



Volume **SIX** • Section **THREE** • Chapter **ONE**

**The Intersection between the Work of the  
Human Rights Violations Committee and  
the Amnesty Committee**

**THE FORMER SOUTH  
AFRICAN GOVERNMENT  
& ITS SECURITY FORCES**

# The Former South African Government and its Security Forces

## **PART ONE: OVERVIEW OF AMNESTY APPLICATIONS FROM MEMBERS OF THE SECURITY FORCES: 1960–1994**

### **■ INTRODUCTION**

1. The Truth and Reconciliation Commission (the Commission) found the state – and in particular its security agencies and affiliated policy and strategy formulation committees and councils – to be the primary perpetrators of gross violations of human rights committed during the thirty-four years it was mandated to investigate.<sup>1</sup>
2. Some 50 per cent of all amnesty applications received from members of the security forces related to incidents that occurred between 1985 and 1989. No applications were received in respect of incidents that occurred in the first decade of the Commission’s mandate and few applications were received for the pre-1985 and post-1990 periods. Despite this, evidence received by the Commission shows that the security forces were responsible for the commission of gross human rights violations during both of these periods.
3. Most of the applications were received from members of the Security Branch, both from Security Branch headquarters and from the nineteen regional Security Branch divisions. These applications and the ensuing amnesty hearings provided new and compelling detail about how the Security Branch understood and participated in the political conflict.
4. On the other hand, despite the fact that the South African Defence Force (SADF) was responsible for numerous violations, especially outside of South Africa,

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<sup>1</sup> For an overview of the role of the security forces in suppressing resistance and countering armed actions by the opponents of apartheid, refer to Volume Two, Chapter Two, p. 42; Chapter Three, p. 165; Chapter Seven, p. 577. Refer also to the Regional Profiles in Volume Three. For a summary of the findings made against the state, refer to Volume Five, Chapter Six, p. 212ff.

very few SADF members and operatives applied for amnesty. The major SADF applications related to incidents committed inside South Africa that were either already in the public domain or were connected to applications by Security Branch applicants.

5. Inside the country, the SADF was involved in the development and management of national security policy, especially with respect to the National Security Management System (NSMS) and the development of the strategy of counter-revolutionary warfare, which provided the framework in which gross violations of human rights took place.
6. The dearth of applications reflects the general reluctance of SADF members to participate in the amnesty process.
7. The small number of applications for external operations contrasts strikingly with the Commission's conclusion that the regions beyond South Africa's borders bore the brunt of the counter-revolutionary warfare waged by the South African security forces, including the police, the defence force and intelligence.<sup>2</sup>
8. No members of the National Intelligence Service (NIS) applied for amnesty. This was consistent with their stated position that, as members of a non-operational structure, they were not directly involved in the commission of gross violations of human rights.

## **STATISTICAL OVERVIEW<sup>3</sup>**

9. A total of 293 members of the former government's security forces applied for amnesty. Of these, 256 (87.4%) applied for offences committed while they were South African Police (SAP) force members; thirty-one (10.6%) applied for offences committed while they were SADF members; two applied for offences committed while they were SAP members and later SADF members; two applied for offences committed while they were in the Department of Prisons; one applicant was the Minister of Law and Order and two applicants' specific affiliation is not known. The overwhelming majority (229, or 78%) of the SAP members were based in the Security Branch at the time of the violation.

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<sup>2</sup> Volume Five, Chapter Six, p. 257, para 16; Volume Two, Chapter Two.

<sup>3</sup> The statistics in this section are based on amnesty matters for which the Amnesty Committee made written decisions. It thus excludes all those who were refused amnesty administratively at the outset of the process because the applications failed to meet the most basic criteria for amnesty. Thus all obviously criminal matters, and matters otherwise out of mandate (e.g. offences committed after the cut-off date) were immediately excluded and applicants received pro-forma refusals. As a consequence, the statistics in this section do not correlate with those referred to in the report of the Amnesty Committee.

