VOLUME TWO

Truth and Reconciliation Commission of South Africa Report

National Overview

■ PREFACE

1   This chapter seeks to provide an overview of the context in which conflict developed and gross violations of human rights occurred. Other chapters in this volume focus specifically on the nature and extent of violations committed by the major role-players throughout the mandate period. The volume focuses specifically on the perpetrators of gross violations of human rights and attempts to understand patterns of abuse, forms of gross violations of human rights, and authorisation of and accountability for them.

Sources

2   In identifying the principal organisations and individuals responsible for gross viola- tions of human rights in its mandate period, the Truth and Reconciliation Commission (the Commission) had a vast range of information at its disposal. In addition to court records and press reports, it received over 21 000 statements from individuals alleg- ing that they were victims of human rights abuses and 7 124 from people requesting amnesty for acts they committed, authorised or failed to prevent. In addition, the Commission received submissions from the former State President, Mr P W Botha, political parties, a variety of civil institutions and organisations, the armed forces and other interested parties. All these submissions were seriously considered by the Commission. Through its power to *subpoena* witnesses, the Commission was also able to gather a considerable amount of information in section 29 and other public hearings.

3   While the Promotion of National Reconciliation and Unity Act (the Act) gave the Commission free access to whatever state archives and documents it required, in practice, access to the holdings of various security agencies was difficult, if not impossible, with the exception of the National Archives. It was also discovered that literally tons of security files were destroyed on the instructions of the previous government.

4   Despite these difficulties, a vast corpus of documentation was collected – more material than has been available to any previous enquiry into human rights in South Africa. However, the sources of information, while rich, were not evenly distributed, presenting difficulties in the identification of organisations and individuals who became perpetrators of torture, killing and other gross violations. The amnesty applications received from former members of the South African Police (SAP) represent an invaluable new source of material. The Commission received many applications from serving or retired police officers specifying their role in gross violations of human rights. Some of these cases, such as the death in detention of Mr Steve Biko, were well known both at home and abroad; others were unknown outside a very small circle of the perpetrators themselves. The information contained in amnesty applications revealed a deeper level of truth about the fate of a number of individual victims.

5   The Commission received notably fewer amnesty applications from members of the former South African Defence Force (SADF), notwithstanding the fact that the SADF was involved in a series of regional conflicts over a period of more than fifteen years. Many of these conflicts transgressed the 'laws of war' as laid down in international protocols. The Commission was unable to determine whether fewer gross violations are attributable to military personnel than to police officers or whether, in the belief that they would be less likely to face future prosecution, military personnel were more reticent than police officers in applying for amnesty.

6   Moreover, the Commission found the South African Police Services (SAPS) considerably more helpful with regard to the transmission of documents, the identification of former personnel and so on than officers of the South African National Defence Force (SANDF). The latter was frequently reticent about supplying documents, often imposing unduly severe restrictions and constraints on access to military documentation, including the screening of documentary material made available to the Commission.

7   With regard to applications for amnesty, the Commission noted that individual applications received from personnel of the African National Congress (ANC), some of whom now hold senior positions in government, frequently lacked the depth of detail found in police amnesty applications. The Commission acknowledged the fact that the ANC's political leadership accepted collective political and moral responsibility for violations committed by its members. However, lack of detail made it difficult for researchers to ascertain with precision the role of

individual members of the ANC in the commission of gross violations of human rights. The writing of this volume was also severely constrained by the fact that the majority of security force amnesty applications had not been heard at the time of reporting. This affected the ability of the Commission to include in this report assessments of the planning and authorisation of gross violations. Observations in these respects are therefore tentative and will be dealt with more fully in the final report of the work of the Amnesty Committee.

8   The Commission attempted to resolve these difficulties by identifying patterns and trends in the gross violations reported, as well as patterns of behaviour in groups and parties responsible for their perpetration. In so doing, it aimed to achieve a broader and more accurate picture of the history of human rights violations during the mandate period, 1960–94.

9   As elsewhere in this report, researchers and writers in the Commission have made use of secondary source material. The reports and publications of research institutes and monitoring bodies, both at home and abroad, have been extensively used. Affidavits collected for other enquiries and investigations have been used where they apply to the cases before the Commission. Published monographs, press reports and 'unrest reports' of the South African Police (SAP) have been extensively used.

External violations

10   While few statements were been received from deponents and victims outside South Africa, it has been argued that the *majority* of victims of gross violations of human rights were in fact residing outside the country's borders at the time the violations were committed. One of the biggest single incidents of gross vio-lation which occurred during the mandate period was the assault by the SADF on a base of the South West African People's Organisation (SWAPO) located at Kassinga, Angola in 1978. More than 600 people were killed at Kassinga in one day. According to SWAPO, these were unarmed refugees. According to the South African government, Kassinga was a guerrilla base and thus a legitimate military target. This is discussed in this volume.

11   Second, from evidence before the Commission, it would appear that conflicts in southern African states, particularly in Mozambique, Namibia and Angola, were often inextricably linked to the struggle for control of the South African state. Hence there is a sense in which the large number of people who died in wars

the revolutionary onslaught could not be combated by lawful methods alone. Members of the SSC knew that the overwhelming majority of security policemen were committed supporters of the NP who were implacably opposed to the liberation movements and what they represented. They also knew that conventional methods of combating unrest and terrorism, such as arrest, prosecution and conviction, were becoming less and less effective.

456 Further compelling evidence that extra-judicial killing represented deliberate intent is to be found in the development of structures whose function was, among others, to identify and develop targets.

Identification of targets

457 In November 1996, Brigadier Jack Cronjé [AM2773/96] told the Amnesty Committee that, in 1985, the security forces had established a structure, called TREWITS – the Counter-Revolutionary Information Target Centre – whose primary task was to identify targets for elimination:

> Initially [TREWITS] identified targets in the neighbouring states, terrorist bases, etc, but it was later extended to targets inside South Africa … Col Tom Louw was responsible, or was initially in command of TREWITS with executive chief Gen Büchner who was functioning in 1987 and after that under Gen Bob Beukes and subsequently under Brig Victor … There was a representative from Military Intelligence and SADF Special Forces. Each region maintained records with regard to who were activists, who came from what region and who caused trouble.

