THE JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS REGARDING EFFORTS OR ATTEMPTS TO STOP THE INVESTIGATION OR PROSECUTION OF TRUTH AND RECONCILIATION COMMISSION CASES (TRC CASES INQUIRY)

HELD AT:

Sci-Bono Discovery Centre, Corner of Miriam Makeba & Helen Joseph Street
Newtown, Johannesburg

BEFORE:

COMMISSIONERS:

The Honourable Ms Justice Sisi Khampepe (Judge Ret.) – Chairperson
The Honourable Mr Justice Frans Diale Kgomo (Judge President Ret.)
Adv Andrea Gabriel (SC)

EVIDENCE LEADERS:
Adv Ishmael Semenya (SC)
Adv Vas Soni (SC)
Adv Fana Nalane (SC)
Adv Nompumelelo Seme
Ms Baitseng Rangata
Adv Phelo Mahlati-Mbanga

REPRESENTATIVES
Adv G Budlender (SC) for Mr Eugene Alexander De Kock
Mr J Whyte (for Mr Eugene Alexander De Kock)
Dr Nyoko Muvangua (for Former President Thabo Mbeki)
Adv Phumzile Sokhele (for Former President Thabo Mbeki)
Adv KD Moroka (SC) – DOJ Representative
Adv Anisa Kessery-DOJ Representative
Adv Varney (SC) – The Calata Group
Adv D Pillay – The Calata Group
Ms A Thakor – The Calata Group
Mr Jos Venter – The Calata Group
Adv Motlalepule Rantho (for SAPS)
Adv Ebenezer Prophy (for SAPS)
Adv Irene Dikgale (for SAPS)
Adv B Lukhele-NPA Representative
Adv Bruinders (SC) for President Cyril Ramaphosa
Adv Irene de Vos (for President Cyril Ramaphosa)
Adv Nwabisa Mtshizana (for Ex-NDPP's Officials)

26 OCTOBER 2026

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PROCEEDINGS ON 26 OCTOBER 2026

CHAIRPERSON: Good morning to you all. Mr Semenya?

ADV SEMENYA: Good morning Madam Chair and Commissioners. We have Mr de Kock helping us today and he will be led by my learned colleague, Adv Budlender.

CHAIRPERSON: Thank you. Good morning, Mr Budlender.

ADV BUDLENDER: Good morning, Chair.

CHAIRPERSON: Yes, thank you.

ADV BUDLENDER: Thank you Chair and thank you members of the Commission.

CHAIRPERSON: Thank you.

ADV BUDLENDER: Can I go straight? I think Mr de Kock must be sworn in, ja.

CHAIRPERSON: No, I must swear him in first.

ADV BUDLENDER: Ja.

CHAIRPERSON: Yes. Good morning, Mr de Kock.

MR DE KOCK: Good morning, madam.

CHAIRPERSON: How are you?

MR DE KOCK: Well, thank you.

CHAIRPERSON: Thank you. Are you going to give your evidence under oath or an affirmation?

MR DE KOCK: Yes, I will do it under oath.

CHAIRPERSON: Under oath. Do you swear that the evidence that you will give will be the truth, the whole truth and nothing but the truth? If so, raise your right hand and say, “So help me God”.

MR DE KOCK: Yes Your Honour, so help me God.

EUGENE ALEXANDER DE KOCK: duly sworn states

CHAIRPERSON: Thank you. Mr Budlender, your witness.

EXAMINATION BY ADV BUDLENDER: Thank you, Chair. Good morning, Mr de Kock.

MR DE KOCK: Good morning, advocate.

ADV BUDLENDER: Mr de Kock, you, we have submitted a statement by you to the Commission which is before the Commission and you have a copy in front of you?

MR DE KOCK: Ja.

ADV BUDLENDER: I am not going to take you through the whole of that statement, but do you confirm the correctness of what is in that statement?

MR DE KOCK: Yes.

ADV BUDLENDER: All right. Now Mr de Kock, you joined the South African Police in 1968 and ...[intervenes]

MR DE KOCK: That is correct.

ADV BUDLENDER: And after your training you say you began active service in what was called the Counter-Terrorism Unit in what was then called Rhodesia. Is that correct?

MR DE KOCK: Yes.

ADV BUDLENDER: And after you had served there, you were transferred to Ruacana in what was then called South-West Africa?

MR DE KOCK: First to the Special Guard Unit guarding the President and the Prime Minister.

ADV BUDLENDER: I see.

MR DE KOCK: But after that for a short stint ...[intervenes]

ADV BUDLENDER: All right.

MR DE KOCK: I was then transferred back to Benoni and then to Rhodesia again.

ADV BUDLENDER: All right and then you went to Ruacana?

MR DE KOCK: Yes.

ADV BUDLENDER: And you joined, you were then placed at Oshakati in Namibia?

MR DE KOCK: Say again?

ADV BUDLENDER: You joined the police at Oshakati in Namibia?

MR DE KOCK: I joined the Security Branch at Oshakati in 1978 at the end of May.

ADV BUDLENDER: All right, okay. And then after that you became one of the members, one of the first members of the Koevoet Unit?

MR DE KOCK: Yes.

ADV BUDLENDER: In 1983 you asked to be transferred to the Western Cape?

MR DE KOCK: Yes.

ADV BUDLENDER: To the Uniform Branch of the SAP?

MR DE KOCK: That is right.

ADV BUDLENDER: By that time you had been in Rhodesia and South-West Africa as they were called, for about 15 years from ’68 to ’83?

MR DE KOCK: That is right.

ADV BUDLENDER: Why did you ask to be transferred to the Western Cape?

MR DE KOCK: The strain of all the training I received and then the strain of training others and then all the operations and the combat operations and some more clandestine operations, took a toll on me and I knew that I better leave.

ADV BUDLENDER: You were effectively involved in a form of warfare during that time?

MR DE KOCK: I was basically out on a canvass, ja I was finished.

ADV BUDLENDER: All right. Then if you go to, go to the statement which you have got in front of you, can you go to page 3 of the statement, paragraph 11?

MR DE KOCK: Yes.

ADV BUDLENDER: You see paragraph 11 under the heading Vlakplaas?

MR DE KOCK: Yes.

ADV BUDLENDER: So you say there that:

"Vlakplaas is a farm outside Pretoria."

Can you explain, you can follow that what is in the statement if you like, what Vlakplaas did?

MR DE KOCK: Vlakplaas was formed by Colonel Schutte and at first some members of the, black members of the Selous Scouts and the Rhodesian African Rifles was also brought to Vlakplaas. I do not know what happened to them, I know we received about five Rhodesian, black Rhodesians but they were not, according to them

they were from the Selous Scouts.

ADV BUDLENDER: All right.

MR DE KOCK: And, but Colonel Victor was the one who converted it into a counter-terrorist organisation.

ADV BUDLENDER: And it was working with people who were called Askaris. Who were they?

MR DE KOCK: The Askaris were former members of MK and APLA. I on many occasions I wrote orders and asked that the name Askari must be changed because it referred, it was more a derogatory term to these people.

ADV BUDLENDER: Yes.

MR DE KOCK: And Askari actually meant “Black led white troops” in Germany or in German East Africa.

ADV BUDLENDER: Okay the, you explained in your statement that the supposed purpose of the, of Vlakplaas was to rehabilitate the Askaris. Is that right?

MR DE KOCK: Yes.

ADV BUDLENDER: And what were they actually used for?

MR DE KOCK: In the first place they were used to identify former or president members of MK or APLA by working in certain areas where divisional commanders of the Security Branch required their services for identification purpose, who were working at the bus station, the taxi ranks, the train stations, in general if you have been appointed in a certain area in a township to work there and to identify then specific members, and then to arrest if they could.

If they could not be, used their firearms. And then they must be handed over to the nearest Security Branch and the Divisional Commissioner of that area to be informed. Vlakplaas did not have any legal authority to detain any of these MK or APLA members.

ADV BUDLENDER: You say in your statement that if you just go to page 3, stay at paragraph 11, right at the end of paragraph 11, are you with me? At the end of that page.

MR DE KOCK: Yes.

ADV BUDLENDER: You say, "As is commonly known", are you with me? Right at the end or the bottom of the page ...[intervenes]

MR DE KOCK: Is it 13, paragraph 14?

ADV BUDLENDER: No sorry, paragraph 11 on the previous page.

MR DE KOCK: 11?

ADV BUDLENDER: Ja, it starts, "Vlakplaas is a farm".

MR DE KOCK: Why do I not see ...[intervenes]

ADV BUDLENDER: Have you got another version?

MR DE KOCK: Ja, let me see here.

ADV BUDLENDER: Paragraph ...[intervenes]

COMMISSIONER KGOMO: Paragraph 11 is at page 2369 at the top and then look at the foot of the page, the last sentence that starts, "As is".

ADV BUDLENDER: Thank you, Judge. It might be easier yes, seeing those pages are numbered. Have you got that version of your statement, Mr de Kock? You can go to page 2369.

MR DE KOCK: Yes, I have it now.

ADV BUDLENDER: All right, now at the bottom of that page, at the bottom of page 2369, it says, I will read what it says, it says:

> "As is commonly known [and you turn over the page], these persons – called 'Askaris' – became central to the death squads operated by C-Section."
>
> Is that correct?

MR DE KOCK: Yes.

ADV BUDLENDER: In paragraph 12 on page 4, this is page 2370, you say that at the time of your involvement, C-section was headed by Brigadier Willem Schoon. He was responsible for organising the activities of the C1/C10 Unit and Vlakplaas, and he reported to the Head of the Security Police nationally, then General Johan Coetzee. He gave evidence about his activities at a TRC Amnesty hearing on 3 November 1998. Is that correct?

MR DE KOCK: Yes.

ADV BUDLENDER: All right and then at paragraph 14 at the bottom of that page, you talk about the change of command at Vlakplaas and you have finally became the Commanding Officer of the Unit, of C1 at Vlakplaas. Is that correct?

MR DE KOCK: Yes, I took over from Colonel Cronjé.

ADV BUDLENDER: All right and that is on the next page 2371, paragraph 61, paragraph 16. And you say, and to whom did you report? You were the Commanding Officer of the Unit and to whom did you report?

MR DE KOCK: I reported direct, well directly to Brigadier Schoon.