10. Only thirty-one of the amnesty applicants were members of the SADF. Moreover, the greater part of this batch of applications related to violations committed by SADF members inside South Africa. Only five SADF applicants applied for amnesty for external violations, despite the large numbers of violations reported as a result of their activities in neighbouring countries.<sup>4</sup>
11. Two of these applications were from white conscripts. Medic and conscript Sean Mark Callaghan applied for and was refused amnesty for acts of omission regarding his role while attached to a Koevoet unit during 1983, and conscript Kevin Hall was granted amnesty for his role in killings committed as part of a unit on patrol during the mid-1970s.<sup>5</sup>

## **FACTORS IMPEDING AND ENCOURAGING APPLICATIONS**

12. The most striking aspect about the applications from the state is that, on the whole, security force members who applied to the Commission for amnesty were not supported by politicians and policy-makers at whose behest they had operated. While there were significant applications from command levels, this was by no means exhaustive and the majority of applicants were the 'trigger-pullers'.
13. In the early days of the Commission, most members of the former security forces viewed the amnesty process with antipathy and deep suspicion. Many of them were bitter and confused. They had committed their careers (and indeed their hearts and minds) to defending the interests of the former regime. Now that the ANC was in power, they found themselves in the spotlight, torn between the need to account for their actions and their fear as to what might happen if they did. Many were angered by what they saw as betrayal by their former political masters as every man scrambled to save himself. Moreover, despite the fact that the negotiated settlement, the Interim Constitution and the ensuing legislation required that the amnesty provisions be even-handed, state perpetrators of human rights violations continued to be wary of the Amnesty Committee and the Commission as a whole.
14. A number of factors eventually persuaded state operatives to participate in the process:

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<sup>4</sup> Volume Two, Chapter Two.

<sup>5</sup> See further Volume Four, Chapter Eight.

## Threat of prosecution

15. The granting of amnesty based on individual disclosure was built on what was described as the 'carrot and stick' approach. In other words, if you came forward and told all (other factors being equal), you would be granted amnesty. If you did not, you could face prosecution for your crimes. Hence, some members of the security forces submitted applications for amnesty because they knew they would be found out and prosecuted.
16. There is no doubt that, without the prosecution of Colonel Eugene de Kock, the Commission would have received far fewer amnesty applications. In October 1996, De Kock, the former commander of the C1/Vlakplaas<sup>6</sup> unit, was found guilty on eighty-nine charges and sentenced to two life terms plus 212 years' imprisonment. De Kock was one of the first to submit an application for amnesty to the Amnesty Committee, leading to a stream of applications from co-perpetrators. Indeed, the number of applicants in De Kock-related incidents accounts for 48% of all Security Branch applications.
17. The Amnesty Committee also received applications from Northern Transvaal security force operatives and several from the SADF following an extensive investigation by the Transvaal Attorney General's Office. Similarly, when the Eastern Cape Attorney General's Office investigated the disappearance of the 'PEBCO<sup>7</sup> Three' and the killing of the 'Cradock Four', a number of applications were received from the Eastern Cape Security Branch.
18. Likewise, following an investigation by the Commission of Inquiry regarding the Prevention of Public Violence and Intimidation led by Judge Goldstone, and a later investigation by the Natal Attorney-General's Office into the activities of the Port Natal Security Branch, a number of applications were received from members of that branch.
19. Conversely, in a number of instances, it is clear that applicants chose not to apply for incidents where they believed that there was little investigative interest or likelihood that the state would make headway with a case against them. Applications from Civil Co-operation Bureau (CCB) operatives, for example, referred to only a handful of incidents committed in the Western Cape, despite their involvement in a far wider range of unlawful activity both inside and outside South Africa.

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<sup>6</sup> See Part Three of this chapter.

<sup>7</sup> Port Elizabeth Black Civic Organisation.