458 General Johan van der Merwe, head of the Security Branch in the late 1980s and a former commissioner of police, while denying that TREWITS had ever been used inside South Africa, confirmed its existence and function in respect of target identification outside of South Africa.

459 A submission from the National Intelligence Agency compiled by two former NIS representatives on TREWITS, Mr R Roos and Mr F du Preez, with former SADF representative Mr D Vorster disputed the term 'target' (*teiken*) in the name of the unit, stating that it was officially the *'Teen Rewolusionêre Inligting Taakspan'* rather than the *'Teen Rewolusionêre Teiken Sentrum'*:

> TREWITS was an official organ of the Coordinating Intelligence Committee consisting of government officials, officially seconded by their respective

departments to serve on TREWITS ... The purpose of TREWITS ... was to coordinate tactical information with regard to the former liberation movements in neighbouring countries. This included detail on facilities, movement of personnel, training camps, infiltrations and planned military operations. TREWITS, however, had no mandate to get involved in the identification and execution of operations as was claimed in media reports.

460   The Commission obtained further information on TREWITS from a joint submission by the last chairperson of TREWITS, Assistant Commissioner CJA Victor and a former SAP representative, Superintendent PCJ Vermeulen, from amnesty applications, from a series of section 29 investigative hearings with former ranking police officers and former SADF officers and the questioning of former Director General of NIS, Dr LD 'Niel' Barnard during the State Security Policy hearing in December 1997. The Commission made further attempts to retrieve TREWITS documentation but was informed by the SAP that the official holdings were destroyed when TREWITS closed down in early 1992.

461   KIK documentation shows that the decision to form TREWITS was taken in September 1986. Before this, 1986, identification of targets was done by the different security force components separately and often on an event basis. Thus, for example, the Z-squad (a BOSS component) had as early as 1974 been involved in identifying installations in neighbouring countries. Intelligence for the Matola raid in 1981 was allegedly provided by Henk Coetzee and then Commandant Lieutenant-Colonel, later Brigadier) Callie Steijn of Military Intelligence.[15] Steijn was allegedly also involved in identifying targets for the 1983 Matola raid together with Mariette Barends[16] and for the June 1985 Botswana raid. (While the Commission was not able to corroborate this, it did establish that then Commandant Steijn was based in the Chief Directorate of Military Intelligence and worked on target development in the early 1980s. After a short stint as a military attache, he returned to this section and by March 1986 was responsible for the development of targets in respect of the ANC and PAC. It is therefore reasonable to assume that he carried some responsibility for the identification and/or analysis of targets in respect of cross border raids). Commandant (Lieutenant-Colonel) Jan Anton Nieuwoudt (Military Intelligence, SADF) [AM3813/96] was apparently involved in target identification between 1983 and 1988; and Major Craig Williamson [AM5181/97] admitted to being involved in target identification for the Gaberone raid.

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15 See Büchner section 29; interview with Henri van der Westhuizen.

16 Interview: Henri van der Westhuizen.

462   Vlakplaas was also involved in both killings and abductions in neighbouring countries from the early 1980s and there, too, operatives had clearly been involved in a process of intelligence gathering around key ANC/MK personnel in the frontline states. Notably, Commandant (Lieutenant-Colonel) Steijn was the military's full-time liaison person with Section C from 1978/9 to the end of 1982.

463   As conflict escalated towards the mid-1980s, the SADF appears to have established a target identification workgroup. One of its initial members, Captain Henri van der Westhuizen, established a sub-group in the Eastern Transvaal in late 1986, drawing on the resources of the NIS, the Security Branch and Military Intelligence. The Eastern Transvaal was seen as the buffer between South Africa and Mozambique and Swaziland and thus the primary infiltration route of MK personnel from those countries. Members of the Eastern Transvaal group included: then Warrant Officer FHS 'Lappies' Labuschagne (Security Branch) [AM5005/97], Henri van der Westhuizen (Military Intelligence), and Mr Daan du Plessis (NIS). As Swaziland was a police responsibility, this group, according to Van der Westhuizen, operated under the overall command of the divisional Security Branch commander Brigadier Schalk Visser and subsequently Brigadier Daan Siebert. Later Van der Westhuizen assisted in establishing a group in Ladybrand (OFS) which had responsibility for developing targets in Lesotho. This group was chaired by Ladybrand Security Branch commander Frik Fouche, with Paul Oeschger as the SADF representative. Similar networks were set up in Zeerust (Western Transvaal) with responsibility for Botswana, where the SADF was represented by Captain HC Nel; and in the Northern Province where Leon Nefdt served as the SADF representative. The Northern Transvaal group had responsibility for Zimbabwe and Nefdt apparently drew extensively on Daan du Plessis who had allegedly developed an extensive source base in Zimbabwe. Nel was also responsible for developing targets in Angola.

464   According to Captain Henri van der Westhuizen, SADF authorisation for the establishment of the Eastern Transvaal workgroup came from then Brig Chris Thirion (Chief Director Military Intelligence), Major General 'Joep' Joubert (General Officer Commanding Special Forces) and Major-General Dirk Hamman (Chief of Army Intelligence)

465   At about the same time as the Eastern Transvaal target workgroup was established, the decision to set up TREWITS was made. As indicated above, this decision was recorded in the September minutes of KIK. Willem Schoon told the Commission that:

> *The fact that MK and eventually APLA members started using neighbouring frontline states as a springboard for launching their armed attacks against the Republic led directly to the establishment of a cross-border capability aimed at eliminating or neutralisng this very real threat. A counter-Revolutionary Intelligence Task Team was created and comprised members of the NIS, the SAP and the SADF.*

466 TREWITS became fully operational on 12 January 1987 when it moved into its new offices on the 7th Floor, Charter House, Bosman St, Pretoria. Documentation describes TREWITS as being:

> 'n nuwe, gesamentlike poging deur die betrokke lede van die IG om 'n hegte inligtingsbasis vir betekenisvolle teenrewolusionêre operasionele optrede tot stand te bring. *(a new, joint effort by the relevant members of the* IG *to bring about a solid information base for meaningful counter-revolutionary* operational action *[emphasis added]*[17]