ADV BUDLENDER: And to whom did he report? To whom did Brigadier Schoon report?

MR DE KOCK: He reported to the National Head of the Security Police.

ADV BUDLENDER: Now you, Vlakplaas was C1 and the Askaris or operatives were part of Vlakplaas C1?

MR DE KOCK: Yes.

ADV BUDLENDER: Were other parts of the police able to call on their services?

MR DE KOCK: Yes, every Divisional Commissioner could call on the services of Vlakplaas.

ADV BUDLENDER: And so they would, they, you would provide the, if I can call them Askaris, to the other parts of the police for their activities?

MR DE KOCK: Yes, not as an autonomous unit, as a support unit to what the Divisional Commander had in mind.

ADV BUDLENDER: Yes, so they would be part of the team that was under that divisional command?

MR DE KOCK: Ja.

ADV BUDLENDER: All right and you have used, in your statement you have used the word death squad, they were involved in killings?

MR DE KOCK: Yes, they were involved in killings.

ADV BUDLENDER: All right. Now can I ask you to go to, let me just see what the correct page number is, 2374?

MR DE KOCK: Yes.

ADV BUDLENDER: And you say, do you have paragraph 27 in the middle of the page.

MR DE KOCK: Ja, let me get… paragraph 57?

ADV BUDLENDER: 27, 27, two-seven.

MR DE KOCK: Two-seven, okay ja, sorry. Okay.

ADV BUDLENDER: And you say Askaris were originally registered or initially registered as Registered Sources and later underwent a three to four-week course and were registered as policemen. And then paragraph 27.1, you have that? Starting, "Vlakplaas did not conduct its own recruitment".

MR DE KOCK: No, no, Vlakplaas did not.

ADV BUDLENDER: No page, do you page 2374, Mr de Kock?

MR DE KOCK: Yes, I have it, ja.

ADV BUDLENDER: And the last paragraph on that page is paragraph 27.1.

MR DE KOCK: Yes.

ADV BUDLENDER: Could you just read that or explain what it says about where the Askaris came from? You can just read it if you like or you can explain.

MR DE KOCK:

> "27.1 Vlakplaas did not conduct its own recruitment of Askaris; they were assigned to Vlakplaas from individuals who had been held under Section 29 of the Internal Security Act, sometimes for as long as two and a half years."

ADV BUDLENDER: All right, then can you go to the next page 2375? Could you go to paragraph ...[intervenes]

MR DE KOCK: Yes, Vlakplaas ...[intervenes]

ADV BUDLENDER: Do you see the paragraph? No, skip that and then could you go to paragraph 28?

MR DE KOCK: 38?

ADV BUDLENDER: Two-eight, 28.

MR DE KOCK: Okay 28, ja.

ADV BUDLENDER: Could you read that paragraph?

MR DE KOCK: Okay:

> "Although the publicly stated purpose of Vlakplaas was to rehabilitate the Askaris who had been 'turned' from ANC/APLA-loyalty, it is now well known that Vlakplaas was in reality responsible for carrying out extrajudicial killings, kidnappings, interrogations and bombings."

ADV BUDLENDER: All right and then lower down that page you deal with the question or you make the point that Vlakplaas did not operate in isolation. Do you see that?

MR DE KOCK: No, we did not operate in isolation.

ADV BUDLENDER: Was it not in, it was not an autonomous unit?

MR DE KOCK: No, to give an idea of it, I could not leave Johannes… Pretoria to go to Johannesburg without informing Brigadier Willem Schoon and he would phone General Erasmus in Johannesburg. It was a very strictly controlled unit.

ADV BUDLENDER: And you were operating to assist other parts of

the police amongst other things?

MR DE KOCK: Yes.

ADV BUDLENDER: But you were within a structured operation?

MR DE KOCK: Yes, we assisted when we were needed.

ADV BUDLENDER: And you were operating under instructions as a member of the South African Police?

MR DE KOCK: Yes, I could not do otherwise because they would have released me of command immediately the same day.

ADV BUDLENDER: Sorry, they would have?

MR DE KOCK: They would have relieved me of command on the same day.

ADV BUDLENDER: Yes.

MR DE KOCK: So it was not rogue.

ADV BUDLENDER: Yes, yes, all right. Now what happened is we know that you were arrested in 1994 and you were ultimately charged, prosecuted in the High Court in Pretoria.

MR DE KOCK: That is right.

ADV BUDLENDER: And from that time onwards, if you can go to paragraph 39, now it is paragraph 39, three-nine, is at page ...[intervenes]

CHAIRPERSON: 2377.

ADV BUDLENDER: 2377?

CHAIRPERSON: Yes.

ADV BUDLENDER: Thank you, Judge. 2377, do you see paragraph 39 at the foot of that page?

MR DE KOCK: Yes.

ADV BUDLENDER: Could you read that?

> "I was already in custody, and I was in a position to provide operational details of the involvement of those persons as part of a cooperation agreement. I have never been reluctant to provide information to the prosecuting authorities, however they have simply never approached me to provide this information."

ADV BUDLENDER: Okay, I will take you straight away now to some instances in which you did provide cooperation. I want to mention three to you and see whether this is correct. That is not referred to, was not fully referred to in your statement. Firstly there was the quest, the case of the Motherwell bombings. You remember that?

MR DE KOCK: Yes, I just want to get some water.

ADV BUDLENDER: Yes, sure.

MR DE KOCK: Thank you Advocate, you can continue.

ADV BUDLENDER: Right, right. Now in relation to the… Did you give evidence for the state in the prosecution of the Motherwell bombings?

MR DE KOCK: Which paragraph?

ADV BUDLENDER: It is not in this statement.

MR DE KOCK: Oh okay, okay ...[intervenes]

ADV BUDLENDER: I just want to ask you the question. Did you ...[intervenes]

COMMISSIONER KGOMO: Even ...[intervenes]

ADV BUDLENDER: Did you give evidence for the state in the prosecution?

COMMISSIONER KGOMO: Even paragraph 41 refers to the Motherwell bombing.

ADV BUDLENDER: Yes and I am then going to go on about other things which are not mentioned specifically in the statement.

COMMISSIONER KGOMO: Oh, okay.

ADV BUDLENDER: So did you give evidence for the state in the prosecution in the case of the Motherwell bombings?

MR DE KOCK: Yes.

ADV BUDLENDER: And that case was the *S v Nieuwoudt and Others?* The *S v Nieuwoudt and Others*?

MR DE KOCK: Yes, that is right, Nieuwoudt and Others.

ADV BUDLENDER: And when you gave that evidence for the state, what was your own status at that time? Where were you?

MR DE KOCK: At that stage I had been detained in a closed maximum prison under the Canadian type of system they had, the same as Americans ja, and no contact, 23 hours a day lockup, *et cetera*.

However, I did receive newspapers eventually and I saw in *The Citizen* an article where General Nicholaas, Nick van Rensburg, obtained an interdict in the Cape Supreme Court where the interdict he applied for was that his name can and must never be mention on any social platform or be used in any way which indicate that he would be or has been involved in any crimes.

And I then realised that whatever is going to happen is going to be likely dumped onto me. So I then called my lawyer, Mr Schalk Hugo, and I said to him, "Look, I am prepared to testify". I must add that the North Gauteng Supreme Court was in recess at that time.

ADV BUDLENDER: So you were, this was at a time when you were on trial, that the court was ...[intervenes]

MR DE KOCK: Yes, yes, no.

ADV BUDLENDER: That the court was in recess?

MR DE KOCK: Not in trial fully.

ADV BUDLENDER: Yes.

MR DE KOCK: But because the court was in recess I did not go to court obviously.

ADV BUDLENDER: Ja.

MR DE KOCK: But I called Mr Hugo and I said, "Look, phone Mr Les Roberts in the Eastern Cape, okay I will testify".

ADV BUDLENDER: Who is Mr Les Roberts?

MR DE KOCK: He was an Attorney-General for the Eastern Cape.

ADV BUDLENDER: Okay, so you said to Mr Hugo, phone Mr Roberts and, the Attorney-General, and tell him that I will testify? Is this, and you will testify in which case?

MR DE KOCK: No, I told my lawyer that he called Mr Roberts and Adv Roberts flew down on a very early flight on a Saturday morning, came to the prison, took my full statement and then flew back to Port Elizabeth, because on Monday, Adv De Bruin wanted to ask for that the charges against his clients must be dropped because the other

two witnesses, Snyman and Vermeulen, testified in an Article 204 and they did not receive it.

They did not know that I was on my way and then when Les Roberts informed Adv De Bruin that I am there to testify, Adv De Bruin was apparently very unhappy about it.

ADV BUDLENDER: You are using very polite language, he used other language to express his unhappiness.

MR DE KOCK: Yes, I can put it.

ADV BUDLENDER: No, I do not think it is necessary. Okay [laughs], then so and as a result of that, you gave evidence in the Motherwell trial?

MR DE KOCK: Yes.

ADV BUDLENDER: And you gave evidence because you volunteered to give evidence on behalf of the state?

MR DE KOCK: I volunteered to give evidence, I was not coerced by anybody from the legal teams in Pretoria, it was I initiated the call when I saw the newspaper article, I called Mr Hugo and then facilitated with Adv Roberts.

ADV BUDLENDER: All right and were the Motherwell accused convicted?

MR DE KOCK: Yes, all of them were convicted, every single one of them.

ADV BUDLENDER: All right. Okay, then I want to go to another instance where you assisted the state which is in relation to what are called the PEBCO 3, that is PEBCO [spelled] 3.

MR DE KOCK: Oh.

ADV BUDLENDER: Have you heard of the PEBCO 3?

MR DE KOCK: At which page is it?

ADV BUDLENDER: It is not in the file.

MR DE KOCK: Oh okay, yes.

ADV BUDLENDER: And I am going to hand you a statement. Could you have a look at that, please? This is the statement which was distributed this morning, Chairperson. It is a two-page statement.

CHAIRPERSON: We do not have that statement.

ADV BUDLENDER: Oh.

CHAIRPERSON: Oh yes, it is a statement in Afrikaans?

ADV BUDLENDER: In Afrikaans, yes Judge.

CHAIRPERSON: Yes.

ADV BUDLENDER: All right, now the, that, is that the statement by you?

MR DE KOCK: Yes.