## Protection from civil liability

20. Although amnesty granted by the Amnesty Committee provides protection from civil liability, the various South African indemnity laws do not.<sup>8</sup> The former security forces enjoyed extensive indemnity under the law, which covered actions arising from unrest policing and the apprehension of political suspects. Such indemnity did not, however, apply to abuses committed during covert operations. Many members applied for amnesty in order to avoid being privately sued.

## Official interventions

21. Urged by a former state attorney, Mr Jan Wagener, General van der Merwe, the former Commissioner of Police, approached the Commission to discuss the concerns of security force operatives. He afterwards convened a meeting of members of the former Security Branch and assured them that they would have the backing of the generals for actions undertaken in the course of their duty, provided that such actions had been authorised.
22. Discussions were also held between former SADF generals and the Amnesty Committee. The generals were concerned about the fact that, while the legislation gave both the Amnesty Committee and the Commission a mandate beyond South Africa's borders, amnesty granted by the Amnesty Committee did not preclude a foreign state from seeking to pursue prosecution. Because an amnesty granted in South Africa has no validity in international law, the former SADF leadership advised its members not to apply for amnesty for actions outside South Africa.
23. Amnesty applications from former SADF members were channeled through a 'nodal point' set up by the South African National Defence Force (SANDF)<sup>9</sup> and run entirely by former members of the SADF. The purpose of the nodal point was to channel requests from the Commission. Members of the former SADF were encouraged to work through the nodal point when applying for amnesty. As noted earlier, few applications for amnesty were received from SADF-linked

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<sup>8</sup> In order to open the way for negotiations, new indemnity provisions were introduced to allow for the return of the exiles and the release of those serving sentences for political offences. For a detailed description of the indemnity laws and processes that began during the negotiations period and ended only when the Commission began its work, see Volume One, Chapter Four.

<sup>9</sup> After 1994, the national defence force changed its name from the South African Defence Force (SADF) to the South African National Defence Force (SANDF).

operatives, and the Commission received a strong impression that the nodal point acted as a gate-keeper rather than facilitator for amnesty applications.

## VIOLATIONS BY CATEGORY

24. Security force applicants applied for a total of 550 incidents, eighty-six of which encompassed a number of separate acts.<sup>10</sup> Examples of these were assaults/torture during interrogation between 1984 and 1989; the arson/bombing campaign by the Northern Transvaal Security Branch in 1986 to 1988; various Stratcom<sup>11</sup> activities between 1977 and 1994; supplying the Inkatha Freedom Party (IFP) with weapons between 1991 and 1992, and the intimidation of named civilians from 1974 onwards.

25. The 550 incidents involved or resulted in the following 1583 acts:<sup>12</sup>

Abductions	80
Attempted abductions	2
Arms caches	9
Bombing and arson	83
Attempted bombing and arson	4
Cover-up <sup>13</sup>	8
Body mutilation/destruction	44
Disinformation/discrediting actions	21
Fraud and theft	34
Attempted fraud/theft	9
Illegal weapons	4
Intimidation	72
Killings <sup>14</sup>	889
Attempted killings	143
Torture/assault	98
Other	42

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10 As early as 1996, the Amnesty Committee decided to deal with incidents rather than individual acts in order to make it possible to deal with groups of applicants who had been involved in the same incident but who may have committed a number of different acts. Thus, when dealing with applications, the Committee decided to focus on specific incidents, with each incident logically comprising a number of different acts/offences.

11 Strategic communication or Stratcom: a form of psychological warfare waged by both conventional and unconventional means.

12 These statistics count major acts rather than each offence associated with an incident. For example, the 'Cradock Four' incident would be counted as abduction, killing and body mutilation. In numerous incidents, applicants applied for a range of associated offences, such as use or transport of an illegal weapon, crossing a border illegally, and so forth. These associated acts have not been counted.