467 Its function was:

> *om alle tersaaklike inligting te konsolideer, te evalueer, te vertolk en te versprei met die oog op operasionele optredes ter verwesenliking van die RSA se teen-rewolusionêre strategiese doel (to consolidate, evaluate, interpret and distribute all relevant information with a view to operational actions to realise the RSA's counter-revolutionary strategic aim) [emphasis added].*

468 While TREWITS had a range of tasks, the documentation reveals that it was, from the outset, <mark>more than simply a coordinated intelligence-gathering structure, but had a clear operational intention.</mark>

469 <mark>TREWITS' operational imperatives are also confirmed by location and membership. According to General 'Basie' Smit, TREWITS was located within the C Section of the Security Branch, 'Terrorism Investigations'. While the C section had its own intelligence component, it was primarily the operational unit of the Security Branch via C1, more commonly known as Vlakplaas.</mark> Thus, while it fell under the direct command of Security Branch headquarters, it was nonetheless a sub-structure of the covert collection subcommittee of KIK. During this period, the sub-committee was chaired by Brigadier J 'Tolletjie' Botha, while the CIC was chaired by Dr LD 'Niel' Barnard.

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17 *'Teenrewolusionêre Inligtingtaakspan'* document attached to CIC agenda for meeting of 4 February 1987.

470 Of the original three TREWITS members, at least two were deployed operationally in the region. During a section 29 investigative enquiry, General Büchner acknowledged involvement in the Matola raid of 13 January 1981 and the raid into Maseru on 9 December 1982 in which forty-two people were killed. The SADF representative, Commandant (Lieutenant-Colonel) 'Callie' Steijn, was involved in target development from as at least as early as 1981 and again in 1985/6. An SADF document, dated 28 March 1986, describes Steijn as being "*baie operasioneel ingestel en behoort in daardie verband aangewend te word*" (very operationally oriented and ought to be applied in that respect).

471 Thus two of three TREWITS founding members had been involved in the identification of targets – resulting in actions that included abduction, torture and elimination – outside of South Africa prior to their secondment to TREWITS. Read together with KIK documentation, this would seem to confirm that the purpose of TREWITS was not simply to gather intelligence as members of the security and intelligence communities have currently argued, but rather that intelligence was gathered for specific operational purposes and that the location and personnel chosen were selected precisely for their operational capacity.

472 The extent to which TREWITS functioned separately from the SADF-initiated target workgroup(s) is not entirely clear. KIK documentation indicates that a decision was taken on 4 February 1987 that this group should be drawn into TREWITS to avoid duplication. The meeting of 18 February 1987 identified the following as members of the target development group who should be incorporated into TREWITS: Major C Everts (Military Intelligence Division), Major L Nefdt (Army Intelligence), Captain HC Nel (Special Forces), Captain H van der Westhuizen (Military Intelligence Division).

473 While the Commission was unable to establish a direct link, it should be noted that the decision to incorporate the target group happened at about the time when there was allegedly concern over who was responsible for the decision to assassinate the Ribeiros (see above) and when, according to Major-General AJM Joubert, a 'new procedure' was being worked out.

474 Regarding the integration of the workgroup(s) with TREWITS, evidence from section 29 enquiries appears to suggest that, while the SADF initiated target workgroup functioned on an ongoing basis, its members were drawn into regional TREWITS meetings where targets and target priorities were discussed. National TREWITS members, target workgroup members and possibly other

interested parties would be present at such meetings. In other words, these structures maintained something of a separate identity. This is corroborated by a 1989 Security Branch document which indicates that the "actual development of target studies" was still being performed by a project group of Special Forces:

> Die ontwikkeling van teikens, word tans nog, soos in die verlede, deur die projekte-groep van Spes Magte hanteer. Die redes hiervoor is dat die groep nie soos aanvanklik beplan, by die kantore van TREWITS gesetel is nie en die feit dat die groep oor die nodige ervaring, kundigheid en toerusting beskik. *(The development of targets is still, as in the past, handled by the project group of Special Forces. The reason for this is that the group was not based at TREWITS offices as originally planned and the fact that the group has the necessary experience, expertise and equipment at its disposal.)*[18]

475 This lends credence to the ongoing and somewhat separate existence of the target workgroup. The target section of Military Intelligence was transferred to Special Forces in 1987 where it continued under the direct command of Colonel 'Mielie' Prinsloo, then head of Special Forces intelligence. However, individual members from Military Intelligence continued to serve on the workgroups, but were based at Special Forces. Further links were maintained, particularly with the Directorate of Covert Collection, which appears to have enjoyed a closer relationship with Special Forces than other Military Intelligence components.

476 According to Captain H Van der Westhuizen, the target development process would work in the following way. First a structure would be identified – for example, the ANC Regional Politico-Military Council in Mozambique; then all its components/sub-structures and various positions assigned and names placed next to positions. The next stage would be to develop dossiers around each individual in the structure including personal and political information. This would lead to a set of new names and so the process would continue. When a target was 'full' or 'complete', it was then ready for action. Targets, according to Van der Westhuizen, included ANC personnel and not just those associated with MK. This is born out by Nel who indicates that the entire NEC was considered a target, for whom specific authorisation for any action was not required.

477 According to the above-mentioned intelligence personnel, targets were discussed at two levels. First, a presentation was made to a group that was possibly the SADF General Staff or, at the least, very senior personnel:

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18 Annexure JJ, Submission General Smit.

We used to get together once a month to do presentations to very high ranking officials. Then General Liebenberg used to come, General Gleeson used to come and I felt very intimidated as this young captain ... this is more or less a round table sort of thing with big boards, sliding walls with all the maps and all the photos of the so-called most prominent, most active people who pose a threat to the RSA were put on those boards. They were developed. We developed targets on persons; we developed targets on facilities. In other words the Revolutionary Council in Lusaka, the so-called RCL, was developed at that stage as a specific target and the houses of certain officials, certain office buildings in Harare, in Botswana were regarded as targets. And then certain activities that takes place, flights ... logistical re-supply ... were also regarded as opportunity targets.[19]

478 Following this meeting, said Van der Westhuizen, the Chief of Staff Intelligence would brief the Minister and, if targets were agreed upon, they would be handed over to the tactical planning level which usually involved then Colonel 'Mielie' Prinsloo and Chris Serfontein, a high-ranking Special Forces operative. Additionally, there would be a quarterly meeting with the Directorate of Covert Collections (DCC) where priorities would be passed on for further collection and verification. At that stage HW Doncaster was in charge of the Terrorism Section of DCC.

