recall that. As I have stated, we called out the name because we were not certain in which cell he was being held and we called out his name, he responded and as a result of his response we went directly to him.

MR LAMEY: Did you have any photographs of Mr Sedibe, in order to identify him should you see him?

MR DEETLEFS: We did not have such photos on us at that stage. As I've stated, we arrived in Swaziland quite spontaneously, later in the office we could use photographs to identify him, but it wasn't always a very reliable method because these photos had been taken some years before.

MR LAMEY: Thank you, Chairperson, I have nothing further.

NO FURTHER QUESTIONS BY MR LAMEY

MS VAN DER WALT: No questions, thank you Chair.

NO QUESTIONS BY MS VAN DER WALT

CROSS-EXAMINATION BY MR LEOPENG: What was your major role in being placed in Swaziland at that time?

MR DEETLEFS: I beg you pardon, could you repeat.

MR LEOPENG: Your role?

MR DEETLEFS: My major role was because I was connected to the Security Branch in Ermelo, Swaziland resorted under me as an area and our function among others, was to collect information regarding among others, the ANC and its activities in Swaziland. So it was a role pertaining to the collection of intelligence.

MR LEOPENG: In your evidence-in-chief you said you had some discussions with the Chief of the Police and Commissioner of Police, prior to the abduction of Mr Sedibe, is that correct?

MR DEETLEFS: That is correct, Chairperson.

MR LEOPENG: Were you told of the arrest of Mr Sedibe before you could even approach the Commissioner of Police?

MR DEETLEFS: Chairperson, upon my arrival in Swaziland, I first went to the office of the Head of the Swaziland Intelligence Branch and he informed me of the arrest. Subsequently I paid an etiquette visit to the Commissioner, they were situation in the same building. That would have been the regular procedure to maintain good relations, that is why I liaised with him when I went to Swaziland.

MR LEOPENG: Was there any financial dealings with the Commissioner of the Police and the South African Government in respect of the activities of the MK cadres in Swaziland?

MR DEETLEFS: No, not at all.

MR LEOPENG: Did the Commissioner of Police voluntarily tell you about the arrest of Mr Sedibe, or is it because you wanted to know more about this Mr Sedibe because he was so important that you wanted him to assist you in the South African hit-squads?

MR DEETLEFS: No, Chairperson, as I have already stated, the first person who informed me of the arrest was the Head of the Swaziland Intelligence Branch.

CHAIRPERSON: In other words, did you coincidentally come to hear of this person or did you go to Swaziland with the intention of arresting this man or finding out more about this man?

MR DEETLEFS: No, perhaps I should explain it as follows. On a continuous basis, sometimes three times a week I moved to Swaziland. We handled intelligence sources there and I made a point of it at least once a week in terms of the maintenance of good relations with the Swaziland Government, I visited the Commissioner of Police and the Head of the Intelligence Branch. I think that they suspected that we were also handling other intelligence sources and in order to pacify them, I maintained a healthy liaison with them.

I must also mention - and this will perhaps add more perspective, there were continuous threats from the South African side. If we look at the statements made by the government or the members of the former government, as well as the members of the Security Forces, that with attacks or with people who were operating in neighbouring States, action would be taken against neighbouring States, counter-operations would be executed.

So Swaziland was quite closely related to South Africa, economically particularly. At that stage they didn't have any ties with Mozambique, they were entirely dependant upon us and on the basis thereof, from their side they always tried to satisfy us. And to avoid these operations, they would act against the ANC and they very swiftly would inform us that they had acted against these persons and that this was to prevent any kind of action against them from the South African side. That is why there was a voluntary exchange of information on a regular basis, or whenever I would visit them in Swaziland. Therefore it wasn't necessary for me to fish for anything, the moment that we entered into any discussion I was informed that Sedibe had been arrested. I hope that answers your question.

JUDGE KHAMPEPE: Just to try and shorten your very long response to Mr Leopeng's question, it was not so much in the interest of good relations that you obtained this information, you were a person who was gathering information and you exchanged information from the RSA side, with the Swazi Intelligence Unit, inasmuch as the *vice versa* occurred, is it not so?

MR DEETLEFS: Yes, that is correct, we exchanged information on a regular basis.

CHAIRPERSON: Yes. And it was during the exchange of such information that the Head of the Intelligence Unit informed you of the apprehension of Mr Sedibe.

MR DEETLEFS: That is correct.

JUDGE KHAMPEPE: Mr Leopeng.

MR LEOPENG: Thank you, Madam.

This head of the Intelligence Unit in Swaziland, was a South African who was based in Swaziland or was he a Swaziland citizen who was working for the Swaziland Government?

MR DEETLEFS: He was a subject of Swaziland.

MR LEOPENG: Was he working for the Swaziland Government on intelligence basis?

MR DEETLEFS: That is correct, he was a member of the Swaziland Police.

CHAIRPERSON: Why did the ...(intervention)

JUDGE KHAMPEPE: Do you have his name, Mr Deetlefs?

MR DEETLEFS: At that stage, if I recall correctly, his name was Mr Francis Mapelala.

JUDGE KHAMPEPE: And was he also based at the headquarters of the Swaziland Police?

MR DEETLEFS: That is correct.

JUDGE KHAMPEPE: In Mbabane?

MR DEETLEFS: Yes, in Mbabane.

MR LEOPENG: Thank you.

As I understand your evidence and your answers, the Swaziland Government was opposed to the ANC activities in Swaziland, is that correct?

MR DEETLEFS: Chairperson, yes, in the sense that they had an agreement with the ANC that they had a permanent representative there. There were many refugees in the country. But there was an agreement that ANC cadres could not use Swazi territory to launch attacks on the Republic of South Africa because this would place Swaziland in a precarious position with the South African Government.

MR LEOPENG: But at the same breath the same Swaziland Government accommodated these ANC cadres in Swaziland, is that correct?

MR DEETLEFS: They did not armed cadres - they constantly acted against MK cadres, usually arrested them with firearms or because they entered the country illegally. So they did not obviously allow cadres there but they *bona fide* allowed ANC members there.

MR LEOPENG: In other words the Swaziland Government played a double-standard, they at the same time accommodated the ANC members and at the same time liaised with you to abduct such ANC who were accommodated in Swaziland.

MR DEETLEFS: No, there was never any liaison to abduct any ANC cadre, it was never mentioned, they were never involved. I said that they acted against ANC cadres, but they did allow *bona fide* ANC members or representatives who officially entered the country, they did accommodate them. But usually the ANC cadres, trained MK people usually entered the country illegally from Mozambique and in most cases the Swazi authorities acted against them because they were afraid that they would infiltrate the country from Swaziland and that a finger would be pointed at them.

MR LEOPENG: At that time did the South African Government have dealings of extradition with the Swaziland Government, for political refugees who left the country illegally? - who left South Africa illegally.

MR DEETLEFS: No, there was none, Chairperson.

CHAIRPERSON: Why was it now necessary for the Head of the Intelligence Unit to inform you about the activities of the MK cadres in Swaziland?

MR DEETLEFS: Chairperson, as I have already said, they did on a regular basis with each arrest that they executed because they were afraid that if they did not act, then from the South African side it would be acted against Swaziland and that is why always they were enthusiastic to show the South African Government that from their side they were doing something to prevent the ANC from using Swaziland as a springboard for attacks against the RSA.

MR LEOPENG: Further, in your evidence-in-chief you said the Commissioner of Police and the Head of the Intelligence Unit informed you where Mr Sedibe was kept, is that correct?

MR DEETLEFS: That's correct, yes.

CHAIRPERSON: Mr Deetlefs, when Mr Sedibe co-operated with you eventually did you create the impression that he was a free person and that he could go where he wished and that he could also testify in cases later? What of his family?

MR DEETLEFS: Chairperson, I think Mr de Kock will possibly testify about that later. I know that his wife and children were brought to the RSA later. I was not involved with that, so I cannot enlighten you about that. But I know that they were brought to the RSA and accommodation was supplied to them.

CHAIRPERSON: So you had knowledge of his position with regard to the South African Police?

MR DEETLEFS: Yes.

CHAIRPERSON: Yes.

MR LEOPENG: Thank you, Mr Chairman.

My question was, the Commissioner of Police and the Head of the Intelligence Unit informed you of where Mr Sedibe was kept.

MR DEETLEFS: Yes, that is correct, Chairperson.

MR LEOPENG: Were the two also aware of your intentions to go and abduct Mr Sedibe from ...(indistinct)

MR DEETLEFS: No, not at all, Chairperson. As I have said, I would not have approached them in this regard.

MR LEOPENG: Now when you approached this police station, how many police officials were at that police station?

MR DEETLEFS: There was only the one, Chairperson, and if I recall correctly there was a young man but he was a student at that stage, so he was not a policeman at that stage.

MR LEOPENG: Is this the same person you said he was armed with a G3?

MR DEETLEFS: Yes, that's correct, Chairperson.

MR LEOPENG: Why do you say he was a student if he was armed with a G3 to guard the police station?

MR PRINSLOO: I think there's a misunderstanding, Mr Chairman, with respect. The witness said there was - besides the one person, there was also a student. He's not saying that the student was armed.

MR LEOPENG: Now let's now deal with the issues of the forcible removal of abduction of Mr Sedibe. You said in your evidence-in-chief that except for the blow on his nose, you can't recall having observed any bruises on his face, is that correct?

MR DEETLEFS: It was a long time ago, Chairperson, what I specifically remember was that he had a blow across his nose. He may have in the struggle, because as I have said he resisted vehemently, he may have bruised upon his body but he never complained of any serious injuries, so I do not believe that there were any serious injuries. He might have been bruised and somewhat injured because he was clothed and I did not see any injuries to his body.

MR LEOPENG: That is in reference to the abduction. Now let's talk about being abducted, kept in a house in a farm. Don't you remember seeing him being assaulted by one of your colleagues?