ADV BUDLENDER: And it was signed by you. It says that you are currently convicted, sitting in prison and ...[intervenes]

MR DE KOCK: Yes.

ADV BUDLENDER: Then it says, and when, what is, can you see the date on which the statement was taken from you?

MR DE KOCK: Say again?

ADV BUDLENDER: What is the date of that statement?

MR DE KOCK: Well that I would testify in the PEBCO 3?

ADV BUDLENDER: Yes and right at the end on the second page, it

has a date on it.

MR DE KOCK: … [Indistinct].

ADV BUDLENDER: 6 December 1996.

MR DE KOCK: Let me just have a look, ja.

ADV BUDLENDER: Well it speaks for itself Chairperson, yes.

CHAIRPERSON: Yes, I think you can put it to him ...[intervenes]

MR DE KOCK: Okay, I see it here, ja.

CHAIRPERSON: Mr Budlender.

ADV BUDLENDER: 6 December 1996.

CHAIRPERSON: Yes, you can just put the date to him.

ADV BUDLENDER: Yes, thank you, Judge. So you made that statement on the 6 December 1996. On the 6 December 1996, what was your status, where were you?

MR DE KOCK: By then I was sentenced.

ADV BUDLENDER: You were sentenced, you were busy serving your sentence in Pretoria?

MR DE KOCK: Yes.

ADV BUDLENDER: And you assisted the state by making that statement in the PEBCO 3 case?

MR DE KOCK: Yes.

ADV BUDLENDER: All right, then can I go on to one more incident? You do not have any paper about that. You were also I understand, willing to give evidence for the state in the Bambo case. Is that correct?

MR DE KOCK: Yes.

ADV BUDLENDER: What was that case about?

MR DE KOCK: The Bambo case ...[intervenes]

ADV BUDLENDER: Just briefly.

MR DE KOCK: The Bambo case concerned that Strongman Bambo was a source or one of Colonel Willem Timol Coetzee's informers and worked together.

ADV BUDLENDER: All right.

MR DE KOCK: He committed armed robbery on the East Rand and he was arrested by the East Rand Murder and Robbery Unit.

ADV BUDLENDER: All right.

MR DE KOCK: I can only infer or speculate that he must have told Colonel Ivor Human what he was going to say if he goes to court, so I did not even know what Colonel Ivor Human did and then a Captain Johan Koekemoer. They just arrived at Vlakplaas one morning. I was doing admin, administrative work.

Some of my men told me they are here and they said oh, that is okay, and then General Engelbrecht turned up which was his right because he was basically in commend there. And then they went to the pool table area which were referred to as a "speak easy", a little bar, and but I went on with my work.

Then I was called and General Engelbrecht said that we have a problem. I said, "No, I do not have any problems, there is no "we" here". And he said no, if Bambo talks and I do not know who Bambo was, a lot of people are going to get into trouble, amongst them Willem Timol Coetzee. I said, "It is not my problem and I am

not going to get involved".

So eventually he said to me well, we must form an arm cache. I said I am not going to do it. So he said, "Well, can one of your men supply you with some or us with some material, Soviet made material?" and I said, "Yes, we had some TM57 landmines which was stored at Med [Indistinct]" and I sent Warrant Officer Snyman to go and fetch one or two. I cannot even remember that. I just gave them the keys and I said, just go.

And I left and then Warrant Officer Brits who went with Captain Koekemoer who was an explosives expert, you cannot hand any explosives over to a person that are not qualified to handle it or know what he is doing. We established a cache somewhere down in Nelspruit area which was then done and Koekemoer then shot Bambo point blank ...[intervenes]

ADV BUDLENDER: Killed him.

MR DE KOCK: Killed him.

ADV BUDLENDER: He was killed to prevent him giving evidence of what, of the activities that were taken on. Is that right?

MR DE KOCK: If you can repeat?

ADV BUDLENDER: Was he, he was if I understand you correctly, he was killed because there was a fear that he was going to give evidence of the activities, what had been undertaken?

MR DE KOCK: Oh yes, oh yes.

ADV BUDLENDER: Now ...[intervenes]

MR DE KOCK: And a lot of that would have been criminal.

ADV BUDLENDER: Yes.

MR DE KOCK: Nothing to do with politics.

ADV BUDLENDER: Okay. Now you made a statement as I understand, in September 2005 about the Bambo case?

MR DE KOCK: Ja.

ADV BUDLENDER: And when in September 2000, you say you were willing to give evidence for the state in the Bambo case?

MR DE KOCK: Yes, I would testify.

ADV BUDLENDER: And where were you in September 2005 when you made that statement?

MR DE KOCK: I was still in C-Max, closed maximum prison.

ADV BUDLENDER: All right, so you were sentenced?

MR DE KOCK: Yes.

ADV BUDLENDER: All right and then I want to come to a series of matters in which very briefly, in which you, matters of which you had knowledge and of which you could have given evidence. Now if we start with the Cradock Four, the murder of the Cradock Four, were you able to give the NPA information and evidence that are relevant to the murder of the Cradock Four?

MR DE KOCK: Yes.

ADV BUDLENDER: Were you willing to give them that information and your evidence?

MR DE KOCK: Yes.

ADV BUDLENDER: Were you ever asked to give that information and the evidence?

MR DE KOCK: No.

ADV BUDLENDER: If you come to the case of the murder of Sweet Sambo [spelled] ...[intervenes]

MR DE KOCK: Yes?

ADV BUDLENDER: Were you able to give the NPA information and evidence that was relevant to the case, to the murder of Sweet Sambo?

MR DE KOCK: Absolute everything.

ADV BUDLENDER: Were you willing to give the NPA that information and evidence?

MR DE KOCK: I was never approached, never asked, no statements taken.

ADV BUDLENDER: If you had been approached, would you have been willing to give it?

MR DE KOCK: Yes, immediately. The same as the matter in the Motherwell.

ADV BUDLENDER: All right.

MR DE KOCK: It was the same.

ADV BUDLENDER: Then I want to refer you to the case of the murder of Goodwill Sikhakhane. Do you remember that?

MR DE KOCK: Yes, that is right.

ADV BUDLENDER: Were you able to give the NPA information and evidence that are relevant to the case of Goodwill Sikhakhane and his murder?

MR DE KOCK: Yes, the full knowledge. In fact I recruited him in

Swaziland where he was a MK member.

ADV BUDLENDER: Were you willing to give the NPA information and evidence about the murder of Goodwill Sikhakhane?

MR DE KOCK: I was charged for that I believe and Sergeant Nortjé testified about that, because I was busy with other operations and I have sent him down to Natal.

ADV BUDLENDER: And if you had been asked to give evidence at a trial in relation to the murder of Goodwill Sikhakhane, would you have given that evidence?

MR DE KOCK: Yes.

ADV BUDLENDER: Then I want to talk, refer to the case of the murder of Japie Maponya.

MR DE KOCK: Yes.

ADV BUDLENDER: Were you able to give the NPA information and evidence relevant to the murder of Japie Maponya?

MR DE KOCK: Yes, I could have given them the full version of what happened.

ADV BUDLENDER: Were you willing to give them that evidence?

MR DE KOCK: Yes.

ADV BUDLENDER: Were you ever asked to give that evidence?

MR DE KOCK: No. I am even now willing to testify.

ADV BUDLENDER: All right and then finally, you have said in your statement that you are able to identify the generals who gave instructions to carry out the murders and the unlawful acts. You remember that?

MR DE KOCK: Yes.

ADV BUDLENDER: Were you ever asked by the NPA to identify the generals who gave the instructions to carry out the murders and the unlawful acts?

MR DE KOCK: No.

ADV BUDLENDER: All right, but if you had been asked would you have given it?

MR DE KOCK: I would have testified, yes.

ADV BUDLENDER: Then Mr de Kock, I want to move on to another subject. Just to summarise, if you can go to page 2327? Sorry, 2377.

MR DE KOCK: 23?

ADV BUDLENDER: 77.

MR DE KOCK: Okay.

ADV BUDLENDER: You do not really need to go there, no I think we, I think I have dealt with ...[intervenes]

MR DE KOCK: Ja.

ADV BUDLENDER: [Indistinct].

MR DE KOCK: I have, ja.

ADV BUDLENDER: And then let us go to the next page, 2378.

MR DE KOCK: Yes, 2378. I have it.

ADV BUDLENDER: Could you go to page, to paragraph 43 at the bottom of that page?

MR DE KOCK: Yes.

ADV BUDLENDER: Could you read that to the members of this

Commission? Paragraph 43.

MR DE KOCK: Paragraph 40?

ADV BUDLENDER: 43, four-three.

MR DE KOCK: Yes.

ADV BUDLENDER: Reading that.

MR DE KOCK: Yes, oh:

> "On 1 October 1997, I made an application to, and gave evidence at the TRC. I said to the TRC that the state had inexplicably declined to pursue the generals and politicians despite their involvement, and that I was sickened by this choice."

ADV BUDLENDER: That was in 1997, it is now 30 years later.

MR DE KOCK: Yes.

ADV BUDLENDER: How do you feel about that fact that the generals and the politicians were not pursued?

MR DE KOCK: I have started by saying also that I testified against President PW Botha in George. However, how I feel about it today and it is only my point of view, I was the only connection between the generals and the politicians, the people lower down the ranks did not have that information.

I was the only one that would testify against many of the generals and then some of the politicians and they had to break that connection. So my own experience and as it, I went on in the years, is that there was a terrible, terrible negligence, a criminal negligence on the part of the prosecuting authorities ...[intervenes]

ADV BUDLENDER: Well ...[intervenes]

MR DE KOCK: And secondly that my court was basically a kangaroo court to keep me away from testifying.

ADV BUDLENDER: What was a kangaroo court?

MR DE KOCK: Oh where they set you up like in the case of Bambo, I was never involved but I got 15 years for the man who shot and testified against me and I was not even there.

ADV BUDLENDER: All right, sir. So you, if we can then go to page 2379, do you have that?

MR DE KOCK: Yes, I have that.

ADV BUDLENDER: All right, paragraph, in the middle of the page it is headed “The chain of command”.

MR DE KOCK: Yes.

ADV BUDLENDER: And what, and you say there at paragraph 46, perhaps you can, well let me just deal with that. Your explanation, you have explained to the Commission that you would receive the instructions from the generals and then you would instruct the units beneath you to carry them out. Is that correct?