13 This figure counts applicants who applied only for covering-up an offence – for example, applications from Stratcom operatives for being associated with the cover-up related to the death of Mr Neil Aggett in detention in February 1982. It must be noted that virtually every offence committed by a member of the security forces includes an element of subterfuge and cover-up. In this regard, this statistic represents a massive under-count.

14 This figure includes the killing of 624 persons in one single incident – see para 36.

26. The eighty-six incidents for which there were a number of acts or victims or outcomes can be classified according to the following violations:

Abduction	2
Bombing and arson	1
Body mutilation/destruction	1
Disinformation/discrediting actions	4
Fomenting violence	27
Fraud and theft	5
Illegal weapons	4
Intimidation	21
Killing <sup>15</sup>	3
Attempted killings	6
Torture/assault	17
Unspecified	4
Weapon modification	7

27. The majority of incidents (446) were committed while the applicants were employed by the SAP's Security Branch:

### **Violations by date**

28. Some 50 per cent of all incidents for which amnesty was sought occurred between 1985 and 1989. A far smaller number of applications was received for incidents occurring during the pre-1985 and post 1990 periods, and none for the first decade of the Commission's mandate period:

1960–1969	0
1970–1979	29
1980–1984	86
1985–1989	274
1990–1994	83
Multiple periods	47
Unspecified	31

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<sup>15</sup> Acts of intimidation of a single person or family over a limited period of time have been counted as one specified act of intimidation although several separate acts may have been involved. However, where a single person or family or organisation was targeted over a lengthy period (often over years) this has been counted with the 'process' or 'umbrella event' violations.



## Violations by region

29. The 550 incidents were spread over the regions as follows:

Homelands	19
Orange Free State	24
Cape	48
Natal	49
Transvaal	307
Outside SA	73
Multiple place <sup>16</sup>	19
Unspecified	11

30. Over 100 of the 307 incidents (56%) that occurred in the Transvaal appeared in two applications covering Stratcom activities. The overwhelming majority of incidents took place in the Transvaal.

31. Seventy-three, or some 13 per cent, of incidents took place outside of South Africa: Angola (2), Botswana (14), Lesotho (8), Mozambique (5), Namibia (10), Swaziland (29), Tanzania (1), United Kingdom (1), Zambia (2) and Zimbabwe (1). The majority of external incidents for which there were applications (some 40%) took place in Swaziland, which was regarded as a police rather than a military domain.

## Violations by rank

32. It was possible to determine only 862 ranks out of a possible 1222 across the 550 incidents. Just over 48 per cent of all applicants were lower-ranking personnel at the time the violation was committed, while just under 52 per cent were commissioned officers (lieutenant and above). The overwhelming majority of incidents for which there were applications involved several applicants of varying ranks and appear no different from routine operational profiles. This challenges the view that violations were committed by small renegade groups of operatives.

33. The fact that senior personnel drew on trusted operatives of considerably lower rank in a routine chain of command suggests that such operations were part of normal police duties. Moreover, three former heads of the Security Branch

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<sup>16</sup> Some incidents took place over more than one region or country. For example, several MK operatives were abducted from Swaziland and tortured, assaulted or killed in Transvaal or Natal.

applied for amnesty, two of whom went on to become Commissioners of Police, the highest position in the SAP. One former cabinet minister responsible for Law and Order also applied for amnesty.

## **Violations by race and gender**

34. All of the applicants were male, and some 255 (86%) were white. Only seven of the black security force applicants were *askaris*<sup>17</sup> A significant proportion of black applicants had already given statements to the Attorney-General and several were potential state witnesses.
35. All the black security force operatives who applied for amnesty were of extremely low rank, often despite lengthy periods of service. This is doubtless the result of the racism inherent in the former SAP.