MR DEETLEFS: No, Chairperson. As I have said, Mr September was a very intelligent person, he was a finely educated person as well and as I've said it was very quickly after we spoke to him and we explained to him that there was no danger to him any longer, he gave his co-operation and it was definitely not necessary to assault him. And from my side I would not have allowed it that anyone assaulted him any further.

ADV BOSMAN: Mr Deetlefs, if I may just enter here. How could you be so sure that he had turned within such a short period of time?

MR DEETLEFS: At that stage one could not be one hundred percent certain. I would not say that as from that time you would send him in on his own, but he immediately supplied names and told us about the structures in Swaziland, so one got the feeling of coercion or co-operation. It was only at that stage that I felt that we would reach something with him.

ADV BOSMAN: Did you have any reason why he so easily co-operated with you, given his position in the ANC?

MR DEETLEFS: Chairperson, at that stage what I learnt from later discussions with him was that at that stage I think he - the English word is "disillusioned", he never diverted from ANC

principles but he questioned their methods. At that stage - as I have said this was from later discussions, he mentioned that he questioned the methods which were applied and at that stage he was in favour of negotiations with the South African Government. So I think from that point he was before his time, or ahead of his time.

JUDGE KHAMPEPE: ...(indistinct - no microphone)

INTERPRETER: The speaker's microphone is not on)

JUDGE KHAMPEPE: Sorry, sorry about that.

You have however in your evidence repeatedly ascribed his quick co-operation with you and your members to his intelligence.

MR DEETLEFS: Certainly intelligence, he was intelligent and this might have counted towards that as I have said, which appeared later that he himself have some protests about the armed struggle if that was the right word we could use, but we would never know why he immediately co-operated with us. But the fact remains we immediately worked together and he did grant us his co-operation.

CHAIRPERSON: Did he tell you that he questioned the struggle and that he wanted the ANC to negotiate and speak to the government at that stage?

MR DEETLEFS: No, this was quite a long while after this. After we were at Vlakplaas he regularly visited Ermelo and it was during one of those discussions long after this incident that he mentioned it to me, that he was always a supporter of the principles of the ANC, but the methods were questioned by him.

CHAIRPERSON: Did you not ask him "If you question it, why were you training people? Why did you gather intelligence for the ANC? Why did you train the people who were furthering the struggle?"

MR DEETLEFS: No, Chairperson, I did not but I assumed that it was the same case as the others, he was under instruction and he did what was expected from him. I think that was the case with him. And I think sometimes I gained the impression that it was a relief to him to be here on this side and be free of the struggle in Swaziland. That was my impression.

MR LEOPENG: I'm taking the questions of the Panel further. Isn't it correct that at the time of his abduction he was still a loyal member of the MK?

MR DEETLEFS: Yes, when he was abducted he was still a member of MK.

MR LEOPENG: That is why he had to resist your abduction, he had to fight with you before you could even abduct him, you succeeded in abducting him.

MR DEETLEFS: Chairperson, yes, that may have been one of the reasons, but I believe at that stage that we - he believed that we were there to eliminate him at that stage.

MR LEOPENG: But the disillusion that you are talking about, if there was disillusion he could not have resisted it, isn't it?

MR DEETLEFS: I don't know, I cannot say. I do not think that it was only because he was an MK member, but I believed that we would hurt him. And that is what he thought at that stage in his mind.

MR LEOPENG: Well one of the reasons that you said why you wanted to abduct him is that you ranked him as a high official of the MK and you wanted him to come to assist you, is it so?

MR DEETLEFS: That's correct.

MR LEOPENG: You never wanted him because there was a possibility of disillusion or that he defected from the organisation.

MR DEETLEFS: No, at that stage I did not know what his feelings were, it was about the fact that he was indeed a highly placed member of MK and as I have said, from information that he was uncomfortable in Swaziland and those were the reasons why I decided.

MR LEOPENG: Was he comfortable because of his safety or security, or because he was not happy with the organisation?

MR DEETLEFS: No, I would not be able to say, Chairperson.

MR LEOPENG: Now let's talk about his co-operation with you. Did he just cooperate with you without being interrogated, being a loyal member ...(indistinct) member who was well trained in the MK?

MR DEETLEFS: Yes, Chairperson, we can call it interrogation or questioning or a discussion, whatever we call it, but as I have said already whether at the first moment it was out of fear that he co-operated, I cannot say, but the fact remains after we brought him to the house and talked to him he started co-operating with us and there was no reason whatsoever to assault him.

CHAIRPERSON: Mr Leopenng, was that ever in dispute, that he did change allegiance sometime after his abduction? Is it in dispute?

MR LEOPENG: I beg your pardon?

CHAIRPERSON: Is it in dispute that Mr Sedibe at some time after his abduction switched allegiance?

MR DEETLEFS: No, it's not in dispute, it's common cause.

CHAIRPERSON: What is the purpose then, what are we leading up to then with these few questions?

MR LEOPENG: The basis - I'm coming to the assault part of it, that before he could change ...(indistinct) changed voluntarily, there was the interrogation.

JUDGE KHAMPEPE: But do you have any facts to back up what you want to put? That's what we are trying to put to Mr Deetlefs in so many ways without being direct. You've haven't been direct so far.

MR LEOPENG: Let me be direct. I am going to refer Mr Deetlefs to the bundle here.

JUDGE KHAMPEPE: Yes.

MR LEOPENG: Mr Deetlefs, on page 25 of the bundle, Mr Fourie who was also a member of that unit, at that time indicated that ...(intervention)

CHAIRPERSON: What page?

MR LEOPENG: 75 of the bundle. 7-5.

JUDGE KHAMPEPE: Which paragraph?

MR LEOPENG: ...(inaudible)

MR DEETLEFS: I have it before me, Chairperson.

JUDGE KHAMPEPE: Yes, Mr Leopeng, I don't want to interfere with your cross-examination, you've referred us to paragraph 4 and I suppose you are now trying to lay a basis that somebody has given evidence, documentary, that he was assaulted whilst held in the house in Piet Retief. Yes?

MR LEOPENG: Maybe with the leave of the Panel, can I ask you was Mr Fourie also part of your team who abducted - who spoke to Mr Sedibe at Piet Retief?

MR DEETLEFS: No, he was not there. As I recall he only arrived at the house where we were detaining Mr Sedibe on the day after the abduction took place.

JUDGE KHAMPEPE: Are you not going to have a problem, Mr Leopeng, by referring us to this paragraph?

MR LAMEY: Chairperson, may I come in, I represent Mr Fourie here. I think that paragraph must be read also with paragraph 5, where Mr Fourie on page 76, where he says -

"As far as I know ..."

...(intervention)

JUDGE KHAMPEPE: That's right, that's why I'm asking if Mr Leopeng is not going to have a problem with referring us to paragraph 5, if what he wants to elicit is the fact that Mr Sedibe was indeed assaulted while held in detention at a house in Piet Retief, because that paragraph does not suggest anything to that extent.

MR LEOPENG: Just a minute. Thank you, Mr Chairman.

Subject to the permission of the Panel and the interpretation of paragraph 4, the way I understand it is that when Mr Fourie came to the house where Mr Sedibe was kept, it would seem that he was assaulted as it appears from his face.

JUDGE KHAMPEPE: Yes, but at this stage ...(intervention)

CHAIRPERSON: Mr Leopeng, does it ...(intervention)

JUDGE KHAMPEPE: ... at this stage, wasn't he assaulted en route from Mankanyane Police Station to the house?

MR LEOPENG: That is what I want to know, at what stage was he assaulted, because Mr Fourie says he was seen to be assaulted.

JUDGE KHAMPEPE: Yes. But hasn't it been Mr Deetlefs' evidence that he was bruised during the abduction. When he arrived at the house he already bore bruises. That's his evidence. But that does not mean that the fact that Mr Fourie on his arrival noticed these bruises, those bruises therefore emanated from the assault that was conducted whilst he was being kept at Piet Retief. That paragraph does not suggest that kind of evidence.

MR LEOPENG: Thank you, Madam Chair, I agree with the interpretation.

JUDGE KHAMPEPE: I'm not Madam Chair, I've got a Chairperson. Judge Pillay is the Chairperson.

MR LEOPENG: I'll leave that point, I understand it. Just a minute.

CHAIRPERSON: Mr Cornelius, before you take that minute, can you just answer this question - sorry, Leopeng, sorry. What is it exactly - Mr Leopeng, now that you've finished consulting tell me what is it exactly that forms a basis of your objection to the application?

MR LEOPENG: Full disclosure of the assault and how the information for the abduction - where was information obtained for the abduction and further that the issue that he was only assaulted during the abduction is not true, he was further assaulted.

CHAIRPERSON: Ja, that's what my colleague was asking you, have you got actual evidence upon which to base those assertions?

MR LEOPENG: Mr Chairman, except that also the wife is intending to come and testify that after Mr Sedibe turned as an askari he told the wife that "I was assaulted before, that's why I had to turn as an askari". The wife is here to come and confirm that. And that he has some bruises on the body, all over the body, except on the fact and the nose that Mr Deetlefs is speaking about.

JUDGE KHAMPEPE: Mr Leopeng, it's hardly likely that by your questions you're going to get that admission from that witness, Mr Deetlefs. Shouldn't you then just put it straight to him as a proposition and put it to him that you're going to call evidence to that effect and see what his reaction is to it.

MR LEOPENG: Thank you.

Mr Deetlefs, there will be evidence to the effect that Mr Sedibe was continuously ...(indistinct) assaulted before he could even cooperate with you to become an askari.

MR DEETLEFS: Chairperson, no, not at all. As I have stated, I do not recall that - I have stated that during the abduction and our journey through Swaziland to Piet Retief, violence was applied in order to control the detainee but at no point during his detention at the safehouse in Piet Retief was he assaulted. I don't know why I would admit to abduction and then deny any involvement in a more minor charge such as assault, I cannot see the reason why I would lie in this aspect. When it comes to the truth I tell the truth as I know it to be.

MR LEOPENG: Thank you, no further questions.