MR DE KOCK: Yes.

ADV BUDLENDER: So you were the link between the people who were making the decisions and the people who were implementing the decisions?

MR DE KOCK: Yes, the only person, yes.

ADV BUDLENDER: And you were able to give evidence about that?

MR DE KOCK: Yes.

ADV BUDLENDER: And paragraph 49, if you go to, it is page 2379, 2380 I beg your pardon, 2380?

MR DE KOCK: Yes, I have it.

ADV BUDLENDER: Can you go to paragraph 49, four-nine?

MR DE KOCK: Yes.

ADV BUDLENDER: Could you read what is, what you said in paragraph 49?

MR DE KOCK: Do you want me to read it?

ADV BUDLENDER: Read it out, yes.

MR DE KOCK: Okay:

> "49. The generals have not been prosecuted, despite Judge Willem van der Merwe having found at the conclusion of my criminal trial that there was 'more than enough evidence to charge General Engelbrecht'."

ADV BUDLENDER: And can you read out the next paragraph, paragraph 50?

MR DE KOCK:

> "50. As to the senior political office-bearers: It was not part of my function to engage with them. That was principally the function of the generals. I believe that if the generals had been prosecuted, they would have disclosed the source of their instructions, and that they would have implicated political office-bearers."

ADV BUDLENDER: All right and can you go on to the next page, 2381?

MR DE KOCK: Is it paragraph 51?

ADV BUDLENDER: Paragraph 51. Could you read that out, please?

MR DE KOCK:

"51. My own experience demonstrates that political office-bearers were aware of what was happening, and were involved in it. For example, to my personal knowledge:

51.1 Minister Louis Le Grange signed off on the bombing of the ANC offices in London. He decorated the people who were involved in this, including me.

51.2 Minister Adriaan Vlok visited Vlakplaas on many occasions. On one occasion he came there to congratulate me on the bombing of Khotso House (the offices of the South African Council of Churches) and COSATU House.

51.3 When I was instructed by Brigadier Schoon to bomb COSATU House, he told me that the instruction to do this was 'from very high. I asked him how high, and he said that it came directly from President

PW Botha."

ADV BUDLENDER: And could you read out the next paragraph?

MR DE KOCK:

"52. I believe that it has been suggested that I was somehow unavailable to provide evidence in the prosecutions, and that this is why the chain of prosecutions did not happen. That is absolutely not the case. As I have mentioned, I gave evidence, for example, in the case of the Motherwell murders, and the people responsible were convicted."

ADV BUDLENDER: And then can you go over to the next page, 2382?

MR DE KOCK:

"53. I was willing and available to give evidence as to where the instructions came from. That would have exposed the chain of command. I was not called as a witness to do so.

54. It is my opinion that one of the reasons the generals were not prosecuted was that they would or might have further exposed the chain of command. Those who gave the instructions to the generals would have been at risk of exposure.

55. If one wants to know why prosecutions did not take place, an obvious question is who benefitted

from that failure? The answer is that those who benefitted were those who were at the top of the chain of command."

ADV BUDLENDER: All right, thank you.

MR DE KOCK: Could I just qualify here?

ADV BUDLENDER: Yes, of course.

MR DE KOCK: I suppose that would have exposed the whole State Security Council.

ADV BUDLENDER: All right, then could you go to paragraph 57? Could you read that out or start with paragraph 56.

MR DE KOCK: Can you just say again if ...[intervenes]

ADV BUDLENDER: At paragraph 56, five-six.

MR DE KOCK: 56?

ADV BUDLENDER: Ja, page 2382.

MR DE KOCK: Okay.

ADV BUDLENDER: Could you read that out?

COMMISSIONER KGOMO: "Concluding remarks".

MR DE KOCK:

"56. In this affidavit I have mentioned the names of a number of people who were involved in the South African Police death squads, bombings, and related activities, and who gave instructions in that regard.

57. I am also able to provide information and evidence about a large number of other members

of the South African Police who were involved in these activities."

ADV BUDLENDER: Can you go over to the next page?

MR DE KOCK:

"58. I am also able to provide information and evidence about who was involved in the chain of command.

59. To the best of my knowledge:

59.1 Very few of these people applied for and were granted amnesty by the TRC.

59.2 Of those who did not do so or did not receive amnesty, very few indeed were prosecuted;

59.3 Of those very few who were prosecuted, none served a day in a South African prison - except me.

60. I do not have personal knowledge of whether there has been any agreement between political figures and high-ranking members of the 'security' forces to shut down the prosecution of people who did not receive amnesty through the TRC, or who did not apply for it.

61. However, in my opinion there were political decisions not to prosecute the people at the top of the chain of command."

ADV BUDLENDER: Thank you, that is enough, you can stop there for the moment. Chairperson, thank you, that is the evidence which I propose to introduce.

CHAIRPERSON: Thank you, Mr Budlender.

ADV BUDLENDER: Thank you, Mr de Kock.

MR DE KOCK: You are saying?

ADV BUDLENDER: Thank you, Mr de Kock. Is there anything else you want to add that I have not addressed?

MR DE KOCK: No, not at this stage.

ADV BUDLENDER: Thank you.

CHAIRPERSON: Thank you. Ms Moroka, any clarificatory questions?

COMMISSIONER KGOMO: Just switch off your microphones, Mr Budlender.

CHAIRPERSON: Switch off your microphone.

ADV MOROKA: Thank you Chair and good morning. And good morning [indistinct] sir ...[intervenes]

CHAIRPERSON: Just raise your voice, Ms Moroka.

ADV MOROKA: I was saying good morning Chair and good morning to the witness. I do have one or two clarificatory questions. If we could go to paragraph 38, I do not have the paginated numbers Chair, but I will make reference to the paragraphs ...[intervenes]

CHAIRPERSON: Yes, it is page 2377.

MR DE KOCK: 2377?

CHAIRPERSON: Yes.

ADV MOROKA: Yes.

MR DE KOCK: Okay, just hang on.

ADV MOROKA: You talked about your assistance… Oh sorry, thank you.

MR DE KOCK: Yes?

ADV MOROKA: You talked about the Motherwell bombings and you said you volunteered the, to be a prosecution witness.

MR DE KOCK: Yes.

ADV MOROKA: And then at 38 you mentioned the fact that Adv Anton Ackermann and the Attorney-General, Jan d'Oliveira, did not approach you. Were they there when this Motherwell prosecution was instituted or prosecuted?

MR DE KOCK: They did not approach me at any stage.

ADV MOROKA: No, what I am trying to find out is, when the prosecution was taking place with regards to the Motherwell bombing case, were they involved, either Ackermann or d'Oliveira? What I am trying to find out is, did they know that you tendered the evidence in that prosecution?

MR DE KOCK: They knew about everything, there was nothing that Ackermann and d'Oliveira and his operational investigation team did not know of.

ADV MOROKA: So they would know that you had, you were involved as a witness in the Motherwell case?

MR DE KOCK: They were not informed that I am going down to testify, because I was still on trial, it, there was no way that I am

going to inform them and what would they have done about it? They could not stop it anymore.

ADV MOROKA: And then at paragraph 45 ...[intervenes]

MALE SPEAKER: [Indistinct]?

ADV MOROKA: 2379.

MR DE KOCK: Yes.

ADV MOROKA: Are you there? Paragraph 45.

CHAIRPERSON: It is at page 2379, Mr de Kock.

MR DE KOCK: Sorry ...[intervenes]

ADV MOROKA: The sentence begins with, “I recall that immediately following my sentencing”.

MR DE KOCK: On 30 October?

ADV MOROKA: Yes.

MR DE KOCK: Yes?

ADV MOROKA: That paragraph. You said you recall being called to a meeting with Ackermann. Do you recall what the meeting was about?

MR DE KOCK: No, he did not ask me any questions, he just sat there, looking at me with a sheepish smile and I said to him, “Well are you taking statements today?” And he said nothing and all the wardens that was there and I am still in contact with them, and they can testify to that, it did nothing.

ADV MOROKA: So you had already been sentenced and they came to the prison?

MR DE KOCK: Well they took me out of the prison and they took

me…

ADV MOROKA: To him?

MR DE KOCK: To see him. I also saw at one stage Adv Torie Pretorius and Antoinette de Jager.

ADV MOROKA: In the same meeting if you recall?

MR DE KOCK: Well in the same building which was under Kruger circle in Central Pretoria.

ADV MOROKA: And then at page 47, I mean ...[intervenes]

CHAIRPERSON: Paragraph 47.

ADV MOROKA: Paragraph 47.

CHAIRPERSON: Which is at page 2380.

MR DE KOCK: Yes.

ADV MOROKA: You talked about Ackermann explaining to you, "That he intended to use me to…" Can you explain to the Commission what you, what was your understanding of this comment?

MR DE KOCK: I did not believe him. I did not believe him.

ADV MOROKA: But what did you understand him to mean by it?

MR DE KOCK: Well his intention was to inform me that he intended to prosecute, but I did not believe him. You could not [indistinct], I mean the people who arranged because I am going to give you an example, sat right next to Ackermann in my court case and I am prosecuted for that murder and I am found guilty while the very persons who organised the murder, facilitated it, signed out the prisoners from the Benoni [indistinct], was sitting next to Ackermann.

He had no intention in my opinion, to prosecute anybody. He could have instead of prosecuting me, said "Look, we are going to use you" while I was still on detention. "Look, will you testify for us against the generals and the politicians?" And I would have said yes.

COMMISSIONER KGOMO: Sorry Mr de Kock, maybe if you could read the entire paragraph:

> "Advocate Ackermann explained to me that he intended to use me to move upward through the chain of command. But this did not happen."

To move you upwards in the chain of command, ja.

MR DE KOCK: Well he had, what he said to me that he intended to use me, I saw as a lie or a form of prevarication, because I was available 24/7, they could have come and taken statements to or from me at 02:00 in the morning. I was in prison, I was available to him at any time, given time.

COMMISSIONER KGOMO: Thank you.

MR DE KOCK: No, he lied.

ADV MOROKA: Can I then ask you to move to page 52, I mean paragraph 52?

MR DE KOCK: Say again?

ADV MOROKA: Paragraph 52, page 2381.

MR DE KOCK: Yes.