479 The second level at which targets were discussed was at the TREWITS regional meetings. Here input would be received from both the NIS and the Security Branch.

480 Aside from official TREWITS meetings there was ongoing liaison between individuals and institutions. Target workgroup members received regular telex intercepts from the NIS 'Valkoog capacity,' whereby *all* telex communication between ANC offices both internationally and in the Frontline states was continuously intercepted. Thus, for example, information regarding the delivery of meat to ANC camps in Angola was received via 'Valkoog' and a major operation to poison the meat was planned but, to Nel's knowledge, not carried out. Other intercepts of value were those that related to travel arrangements (see Gibson Mondlane case).

481 The project group also liaised extensively with the Security Branch, both at a regional level and with C1 (Vlakplaas) and C2, under Major Martin Naudé. Naudé's unit monitored the movement of activists leaving South Africa and developed an extensive collection of photographs, which was regularly updated and was given to the *askaris* to identify possible military trainees. The *askaris* themselves appear to have been widely used and were seen as extremely valuable sources of information.

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19 HC Nel, section 29 hearing, 15 June 1998, Cape Town.

482 As indicated above, the twenty members of the ANC National Executive Council were regarded as priority targets. Van der Westhuizen indicated that the following people were regarded as targets in Mozambique: Mr Jacob Zuma, Ms Sue Rabkin, Mr Mohamed Timol, Mr Bobby Pillay, Mr Keith Mokoape and Mr Indres Naidoo.

483 Nel gave evidence as to the extensive infiltration of the ANC's, and to some extent, the PAC's Lesotho networks. Thus, for example, Nel said that "we made available to them an office, a telex, a facility they could use to communicate and all the telephone conversations and everything that happened was available to us". The eventual detention of virtually the entire Western Cape MK machinery arose when this Special Forces facility intercepted a phone call from a Cape Town MK operative to the Lesotho office. It needs to be noted that recruitment was not necessarily aimed at high-ranking targets, but frequently those who had access or were close to such targets. As Nel suggested, "You would get an infrastructure of sources. What we normally say jokingly, 'You start with the cleaner to end up with the General'. You start at the backdoor, you get the cleaner to work for you and the cleaner will tell you about somebody else who's got certain weaknesses and then you go one step higher and as you go higher you discard the more junior sources". Taxi drivers, in particular those who operated on the border areas, appear to have been a particular target for recruitment.

484 According to Nel, another strong component of security force strategy at this time was to place emphasis on "disruption by ... indirect means of getting the enemy to kill itself, to detain itself and to disrupt itself. And physically killing them was placed more or less ... [a]s a last resort...". This approach could obviously encompass a wide range of tactics including spreading disinformation which could lead to the detention or killing of individuals by their own cadres; tampering with weapons caches – in particular altering time devices – which appears to have been done by both Security Branch and SADF; and so forth.

485 Operations aimed at elimination were sometimes called off for logistical reasons. For example, Nel indicates that the Mozambican leg of the dual Swaziland and Mozambican operation planned for December 1986 was called off because the link-up between the seaward attacking group and Dave Tippet on land failed to materialise. This operation entailed hitting the ANC targets in Mozambique listed above and at the point at which it was called off, the seaward attack group was already in Maputo harbour.

486 Finally, political considerations provided a further factor in determining whether and when targets could be hit. Nel gave some detail about a target he had developed in Angola that was similarly called off at the last moment, this time for political considerations:

> [W]hen I arrived at Special Forces headquarters, I was given the responsibility of work on Angola specifically to identify a target with a large concentration of MK soldiers that can be attacked by the SADF … Then it was decided that Vuyana Camp, which is about 30 km east of Luanda, would be attacked and I went all around the country and I had access to all information and I travelled abroad to Portugal and other places to debrief informers and other people ... And today you can blindfold me, I can draw the base and every little thing that was inside it ...

> That operation went all the way up, the reconnaissance team went in and they marked up the base [with flares that would be ignited to guide the planes in] and everything was 100 per cent correct ... I was sitting in the foyer of Genl Malan's office with Colonel Prinsloo many times to present this thing and to be on stand-by and eventually to the disappointment of many people and after a lot of money was wasted and used, of naval operations and air force planning ... it was stopped due to political reasons ... It would have clashed with political initiatives [to start negotiating with the Cubans] at that stage. It was the right target at the wrong time.

487 At other times, however, political considerations dictated carrying out operations based on old or incomplete intelligence. Thus examples were cited when a political decision was made to retaliate against ANC actions and operations would be conducted based on what intelligence personnel regarded as old intelligence, leading frequently to the wrong targets being hit.

488 From evidence before the Commission, it would appear that, while almost all the initial work focused on external targets, a decision was taken later to develop internal targets. Captain HC 'Chris' Nel explained how this came about:

> [A]fter doing this total presentation that we worked through all the night ... and we worked through Botswana and Zimbabwe and all the countries and we plotted the individuals' houses and their photos were there and all the facilities ... And then we were very disappointed when Genl Liebenberg said to us: "You are missing the point. I do not see any information about the top structure of the SACP. The whites, where are they? The UDF, where are they?"... It was explained to us that there were pipelines. The Botswana

machinery may be in Gaberone to day but tomorrow they are somewhere in the Western Transvaal. So should we stop our operation at the border or should we follow the pipelines through to their courier systems and their safe houses inside the country?