NO FURTHER QUESTIONS BY MR LEOPENG

CHAIRPERSON: Ms Patel.

CROSS-EXAMINATION BY MS PATEL: Thank you, Honourable Chair.

Mr Deetlefs, just for the sake of completeness regarding the question of the assault of Mr Sedibe after he was brought to Piet Retief, let me just put Mr Nofomela's version to you. It is found on page 171 to - sorry, 169 to 170 of the bundle.

MR DEETLEFS: I have it before me.

MS PATEL: Let me just read the relevant pages to which I - I mean the relevant sections for you.

"September was taken to a house in the outskirts of Piet Retief. During the operation, September was assaulted by Lt van Dyk. Later we were joined by W/O Pienaar, W/O Greyling and W/O Botha and a Colonel from Middelburg. September was further interrogated and assaulted."

MR DEETLEFS: No, Chairperson, very clearly I think that Mr Nofomela is mistaken here because he is referring to persons who were never anywhere close to this operation. As far as I can recall, after we arrived at Piet Retief not one of the askaris from that point onwards, had any further access to Mr Sedibe. We had discussions with him alone with the express purpose of obtaining his co-operation, so I do not know from where this story comes.

MS PATEL: Alright. And then I think it was ...(intervention)

JUDGE KHAMPEPE: Before you lose that point, Ms Patel, may I interpose with your permission?

When you say none of the askaris had any contact with Mr September whilst you were talking to him in the house in Piet Retief, was Mr Koole not assigned to look after him whilst he was being detained in that house?

MR DEETLEFS: Chairperson, I think that at the beginning one of them may possibly have guarded him because some of us went to sleep after the long night, so there was someone

who was guarding him but when we held discussion with him it was exclusively Mr Pienaar and I who were attempting to persuade him to cooperate. But as I've stated, even during that period I do not know of any further assault on Mr Sedibe.

JUDGE KHAMPEPE: But were present? When you say - let me probably first ask this question. Was it only and Mr Pienaar who were privy to talking to Mr Sedibe before he gave his co-operation?

MR DEETLEFS: No, I think Mr Visser was also still there, Mr de Kock, I don't know, there were various persons when we initiated the discussions, but subsequently some of us went to bed and some of us spoke to him. And after that we also gave Mr Sedibe the chance to rest because we realised that we wouldn't be able to manage much with him because he was also quite stressed and he also needed a break and it was only after that that we began to communicate with him in earnest.

JUDGE KHAMPEPE: Yes. My follow-up question would be then, how soon after his arrival in this house in Piet Retief did he give his co-operation to work with you?

MR DEETLEFS: Well I can put it as such, we did not engage in discussions with him on a serious level on an immediate basis, but with regard to the structures in Swaziland he was discussing this aspect quite voluntarily. Later one we took turns in getting some sleep and he also had a break, but the real discussion with him began on the day subsequent to the day of the abduction. That is when we began to talk to him in earnest with regard to obtaining information.

The first session of discussions was mainly to determine whether or not he would cooperate. So the basic information was provided by him when it came to the ANC structures in Swaziland and so forth and from that we could determine that he would cooperate.

CHAIRPERSON: And if he had not co-operated he would probably have been taken back to Swaziland.

MR DEETLEFS: Chairperson, these are all possibilities, I'm not saying that that would have happened, it is a possibility that may have occurred, but we would have attempted at first to detain him in terms of Section 29, to attempt to see whether or not we could detain him for six months and to see whether or not there was anything that we could do to convince him during those six months, but it may have been possible that he may have had to be returned. But one can only speculate about these things.

JUDGE KHAMPEPE: Mr Deetlefs, I don't think I understood your response to my question properly, I don't think we are on the same wavelength. My question was intended to find out how soon after his arrival in Piet Retief, Mr Sedibe said to you "I am now willing to cooperate and work with you".

MR DEETLEFS: He did not say so immediately.

CHAIRPERSON: Well how long after you arrived there?

MR DEETLEFS: When he said that he would cooperate?

CHAIRPERSON: Yes, that's the question. When did he tell you that he would cooperate with you?

MR DEETLEFS: It was only after that, approximately a day or two, perhaps that afternoon, but he did not tell us that he would cooperate immediately upon his arrival there, it was based upon these discussions that we inferred that he would cooperate with us.

CHAIRPERSON: So basically one to two days after your arrival in Piet Retief?

MR DEETLEFS: I cannot recall precisely, but I would speculate that it would have been that long.

JUDGE KHAMPEPE: We don't expect you to be precise, we merely want you to give us an estimate. So you say it is within one or two days of your arrival in Piet Retief?

MR DEETLEFS: Yes, approximately.

JUDGE KHAMPEPE: Thank you. Ms Patel?

MS PATEL: Thank you, Honourable Chairperson.

Then just to take you to page 57 in which Mr Fourie also, where he lists the incidents for which he applies for amnesty. If one looks at the third incident on the page he says -

"I was present in the interrogation and assault of Glory Sedibe
..."

...(intervention)

MR PRINSLOO: What is the correct page, Mr Chairman?

MS PATEL: 57.

MR PRINSLOO: 57, thank you.

ME PATEL: "Dis insident 3".

MNR DEETLEFS: "Ek het dit, ja."

MS PATEL: Okay. Let me just read out to you what he says.

"I was present during the interrogation and assault of Glory Sedibe after he was abducted from Swaziland and taken to Piet Retief."

And you've already confirmed that Mr Fourie only came in the day after or the morning after the abduction, so he wouldn't have been privy to any assault, not so? Yet he says here that he was present during both the interrogation and the assault.

JUDGE KHAMPEPE: No, he doesn't say that.

CHAIRPERSON: I think he would not have been present according to your evidence, in the assault on the way to Piet Retief. I think the question is now aimed, do you know of which assault Mr Fourie refers to?

MR DEETLEFS: Chairperson, no, because in the documents that we had now of Mr Fourie, he mentioned that he saw signs of assault, but he does not mention anything of the assault and in this paragraph he mentions the assault, so I do not know what he is referring to. He was never assaulted in my presence or where Mr Fourie was present, so I cannot answer to that.

MR PRINSLOO: I think in fairness to the witness as well, Mr Chairman, at page 76 of Mr Fourie's application, paragraph 5, in that paragraph he says -

"I understood that the assault took place during the process of his abduction from Swaziland to Piet Retief and that he had resisted during this abduction."

So I don't think it's fair to put it in that context if one looks at his application and what he says here. It appears in the first ...(intervention)

JUDGE KHAMPEPE: ...(indistinct - no microphone)

MR PRINSLOO: Page 76, Mr Chairman. It's a double paragraph 5, because the one on page 75 is marked paragraph 5 and it's round about the sixth line from the bottom of that paragraph, Mr Chairman.

MS PATEL: With respect to the objection raised, Honourable Chairperson, in fairness, that was put to your client by my learned colleague, Adv Leopeng. I merely for the sake of completeness and also for whatever arguments may arise at a later stage, also put to your client what Mr Fourie said in an earlier statement to us.

MR PRINSLOO: Just for completeness as well, Mr Chairman, what the representative of the family put was at paragraph 4 and I'm referring to paragraph 5, which was never put to the witness. I'm merely ...(intervention)

CHAIRPERSON: Whatever the position, Mr Prinsloo, Mr Fourie says that he was present during an assault. I don't know thusfar whether the parties refer to the same assault.

MR PRINSLOO: I shall leave it there, Chairperson.

MR LAMEY: Chairperson, may I just come in here. I'll get more exact instructions on this aspect, but as the first paragraph on page 76 - sorry, paragraph 2.1 on page 68, Mr Fourie testifies that his first initial amnesty application was done by himself and you would notice from it there's not a lot of details. So my impression from my instructions are - but I'll just confirm it again with him, that he placed it, that first paragraph of his initial application must be read together with his total supplementary application which was later done, Chairperson, and which is then what we find on the subsequent pages of the bundle. So I don't think one should just take that out of the total context of his supplementary application.

CHAIRPERSON: You're then completely entitled to get your information and you consult and perhaps even put it into proper context. In my view the question was fair because it's easier and it needed the witness to ...(indistinct) it, one way or the other.

MR LAMEY: As it pleases you, Chairperson.

MS PATEL: Thank you, Honourable Chairperson.

Just to confirm. Was Mr Fourie present during the interrogation of Mr Sedibe after his abduction, according to your memory, your knowledge?

MR DEETLEFS: Chairperson, he could have been. As I have said quite a number of people were there. I cannot place him immediately, but it is possible. I know he was there at some stage, but at which stage he arrived there or whether he was present during the interrogation, I cannot say with certainty at this stage, Chairperson.

MS PATEL: Okay. And then just to move onto another point, Mr Bosch I believe at page 41 - let me just double-check the reference - okay, if one turns to page 51, 11.2, he makes mention of raids or searches I would believe, on certain houses in Swaziland as a result of information received from Mr Sedibe. Do you bear any knowledge of this?

MR DEETLEFS: Chairperson, I cannot say with certainty. I know that at some stages there were allegations that members of Vlakplaas had raided certain houses in Swaziland, but I was not present and I am not able to say whether it was indeed so. I cannot recall whether specifically after this abduction, a raid was carried out.

MS PATEL: And then finally - sorry to take you back again, but Mr Fourie says that Mr Sedibe was bound to the bed, both his hands and his feet, do you confirm that?

MR DEETLEFS: Chairperson, no I cannot. I recall that he was cuffed to the bed, but as I know it was only his arm. It is possible, but to have him rest and to grant us some rest, he was cuffed to the bed. I cannot say with certainty whether it was both his legs and hands.

CHAIRPERSON: Can I just get some clarity here. We refer to a bed at Piet Retief?

MR DEETLEFS: Yes.

CHAIRPERSON: If it was indeed so that he was tied up and tied to the bed, why? Here was a person who was on the threshold of becoming an askari, why was he tied to a bed?

MR DEETLEFS: Because at that stage it was just upon our arrival there. Although he had cooperated, one has a dilemma because he could have escaped and gone back to Swaziland and it could have caused problems for us and this was a security measure. We were tired and he was tired.