ADV MOROKA: Sorry Chair, this is not the paragraph that I want. What I wanted to ask you, I cannot find the paragraph for the moment, is you say that you, prosecutions did not happen because it

would expose either the generals or the politicians. What politicians are we talking about here? Oh, it is paragraph 53, I am sorry.

MR DE KOCK: In paragraph?

ADV MOROKA: 53.

MR DE KOCK: 53?

ADV MOROKA: Yes and 54. I wanted to understand specifically when you talk about politicians, are you talking about politicians pre-1994 or politicians post-1994?

MR DE KOCK: No, I was approached by the Goldstone Commission but not by Adv Torie Pretorius who was leading it, by Colonel Jan Potgieter for a statement and I cannot remember giving him anyone. It would have been a negative statement, denial.

CHAIRPERSON: No, no, Mr de Kock, the question is whether when you talk of the chain of command that would expose politicians, are you referring to the politicians post-1994 or before 1994?

ADV MOROKA: And the paragraph is paragraph 61. I found it, thank you.

MR DE KOCK: I was never approached before 1994, except when I was ambushed by the Goldstone Commission. It was nothing else because I was taken there by three generals who had gone to jail, General Jan van der Merwe, General Johan le Roux and General Krappies Engelbrecht. I was not subpoenaed to appear, I was also not informed that I have the right to legal counsel.

COMMISSIONER GABRIEL: But which politicians? Excuse me, I am over here, Mr de Kock. Mr de Kock, hello. Which politicians if

you gave evidence, which politicians would have been exposed?

MR DE KOCK: Adriaan Vlok definitely.

COMMISSIONER GABRIEL: Oh, so that is pre-1994?

MR DE KOCK: Yes, pre-1994.

COMMISSIONER GABRIEL: Okay, thank you.

MR DE KOCK: Ja.

ADV MOROKA: Thank you Chair, those are the questions.

CHAIRPERSON: Thank you, Ms Moroka. Mr Bruinders?

ADV BRUINDERS: Thank you, Chair. Good morning, Mr de Kock.

MR DE KOCK: Okay.

ADV BRUINDERS: Can I just take you back to Motherwell 1996? That was where you gave evidence for the prosecution, correct?

MR DE KOCK: In which matter?

ADV BRUINDERS: Motherwell.

MR DE KOCK: Yes.

ADV BRUINDERS: Who is the prosecutor there? Who was the prosecutor in Motherwell?

MR DE KOCK: I am not sure and I do not want to guess.

ADV BRUINDERS: Could it have been Mr Ackermann?

MR DE KOCK: No, no, no, you can smell Ackermann, you do not have to identify him. No, it was not Ackermann. You can forget that line of questioning.

ADV BRUINDERS: Then your statement that you made in December 1996 which you handed up this morning, you remember that?

MR DE KOCK: Say again?

ADV BRUINDERS: Your statement handed up this morning of December 1996.

MR DE KOCK: Yes?

ADV BRUINDERS: To whom was that statement given?

MR DE KOCK: It was an investigator and he was investigating the PEBCO 3.

ADV BRUINDERS: Who was the ...[intervenes]

MR DE KOCK: But whether he was from the Eastern Cape or from the d'Oliveira investigation team, I have no idea.

ADV BRUINDERS: Who was the investigator?

MR DE KOCK: Well he was investigating and getting a statement to prosecute the PEBCO 3.

ADV BRUINDERS: Ja but who was he?

CHAIRPERSON: But who was the investigator, the name of the investigator, Mr de Kock?

MR DE KOCK: Is it Mark Whale?

ADV BRUINDERS: If you do not remember that is all right.

MR DE KOCK: No, I made so many statements, I mean testified nearly three and a half years before the TRC.

ADV BRUINDERS: So now I want to take you to your statement at 2379.

MR DE KOCK: Yes.

ADV BRUINDERS: You said at paragraph 45 that you had a meeting with Adv Ackermann.

MR DE KOCK: Yes.

ADV BRUINDERS: Did you understand that meeting, the purpose of that meeting to be that you would be consulted about TRC type cases?

MR DE KOCK: I believe that he would have, but he did not.

ADV BRUINDERS: Why do you think that the purpose of the meeting was to consult with you about activities of the police?

MR DE KOCK: Well I was the only one that could link the generals and the politicians, I mean who else was there?

ADV BRUINDERS: Then at 2380 at paragraph 47, if you could turn there, please?

MR DE KOCK: 238?

ADV BRUINDERS: Zero at paragraph 47.

MR DE KOCK: 238?

ADV BRUINDERS: Zero.

MR DE KOCK: Oh zero, sorry. Yes?

ADV BRUINDERS: So there you talk about Adv Ackermann explaining to you. Do you see that?

MR DE KOCK: Yes, that he intended to use me.

ADV BRUINDERS: I know but you, you talked about him giving an explanation. Now is that explanation, was that given at the meeting that you referred to in 45 at 2379?

MR DE KOCK: No.

ADV BRUINDERS: Was it another meeting?

MR DE KOCK: I was taken to Adv Ackermann's office, the new NPA

offices in Silverton on many occasions. I was there six, seven times. I mean I did not facilitate or asked him to see him. He sent people to fetch me, they took me to him and there we sat and he just looked at me, and the second time I said to him, "When are you going to charge the people?"

No, but he is not sure, he needs orders. And then I started heckling him. I said, "You are protecting the people, you are as big as a criminal as they are. You are perjuring in cases of murder", so it should be on audio-visual because I mean all those offices have it.

ADV BRUINDERS: Do you say you were called to see Adv Ackermann six to seven times?

MR DE KOCK: Yes, I do not know why he called me because I mean, I was not asked to make statements. In fact, at one stage I asked him, "Why do you not take a piece of foolscap and take a statement from me?" I did the same to Adv Chris Macadam. All he did was to laugh.

ADV BRUINDERS: So that, I am coming to that in a moment, I just want to, I am coming to the other NPA advocates in a moment. Can we just deal with Ackermann? So you see him six or seven times. When you saw him, was your belief that you were called to see him to consult with him about apartheid type crimes?

MR DE KOCK: What about apartheid?

ADV BRUINDERS: When you were called to see Adv Ackermann those six or seven times, did you believe that you were called to his office to consult with him about apartheid type crimes?

MR DE KOCK: I never called him and what, the number 7 is an estimate. The calls were on various times and I do not know why I was taken there, whether he was waiting for me to just disclose something or new information, anything like that, and there was nothing.

ADV BRUINDERS: So can you recall on those occasions when you were called to the NPA offices to talk to Adv Ackermann, can you recall what he talked to you about?

MR DE KOCK: No, not really. He actually did not talk.

ADV BRUINDERS: So ...[intervenes]

MR DE KOCK: He never asked me anything, he did not refer to any of the cases for prosecution, he never made notes, he never took statements.

ADV BRUINDERS: So you sat across and I take it a table from him, and the two of you ...[intervenes]

MR DE KOCK: Across it, ja I sat across the table from him.

ADV BRUINDERS: And in those occasions when you sat across the table from him, he never asked you any questions about what you thought would be relevant to crimes that you knew of?

MR DE KOCK: No.

ADV BRUINDERS: On those occasions when you did see him and he did not talk to you at all, why do you think he called you to his office?

MR DE KOCK: I do not know. You will have to ask Ackermann that, why he called me.

ADV BRUINDERS: Now I want to go back to 2379, paragraph 46. Please turn there.

MR DE KOCK: 2379?

ADV BRUINDERS: Yes.

MR DE KOCK: Yes.

ADV BRUINDERS: So that is where you talk about how you can explain the command structures.

COMMISSIONER KGOMO: What paragraph are you referring to, Mr Bruinders?

MR DE KOCK: Which paragraph is that?

CHAIRPERSON: Paragraph 46.

MR DE KOCK: 46?

CHAIRPERSON: Yes.

MR DE KOCK: Okay.

ADV BRUINDERS: So I am correct, that is in summary, that is where you summarise that you can explain the command structures at the time, not so?

MR DE KOCK: They kept it very compartmented as the orders came down.

ADV BRUINDERS: No, I am not asking you to now explain those command structures, I just want to understand this, in this paragraph what you are saying is, you could explain those command structures, not so?

MR DE KOCK: Yes, but I was not asked.

ADV BRUINDERS: Yes, the question is, did Adv Ackermann know

that you could explain the command structures and they were involved ...[intervenes]

MR DE KOCK: Yes.

ADV BRUINDERS: In apartheid type crimes?

MR DE KOCK: Yes.

ADV BRUINDERS: He understood that?

MR DE KOCK: Yes and he could have asked me in court during my trial.

ADV BRUINDERS: And why do you say that he understood that you could explain those command structures?

MR DE KOCK: Ackermann was very well versed in the matters of pre-structures.

ADV BRUINDERS: But how did he understand that you could explain the command structures?

MR DE KOCK: Well I was approached by generals, I was present when ministers decorated us, I was present when Vlok congratulated us. Who else could have done that?

ADV BRUINDERS: How did Ackermann know all of these things?

MR DE KOCK: Well who else would have Ackermann used? It is a question to you now.

COMMISSIONER GABRIEL: I think the question is Mr de Kock, yoo-hoo.

MR DE KOCK: Oh okay.

COMMISSIONER GABRIEL: I think the question is this, you met with Mr Ackermann six or seven times. You say you had a lot of

information which Ackermann knew, so did you talk to him about the information that you had?

MR DE KOCK: As far as I know not, because he did not ask for any information.

COMMISSIONER GABRIEL: So how did he know? How was he expected to know that you would have evidence about the command structures?

MR DE KOCK: The whole Jan d'Oliveira investigation team at every single statement possible from every witness and basically all of the members of the SAP, Security Police, Vlakplaas members, and all they could have done is to point to me.

In some cases they said because I usually informed my members where the instruction comes from, because there is a reason, at certain points specifically in cross-border operations, I would explain to them and not where it was going to happen, but this is what we are going to do, those who want to sit out, sit out so I can put in other members.

COMMISSIONER GABRIEL: Okay, so did you give that information to anybody, either the d'Oliveira Unit or Ackermann?

MR DE KOCK: Well I was not asked for it.

COMMISSIONER GABRIEL: So you did not?

MR DE KOCK: No.

COMMISSIONER GABRIEL: Okay, thank you.