489 Following this, Chris Cloete was specifically tasked to look at the internal situation.

490 KIK documentation shows that, from early on, target identification and development was to be one of TREWITS' responsibilities. An item in the KIK minutes for October 1986 (that is, one month following the decision to set up TREWITS) states:

> *3.3. Teeninsurgensietaakspan en databank*
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> *3.3.1. Die Voorsitter (ie Niel Barnard) deel mee dat NI oor wardevolle inligting beskik wat by die taakspan ingevoer sal word. **Dit behoort te help om sekere belhamels uit die stelsel te verwyder**, dog met groot omsigtigheid behandel word om die betrokke intelligensiebates {ie sources/ agents) nie to ontbloot nie.*[20] *[Emphasis added]*

491 Although Barnard does not refer to TREWITS by name, in all probability this is what was being referred to. Moreover, a document presented to the KIK meeting of 4/3/87 includes under functions of TREWITS:

> *Die insameling van alle inligting tov ANC-teikens in die buiteland ... en die byhou van sodanige inligting met die oog op optrede teen ANC-teikens.*

492 Similarly, 'Teikenontwikkeling' is added to the list of issues identified for collection of intelligence. This decision was further reiterated at the meeting of 14 and 18 May, where KIK decided that:

> *TREWITS ook as die sentrale invoerpunt vir teikeninligting vanaf die Intelliegensiegemeenskap moet dien.*

493 TREWITS was an exclusively national unit, attached to the C section of the Security Branch. However, the unit did liaise with regional intelligence gathering networks on a regular basis. At such meetings, the Security Branch would generally be represented by the regional officer commanding or a senior officer; NIS by a middle level personnel; and the SADF by senior Special Forces or DCC staff.

494 The following people have been identified as having attended regional TREWITS meetings: Captain PR Krause and/or Brigadier Loots (Western Transvaal), Schalk

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20 <u>KIK minutes 21 October 1986</u>

Visser, FHS Labuschagne andMajor Chris Deetleefs (Eastern Transvaal), Captain Van Jaarsveld and/or Captain Loots and later Captain Roelof Venter (Northern Transvaal), Lietuenant Colonel Anton Pretorius of the Soweto Intelligence Unit and Daan du Plessis from NIS.

495 In addition to formal TREWITS meetings, those who attended TREWITS meetings in the regions enjoyed ongoing and regular liaison with those involved in the target workgroups/ Project Section of Special Forces.

496 Thus, Nel made extensive use of the Western Transvaal networks:

> … from all the police structures that I liaised with, the policemen in the Western Transvaal knew what Special Forces wanted. It was seldom necessary for me to develop a target much further. If they give me a target, I can take it like that to Special Forces and it was 99% complete because the Co-operation between Special Forces and the police dated back to the early 1980s... They knew that Special Forces were even interested in the name of the dog and how thick the burglar bars are... They would put together a target the way military people would think, because of previous experience....... They fitted into the TREWITS liaison system ... very easily because TREWITS was there to develop targets and they knew how to do it.[21]

497 The document *'Teenrewolusionêre Inligtingtaakspan''* referred to earlier describes the enemy as the ANC, the SACP, the PAC and the UDF. According to the document submitted by former TREWITS chair, CJ Victor and Peet Vermeulen, the target fields were laid down within the Co-ordinating Intelligence Committee guidelines. These included:

> Individuê, strukture, fasiliteite, wapentuig, infiltrasies, infiltrasieroetes, opleidingsplekke, voertuie, kommunikasienetwerke, modus operandi, ens. Die taakspan het hom bepaal by inligting mbt organisasies en indiwidue wat rewolusionêre – of blote geweldsoogmerke gehad het....[22]

498 Schoon described the brief as follows:

> It was their task to properly evaluate and co-ordinate all intelligence regard-ing the revolutionary threat facing the RSA and especially with regard to identifying and prioritising political targets which posed such a threat. These threats could be in the form of an individual, a group, an organisation, an

21 Nel, Section 29
22 Document, 'Teenrewolusionêre Inligtingstaakspan (TREWITS) opgestel deur CJA Victor and Superintendent PCJ Vermeulen, n.d.

accommodation or logistical facility and were prioritised in terms of the level of political destabilisation each target posed.[23]

499 Although TREWITS documents indicate a wider focus than the ANC, it would appear that the focus was almost exclusively on the ANC. There has been some dispute as to whether TREWITS had an internal or an external focus. Thus the NIA document compiled by former TREWITS members as quoted earlier indicates that TREWITS focused exclusively on the liberation movements in neighbouring countries Regarding the elimination of targets by TREWITS, General van der Merwe, is on record as saying "In the country, no, but overseas, yes".

500 In direct contradiction to these views, the former Director General of NIS, Dr LD 'Niel' Barnard, asserted that: "I cannot remember that TREWITS ever was involved in foreign intelligence but I understand they did that on occasion".[24]

501 The evidence from other submissions and section 29 investigations would seem to concur that TREWITS dealt with both the external and internal situation. It is possible that the initial function of target identification was to identify targets for cross-border raids, but that this was later broadened to include identifying and tracking particular individuals involved in military and/or underground structures and, according to the 'pipeline' notion, would thus have included the movement of individuals from neighbouring countries to inside South Africa.

502 With regards to Security Branch personnel, it needs to be noted that many were operationally deployed in the region, both before and after the establishment of TREWITS. Similarly Military Intelligence personnel have indicated knowledge, if not participation, in operations. Of the amnesty applicants said to have attended regional meetings, Commission analysis indicates that they have applied for approximately eighty-two killings, seven attempted killings and four abductions and/or acts of torture.

503 A number of points need to be made about the violations referred to above. Firstly, these figures are not complete, but are based on the list of names referred to above as having attended regional TREWITS meetings.

504 Secondly, involvement in killings, primarily cross-border killings, precedes both the establishment of target group(s) and TREWITS. This would indicate that people attending TREWITS meetings as regional representatives had previously

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23 Schoon, Section 29, November 1996, CT
24 Security Policy hearing December 1997 CT

played a significant role at both an intelligence-gathering and operational level and the question needs to be asked as to whether they were chosen to represent the regional security branch at TREWITS meetings for precisely this reason. What is also significant about Security Branch members who were drawn into TREWITS meetings in the regions is that many had been engaged in border duty both in then South West Africa and/or Rhodesia, once again showing the continuity between counter-insurgency warfare in the region and Security Branch work inside South Africa. It would appear that those chosen for service in the regions were chosen precisely for their counter-insurgency experience.

505   Thirdly, in the period in which TREWITS existed (post December 1986), there are both internal and external killings and it is reasonable to speculate that these are directly associated with some form of target identification.