CHAIRPERSON: I do not understand this Mr Deetlefs, you have just said that he would have never been assaulted because you did not want to send him away. Here was a person who could supply you with information, he was on the threshold of becoming an askari and he was tied up.

MR DEETLEFS: Chairperson, I believe that even if he does cooperate one has to be certain - at that stage he was still a prisoner.

CHAIRPERSON: I understand what you are saying, but your answer earlier on that you did not dare assault him because you wanted to, to put it as such, buy him to the other side, if that was the case why was he cuffed?

MR DEETLEFS: For the simple reason to prevent escape because at that stage some of us went to sleep and there was a danger there, we were all tired, people could fall asleep, he could escape, so it was just to prevent escape, that was the only reason.

CHAIRPERSON: If it is indeed so and you did not trust him that much, is it possible that he could have been assaulted?

MR DEETLEFS: It is possible, Chairperson, I cannot argue, but definitely not in my presence.

MS PATEL: I suppose we can't take it any further than that then, Honourable Chairperson. I have no further questions, thank you.

NO FURTHER QUESTIONS BY MS PATEL

EXAMINATION BY MR PRINSLOO: Thank you, Chairperson.

Mr Deetlefs, the ANC cadres, these are the persons who fought the armed struggle, did they work openly or underground?

MR DEETLEFS: They worked underground.

MR PRINSLOO: And this aspect of Mr Sedibe becoming an askari, was it immediately addressed there or was it a process that were to be taken, that would take place over some time?

MR DEETLEFS: It was a process, possibilities were mentioned to him. I don't know whether it was the same day or a day later or two days later, but at some stage we did address it, but it is a process that he has to go through.

CHAIRPERSON: ...(indistinct - no microphone)

INTERPRETER: The speaker's microphone is not on.

MR PRINSLOO: No, that is so, but I cannot recall at which stage we planned to make him an askari.

CHAIRPERSON: Before you did that did you call home, to Middelburg?

MR DEETLEFS: Yes.

CHAIRPERSON: So it wasn't an issue that the idea that he becomes an askari after his abduction?

MR DEETLEFS: No, I do not refer to the idea, I refer to when we mentioned it to him.

MR PRINSLOO: Thank you, Chairperson, no further questions.

NO FURTHER QUESTIONS BY MR PRINSLOO

ADV BOSMAN: No questions.

JUDGE KHAMPEPE: Mr Deetlefs, I have probably one or two questions emanating from the questioning by Ms Patel. In your evidence you've already testified that Mr Sedibe gave his co-operation to work with you after a day or two of his arrival in Piet Retief. Now what I want to know is whether after he had given his co-operation you continued cuffing him to the bed.

MR DEETLEFS: No, it was only during that short stage, until after we rested, and thereafter he was uncuffed again.

JUDGE KHAMPEPE: Mr Koole in his affidavit has also stated that Mr Sedibe was brought to a house in Piet Retief and the following day was removed and taken to a different house. Do you know of that?

MR DEETLEFS: Chairperson, yes, he was moved. I am not certain because the following day I returned to Ermelo. I don't know, Mr Pienaar would be able to better answer that question as to where they accommodated him.

JUDGE KHAMPEPE: So there were instances when you would not have been present when other members of Vlakplaas might have been present to interrogate Mr Sedibe.

MR DEETLEFS: Yes, there were cases. As I've said, I went back to Ermelo and after that Mr Pienaar dealt with the matter further.

JUDGE KHAMPEPE: So it is possible that Mr Fourie might have witnessed an assault which occurred in your absence.

MR DEETLEFS: Yes, that is possible.

JUDGE KHAMPEPE: Thank you.

CHAIRPERSON: Mr Deetlefs, I do not understand the purpose with the question which was put to you a few minutes ago, not now but by Mr Leopeng, but perhaps it will come to light at the end of the hearing. As I understand matters they appear as follows, that Mr Sedibe became an askari as a result of the assault and that he was virtually forced to do so, although later he genuinely co-operated, is that correct?

MR DEETLEFS: No, Chairperson, I was never present with any assault and I don't believe that it would have happened that way because if one had wanted to force Mr Sedibe to work for Vlakplaas by means of violence, he would have escaped at the first available opportunity. That was no way to co-opt someone into the ranks of the police.

CHAIRPERSON: Well then let me put it as such, even though your evidence does not indicate that this happened to Mr Sedibe, could this have happened to somebody else?

MR DEETLEFS: Not that I know of.

CHAIRPERSON: Did you perhaps hear that this happened to somebody else?

MR DEETLEFS: No, I do not have any knowledge that somebody was forced by means of violence.

CHAIRPERSON: Or that they were placed in such a position that the ANC would think that they had become askaris and if that was the case they would simply have to become askaris because they didn't have any other resort.

MR DEETLEFS: Yes, that may be so, but I don't have any personal knowledge of that, perhaps Mr de Kock would because he worked more closely with these matters.

CHAIRPERSON: Wouldn't that be a possibility for this case?

MR DEETLEFS: Not that I know of.

CHAIRPERSON: But you were the main figure of the operation.

MR DEETLEFS: No, at no point in my presence was Mr Sedibe assaulted by me or by somebody else.

CHAIRPERSON: But did you place him in the position where he feared that the ANC would think that he had indeed become an askari and that under such circumstances he elected to cooperate with you?

MR DEETLEFS: That is possible. This initial co-operation could have been born out of fear, but we will never know what the initial impetus was for his decision to cooperate.

CHAIRPERSON: And the Security Police of that time knew that such things were possible.

MR DEETLEFS: That is correct.

CHAIRPERSON: And it was one of the tactics that they employed.

MR DEETLEFS: Yes, to render it difficult for him to return ...(intervention)

CHAIRPERSON: But actually it was their choice to do so in either event.

MR DEETLEFS: Yes.

CHAIRPERSON: Thank you.

JUDGE KHAMPEPE: Mr Deetlefs, did I understand your evidence-in-chief to say that when you initiated the abduction you did not want to be connected by the Swaziland Police with that abduction of Mr Sedibe?

MR DEETLEFS: I beg your pardon, I didn't really hear you properly.

JUDGE KHAMPEPE: Did I understand your evidence correctly that you did not want to be connected to Mr Sedibe's abduction, by the Swaziland Police?

MR DEETLEFS: I didn't put it in that many words, I stated that I would never have involved the Swaziland Police, but simultaneously because I worked regularly in Swaziland, I also didn't want to create the impression that I was involved with the matter. That is correct, that is why we wanted to create the impression that it may have been the work of the ANC.

JUDGE KHAMPEPE: Yes, the ANC was involved.

MR DEETLEFS: Yes.

JUDGE KHAMPEPE: But did you not think that by executing the abduction so soon after having been informed by both the Head of the Intelligence Unit and the Commissioner of Police that such an abduction would be connected to you? I mean it was immediately after you were informed of this information and the information being the whereabouts of Mr Sedibe?

MR DEETLEFS: Yes, but that was a reasonable chance that I had to take because there wasn't much time. As I have stated, they wanted to deport him to Zambia as speedily as possible and that is why I had to take that calculated risk and if they later pointed a finger at me I would just have to plead innocence. It was a chance that I had to take because we didn't have much time at our disposal.

JUDGE KHAMPEPE: As things unfolded were you contacted by the Swaziland Police about Mr Sedibe's whereabouts immediately after the abduction?

MR DEETLEFS: Chairperson, no, however I was later informed but I cannot recall whether they contacted me or whether it emanated from the following routine visit, but I was never accused of it for some or other reason. There were still much confusion and even the ANC was suspected of this. I don't know how they arrived at this conclusion ...(intervention)

CHAIRPERSON: But Mr Deetlefs, that was an intrusion of sovereignty and you say you can't remember whether they asked you about it or not. Surely those things didn't happen every day.

MR DEETLEFS: Yes, that is correct. I cannot recall whether it was the next day or later or whether they contacted me or whether it was when I visited them again, but it did come to discussion, they did involved me about it. I cannot recall when this took place because I had spent two to three days away from the office.

JUDGE KHAMPEPE: Thank you. Thank you, Chairperson.

CHAIRPERSON: Tell me, there's something that I wanted to ask you, why did they want to deport him to Zambia, was he a Zambian national?

MR DEETLEFS: No, I cannot speak with authority on this, I can only state the limited knowledge that I have about this. By nature of the situation they could not deport these persons to South Africa ...(intervention)

CHAIRPERSON: Why not?

MR DEETLEFS: Because it was connected with a political matter. As I had it there was an agreement with the ANC that they would deport such persons to Zambia because Zambia was willing to receive such persons. They had to negotiate with a country that would be willing to receive such persons. They had problems with Mozambique because they didn't enjoy very good relations with Mozambique and they'd learnt from experience that once they had put someone through the border post at Mozambique, he would simply climb back over the fence the following evening, back into Swaziland. And for that reason they negotiated with the ANC and the Zambian authority for such cases where ANC members had been arrested in Swaziland, they would be deported back to Zambia because at that stage Zambia was so to speak the head office of the ANC's activities, from that point out into the neighbouring States.

CHAIRPERSON: Thank you.

MR PRINSLOO: Mr Chairman, may the witness be excused?

CHAIRPERSON: Ja.

MR PRINSLOO: Thank you, Mr Chairman.

WITNESS EXCUSED

MR PRINSLOO: I call Mr Pienaar, Mr Chairman.

NAME: FREDERICK JOHANNES PIENAAR

CHAIRPERSON: Mr Pienaar what language would you prefer to use?

MR PIENAAR: Afrikaans please.

CHAIRPERSON: Mr Pienaar, do you have any objection to taking the oath?

FREDERICK JOHANNES PIENAAR: (sworn states)

CHAIRPERSON: Thank you, you may be seated.

EXAMINATION BY MR PRINSLOO: Thank you, Chairperson.

Mr Pienaar, your application appears on page 138 of the bundle and the incident is described on page 141 of this bundle, is that correct?