## **TYPES OF VIOLATIONS (MOST COMMON CATEGORIES)**

### **Killings and attempted killings**

36. Killings were by far the largest category of violation for which amnesty applications were received. However, the numbers need to be approached with caution. One soldier applied for a single incident that resulted in 624 killings, during the SADF raid on Kassinga in Southern Angola on 4 May 1978.<sup>18</sup> Almost all of the remaining 265 relate to the killing of political activists, especially those believed to have had links with the ANC and Umkhonto we Sizwe (MK).
37. In sharp contrast, most of the killings recorded in the human rights violations data are associated with public order policing or so-called 'riot control'.<sup>19</sup> Only two amnesty applications were received in this category.
38. The number of attempted killings reflects those individuals targeted in failed operations as well as those injured 'in the crossfire' where such information was specified. In many instances, however, no such detail was given and this figure is thus a significant under-count. For example, this figure does not include

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<sup>17</sup> Former members of the liberation movements who came to work for the Security Branch, providing information, identifying and tracing former comrades.

<sup>18</sup> Johan Frederich 'Rich' Verster was refused amnesty for his involvement in the Kassinga massacre on 4 May 1978 and granted amnesty in chambers for several attempted killings of SWAPO personnel and other incidents that took place in Namibia.

<sup>19</sup> Volume Two, Chapter Three, pp.174–87.

those present in a building or residence when it was attacked, unless they were named as having been injured.

39. Similarly, incidents involving 'weapon modification' are counted separately, unless deaths or injuries were specified or known of. 'Weapon modification' involved tampering with or modifying a weapon with the intention of making it lethal to the user, and thus constitutes attempted killing.
40. Forty-four of the applicants in the 'killing' category applied for amnesty for the mutilation and destruction of the bodies of their victims. The purpose of such mutilation was to disguise the fact that the victim had been killed. In some instances, bodies were completely destroyed by burning or the repeated use of explosives. In others, bodies were placed on limpet mines or landmines, which were then detonated in order to make it appear that the victim had blown himself up while laying them.
41. The eighty-three successful and four attempted cases of bombing and arson are counted separately. These include forty-eight attacks on homes using petrol bombs or other explosive devices, twenty-one cases of bombing of non-residential buildings as well as several attacks on installations or government buildings. Only six of the eighty-four cases were arson attacks on vehicles.
42. It should be noted, however, that the statistics do not in any way represent the full extent of this practice. Members of a covert unit of the Northern Transvaal Security Branch applied for an unspecified number of attacks on activists' homes using either petrol bombs or other more lethal explosive devices in several townships during 1986 and 1987. One applicant estimated that he was involved in between thirty and forty such attacks, another in as many as sixty.

## **Torture and assault**

43. The Amnesty Committee received applications specifying only ninety cases of torture or assault. In addition, seventeen applications or investigations involved the use of torture and assault against an unspecified number of victims. A small number of applications involved torture in formal custody. These figures stand in sharp contrast to the 4792<sup>20</sup> torture violations recorded in HRV statements.

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<sup>20</sup> This figure is based on torture violations inside South Africa (i.e. excluding ANC camp torture) as reflected in the Final Report. See further Volume Two, Chapter Three, p. 190, para 103.

44. These low figures may be partly explained by the fact that perpetrators seldom seem to have regarded torture as a major violation. Evidence of torture often emerged only during amnesty hearings and then as part of an amnesty application for an abduction or a killing, not as a human rights violation in its own right. Numerous applicants admitted that psychological and physical coercion was routinely used in both legal detentions and unlawful custody.
45. Further, although the Amnesty Committee received a number of applications for killings in unlawful custody, it received applications for only two of the fifty-nine known deaths in legal detention<sup>21</sup>: those of Mr Steve Biko and Mr Stanza Bopape. In addition, several detainees <sup>22</sup> appear to have been formally released, but handed over to members of C1/Vlakplaas or other Security Branch operatives and killed.