506   Fourthly, some operatives from different regions/divisions are involved in the same operations. These networks that developed between different operatives are crucial in understanding the culture and pattern of killing that developed.

507   Finally, the involvement of senior security branch personnel such as divisional heads (Visser and Loots) and branch heads (Deetleefs) is a significant indicator of the level of sanction.

508   There can be no doubt that those identified as attending regional TREWITS meetings saw their function, centrally, as target identification, and that once an individual's name appeared on a TREWITS target list, he/she was seen as a legitimate target. In the words of a participant: "What did they think we were collecting all this information about addresses, cars, movement for? To send Christmas cards?"

509   KIK documentation and Commission investigations indicate that the functioning of TREWITS may have declined, particularly after 1988, as a result of internal conflicts and political developments. However, the set of networks that had been established continued to function.

THE COMMISSION REJECTS THE STANDPOINT OF FORMER NIS DIRECTOR GENERAL NIEL BARNARD AND OTHER FORMER NIS OPERATIVES WHO HAVE DENIED INVOLVEMENT AND/OR KNOWLEDGE THAT INTELLIGENCE GATHERED WAS PUT TO OPERATIONAL USES THAT INCLUDED ELIMINATION. IN EVIDENCE BEFORE THE COMMISSION, DR BARNARD CONCEDED THAT INFOR-MATION WAS PROVIDED BOTH TO THE SECURITY BRANCH AND THE SADF BUT CLAIMED THAT 'THE DEFENCE FORCE WAS NOT UNDER MY RESPONSIBILITY NEITHER THE POLICE. WHAT THE POLICE OR THE ARMY DID WITH THE INFORMATION I DO NOT KNOW.' THE COMMISSION FINDS

HIS VIEWPOINT THAT THE MANNER IN WHICH INTELLIGENCE SUPPLIED BY HIS AGENCY WAS USED, WAS NOT HIS CONCERN, UNACCEPTABLE.

THE COMMISSION FINDS FURTHER, THAT:

- EXTRA-JUDICIAL KILLINGS WERE UNDERTAKEN BY A NUMBER OF DIFFERENT SECURITY BRANCH DIVISIONS AND BY THE SPECIAL FORCES AND OCCURRED ACROSS THE COUNTRY BUT WITH A CONCENTRATION IN AREAS ADJACENT TO SOUTH AFRICA'S BORDERS WITH ITS IMMEDIATE NEIGHBOURS AS WELL AS WITHIN THOSE STATES;

- EXTRA-JUDICIAL KILLINGS WERE OFTEN THE END RESULT OF A PROCESS OF OPERATIONALLY DIRECTED INTELLIGENCE COLLECTION ON TARGETED INDIVIDUALS. ALL THREE PRIMARY SECURITY INTELLIGENCE ARMS – NATIONAL INTELLIGENCE SERVICE (NIS), SECTION C2 OF THE SECURITY BRANCH, AND MILITARY INTELLIGENCE – UNDERTOOK SUCH ACTIVITIES AND CO-ORDINATED THEIR INFORMATION THROUGH JOINT PARTICIPATION IN SO-CALLED TARGET WORKGROUPS FORMED IN 1986 IN CERTAIN SELECTED STRATEGIC AREAS (EASTERN TRANSVAAL, SOUTHERN FREE STATE) WHOSE ROLE WAS *INTER ALIA* TO TARGET INDIVIDUALS FOR KILLING OUTSIDE OF SOUTH AFRICA'S BORDERS AS WELL AS CO-ORDINATING STRUCTURES SUCH AS THE TEEN REWOLUSIONERE INLIGTINGS TAAKSPAN (TREWITS);

- EXTRA-JUDICIAL KILLINGS WERE TARGETED PRIMARILY AT HIGH-PROFILE ACTIVISTS INSIDE AND OUTSIDE SOUTH AFRICA; THOSE BOTH CONNECTED TO BOTH MILITARY (MK AND APLA) AND NON-MILITARY STRUCTURES; AT THOSE ACTIVISTS OR PERCEIVED ACTIVISTS WHOSE CONVICTION HAD NOT BEEN SECURED THROUGH THE JUDICIAL PROCESS OR WHERE IT WAS BELIEVED THAT JUDICIAL ACTION WOULD NOT SUCCEED; AS WELL AS AT OWN FORCES WHOSE LOYALTY CAME INTO QUESTION;

- EXTRA-JUDICIAL KILLINGS WERE OFTEN ACCOMPANIED BY THE DELIBERATE PLACING OF WEAPONS ON OR NEAR THE BODIES OF VICTIMS AFTER THEY HAD BEEN KILLED.

THE COMMISSION FINDS THAT SUCH EXTRA-JUDICIAL KILLINGS TOOK THE FORM OF:

- THE ASSASSINATION OF ACTIVISTS BY STATE OPERATIVES WHERE THE MODUS OPERANDI IN MANY CASES WAS SUCH THAT THE KILLING WOULD BE LAID AT THE DOOR OF A THIRD PARTY;

- AMBUSHES OF COMBATANTS OR THOSE LINKED TO MILITARY STRUCTURES ENTERING SOUTH AFRICA. WHILE THE COMMISSION WAS UNABLE TO ESTABLISH INTENT TO ELIMINATE IN EVERY CASE, THE PATTERN THAT EMERGES IN THE POST-1985 PERIOD IS THAT IN MANY INSTANCES LITTLE OR NO ATTEMPT WAS MADE TO EFFECT ARRESTS, LENDING CREDENCE TO THE VIEW THAT ELIMINATION WAS THE PRIMARY PURPOSE;

- ENTRAPMENT KILLINGS WHERE SECURITY FORCE PERSONNEL PARTICIPATED IN THE RECRUITMENT AND/OR MILITARY TRAINING AND/OR SUPPLY OF WEAPONRY (SOMETIMES BOOBY-TRAPPED) TO ACTIVISTS WHO WERE THEN ELIMINATED;

- THE KILLING OF PERSONS IN THE PROCESS OF EFFECTING AN ARREST OR WHILST THEY WERE POINTING OUT ARMS. AS IN THE ABOVE CASE, A CLEAR PATTERN EMERGES THAT MANY OF THESE WERE KILLING ACTIONS;