ADV BRUINDERS: You said earlier that you saw other prosecutors from the NPA, who were they?

MR DE KOCK: Say again?

ADV BRUINDERS: You said earlier that you went to visit other prosecutors from the NPA at their offices, who were those?

MR DE KOCK: Torie Pretorius in a matter of the Frank Chikane case and then after them there was Adv Chris Macadam.

ADV BRUINDERS: And what did you go and see him about?

MR DE KOCK: Well in a case of Adv Torie Pretorius, I did not know I was going to be taken to the NPA's offices. Colonel De Lange picked me up, he was Adv Pretorius' personal investigator and when we got there, they did not inform me of anything, I met the Reverend Frank Chikane who was poisoned with some organophosphate combination or whatever, and I then explained to the reverend how this whole situation worked and what happened or what I knew and who told me fully what they did and where.

And Torie Pretorius came back taking the reverend out, he looked at me like it was two, like two rifle barrels and when I walked out I said, "If you are not going to prosecute these people I am going to the newspapers". So then they charged Johan van der Merwe, those three brigadiers, at that time they were colonels, and they charged Adriaan Vlok as well. But they gave them a sweetheart deal because those offences happened while they had been in the police force.

Had it come to light then, they would have been charged and they would have dishonourably discharged, yet they retained their pensions, their medical, firearm licences in an attempt to murder

Frank Chikane. In fact, one of those poisoners said to me that it was not that he was in America at that time and they immediately administered the correct antidote, then he would have been dead, which gave me the idea that the Americans must have used the same at some stage because they had the antidote.

ADV BRUINDERS: So that was Pretorius, so what ...[intervenes]

MR DE KOCK: It is fine, it is my opinion.

ADV BRUINDERS: No, I am saying you went to see Pretorius and you have explained that was he asked you to talk to Chikane, Mr Reverend Chikane. What about Mr Macadam, why did you go and see him?

MR DE KOCK: Say again?

ADV BRUINDERS: Mr Macadam, why did you go and see him?

MR DE KOCK: No, there was times I did not want to see him.

ADV BRUINDERS: Why would he ...[intervenes]

MR DE KOCK: No, he fetched me from jail every time.

ADV BRUINDERS: Ja, but why?

MR DE KOCK: Ostensibly about tracking down firearms of the IFP, caches of arms for the IFP and I could not give him that information, he already had all that information. And, but he did not take any statements. In fact, there was one guy sitting next to me who murdered seven people on the Cape Flats that was sheer murder, then after that, two, three years later he shot three people in the back, he just murdered them.

I do not know but on the third attempt I said to Jan

Engelbrecht, “You now know that you have a certified serial killer, the same modus operandi, everything the same”. “I see”. “How are you going to explain this one? Oh, this guy just threw a screwdriver over his shoulder?” He is still working for the State Security Agency and I told Chris Macadam that. I said, “Come, take a statement from me”.

Here, I am pointing it out to him, here he is. And they just laughed, they were eating pizza and just anchovies and green peppers were all over the table.

ADV BRUINDERS: Apart from Mr Pretorius and Mr Macadam, who else and Mr Ackermann, who else did you see? Who else called you to come and see them at the NPA?

MR DE KOCK: About three men… Ja, there was the one person, he saw me on two or three occasions also about firearms. I could not help him and about three months ago a person by the name of Marake and his investigator, a colonel, I have got his name on my cell phone, I was called to the NPA’s, I asked my lawyer to go with me and they said no, they are now investigate the thing, now the Bambo occasion I must just sign a statement and I said, “No, we have to study this statement first” and that is the last I heard of them.

Lastly, Warrant Officer Snyman who can testify fully about the Bambo case, called me and he said no, he sees there is something alive now about the Bambo case. Personally I believe it is because somehow it became known that I was going to be here at the Khampepe Commission and while Marake and the investigator told me they cannot find Snyman, they cannot find the

documentation, he refuses to give evidence.

I said, I know where to find him, he is not refusing to give evidence. Yes, but they cannot find the paperwork. Miraculously now they have found the paperwork.

ADV BRUINDERS: I have no further questions.

CHAIRPERSON: Thank you, Mr Bruinders. Ms Rantho?

ADV RANTHO: Thank you, Commissioners. Mr de Kock, in paragraph 48 of your affidavit, you referred to a collective of generals.

MR DE KOCK: 48?

ADV RANTHO: Indeed. Ja, that is page ...[intervenes]

CHAIRPERSON: 2380.

ADV RANTHO: 2380, thank you Chair.

MR DE KOCK: 2380?

ADV RANTHO: Yes.

CHAIRPERSON: If I may just interrupt you Ms Rantho, Mr Budlender is it fine if we proceed with clarificatory questions at this moment or do you want us to adjourn for tea?

ADV BUDLENDER: It depends how long it lasts, I think. Mr de Kock, if I can ask Mr de Kock?

CHAIRPERSON: Yes.

ADV BUDLENDER: Mr de Kock, are you tired, would you like a break?

MR DE KOCK: Ja, I think I need it now, I just want to ...[intervenes]

CHAIRPERSON: Yes.

MR DE KOCK: Get my eyes to rest.

CHAIRPERSON: Ms Rantho, we will have to pause your clarificatory questions. We will take a tea adjournment until 11:30.

MR DE KOCK: Could you perhaps sit here where I can hear properly? It is quite difficult for me.

INQUIRY ADJOURNS

INQUIRY RESUMES

ADV BUDLENDER: Chairperson?

CHAIRPERSON: Yes, yes, Mr Budlender.

ADV BUDLENDER: Mr de Kock has mentioned something to me during the adjournment which he omitted to state in relation to Mr Macadam and he would like an opportunity to explain that.

CHAIRPERSON: Yes, yes, he may do so. Mr de Kock?

MR DE KOCK: Yes, Your Honour. Concerning Adv Chris Macadam, it was in 2000, the year 2000 and it was winter, it was June, July and I was summoned to the front desk and I was told that they are taking me to some posting or commission, I do not know what it was, but in any case I went and it was at one of the few headquarters the National Intelligence had or the State Security Agency.

So when I got there, I was informed by Adv Macadam that I would testify only for two, three hours. So I said about what? He says no, all these gentlemen have questions here. So it was about 10, 12, I would say were between the age of 40, 45 around, well-dressed; and I was testifying for about two to three hours and I then ended up testifying for three days, and I believe that that information is very important to the public, to the families and to the Attorney-

General. And since that day I have tried to get a copy of that report out of Chris Macadam and he just does not want to give it.

CHAIRPERSON: When you say you testified before ...[intervenes]

MR DE KOCK: Say again?

CHAIRPERSON: When you say you testified.

COMMISSIONER KGOMO: Look this way.

CHAIRPERSON: This way, Mr de Kock.

COMMISSIONER GABRIEL: Mr de Kock, the Commissioners are sitting here.

MR DE KOCK: Oh, sorry.

CHAIRPERSON: Yes. When you say you testified, you testified before whom?

MR DE KOCK: I do not know. It must have been some security cluster, but intelligence cluster.

CHAIRPERSON: Yes.

MR DE KOCK: In the first place I wanted to know who killed certain people in Botswana at that time, certain people in Zimbabwe. I just did not know. But then it got more and more inquisitive and then one of their main problems was Philip Powell, which was then sitting in Parliament as a member of the IFP and they asked about the arms caches and everything.

General Jac Buchner organised, because I never knew Powell, and introduced Powell to me and he was the main man for the IFP in Ulundi area, and I then informed them about the total capacity of the arms I took down. They handed it to Powell, but they

all said, you know, they cannot charge Powell. I said no, but you can. And I also warned them as well as Adv Chris Macadam that Powell has got two passports, South African and a British passport.

So then one of those gentlemen asked me: yes, but how can we arrest him? I said you have my statements concerning all the arms to the IFP and my involvement, so issue a warrant of arrest. You have my statement. You know, you can take a statement now and issue a warrant of arrest, which they did later on. I mean, why ask me? I am not a legal man, I am not legally qualified.

And he then made a deal with Adv Gerrie Nel and Colonel Diedericks and he went and he pointed out one area where they found a lot of arms, because he said there was two different arms caches. And he would have pointed out on a condition that he is not prosecuted, he is not detained or locked up. And Gerrie Nel then, after the first cache they found, which was very large, Gerrie Nel let him go.

And two, three days later, Powell was out of the country and he was an in England. As far as I can recall, Chris Macadam told me he did, he made a request for his extradition, but the British will not do it to a British citizen. So I just want to say that there is another statement that can be used by everybody, even this Commission, to what transpired that day and the questions they asked. Yet there was no, except for the warrant of arrest for Powell, which forced him, there was no other prosecutions.

CHAIRPERSON: Is that all, Mr Budlender?

ADV BUDLENDER: Yes, that is all.

CHAIRPERSON: Thank you. Ms Rantho?

ADV RANTHO: Chair, this is why I am seated, I have got closer to Mr de Kock.

CHAIRPERSON: Yes, yes.

ADV RANTHO: Thank you, Chair. Good morning, Mr de Kock.

CHAIRPERSON: If you can just raise your voice, Ms Rantho.

MR DE KOCK: Say again?

ADV RANTHO: Good morning.

MR DE KOCK: Good morning.

ADV RANTHO: Good morning, sir.

COMMISSIONER KGOMO: I see the light of one microphone.

CHAIRPERSON: It is two.

COMMISSIONER KGOMO: Oh, two.

ADV RANTHO: There are two.

COMMISSIONER KGOMO: Okay, thank you.

ADV RANTHO: You ready, Mr de Kock?

MR DE KOCK: Yes, I am ready.

ADV RANTHO: Okay, thank you; if I may refer you to page 2380.

MR DE KOCK: 2380.

ADV RANTHO: 2380 of your statement.

MR DE KOCK: Yes.

ADV RANTHO: Yes, specifically paragraph 48.

MR DE KOCK: Yes.

ADV RANTHO: You make mention of the fact that there were a

number of generals that should have been prosecuted and they were never prosecuted. Correct?

MR DE KOCK: Yes.

ADV RANTHO: And then you mentioned Major-General Krappies Engelbrecht as one of them.

MR DE KOCK: Yes.

ADV RANTHO: Those other number of generals, do you remember who those were other than Engelbrecht?