MR PIENAAR: Yes, that is correct, Chairperson.

MR PRINSLOO: Mr Pienaar, you are applying for amnesty in connection with the matter pertaining to Mr Glory Sedibe, who was also known by the MK name of September, is that correct?

MR PIENAAR: Yes, that is correct.

MR PRINSLOO: And you have also applied for abduction, assault and the illegal transgression of the border from Swaziland to South Africa, and there was also the charge of perjury.

MR PIENAAR: That is correct.

CHAIRPERSON: What is the charge?

MR PRINSLOO: The charge is abduction, assault, illegal crossing of the border and the final charge is perjury.

CHAIRPERSON: How do we get to perjury?

MR PRINSLOO: I will address you on this matter during the evidence. He gave evidence during the trial of Mr Ebrahim Maseko and he gave false evidence with regard to how September came from Swaziland to South Africa. The evidence was not disclosed that he was abducted, instead it was presented that he had independently moved from Swaziland to South Africa. We shall then continue.

Mr Pienaar ...(intervention)

JUDGE KHAMPEPE: Mr Prinsloo.

MR PRINSLOO: I beg your pardon?

JUDGE KHAMPEPE: Was this offence of ...(indistinct - no microphone)

INTERPRETER: The speaker's mike is not on.

JUDGE KHAMPEPE: Was the offence of perjury stated in Mr Pienaar's written application? That is Form B.

MR PRINSLOO: Mr Chairman, no, it was not stated in the written application and I'll ask leave ...(intervention)

JUDGE KHAMPEPE: Yes. Do we have jurisdiction to hear it?

MR PRINSLOO: I respectfully submit Mr Chairman, that in view of the offences listed or any other offence that originates from this, that the application can hear this application.

JUDGE KHAMPEPE: Yes, shouldn't you be moving a formal application?

MR PRINSLOO: Madam, in the circumstances I will then make a formal application to lead evidence, but at page 138 of the applicant's application he states -

"Murder or any other offence or unlawful act based upon my involvement in these matters"

But I move in the circumstances, Mr Chairman, I'm making application to lead evidence about this incident.

CHAIRPERSON: What is the connection between this incident and perjury?

MR PRINSLOO: With respect, Chairperson, the connection lies in the fact that Mr September's abduction from Swaziland and the subsequent evidence which was led with this witness at a subsequent trial indicates that there's a direct course.

CHAIRPERSON: How so?

MR PRINSLOO: With respect, Honourable Chairperson, Mr Sedibe gave evidence in the matter of Ebrahim and Mr Pienaar gave evidence knowing that the evidence was false.

CHAIRPERSON: Yes, that is correct, I accept that, it couldn't have been different because otherwise it wouldn't be perjury, but the question is that the abduction and the assault and the crossing of the border form one set of charges, the perjury took place during other circumstances and at another time. How does the perjury emanate from the activities pertaining to Mr Sedibe's abduction?

MR PRINSLOO: With respect I will submit to you, Chairperson that this is consistent or continuous, Mr Sedibe's abduction is a continuous event.

CHAIRPERSON: But how so, it was completed? By the time that he committed perjury all the other activities were complete.

MR PRINSLOO: With respect, Chairperson, it emanates from this entire action of the ANC against the former government, it emanates from that because Mr Sedibe gave evidence before the State as a continuation of the struggle. He testified in a Court about this.

CHAIRPERSON: But isn't that a different charge?

MR PRINSLOO: It is a separate charge, with respect Chairperson.

CHAIRPERSON: There is no nexus between what took place with Mr Sedibe's incident and his evidence during a Court trial. Do you follow my line of argument?

MR PRINSLOO: Yes.

CHAIRPERSON: Then I will reiterate my question. How is it possible that he could apply now? I understand the apparent difficulty of your position and your argument, but one should know what one's argument is going to be.

MR PRINSLOO: With respect, there must be a full disclosure of the facts and part of that disclosure will be the disclosure of the facts of the aspect of perjury before the Committee. I do not wish to conceal this from the Committee, the fact that he lied before a Court of law regarding this.

CHAIRPERSON: Yes.

MR PRINSLOO: May I?

CHAIRPERSON: But firstly, would you accept, would you agree that these are two different charges, two separate charges?

MR PRINSLOO: Separate actions, with respect Chairperson.

CHAIRPERSON: Yes, but it does not form part of the action of abduction and assault and crossing of the border.

MR PRINSLOO: If one examines the applications of the various applicants, some of them indicate that ...(intervention)

CHAIRPERSON: What is the position with regard to this case? I'm referring to this case.

MR PRINSLOO: I am referring to this case as well, Chairperson. At times Fourie says that there was an assault here in the Republic and others say that an assault took place in Swaziland.

CHAIRPERSON: Yes, but the others applied for assault and we are referring to an assault which took place during the activities pertaining to the abduction and the subsequent dealings with Mr Sedibe.

MR PRINSLOO: Yes.

CHAIRPERSON: And at the time of this trial, when the perjury was committed, all those events had already occurred, so how can the perjury then emanate from those events?

MR PRINSLOO: It emanates from the abduction, it is about the abduction. It emanates from the information provided by Sedibe.

CHAIRPERSON: Yes, but what he did in Court did not contribute to the successful abduction.

MR PRINSLOO: I would argue that it did contribute to this aspect. It also explains how he arrived in the Republic.

CHAIRPERSON: But didn't he testify during this matter?

MR PRINSLOO: Yes, he did.

CHAIRPERSON: So he was already an askari at that point?

MR PRINSLOO: I wouldn't say that he was an askari, I don't know when he became an askari. This is an aspect which ...(intervention)

CHAIRPERSON: Well I would be surprised if he was not yet an askari at the time of the commission of perjury.

MR PRINSLOO: It is possible that he may have been an askari.

CHAIRPERSON: He must have been, isn't that so Mr Prinsloo? He wouldn't have testified if he wasn't yet an askari at that point.

MR PRINSLOO: If an askari is regarded as a person who has already been taken into service, then I would have to concede to that.

CHAIRPERSON: In either event then do you maintain that the application pertaining to the perjury is a reasonable application?

MR PRINSLOO: Yes, with respect, that is my humble request to you.

CHAIRPERSON: Very well.

MR PRINSLOO: Thank you, Chairperson.

Mr Pienaar - may I continue? Thank you, Sir.

Mr Pienaar, you have heard the evidence of Mr Deetlefs.

MR PIENAAR: I did yes, Chairperson.

MR PRINSLOO: And insofar as it has regard to your involvement as to how this aspect emanated, do you support the evidence of Mr Deetlefs?

MR PIENAAR: Yes, I do.

MR PRINSLOO: And were you called to Swaziland and did you arrive at the hotel as he had testified?

MR PIENAAR: Yes.

MR PRINSLOO: And was it decided that Mr Sedibe would be abducted ...(intervention)

CHAIRPERSON: Mr Prinsloo, he's already confirmed, you don't have to go through the whole evidence.

MR PRINSLOO: I will not repeat it, I will go to the following point.

Mr Pienaar, what was your part at the police station?

MR PIENAAR: I was in the charge office where Mr de Kock and I detained the two police officials where the other two went to the cells and removed Mr Sedibe from there and took him outside. I still remained in the office and locked the policeman up in one of the cells.

CHAIRPERSON: How many police officers?

MR PIENAAR: There were two, Chairperson, that I can recall, a student and then a member of the uniform branch. They were both placed into a cell.

CHAIRPERSON: And during the same time the other detainees were asked to run away?

MR PIENAAR: Yes. We left the key on the desk, we disconnected the telephones and we took along the G3 rifle which was taken from the one police officer. Outside Mr Sedibe was already placed into the vehicle ...(intervention)

JUDGE KHAMPEPE: May I interrupt you, Mr Pienaar. We have already heard a lot of evidence around what happened at the police station, Mankanyane Police Station, we want you to confine yourself to what you particularly did at the police station. Don't talk in terms of plural, "we", we want you to tell us what you personally did, what was your particular involvement.

MR PIENAAR: I assisted in locking up the two members in the cell. I assisted with the disconnecting of the telephone lines. We cut the lines, after which I went outside. I climbed into the vehicle where the other members were, as well as Mr Sedibe.

I understood that on our way back to the RSA, while we drove, of the resistance which Mr Sedibe offered on his being loaded into the vehicle.

CHAIRPERSON: Did you hit him?

MR PIENAAR: No, I did not.

CHAIRPERSON: Were you part of the group that assaulted him?

MR PIENAAR: I never assaulted Mr Sedibe at any point in time.

CHAIRPERSON: Are you then guilty of assault?

MR PIENAAR: This was done in my presence, I was part of that group who assaulted him although I did not participate.

CHAIRPERSON: Did you agree with the assault.

MR PIENAAR: There was no vote taken.

CHAIRPERSON: Did you not tell them that they should not assault him?

MR PIENAAR: No, I did not.

CHAIRPERSON: So in that sense you are part of the group that assaulted him.

MR PIENAAR: Yes, that is correct.

We returned to the RSA where Mr Sedibe was detained in a safehouse which was rented by myself, close to Piet Retief. He had some injuries which I can recall because I worked a long time with him. His face was injured, he also had several bruises on his body that I knew of.

CHAIRPERSON: Did he wear clothing?

MR PIENAAR: Yes, he did. After a while when he was detained as a Section 29 ... (intervention)

CHAIRPERSON: Was he detained?

MR PIENAAR: Yes, he was. I think it was the fourth day, I'm not entirely certain, the third or the fourth day after the abduction he was detained as a Section 29 detainee?

CHAIRPERSON: But why?

MR PIENAAR: In the police cells in Piet Retief.

CHAIRPERSON: But why?

MR PIENAAR: This was to grant time for interrogation. We could not detain him indefinitely.

CHAIRPERSON: You have heard Mr Deetlefs' evidence.

MR PIENAAR: Yes, that's correct.