THE COMMISSION FINDS THE FOLLOWING STRUCTURES AND INDIVIDUALS TO BE ACCOUNTABLE FOR THE EXTRA-JUDICIAL KILLING OF POLITICAL OPPONENTS: THE STATE PRESIDENT, MINISTERS OF LAW AND ORDER, DEFENCE, FOREIGN AFFAIRS, COMMISSIONERS OF POLICE, CHIEFS OF THE

SECURITY BRANCH AND HEADS OF C SECTION, CHIEFS OF THE DEFENCE FORCE, OCS SPECIAL FORCES, CHAIR OF THE SADF GENERAL COMMAND COUNCIL, CSI , GENERAL MANAGER CCB, DIRECTOR GENERAL, NIS

FURTHER, ALL MEMBERS OF THE CABINET AND THE SSC ARE FOUND TO BE INDIRECTLY ACCOUNTABLE.

Attempted killings, arson and sabotage

510 The Commission received a number of amnesty applications detailing the direct involvement of members of the security forces in acts of sabotage and arson, including an application by former Minister of Law and Order Adriaan Vlok and Security Branch head General Johan van der Merwe, implicating State President PW Botha. While many of these cases did not result in gross violations of human rights, some can be classified as attempted killings and therefore gross violations.

511 Evidence before the Commission reveals that intimidation and disinformation provided the rationale for such attacks. Activists and their supporters needed to be aware that if they got involved in political activities, dire consequences would follow. Furthermore, the idea that the political conflict was a consequence of internecine strife within the black community, commonly referred to as black-on-black violence, was promoted amongst the general public.

512 The involvement of the security forces in such attacks appeared to accord with state policy. This is reflected in a document prepared for a working group of the Joint Security Staff in January 1987 which refers to the '*Fisiese vernietiging van rewolusionêre organisasies (mense, fasiliteite, fondse, ens) binne- en buitelands deur enige overte en koverte metodes*' (Physical destruction of revolutionary organisations (people, facilities, funds, etc) inside and outside the country by overt and covert methods)[25].

Cosatu House, Johannesburg

513 Cosatu House, which housed the national offices of the Congress of South African Trade Unions (COSATU) and a number of its affiliates, was extensively damaged by two bombs in the early hours of 7 May 1987. The bombs, described at the time as "the most powerful ever detonated on the Reef", were placed in the basement of the building. The damage they caused was such that the building

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25 *Strategiese oorwegings ten opsigte van die inisiëring van die kontramobilisasie in die RSA.*(Strategic considerations in respect of the initiation of contra-mobilisation in the RSA.) Document prepared for the GVS-werkgroep, 24 January 1987, 22/3/2/44.

APPENDIX

State Security Forces: Directory of Organisations and Structures

■ JOINT SECURITY STRUCTURES

State Security Council and related structures

1   The State Security Council (SSC) was established by the Security Intelligence and State Security Act, No 64 of 1972. Its functions were "to advise the government with regard to ..the formulation of national policy and strategy in relation to ... security .. and the manner in which such policy or strategy shall be implemented ... [and] to combat any particular threat to the security … [and] to determine intelligence priorities."

2   Prior to the effective functioning of the State Security Council and the National Security Management System, a number of structures and/or initiatives were put in place to develop security policy and to establish greater co-ordination between the various security and intelligence arms. These include the establishment of: a State Security Committee in 1963; an Intelligence Coordinating Committee in 1964; a State Security Advisory Council (SSAC) which replaced the old State Security Committee in 1966; the Bureau of State Security in 1969; the Potgieter Commission in 1969 whose report in 1971/2 led to the establishment of the State Security Council (SSC) in 1972; a Civil Service Commission, the 'Venter Commission' in April 1973 which reported in early 1975; a government symposium on security on 21 September 1976 which led to the establishment of the Van Dalsen Committee.

3   The latter two were central in formulating the need for a 'national security system' and proposed the establishment of a number of sub-structures: inter-departmental committees; regional and area committees to co-ordinate security actions; a national security staff function in the Office of the Prime Minister; a Working Committee and Secretariat to service the SSC. However, when PW Botha became Prime Minister in September 1978, little progress had been made with

the exception of the establishment of fifteen inter-departmental committees and in April 1978 of a Working Committee to support the SSC. Following Botha's accession to power, the eighteen standing cabinet committees were reduced to five to ensure better management. The five were: Constitutional, Economic, Social, Finance and National Security - or as it became known The State Security Council.

4   The following people formed the core of the SSC: Prime Minister (after 1983 State President); Ministers of Foreign Affairs, Defence, Law and Order, Justice; the Director General of NIS, the Chief of the SADF, the Commissioner of Police, and the Secretaries of Justice and Foreign Affairs. In addition, a number of ministers were co-opted for various periods of time. In the second half of the 1980s, virtually all ministers as well as the Deputy Ministers of Law and Order and Foreign Affairs were drawn into an extended SSC, whose meetings alternated with the 'core' SSC. Secretaries of the SSC were all Lt Generals of the SADF and were: AJ van Deventer (1978-1985), PW van der Westhuizen (1985 -1988) , Charles J Lloyd (1988-1990)

5   In the face of rising resistance and apparent inability of the security forces to contain it, the IDC for security was upgraded to a Joint Security Staff (JSS/GVS). The Deputy Minister of Law and Order was relieved of all duties in order to manage the JSS/GVS. Given that membership and functions now overlapped, the NCC was discontinued on 11 August 1986. Following the imposition of a second, this time nation-wide, State of Emergency in June 1986, civilian departments were drawn in and the JSS/GVS was further upgraded to the status of a National JMC (NJMC) in February 1987.

6   Further, in the early days of the emergency, a Ministers Committee (MINCOM) chaired by the State President and comprising eight ministers were charged with the overall function of managing the State of Emergency on the advice of a Committee of Senior Officials chaired by the chairperson of the JSS. These committees ceased to function later as the SSC and the WC themselves began to develop 'dual forms' of functioning.