MR DE KOCK: There would have been General Bertus Steyn, General Johan le Roux, General Gerrit Erasmus, General Johan van der Merwe, General Basie Smit, General Viljoen who flew down for the Sambo case and destroyed the evidence. I would say about seven or eight that I can think of now.

ADV RANTHO: Thank you.

MR DE KOCK: Easily, easily.

COMMISSIONER KGOMO: Is it now General Constand Viljoen?

MR DE KOCK: No, he was army.

COMMISSIONER KGOMO: Okay, sorry.

MR DE KOCK: No, no, I am only qualified to testify about the police. I did my national service, that was the only thing, but for the rest of the army. I did meet him on occasions up in the operational area, but I was too low in rank to be of any significance. He stood one side and just listened.

ADV RANTHO: Thank you. And of those generals that were never prosecuted, do you know of any that served in the police service

post-1994?

MR DE KOCK: I did not see any of them and none was charged, except for General Johan van der Merwe about the poisoning. One thing I can mention about General Johan van der Merwe, which is very interesting and should give you an indication of the use of poison.

Operation Koevoet started officially on 11 January 1979. And about three, four weeks later, General Johan van der Merwe, who was then a colonel, became the head of the security police for the whole of South West and he came to the Koevoet office; it was two houses we had. I can still place everybody at the table. He was at the head of the table. He was senior or senior to Colonel Dreyer. And he in general talked to there, asked a lot of questions, and then he explained to us.

I was actually stunned how he experimented with thallium in a prisoner's food which was held in Bloemfontein, but came from the Eastern Cape. I mean, I cannot know this, because I sat next to him on his left-hand side. And I looked into General Dreyer's office and there was 10 cases of the same, let us say the Bully Beef type tins that you get, but no labels on, because whenever you get a food case, you take those labels and put it on those tins. And he then explained how he experimented on this and what happened to the man, and he was later in a wheelchair, but that is as far as it went.

When I got back to Pretoria, eventually I learned that it was a person that was cremated or attempted to be cremated, at

Komatipoort by Dirk Coetzee and others. They could not have a post-mortem done, because it would have shown that it was thallium poisoning. The person who was made a scapegoat was a Sergeant Jan Raath. He was the one that always had to take the food to the Article 29 prisoners, but he did not know it was poisoned. And they transferred him to a one-horse border station about 30 kilometres from Piet Retief. And there he was, alone, out of the way.

And some of the Rhodesians that came over, I have talked to one of the most senior Special Branch members, and we discussed this, because I decided I am never going to eat a sandwich anymore from any person there. And I asked him about the thallium and the poisoning. He says yes, because I remember as a warrant officer, we were asked by the Special Branch that wherever we got a lay-up place or an overnight place of ZANU, ZIPRA, ZANU, whoever, we must look around for their faeces, call the Security Branch or the Special Branch, so they could take samples of them.

By that time, I knew enough, but I thought they were testing them for lack of the necessary vitamins or where they get food from. In the meantime, it was thallium, because through that, they could determine whether these people were dead or totally disabled. And then he told me that they had to double the dose of thallium, because the black people that were fighting them had a constitution twice as fast as that of the European. So they had to double the dose of thallium in the tinned food. So I just give you this as a fact. It is not really important, but there you have it. That is General Johan van der

Merwe, the pious man.

ADV RANTHO: Thank you, Mr de Kock. You spoke of information that you said you had in your possession, but you were never asked for it by the prosecution. Remember that? You informed the Commission that there are things that you knew, but you were never asked by Adv Ackermann and the team about them regarding the generals.

MR DE KOCK: He never asked me or any of his investigators, and if he claims he did not have investigators or nobody wanted to assist him with investigators; two, three floors beneath his office, he had the most elite selected group of investigators, which was the Scorpions. He had no shortage of investigators; not at all.

ADV RANTHO: And then with the establishment of the PCLU, headed by Adv Ackermann, the evidence before the Commission is that there were dockets that were transferred from D'Oliveira Unit to PCLU.

MR DE KOCK: Can you just repeat?

ADV RANTHO: Okay. When PCLU was established, the one that was headed by Adv Ackermann, the evidence before the Commission is that there were dockets that were taken from D'Oliveira Unit to the PCLU to be handled. Okay? Now, I am just informing you. And then according to Adv Ackermann, of those dockets that were received from D'Oliveira Unit, they assessed whatever evidence or information that was there, and they came to a conclusion that about 400 dockets were not worth to be pursued. In other words, there were no

prospects of successful for prosecution. Now, for clarity, I want to find out. Among those dockets, could those have included the evidence that was given by members of the Special Branch Unit?

MR DE KOCK: You see, yes, I applied for many cases to be heard in front of the TRC, but when those specific people from other security branches testified, I was not called to testify. I was never called to testify in those cases. Had I testified, they would not have received amnesty. It is impossible, because they made use of Askaris for identification purposes, which they did not. They sent out the Askaris as agent provocateurs, collected five, six youngsters and then killed them and said this was a successful operation. And then Askaris reported to me, and I said look, this is not what they have been trained for. These are not trained; call it the terrorists at that time.

And I was never called, and about two years ago, I was taken to a house in Pretoria. There sat Leask, Gerrie Nel. There was a black guy who spoke the most perfect Afrikaans I have ever heard and then a few generals, and even General Steyn was there, Bertus Steyn. And then I said: what about this case, this case and this case? Now, they investigated that, and that was political. I said but it could not be political. The Askaris told me what happened; and I can always elaborate on that, but not for now. And then I poked General Steyn in the ribs and I said but arrest him now.

On two occasions, on two Sunday mornings, about one o'clock, two o'clock in the morning, he called me at my house in

Pretoria, asked me to bring down four AK-47s to Durban. Of course, they shot four people and they do not know where they are, but he needs the AK-47s. So I have to go. He did not even know that the ANC did not use AK-47s. They used AKMs with the folding, but it carries easily under a jacket. I had to make sure that the ammunition was Soviet-made and not made by Pretoria Metal Pressings. And I had to clean the magazines from the sand of North Namibia, and then send down.

Then the second Sunday, it was later and he called again. He said we shot another four men. I need four AK-47s. I said okay, and I sent Willie Nortier and Hannes van der Merwe. They both are still alive and available. I sent them down, and because of the lateness, General Steyn sent some of his people to meet them halfway, and then to hand over the firearms so they could plant it on the cars.

So I kept poking him into the ribs, drawing his head like a tortoise, and I said to Gerrie Nel: arrest him. Come and take a statement from him now, come, come. And Steyn just sat like this and just did not care. [Indistinct] and I made statements about that at the TRC. Steyn never appeared. I never testified. So what was the deal? Somewhere, there must have been some agreement amongst, I do not know. It is not for me to judge or find out. I cannot do the research, but that is all I can tell you. I am dead to [indistinct].

ADV RANTHO: So the dockets that could have been regarded as closed, because there was no evidence, could have been included?

MR DE KOCK: Say again?

ADV RANTHO: The dockets that the PCLU said they closed them or they were left, or they were not pursued because there was no information, could have included those that you had information on?

MR DE KOCK: Yes. You know, in the Goodwill Sikhakhane case, I testified in Pietermaritzburg and for the first time General Steyn had to appear. There was no choice. But Krappies Engelbrecht dropped him. He was not going to take responsibility for it. And at lunch break, some of the warders went and they bought us R1 McDonald's burgers that does not ever feed you, but that does not matter. It is not the point.

But General Steyn was also standing there and he was crying like a child whose heart was broken and he said: *kyk hoe het jy my verneder*. Look how you destroyed my image and everything. And one of the black warders fluent in Afrikaans said: you know what, you should have been jailed. He did not throw you under the bus. You threw him under the bus. And Steyn kept crying. I wanted to give my handkerchief to him, because there was even *snot* coming out from his nose. He had no control over himself.

ADV RANTHO: And as you explained that there were sufficient investigators that could have assisted Adv Ackermann, according to your knowledge?

MR DE KOCK: Well, he could have charged him there. There was no reason to kill Goodwill Sikhakhane.

ADV RANTHO: All right, and then just one last question or clarification. What do you make of the National Prosecuting

Authority? Let us say Adv Ackermann and the team. What do you make of their lack of interest in obtaining information from you so that they could prosecute those that were in the higher echelons?

MR DE KOCK: I am sorry, madam, but I did not hear the question properly.

ADV RANTHO: Okay, my question is; what do you make of Adv Ackermann and others that had no interest in getting or obtaining information from you so that they could prosecute those on top?

MR DE KOCK: I could have testified about all of that, but Ackermann never approached me.

ADV RANTHO: What do you make of that? Why do you think he was not interested?

MR DE KOCK: I have no answer for that. I do not want to speculate, but something is wrong.

ADV RANTHO: Thank you, Chair. That is the questions.

CHAIRPERSON: Thank you, Ms Rantho. Mr Lukhele?

ADV LUKHELE: Thank you. Thank you, Chairperson. I only have a few questions for Mr de Kock. Mr de Kock, afternoon, ja, almost afternoon; morning.

CHAIRPERSON: Raise your voice, Mr Lukhele.

ADV LUKHELE: Apologies.

MR DE KOCK: Excuse, could you perhaps switch?

ADV LUKHELE: May I just move or come to that side just for the benefit of the witness?

CHAIRPERSON: Yes.

ADV LUKHELE: Thank you. Thank you. Afternoon, Mr de Kock. Mr de Kock, in an answer to my senior, one of the questions that you were asked, you answered that you met with Adv Ackermann six to seven times. Do you recall that?

MR DE KOCK: Yes, seven times is how I approached the number. It could have been more, could have been less, but it was not only one or two times. It was definitely in the vicinity of seven times.

ADV LUKHELE: In those meetings, did you tender any information about any offences or particular offences or suspects that could have been prosecuted?

MR DE KOCK: No, I did not give him any information. He already had the information. It was in court, already in court. And his own investigators, the D'Oliveira team that became the Scorpions, basically, one of them told me that they really did not have to look for witnesses, because when they arrived in the morning at Jan d'Oliveira's office, there was a queue forming up to make statements. And he was not joking. It was through his own.

ADV LUKHELE: And in those meetings, during those meetings, did you at any point express to him that you are willing and prepared to testify against some of the suspects on some of the offences?

MR DE KOCK: I made it clear on many occasions that I want to testify, and why is he not prosecuting?