CHAIRPERSON: He did not mention it, but over and above that he testified that in two days this man agreed to cooperate.

MR PIENAAR: That is correct.

CHAIRPERSON: And I gain the impression that because he agreed to cooperate he was not sent back to Swaziland and he was not detained under Section 29. I do not know if I am correct, but that is the impression that I gleaned from his evidence.

MR PIENAAR: No, Chairperson, Mr Sedibe was indeed detained as a Section 29 detainee.

CHAIRPERSON: You're saying round about the fourth day?

MR PIENAAR: I think it was then, I'm not entirely certain, it could have been the third or fourth day after his abduction.

JUDGE KHAMPEPE: May I before you proceed, Mr Pienaar, just to be on the same wavelength with your evidence right now on this point, which to me is critical. You've stated that you detained him in terms of Section 29 of the Internal Security Act because you wanted to buy time for his interrogation.

MR PIENAAR: That's correct, yes.

JUDGE KHAMPEPE: Yes. Now why did you need to buy time for his interrogation? What was it that you wanted to extract through his interrogation and through detaining him under Section 29? Because we know what the effect of Section 29 was as draconian law.

MR PIENAAR: If I have to give you my opinion I would have said that I would never question the man within the first hour after abduction. This was a highly trained ANC

member and within an hour or two I would believe everything that the man tells me, even the following day one probably has to determine certain things to see whether he was really co-operating. And then there was a process of questioning about several ANC members who may possibly be in the Republic, who were sent by him, possible weapons cache places as well as structures in Mozambique and other places. The questioning cannot take place over one or two days.

And then I also have to add that the day or the night after Mr Sedibe's abduction, the Nerston incident took place, people were shot dead there. There was the - attention had to be diverted from there and then he had to be detained as a Section 29 detainee. It was also an instruction from head office, it was not my instruction.

JUDGE KHAMPEPE: ...(indistinct - no microphone)

INTERPRETER: The speaker's microphone is not on.

JUDGE KHAMPEPE: If I comprehend your evidence you need time before you can properly question a person, particularly after he has been abducted.

MR PIENAAR: That is correct, yes.

JUDGE KHAMPEPE: Yes. In that line, can a person's co-operation be secured within a day or two of his abduction?

MR PIENAAR: One could believe so, he could pose that he wants to help, but I do believe that in the back of one's mind there is always something that nags and says that he may turn back. He had 10 years training and to turn him within an hour or two would definitely be difficult, after 10 years of intensive training. And he was highly placed in the ANC hierarchy.

JUDGE KHAMPEPE: And he was an intelligent man, do you agree?

MR PIENAAR: Definitely, yes.

JUDGE KHAMPEPE: Yes. So in your view, you wouldn't trust a person who appeared or who gave you the signal that he was co-operating, to you that would simply be some kind of pretence, you would have to continue with your interrogation just to make sure that indeed this person was giving you his genuine and true co-operation.

MR PIENAAR: Correct, yes.

JUDGE KHAMPEPE: Thank you.

MR PRINSLOO: Mr Pienaar, after the instruction came that Mr Sedibe be detained in terms of Section 29, was he detained in a police cell?

MR PIENAAR: He was detained the correctional facility at Piet Retief.

MR PRINSLOO: And did you question him?

MR PIENAAR: Yes, I questioned him. We fetched Mr Sedibe in the morning from the correctional facility, brought him to the office at Piet Retief, held him there the whole day, he ate there and then we took him back to the correctional facility during the afternoon.

MR PRINSLOO: Was there a good relationship or bad relationship between yourself and Mr Sedibe?

MR PIENAAR: I said it was very good.

MR PRINSLOO: And for how long was Mr Sedibe detained in terms of Section 29?

MR PIENAAR: I cannot recall exactly but it was quite a few months. While under Section 29 detention he also asked me to make a plan with his wife and the one child, to bring them in from Mozambique and I discussed it with Col de Kock and then he brought in Mrs Sedibe and her child from Mozambique to the RSA.

MR PRINSLOO: Can you recall how long after this abduction of Mr Sedibe his spouse was brought over?

MR PIENAAR: Chairperson, I shall not tie myself to a time but I would say approximately two or three weeks after the abduction.

MR PRINSLOO: And when Mrs Sedibe arrived here with her child, was she allowed to see Mr Sedibe?

MR PIENAAR: Yes, she was. I may also add that the child was approximately a year or two. We bought a small bicycle that the child rode around on in the office "waar Mev Sedibe gesit het, partykeer allenig, ander kere saam met mnr Sedibe, maar wanneer ek met hom gesels het dan was sy nie teenwoordig gewees nie".

MR PRINSLOO: Did she otherwise have access to her spouse?

MR PIENAAR: Yes, except at the correctional facility, she was not allowed there.

MR PRINSLOO: And otherwise his movements, did you care for him?

MR PIENAAR: Yes, care was taken of him. He never went out alone, there was always someone with him but he had freedom of movement as well as Mrs Sedibe, she had freedom of movement.

MNR PRINSLOO: "En nadat mnr Sedibe onthef is van die bepalings van Artikel 29, wat het toe met hom gebeur?"

MR PIENAAR: He was transferred to Vlakplaas. I also asked Brig Visser to attempt to arrange with head office for Mr Sedibe not to be transferred as an askari. We could not succeed in this, head office wanted him and he left there.

There were several occasions after he was at Vlakplaas that he visited Piet Retief and spoke to me. Later he left Vlakplaas for the Defence Force and it was during that time that he was

with the Defence Force that he also used to visit me with his wife and children. He came to show his youngest child to me there.

MR PRINSLOO: And is it correct that Mr Sedibe provided much information to the Security Branch, which led to the evidence against Mr Ebrahim in the trial?

MR PIENAAR: That is correct.

MR PRINSLOO: And that there was a lot of information in a comprehensive which stretched over a lengthy period of time pertaining to the ANC and its activities and structures.

MR PIENAAR: That is correct.

MR PRINSLOO: And after Mr Sedibe became an askari so to speak, did he have freedom of movement?

MR PIENAAR: Yes, he enjoyed freedom of movement. And also later when he was with the Defence Force he drove alone in a vehicle with his family.

MR PRINSLOO: In the matter of Mr Ismail Ebrahim, Mr Sedibe gave evidence.

MR PIENAAR: That is correct.

MR PRINSLOO: And there he testified that he defected freely to the RSA.

MR PIENAAR: That is correct.

MR PRINSLOO: And you supported him in that evidence.

MR PIENAAR: That is correct.

MR PRINSLOO: And that evidence was false.

MR PIENAAR: That is correct.

MR PRINSLOO: And that is what you're also applying for amnesty for.

MR PIENAAR: That is correct.

MR PRINSLOO: At any stage during the interrogation of Mr Sedibe, did you assault him?

MR PIENAAR: No, not at all. I never assaulted Mr Sedibe.

CHAIRPERSON: That matter was - the abduction of Sedibe, was this abduction the core of the case?

MR PIENAAR: No, it was to be put that we abducted Mr Sedibe and we denied this.

CHAIRPERSON: So what he testified about did not pertain to his abduction?

MR PIENAAR: No, it was something completely different.

MR PRINSLOO: And in that matter it was, Mr Pienaar, on the side of the Defence that maintained that they had been set free and did not defect freely.

MR PIENAAR: That is correct.

MR PRINSLOO: Under the circumstances, Mr Pienaar, did you entertain any feelings of malice or revenge against Mr Sedibe?

MR PIENAAR: No.

MR PRINSLOO: Did you participate in this incident out of financial benefit?

MR PIENAAR: No.

MR PRINSLOO: Do you apply to this Committee for amnesty with regard to your involvement in the matter as well as for any offences or delictual accountability that may emanate from the facts of this case?

MR PIENAAR: That is correct.

MR PRINSLOO: Thank you, Chairperson.

NO FURTHER QUESTIONS BY MR PRINSLOO

CROSS-EXAMINATION BY MR HUGO: Thank you, Mr Chairman.

Mr Pienaar, did you have the opportunity to study Mr de Kock's amnesty application with regard to this incident?

MR PIENAAR: No, I did not.

MR HUGO: Let me then put it to you very briefly. Mr de Kock maintains that before the operation was launched in Swaziland there was a so-called intelligence meeting and that you among others were present during this meeting, along with Mr Visser and so forth. Was there such an intelligence meeting?

MR PIENAAR: No, I was contacted telephonically by Brig Visser and instructed to go to Swaziland where we would meet Mr Deetlefs. There was no such meeting.

MR HUGO: May I put it to you that Mr de Kock has studied documents and that in retrospect has discovered that he was mistaken and that this so-called intelligence meeting is something that he confused with the incident which we will be dealing with tomorrow or the day after, and that you are indeed correct.

MR PIENAAR: I do not know about the following incident, but as I have stated there was no intelligence meeting.

MR HUGO: Very well. May I ask you, when Brig Visser contacted you, was Mr Paul van Dyk already in Piet Retief?

MR PIENAAR: Yes, as far as I can recall.

MR HUGO: And he was occupied with a routine deployment on behalf of Vlakplaas.

MR PIENAAR: That is correct.

MR HUGO: And Mr de Kock, at which stage did he arrive there?

MR PIENAAR: I think that he was there, but I don't believe that when Brig Visser called he was aware that Col de Kock was going to visiting his people, that is why Col de Kock went along when he heard about the operation in Swaziland.

MR HUGO: And then, you will also have noted if you had read Mr de Kock's application and affidavit, that there were guns which were taken from the policeman and that he does not know what happened to this gun.

MR PIENAAR: This G3 gun was later returned to the Swaziland Police under the table, so to speak. There was no official return of the weapon.

MR HUGO: You have just testified that directly after the abduction, in fact on the following day, the so-called Nerston incident took place. Now your recollection is probably better than mine, but the Nerston incident would be the incident during which ANC cadres were ambushed and shot dead.

MR PIENAAR: That is correct.