### **Intimidation and disinformation**

46. The majority of the ninety-one incidents in this category relate primarily to the so-called Stratcom activities of the Witwatersrand Security Branch. Acts of intimidation included harassing individuals by damaging their property; constant and obvious surveillance; making threatening phone calls, and firing shots at houses or throwing bricks through windows. Apart from one or two isolated incidents, no similar applications were received from regions outside of the Witwatersrand, despite the fact that such forms of intimidation were fairly routine elsewhere.
47. The twenty-five incidents involving discrediting or disinformation also relate mainly, though not exclusively, to Stratcom activities. These were not exclusively carried out by the Witwatersrand Security Branch.

### **Fomenting violence**

48. Twenty-seven applications confirmed earlier suspicions about the state's involvement in fomenting the violence and bloodshed that engulfed areas of South Africa in the 1990s. The Amnesty Committee heard evidence that support, arms and training were given to the IFP – mainly by Vlakplaas/C1 – and that

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<sup>21</sup> See Volume Two, Chapter Three, pp. 208--11.

<sup>22</sup> These include two unknown PAC detainees [AC/2001/194]; MK Scorpion (possibly Mr Ronald Madondo – AC/2000/151); Mr Gcinisizwe Kondile [AC/1999/037], Mr Johannes Mabothe [AC/2000/084] and an unknown detainee [AC/2000/081].

support and arms were provided to the homelands in order to back attempted coups and promote destabilisation amongst the police and the military.

49. Six such incidents occurred during the 1980s and involved the provision of paramilitary capacity to the IFP (Operation Marion) and an attempt to set up an Inkatha-like organisation in the Eastern Cape/Ciskei/Transkei area (Operation Katzen).

## **PART TWO: ANALYSIS OF AMNESTY INFORMATION: 1960–1994**

### **EXTRAJUDICIAL KILLINGS**

50. The Commission identified several types of extrajudicial killings: targeted killings or assassinations; killing following abduction and interrogation; ambushes; entrapment killings, and killing of own forces.

51. Applications were received for 114 incidents involving 889 killings. The Kassinga raid alone accounts for 624 deaths. The killings took place in the following time-periods and regions:

• 1970–1979:	Cape	1
	Transvaal	2
	Outside SA	627
• 1980–1984:	Cape	3
	Transvaal	13
	Natal	2
	Outside SA	13
• 1985–1989:	Cape	20
	Transvaal	67
	Natal	42
	Orange Free State	4
	Homelands	15
	Outside SA	44

## Targeted killings

52. Applications were received for the assassination of seventeen high-profile political leaders both inside and outside South Africa.<sup>23</sup> In addition, applications were received for the attempted or planned assassination of several others.<sup>24</sup>
53. Applications were received for targeting the homes of activists living inside the country, leading to the deaths of twenty-eight people. Of these, at least twenty-four were killed in two attacks in Natal and KwaZulu.<sup>25</sup> In what became known as the 'KwaMakhutha massacre', thirteen people, mostly women and children, were killed by an IFP hit squad, armed and trained by the SADF as part of Operation Marion, on 21 January 1987.<sup>26</sup> Kommandant Jan Anton Nieuwoudt [AM3813/96; AC/2001/264] and Andre Cloete [AM5726/97; AC/2000/224] of the SADF were respectively granted and refused amnesty for their role in Operation Marion.<sup>27</sup> An SADF operative was refused amnesty for his part in the attack.
54. In the 'Trust Feeds massacre',<sup>28</sup> which took place on 3 December 1988, eleven people attending an all-night funeral vigil were killed in an attack on a house believed to be occupied by United Democratic Front (UDF) supporters. The attack was planned by the local Joint Management Centre (JMC) in collaboration with local IFP leaders. None of the victims was an UDF supporter. The chairperson of the local JMC was granted amnesty for the attack.
55. Applications were received from Northern Transvaal Security Branch operatives<sup>29</sup> for the deaths of four people killed during their campaign of bombing local activists' homes in the Pretoria region. None of the four killed was a target in the attacks.
56. Applications were received for the targeting and killing of eighteen individual MK or APLA personnel outside South Africa. Targeted killings were generally

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23 Outside South Africa: Ruth First, Jabulile Nyawose, Petros Nyawose, Jeanette Curtis Schoon, Vernon Nkadameng. Inside South Africa: Griffiths Mxenge, Siphwe Mtinkulu, Topsy Madaka, Qaqawuli Godolozzi, Siphon Hashe, Champion Galela, Matthew Goniwe, Sparrow Mkhonto, Fort Calata, Sicelo Mhlawuli, Fabian Ribeiro, Florence Ribeiro.