ADV LUKHELE: And you also said earlier on in one of the answers that in one of your meetings, you asked Adv Ackermann when is he going to charge these people? Did you get any response from him

or…?

MR DE KOCK: No, he was non-committal, sort of… from my point of view, sheepish. Like, he did not have an answer. On the other side perhaps, I do not know. He was ashamed of himself, of his cowardice.

ADV LUKHELE: In your statement, I think it is para 36, if I am not mistaken. You said, oh, it is 37. You said you… sorry, it is page 2377. The last paragraph or the last sentence of paragraph 37, you say:

> "It would therefore have been obvious to prosecuting authorities that I would have a great deal of information that would be of relevance to the prosecutions of other individuals, as well as the generals who were in command and the politicians who instructed them."

Are you able to identify which of these individuals and politicians you are referring to here?

MR DE KOCK: Well, the politicians definitely was PW Botha. There was Adriaan Vlok. There was Louis le Grange. And at a later stage, I did receive information that De Klerk, President De Klerk, the one that laid on his back and urinated on himself out of fear, gave the order for the killing of five children in Umtata. Now, I want to know why he was not prosecuted. He actually got the Nobel Prize for killing children. I think it is disgusting. He should be recalled, you know.

ADV LUKHELE: And in paragraph, I think it is 38, you say very little attempt was made by Adv Ackermann to interview you regarding your knowledge of the apartheid crimes.

MR DE KOCK: Can you talk a bit louder, please?

ADV LUKHELE: Sorry, you say in paragraph 38, you say very little attempt was made by Adv Ackermann or the Attorney-General to interview you regarding your knowledge of the apartheid crimes. And you also said earlier on that you met about six to seven times. In those meetings and discussions, what is it that was being discussed? And what do you mean here when you say very little attempt was made to interview you?

MR DE KOCK: If Ackermann did not ask me any questions, which he did not, what would I answer him? Did he expect me to just start and gush like a geyser and tell him stories or whatever? I do not know. He never, I mean he had all the power and investigators at his disposal in the whole of South Africa, and he did not make use of them.

ADV LUKHELE: So in those discussions when you meet, when you met with him, what was being discussed? What would happen?

MR DE KOCK: But when I met him?

ADV LUKHELE: Yes.

MR DE KOCK: Well I sat there, after [indistinct] and goring and say: well, charge. Yes, you say, go and take out the dockets and charge them. Here I am. Charge them.

ADV LUKHELE: And after 2021, were you ever approached by

anyone in the NPA for assistance in these matters?

MR DE KOCK: No. The only time that I think a mistake was made was when Adv Torie Pretorius introduced me to the Reverend Frank Chikane, and we know what the outcome of that was – all guilty; the same as the Motherwell, the same as what has happened in all the other cases.

ADV LUKHELE: Okay. And prior to 2021, did you enter into any arrangement with anyone from the NPA to first approach the… or let me ask this question this way. Sorry.

CHAIRPERSON: Raise your voice, Mr Lukhele.

ADV LUKHELE: Apologies.

CHAIRPERSON: It seems to be going down.

ADV LUKHELE: Apologies. I will try again. Prior to 2021, did you enter into any arrangement with the NPA or anyone who wanted to inform or that you wanted to inform about these cases and that you had to first...? Sorry, let me repeat the question. I am just reading the question. I just want to make sure.

COMMISSIONER GABRIEL: It might help to keep your questions short.

ADV LUKHELE: I am trying to read the question. I will try to read it again.

MR DE KOCK: No. I have badgered the National Prosecuting Authority. It will be ...[intervenes]

CHAIRPERSON: Mr de Kock?

MR DE KOCK: Yes?

CHAIRPERSON: A question has not yet been asked.

ADV LUKHELE: Have you entered into any agreement with the NPA prior to 2021 that if anyone wanted information from you, they had to approach the PCLU first?

MR DE KOCK: No. No. They had total control over me. The NPA had total, total control over me. In fact, at one stage, people wanted to see me because of their families that were shot in Swaziland. But they first had to get authorisation from the NPA to see me, because all those killings was blamed on me and it was not me. So the families came to see me and I told them who it was. Then they only realised what was going on. So the NPA was the only people and they kept me in basically security and a bubble. I could not get the press to come in. I could not give a TV, an audience and tell them what happened, why they are not prosecuting, what is going on here, what is this one man charging one person situation.

ADV LUKHELE: And have you made yourself available to assist the NPA in the Dandala matter and the investigations in ...[intervenes]

CHAIRPERSON: In the?

ADV LUKHELE: In the Dandala matter and investigation in the Bambo.

MR DE KOCK: Is it the Calata matter?

CHAIRPERSON: What evidence was led about the Dandala matter, Mr Lukhele when you were asking that clarificatory questions?

ADV LUKHELE: M'Lady, I will withdraw that.

CHAIRPERSON: I do not remember that ...[intervenes]

ADV LUKHELE: I realise now as I answer the question in the middle of it that it is not clarification questions.

CHAIRPERSON: Yes.

ADV LUKHELE: M'Lady, may it please you. With that, I think that will be all from the NPA.

CHAIRPERSON: Thank you. Dr Muvangua?

DR MUVANGUA: Good morning. At this stage, we intend to apply for the cross-examination of Mr de Kock, so we would just like the opportunity to reflect on that.

CHAIRPERSON: Thank you. Mr Varney?

ADV MTSHIZANA: Thank you, Chair. May I please just come in?

CHAIRPERSON: Oh.

ADV MTSHIZANA: I only have one clarificatory question for the witness.

CHAIRPERSON: Is that Ms Mtshizana?

ADV MTSHIZANA: Correct, Chair.

CHAIRPERSON: Yes.

ADV MTSHIZANA: Good afternoon, Mr de Kock.

MR DE KOCK: Say again.

ADV MTSHIZANA: Shortly, in the evidence that you have already tendered before the Commission was that you were summoned by Mr Macadam to his office and also that you discussed the list of firearms. May I just ask; what else did you discuss with him besides the firearms on the day?

MR DE KOCK: If you can repeat the question, I just want to get it

clear. I just do not want to give an answer.

ADV MTSHIZANA: Okay, sorry about that. You made mention that you were summoned by Mr Macadam to his office. Is that correct?

MR DE KOCK: I was on various occasions taken to his office, but I did not facilitate it. He just let the people pick me up and take me there.

ADV MTSHIZANA: Upon you getting there, what did you discuss with him? What was the purpose of your visit to Mr Macadam's office?

MR DE KOCK: Basically what Adv Macadam the whole time used as a reason was; he was trying to track down all the firearms, and there is still a lot of stuff buried. There is about 10 000 detonators still buried somewhere, but…

ADV MTSHIZANA: Okay, thank you. Sorry.

MR DE KOCK: No, go on.

ADV MTSHIZANA: No, sorry. You may go on.

CHAIRPERSON: Yes, he has concluded there his response.

ADV MTSHIZANA: Is there anything else besides the firearms that you discussed with him?

MR DE KOCK: There was practise landmines which was made especially for UNITA, which can easily be converted into a proper landmine. If you have the course and the creativity, you can use it for anything. You can build a claymore from it or whatever.

ADV MTSHIZANA: Thank you, Chair. That will be all.

CHAIRPERSON: Thank you. Is there anyone else online?

ADV MTSHIZANA: Chair, for the rest of the questions regarding Mr Pretorius, we reserve our right to apply for cross-examination.

MR DE KOCK: Say again?

ADV MTSHIZANA: Thank you. I was saying, Chair, regarding Mr Pretorius' clarificatory questions, we reserve our right to apply for cross-examination in his regard. Thank you.

COMMISSIONER GABRIEL: Mr Pretorius?

MR DE KOCK: Well, I saw ...[intervenes]

ADV MTSHIZANA: Yes, Chairperson, I am trying to say ...[intervenes]

CHAIRPERSON: What about Mr Pretorius?

ADV MTSHIZANA: I am trying to say we will put an application to apply for the cross-examination on Mr de Kock for Mr Pretorius. I have just received that instruction that Mr Pretorius has that intention to cross-examine Mr de Kock.

MR DE KOCK: Advocate, can you please translate for me, because ...[intervenes]

CHAIRPERSON: Yes. No, Mr de Kock, that is not addressed to you. It is addressed to me.

MR DE KOCK: Oh, okay.

CHAIRPERSON: Yes. Yes, Ms Mtshizana, we will meet your application when we receive it.

ADV MTSHIZANA: Likewise, Chair, thank you.

CHAIRPERSON: Mr Varney?

ADV VARNEY: Chairperson, we will apply to cross-examine Mr de

Kock.

CHAIRPERSON: Yes, thank you. Mr Semenya?

ADV SEMENYA: We will defer our questions to Mr de Kock.

CHAIRPERSON: Yes. Mr de Kock?

MR DE KOCK: Yes?

CHAIRPERSON: Here, this way. We thank you for having availed yourself to give evidence before this Commission.

MR DE KOCK: Thank you, Your Honour.

CHAIRPERSON: We thank you for that. There is an intention to apply for your cross-examination by several parties.

MR DE KOCK: Yes. I will be ready.

CHAIRPERSON: When those applications are granted, you will be required to again come before this Commission for such cross-examination.

MR DE KOCK: I understand.

CHAIRPERSON: A date for such cross-examination will be communicated to you and your legal representatives.

MR DE KOCK: Yes. I understand.

CHAIRPERSON: Yes. For now, you are excused as a witness.

MR DE KOCK: Thank you, Your Honour, and thank you for your patience and to all the other people.

CHAIRPERSON: Thank you. These proceedings are adjourned to 28 October at 10 o'clock. Thank you.

INQUIRY ADJOURNS UNTIL 28 OCTOBER 2026

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CERTIFICATE OF VERACITY

We, the undersigned, hereby certify that **as far as it is audible**, the aforegoing is a true and correct transcript of the digitally recorded proceedings in the matter of:

JUDICIAL COMMISSION OF INQUIRY INTO TRC

FORUM OF ORIGIN	**:**	Inquiry
CASE NUMBER	**:**	N/A
TRANSCRIBERS	**:**	M Botha, M Brits
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TRANSCRIBER'S NOTE:

- ***Where no information provided, names transcribed phonetically.***
- ***Grammar errors types verbatim.***

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