MR HUGO: And Col de Kock has just told me that he recalls that shortly after this Nerston incident there were indeed rumours which circulated and indicated that Mr Sedibe was the person who had provided the information which gave rise to the fact that you killed these ANC cadres during the Nerston incident.

MR PIENAAR: Yes, those were indeed rumours.

MR HUGO: And if that had been so, I'm sure that you would agree with me that it would have made Mr Sedibe's position unbearable.

MR PIENAAR: That is correct.

MR HUGO: And that he would have had virtually no other choice but to cooperate with the Security Police.

MR PIENAAR: That is correct.

MR HUGO: And that it would have been inconceivable for him to return to the ANC under such circumstances.

MR PIENAAR: That is correct.

MR HUGO: And Mr de Kock says in fact that he recalls that these rumours appeared in the press.

MR PIENAAR: I cannot recall, I'm not completely certain about that.

MR HUGO: And then just a minor aspect, I don't know whether or not there's much to be made about this, but Mr de Kock recalls that the arrangements that he made for Sedibe's wife and child to be returned from Mozambique to South Africa were for longer than the three to four week period that you spent there. He recalls that it may have been three to four months.

MR PIENAAR: I am not certain of the exact period of time, I do not wish to bind myself to a time. It may have been two months, I'm not completely certain. It may have been two to three to four weeks, but I'm not completely certain of these facts.

MR HUGO: I will not take it any further than this. No further questions thank you, Mr Chairman.

NO FURTHER QUESTIONS BY MR HUGO

CROSS-EXAMINATION BY MR LAMEY: I'll be very short, Chairperson, thank you.

Mr Pienaar, just a few minor aspects. I don't know whether or not these are very significant, but in as far as it is Mr Koole's version I will put these to you briefly. Mr Koole states that before Sedibe came to Vlakplaas, he at a certain stage met Sedibe, his wife and children at Ermelo once again. This is when he and de Kock weren't there. This was to welcome Sedibe's wife. Do you know anything about this, that they had a meal at the Holiday Inn in Ermelo?

MR PIENAAR: It is possible, I cannot recall this. It is possible.

MR LAMEY: Would he then still have been detained in terms of Section 29?

MR PIENAAR: Yes.

MR LAMEY: Did he enjoy such freedom?

MR PIENAAR: One could book a Section 29 detainee out for investigative purposes and perhaps as with that case it would be for him to have a meal. I cannot recall exactly what the circumstances would have been.

MR LAMEY: I will depart from that point. Mr Koole's recollection is that there in the police station you peeped through the keyhole when you came to fetch the keys from the guard, one of the doors of the detention cells - you apparently stated that you recognised someone or something.

MR PIENAAR: No, I was nowhere near the cells, I was in the office. I think that he is confusing me with somebody else.

MR LAMEY: That is possible. Then after the cell door was unlocked and opened he recalls that you pointed out a person and stated "Yes, Glory, you thought I wouldn't find you, today the boers have you".

MR PIENAAR: No, that isn't so. The idea was for people to think that it was the ANC who had conducted the abduction and if you were to arrive there and say "Today the boers have you", then that would defeat the purpose. I saw him for the first time after he had been loaded into the vehicle.

MR LAMEY: Is it possible that those words may have been uttered to Sedibe at any other stage, because my client recalls that those words were uttered to him.

MR PIENAAR: I may have said this to him in the vehicle, but I cannot recall this.

JUDGE KHAMPEPE: I don't understand your response to that, Mr Pienaar. You say that you might have said to Mr Koole that you said something to that effect to Mr September, is that what you are trying to say?

MR PIENAAR: No, what I'm saying is that I may have uttered the words in the vehicle during the journey back to the RSA, but at no stage during our presence in the police station.

MR LAMEY: So what you are saying is that it's a question of place.

MR PIENAAR: Yes, I cannot recall.

MR LAMEY: You did not participate in the assault as they took him to the vehicle.

MNR PIENAAR: "Glad nie, Voorsitter".

CHAIRPERSON: And all those inmates who ran away knew that it definitely wasn't the ANC who had seized the man.

MR PIENAAR: I don't know what they thought.

CHAIRPERSON: But you would have to be foolish to think that.

MR PIENAAR: I think that they were foolish because they came back, woke the policeman up and surrendered themselves.

CHAIRPERSON: Yes, that may be so, but they must have known for certain that it had not been the ANC who had been involved in this action.

MR PIENAAR: Yes, I would assume so.

ADV BOSMAN: I beg your pardon, may I ask you the following. When Mr Sedibe was loaded into the vehicle, didn't you help to control him?

MR PIENAAR: No, I was in the front of the vehicle, Mr de Kock and the others were in the back with Sedibe and van Dyk, there wasn't place or room for all of us in the back. I wasn't seated in the back of the vehicle.

ADV BOSMAN: Thank you.

MR LAMEY: Very well. And you state that you were also not present during the struggle which ensued while he was being brought to the vehicle.

MR PIENAAR: No, I only heard of it.

MR LAMEY: Thank you, Chairperson, I have nothing further.

MS VAN DER WALT: No questions, thank you Chairperson.

NO QUESTIONS BY MS VAN DER WALT

CHAIRPERSON: Mr Leopeng.

CROSS-EXAMINATION BY MR LEOPENG: Chairperson, I will be brief.

Mr Pienaar, you said in your evidence-in-chief that you observed several bruises on Mr Sedibe's body, is that correct?

MR PIENAAR: That is correct.

MR LEOPENG: Were those bruises as a result of the abduction or the assault during the abduction?

MR PIENAAR: No, I never participated in the assault, I was part of the group who abducted him though.

MR LEOPENG: My question is, were those bruises that you observed on his body as a result of the abduction, not specifically you, but one of your team's?

MR PIENAAR: It's possible, Chairperson, there was no other opportunity for it, it was during the abduction from Swaziland.

MR LEOPENG: Did you personally observe Mr Sedibe being assaulted by one of the team which went to abduct him?

MR PIENAAR: Chairperson, I did not see any assault of Mr Sedibe during the abduction at the police station. In the vehicle on the way there was a struggle, someone must have hit him, I don't know who, but there was no assault at the police station that I observed.

MR LEOPENG: Now where he was detained, did you observe any assault on him? - when you arrived in South Africa at Piet Retief.

MR PIENAAR: In Piet Retief he was not assaulted. I can recall the mark on his nose remained quite long there. There was a cut in-between his eyes. I can recall that his one eye was swollen shut and he also had some bruises to his body. He complained that he was quite stiff. And I saw this during the examination of the district surgeon after he was detained under Section 29.

MR LEOPENG: Now did you hear the evidence of Mr Deetlefs, who said that he co-operated with him two days?

MR PIENAAR: Yes, Chairperson, that is indeed so. He agreed to cooperate and give information, - this is my point of view, it was not a total surrender "I will work with you". At that stage it could have been fear, although he was told that "Listen you do not have to be afraid", but just as little as I trusted him initially, by the same token he trusted me just as little. So I am not able to say that he said everything immediately because during his whole Section 29 detention regularly new information came about as one continued working with him.

MR LEOPENG: In your evidence-in-chief you said he was detained as a Section 29 detainee on the fourth day of his abduction.

MR PIENAAR: Approximately, Chairperson. I will not bind myself to a date here, it could have been the fourth day, it could have been the fifth day, I am not entirely certain, but it was shortly after the abduction, it was not a month.

MR LEOPENG: Which means that he did not cooperate within the two days that Mr Deetlefs said he co-operated.

MR PIENAAR: No, Chairperson, he did cooperate. It was superficial co-operation, he says something, you ask something of him, he gives you an answer, he tells you which houses would be used as safehouses, he gave the address of Mr Paul Dikiledi, his commander. But one cannot be certain within two days that this man can be trusted entirely. That was my viewpoint of the whole matter.

MR LEOPENG: I have no further questions.

NO FURTHER QUESTIONS BY MR LEOPENG

ADV BOSMAN: Mr Chairperson, may I just clear up one matter here.

Mr Pienaar, Mr Deetlefs said in his evidence that at some stage he handed Mr Sedibe to you and I gleaned the impression that he disappeared from the scene.

MR PIENAAR: Chairperson, I would not say "hand over" entirely, we spoke to him but after the worst dust had settled, Mr Sedibe remained behind with me at Piet Retief. I questioned him and sometimes people would come from head office, amongst others members of Section C2, Mr Fourie ...(intervention)

ADV BOSMAN: I do not want to interrupt you here, I would just like to get to my question. How long after he was abducted did Mr Deetlefs disappear from the picture?

MR PIENAAR: Chairperson, I would say and I will take a chance, I would say approximately two or three days. This was after the Nerston incident when Mr Deetlefs returned to Ermelo, but I am not entirely certain.

ADV BOSMAN: Where was Mr Deetlefs at the stage when you arranged the Section 29 detention?

MR PIENAAR: I think he was in Ermelo. If I am correct, I think Brig Visser - I'm not entirely correct, but I think Brig Visser arranged this from Middelburg, this Section 29 detention.

ADV BOSMAN: Would Mr Deetlefs have known of the Section 29 detention?

MR PIENAAR: Yes, he would have. Definitely, yes.

ADV BOSMAN: Thank you.

CROSS-EXAMINATION BY MS PATEL: Thank you, Honourable Chairperson.

Just for completeness sake Sir, can you tell us after he was abducted and taken to Piet Retief, were you present during the interrogation of Mr Sedibe from day one as it were, up until he was detained in terms of Section 29 and thereafter?

MR PIENAAR: I was present, it was my office area. There were times when I was not there, but the majority of the time I was present when he was questioned. As I have said, it was my office area, I received instructions from Brig Visser as well as Col Deetlefs, to continue with the interrogations, so it my responsibility.

MS PATEL: Do I understand you correctly that you and Mr Deetlefs took turns in terms of who would be there during the interrogation, so either he would be in charge or your would be in charge of the interrogation? Do I understand you correctly?