The Co-ordinating Intelligence Committee (CIC/KIK)

7   On 14 November 1980, PW Botha issued an instruction that intelligence structures should be rationalised and better co-ordinated. A Rationalisation Committee was set up that met from 14-19 January 1981, in a meeting now known as the

'Simonstown Beraad'. On 30 January, PW Botha approved the establishment of a National Intelligence Interpretation Branch (NIIB/TNV) as part of the SSSC as well as the Co-ordinating Intelligence Committee under the chairmanship of NIS. The NIIB officially came into being on 1 January 1982.

8   The Coordinating Intelligence Committee (CIC/KIK) consisted of representatives from all intelligence-gathering structures the Military Intelligence Division of the SADF, the Security Branch of the SAP, the National Intelligence Service and the intelligence component of Foreign Affairs. It was established in 1981 and had several sub-committees including counter-intelligence, technical and covert collection sub-committees. It was under the sub-committee for covert collection that a special counter-revolutionary information task team, TREWITS (Teen Rewolusionere Inligtings Taakspan), was established in late 1986.

9   The KIK was chaired by Dr LD Barnard, Director-General of NIS.

■   SOUTH AFRICAN POLICE (SAP)

10   The SAP was formed in 1913, the Special Branch (later called the Security Branch) in 1947 or 1948 and the Riot squad in 1975. In 1986 the South African Railway Police were incorporated into the SAP and special constables introduced.

11   The following people served as Ministers of Police/ Law and Order Commissioners during the Commission's mandate period: FC Erasmus; BJ Vorster (1961-68); SL (Lourens) Muller (1968-1974); JT Kruger 1974-79); Louis le Grange (1979-1986); Adriaan Vlok (1986-1991); HJ Kriel (1991-94).

12   The following people served as Commissioner of Police during the mandate period: Maj Gen Rademeyer (-1960); Lt Gen AJ du Plooy (1960-62); Lt Gen JM Keevy (1962-68); Gen JP Gous (1968 - 1971); GJ Joubert (1971-73); Gen TJ Gous (1973-1975); Gen GL Prinsloo (1975-78); MCW Geldenhuys (1978-1983); Gen PJ Coetzee (1983-87); Gen H de Witt (1987-89); JV van der Merwe (1990-96). Generals du Plooy, Prinsloo, Geldenhuys, Coetzee and Van der Merwe were all former Heads of the Security Branch or had Security Branch experience. Thus in virtually every significant period of unrest, a former security branch head has occupied the post of Commissioner of Police.

The Security Branch

13 The Security Branch was created as a fully fledged structure in 1947 or 1948. It was organised in sections. These sections were subject to changes at various times. The following is based on a mid-1980s organogram.

a Section A: information collection

b Section B seems to have collected information on non-mainline groups such as the Detainees Parents Support Committee, SA Council on Sport, etc (by 1992 Section A dealt with 'Revolutionary/Radical' groups; while Section B dealt with 'Reactionary Groups');

c Section C: an operative unit responsible for anti-terrorism activities.

d Section D dealt with state property, border posts, airports, etc.

e Section E dealt with detainees;

f Section F covered inter-departmental committees, library, research (By 1992 E is earmarked legal advisers);

g Section G was responsible for intelligence (G1), Strategic Communication (G2) and Counter-Espionage (G3). (By 1992 G was responsible for 'interdepartmental linkages' and included links/secondments to Venda, Bophutatswana, Swaziland);

h Section H was Secret Funds (by 1992 Secret Funds fell under Group K and Group H had become Constitutional Services and connected into returning exiles and releases);

i Section J connected to the SSSRC and the JMCs; by 1992 it had become the Trewits section;

j Section K was the Inspectorate (by 1992 Special Account);

k Section L was the database or information centre;

l Section M was Namibia (by 1992 the Technical Division);

m Section N was the Technical Division (by 1992 the Administrative section);

n Section O was Training.

14 In 1991, the Special Branch merged with the Criminal Investigation Division into a structure known as Crime Combating and Investigation. The section previously known as the Security Branch was renamed the Crime Information Service (CIS). It is now called Internal Security. The change brought a change in the allocation of functions to the different sections, as reflected in the listing above.

15   Commanding officers of the Security Branch include: 1960s - Gen Hendrik van
      der Bergh, Brig PJ 'Tiny' Venter; 1970s - Brig PJ 'Tiny' Venter, Mike Geldenhuys;
      Lt-Genl CF Zietsman; 1980s - Brig Johan Coetzee; Maj Gen Frans Steenkamp;
      Maj-Genl S Schutte; Brig Johan van der Merwe; 1990s - Basie Smit.

Section C1: Vlakplaas

16   The unit which came to be known by the name of the farm was started in the
      late 1970s by Col JJ Viktor, then head of the C section, and Col Jan du Preez.

17   The purpose of Vlakplaas at this stage was ostensibly as a place to rehabilitate
      'turned terrorists' or, as they were called, askaris.   The askaris were eventually
      divided into units and supervised by white security police, and it was this change
      that transformed Vlakplaas into a counter-insurgency unit. The units responded
      to requests that were channelled to them via the head of Section C or via
      branch commanders.

18   In the mid to late 1980s similar units to Vlakplaas were established in
      Camperdown in Kwazulu Natal and in the Eastern Cape.

19   Heads of C section under which C1/Vlakplaas resided were Col JJ Viktor (later
      a Maj-Genl); Brig Willem Schoon; Maj-Genl Nick Janse Van Rensberg and Maj-
      Genl IJ Engelbrecht Commanders of Vlakplaas were: Col JJ Viktor (founder of
      the unit); Capt Dirk Coetzee (1980-81); Capt Jan Carel Coetzee (1982); Lt Col
      Jack Cronje (1983-1985) - later a brigadier; Col Eugene de Kock (1985-1993)

The Riot Squad

20   During the 1960s the SAP established Divisional Anti-Riot Units throughout
      South Africa.

21   Throughout the 1980s, the homeland police forces had also been establishing
      specialised, separate riot control agencies, with approximately 30 units estab-
      lished by 1993. The riot units in the homelands were usually less organised, less
      skilled, and even more brutal than those of the SAP. On occasion, when it appeared
      that homeland forces were unable to contain a particular incident, the SADF
      (not the SAP) were deployed to assist.