24 Dikgang Moseneke, Smangaliso Mkhathshwa, Abdullah Omar, Gavin Evans, Albie Sachs.

25 From 1972, KwaZulu comprised twenty territorial fragments scattered throughout the province of Natal. During the period of transition in the early 1990s and as the KwaZulu Administration was dismantled, all areas in the province came to be known as KwaZulu/Natal and, following the April 1994 elections, as KwaZulu-Natal.

26 Volume Two, Chapter Five, pp.464–9.

27 Volume Two, Chapter Five, pp. 464–9.

28 Volume Two, Chapter Three, p. 198ff.

29 AM5183/97;AM2776/96;AM2773/96;AM2777/96;AM2775/96.

conducted at night and, in several instances, resulted in persons other than the target being killed. In at least two incidents, children were the victims.

57. In addition, applications were received for the killing of persons in two large-scale cross-border raids. Security Branch Headquarters, Western Transvaal and Soweto Security Branch operatives applied for amnesty for their role in identifying targets for the SADF Special Forces raid into Gaborone, Botswana on 14 June 1985, in which twelve people were killed.<sup>30</sup> Members of C1/Vlakplaas and Security Branch Headquarters applied for amnesty for the killing of nine people in a raid into Maseru, Lesotho on 19 December 1985.<sup>31</sup>
58. Applicants testified that when cross-border raids were being planned before the mid-1980s, *ad hoc* groups would be set up to identify and collect intelligence. Such groups would consist of representatives from the relevant Security Branch Headquarters desk, as well as Security Branch divisional offices with specific intelligence expertise, the NIS, SADF Military Intelligence and Special Forces. Thus, for example, the following structures engaged in target identification for the Gaborone raid: the Africa Desk at Security Branch Headquarters; the Western Transvaal, Soweto and Transvaal Security Branch offices; NIS; SADF Military Intelligence (in all probability the Home Front sections of the Directorate of Covert Collection (DCC) as well as of the Directorate (South Africa) and Special Forces.
59. Although the applicants professed that it was not policy to target civilians not associated with MK or living in the country where targets were based, they admitted that civilians were 'caught in the crossfire'. Moreover, despite applicants' claims that a number of targets were removed from the original Botswana raid list because of the presence of children and Batswana citizens, both children and non-South African civilians were killed in the raid.
60. A number of applicants from different regions testified that, in 1985/86, a more formalised structure known as TREWITS was established to conduct target identification <sup>32</sup>. Although based in Section C2 at Security Branch Headquarters, personnel from both SADF Military Intelligence and NIS was

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30 AM4032/96;AM4122/96;AM4126/96;AM4149/96;AM4152/96;AM4389/96;AM4513/96;AM7040/97; AM4125/96 and AM4386/9.

31 AM0066/96;AM3764/96;AM3765/96;AM4385/96; AM4396/96 and AM4157/96.

32 See Volume Two, Chapter Three, pp. 275–98 for a discussion on the establishment of TREWITS and target development.

permanently seconded to TREWITS. Applicants also referred to regional TREWITS meetings made up of representatives from the different intelligence structures.