MR PIENAAR: Chairperson, where senior members were present I was never in command or in control of the interrogation, I was in control of the man but if Brig Visser would for example ask a question he would ask a question, there was no such thing as him asking me if he could ask a question. I don't know whether Col Deetlefs and I were removed from each other during the interrogation, I cannot recall. As I have said, it was primarily my task to continue with the interrogation.

MS PATEL: Can you tell us who else was present during the interrogation for the period that you were there?

MR PIENAAR: Mr Fourie was there, he was a member of Section C2, they primarily understood questioning. After the primary questioning was done by the branch they came in with identifications and the photo album, identification of persons. There were many people later. Because Mr Sedibe in my eyes was a very important cog of the ANC machinery, everybody came in and wanted to hear what was going on in their area and to see whether he could assist them, and he usually could.

MS PATEL: Was Mr Sedibe handcuffed to the bed as stated by Mr Fourie in his application, whilst you were there?

MR PIENAAR: That was just precaution, Chairperson. If one abducts a person from Swaziland you cannot just leave him there. There were members standing around, they were armed. Mr Sedibe was a large man, anything could happen, he could have escaped. It was just a precaution.

MS PATEL: Can you tell us more-or-less at what stage those handcuffs were removed from his arms and the foot-cuffs removed from his legs.

MR PIENAAR: I cannot recall, I think it was removed when we questioned him while we were sitting there with him, but if some of the people went to rest and one or two persons were with him, it would be reapplied.

MS PATEL: Would it have been a day or two or just the morning of ...(intervention)

MR PIENAAR: It's possible that it was a day or two, yes.

MS PATEL: Okay. And he was never assaulted in your presence.

MR PIENAAR: He was assaulted in the vehicle in Swaziland and I heard that he was assaulted whilst they took him to the vehicle, but in the Republic where I detained him, he was never assaulted in my presence by anyone.

MS PATEL: Was he not assaulted in the vehicle as well at some stage, while he was being brought to ...(intervention)

MR PIENAAR: That's what I said, yes.

MS PATEL: Alright. And regarding Nofomela, where was he whilst Mr Sedibe was at Piet Retief?

MR PIENAAR: I cannot recall, honestly I really cannot recall where he was.

MS PATEL: You don't know whether he was present or not?

MR PIENAAR: He may have been there, I'm not entirely certain.

MS PATEL: Then just to go back, you said in your evidence-in-chief that there were two policemen present at the police station in Swaziland.

MR PIENAAR: That is correct.

MS PATEL: In your application to us on page 142, you state that -

"There was only policeman on duty and he did not offer any resistance."

MR PIENAAR: That's correct, Chairperson, the other person while we were in the office, he was a young man, he did not wear any uniform and initially we thought that it might have been a visitor of this police officer. That's what I thought. And when we detained him he said he doesn't know much "I'm only a student" and I assumed that he was a student Constable who was still learning the ropes at the police station. But there was only one police officer in uniform at the office.

MS PATEL: Alright. And then just one thing that I would like clarity on. You say that the G3 rifle that was taken was later handed back to the Swazi Police and you sort of intimated that it was done under the table.

MNR PIENAAR: "Dit is korrek".

MS PATEL: By whom would it have been handed back?

MR PIENAAR: It was done by the Ermelo branch. I'm not certain whether it was Mr Botha or who it was, or de Vries, but one of them took the firearm back to the Swazis.

MS PATEL: And to who exactly would it have been handed over, do you know?

MR PIENAAR: I'm not certain.

MS PATEL: I'm a bit at a loss here, could you explain why it would have been returned if the idea initially was that you didn't want the Swazi Police to know that you had in fact been responsible for the abduction of Mr Msibi? - Sedibe, sorry.

MR PIENAAR: Chairperson, the firearm was taken back to the Swazi Police. There was some discussion at the Ermelo branch. I don't know whether it was an instruction from head office, I am not able to say. This is all what I heard amongst the members of how the firearm went back to the Swazi Police.

MS PATEL: Can you give us an indication as to more-or-less how long after abduction the firearm was returned?

MR PIENAAR: I have no idea, not at all.

MS PATEL: Alright. Thank you, Honourable, Chairperson.

NO FURTHER QUESTIONS BY MS PATEL

FURTHER CROSS-EXAMINATION BY MR LAMEY: Chairperson, may I just ask one question here which I have omitted to ask Mr Pienaar.

Mr Pienaar, Mr Fourie also worked in that area, is that correct?

MR PIENAAR: Yes, he was there, Chairperson. I don't know what he did there, but he was present during the interrogation of Mr Sedibe.

MR LAMEY: What I am trying to determine is, when he became involved in the interrogation, was this before he was officially detained in terms of Section 29?

MR PIENAAR: Mr Fourie briefly after the abduction was there, but the official questioning with the photo album took place a long time after the serious side of the interrogation had been completed, only then he was approached with a photo album. Because the interrogation usually takes place over the course of two or three weeks.

MR LAMEY: Because in his statement he says he was there when members of the various security branches were there and wanted information.

MR PIENAAR: Yes, that is correct. As I have said, many members came there to hear what went on in their areas that they did not know of. They were very curious to hear what Mr Sedibe could say.

MR LAMEY: But how long after the abduction did the photo album identification begin?

MR PIENAAR: I cannot recall.

MR LAMEY: Are we referring to a day or two?

MR PIENAAR: No, it was longer.

MR LAMEY: Would Mr Fourie then have returned?

MR PIENAAR: He was there initially, he departed from there. I think Col Buchner was also there during that time, he also visited the office there. But the questioning with the photo album took place long after the other questioning was completed.

MR LAMEY: I need to gain instructions about this, I'm not entirely certain about this, therefore I have no further questions. Thank you, Chairperson.

NO FURTHER QUESTIONS BY MR LAMEY

MR PRINSLOO: No re-examination, thank you Chairperson.

NO RE-EXAMINATION BY MR PRINSLOO

JUDGE KHAMPEPE: Mr Pienaar, you've already stated that Mr Sedibe was assaulted inside the vehicle in your presence.

MR PIENAAR: That's correct, Chairperson.

MS PATEL: Do you know who assaulted him in the vehicle?

MR PIENAAR: I don't know Chairperson. He started struggling in the back and the persons who were in the back with him were all on top of him. I don't know who struck him and who did not strike him, it was dark, I could not see.

JUDGE KHAMPEPE: How do you know then that he was assaulted at all?

MR PIENAAR: You could hear it.

JUDGE KHAMPEPE: And you also were unable to observe who assaulted him with a view to containing his struggle before being made to enter inside the vehicle.

MR PIENAAR: I did not go out with the group to the outside with Mr Sedibe, I remained in the office. We disengaged the phone, Col Deetlefs and I, we locked the people in the cells and only after that did we join the others as they were already in the vehicle.

JUDGE KHAMPEPE: Mr Koole says that Mr van Wyk(sic) at one stage tried to use his tie on Mr Sedibe's neck, are you aware of that?

MR PIENAAR: I'm not aware of that. Is that Mr van Dyk?

JUDGE KHAMPEPE: Yes.

MR PIENAAR: I don't know about that.

JUDGE KHAMPEPE: Now you are applying for amnesty for participating in the assault of Mr Sedibe.

MR PIENAAR: That is correct.

JUDGE KHAMPEPE: Had it been preplanned that if Sedibe offered any resistance in your attempts to abduct him, that violence would have to be used?

MR PIENAAR: Chairperson, it was not planned prior to the incident, but I do believe that all of us who were present there were aware that if the man resisted we would have to apply violence.

JUDGE KHAMPEPE: Whilst Mr Sedibe was held in the house in Piet Retief it was of utmost importance for you and your members to get his co-operation.

MR PIENAAR: Yes, that is correct.

MS PATEL: And you would have used whatever means to get his co-operation.

MR PIENAAR: Chairperson, I think with the calibre of man that Mr Sedibe was, fear would have been the best option. He feared for his life, he feared that he could be killed and those may have been his thoughts. Subsequently we discussed it at length and he said that on the evening that he was removed from the police station he believed that evening to be his last on earth. And violence was never applied during the interrogation at Piet Retief.

JUDGE KHAMPEPE: Yes. Now if one uses the operative word you've used "fear", were there no attempts by any members who were present there to put the fear of God in him by assaulting him to try and cooperate?

MR PIENAAR: No, never, not by me or anybody else in my presence, but I do believe that Mr Sedibe thought that he could be killed if he did not cooperate. That is a possibility. He also stated at a later stage that he thought that this was the final night of his life. But he was never physically threatened by me and I never threatened him with death if he did not cooperate.

JUDGE KHAMPEPE: So no-one tried to put any fear physically and psychologically in Mr Sedibe, you just obtained ultimately his co-operation without any such kind of fear having been instilled in him.

MR PIENAAR: No, Chairperson, as far as I know, not.

JUDGE KHAMPEPE: It is one of the strange incidents where somebody's co-operation and this person being such an important person in the hierarchy of MK, who was involved in the intelligence work and this is the military intelligence work, that you simply are able to get one's co-operation without any attempt whatsoever being made to put some kind of fear in him.

MR PIENAAR: Yes, that is what I have said, I think that Mr Sedibe was intelligent enough to realise independently without being told anything, he believed it, I'm sure ...(intervention)

CHAIRPERSON: You believe that he would think that.

MR PIENAAR: That he would possibly what?

CHAIRPERSON: You thought that he might possibly believe that?

MR PIENAAR: Yes, I thought something to that effect.

CHAIRPERSON: And you relied upon that, upon the eventual provision of information by him.

MR PIENAAR: Yes, that is correct.

CHAIRPERSON: And as far as you knew or thought, it was highly possible that he was afraid.

MR PIENAAR: Yes.

JUDGE KHAMPEPE: Thank you.

MR PIENAAR: Thank you, Chairperson.

MR PRINSLOO: Thank you, Chair. May the applicant be excused? Thank you, Chairperson.

WITNESS EXCUSED

CHAIRPERSON: Any objection to commencing tomorrow morning at nine thirty?

MR PRINSLOO: No objection.

COMMITTEE ADJOURNS