61. Three applications were received from former SADF personnel in connection with their work on target identification structures. One was received from Commandant Jan Anton Nieuwoudt, a member of the Home Front Section of Military Intelligence, responsible for target development.
62. The second application was received from Jacobus Adriaan Huisamen, who served as an SADF Military Intelligence representative on TREWITS in the early 1990s. His application was refused administratively at the outset of the process, as it failed to identify specific violations that had resulted from the targets he had developed. In his application and supporting documentation Huisamen made available to the Commission's investigative unit, he made it clear that he believed that target information provided by TREWITS was used operationally and led to the commission of gross violations of human rights that included killing.
63. In 1986, Captain Henri van der Westhuizen, a member of Military Intelligence involved in target identification, began working closely with the Security Branch in Ladybrand. He was later assigned responsibility for working on target intelligence on MK in Lesotho. At this stage he was based in the projects section of Military Intelligence whose primary focus was monitoring the activities of the ANC. He played a role in establishing a target development group that functioned first as part of Military Intelligence and later (from 1987) as part of Special Forces Headquarters. This group worked in close liaison with TREWITS.
64. Captain van der Westhuizen testified that intelligence was collected on ANC and SACP personnel and facilities in Lesotho. Once sufficient information had been collected, it was presented to the General Staff of the SADF for possible action. Evidence from Security Branch applicants in joint operations with Special Forces supports the view that, at least as far as external targets were concerned, authorisation took place at a high level in the SADF.
65. Applications were received for the targeted killings of fourteen of the fifty-two MK personnel<sup>33</sup> listed on the ANC submission as having died in Swaziland 'at enemy hands'. The majority of these applications were joint C1/Vlakplaas and Eastern Transvaal operations.

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<sup>33</sup> In fact there are sixty-two names. However the list includes those killed in the two Piet Retief ambushes in 1988 as well as some duplication where persons have been listed under both MK and birth names.



66. Captain Hendrik 'Henri' van der Westhuizen applied for amnesty for the attempted killings of Mr Albie Sachs in Mozambique in 1987 and 7 April 1988 respectively. His application was granted [AM9079/97; AC/2001/257].
67. No applications were received for the following targeted killings of high-profile political activists: Mr Abram Okgopotso Tiro (Botswana, 1 February 1974); Mr John Dube, aka Boy Mvemve (Zambia, 12 February 1974; Dr Richard Turner (Durban, 8 January 1978), Mr Joe Gqabi (Zimbabwe, 31 July 1981), Ms Victoria Mxenge (Durban, 1 August 1985); Mr Toto Dweba (Eshowe, Natal, 20 August 1985); Ms Dulcie September (France, 29 March 1988); Dr David Webster (Johannesburg, 1 May 1989), and Dr Anton Lubowski (Namibia, 12 September 1989).
68. No applications were received for the attempted killings of Mr Godfrey Motsepe (Belgium, 2 February 1988 and 27 March 1988), Ms Joan and Mr Jeremy Brickhill (Zimbabwe, 13 October 1987); the Revd Frank Chikane (1989), and Fr Michael Lapsley (Zimbabwe, 28 April 1990).
69. Of the twenty-one<sup>34</sup> people recorded in the ANC submission as having been killed in Botswana, eleven were killed in the 14 June 1985 Special Forces raid on Gaborone. No applications were received for six of the remaining ten killings. Botswana was regarded as the responsibility of the SADF. C1/Vlakplaas and the Western Transvaal Security Branch both testified to close co-operation with the Special Forces group tasked to work on disrupting the ANC's activities in Botswana.
70. No applications were received for the following large-scale cross-border raids:
  - a Matola, Mozambique, 30 January 1981 by SADF Special Forces: sixteen people were killed;
  - b Maseru, Lesotho, 9 December 1982 by SADF Special Forces: forty-two people were killed;
  - c Matola, 23 May 1983 by the South African Air Force: six people were killed;
  - d Zambia, Zimbabwe and Botswana, 19 May 1986 (the so-called EPG raids) conducted by the SADF, and
  - e Umtata, 17 Oct 1993 by the SADF: five youths were killed.

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<sup>34</sup> The MK submission list gives twenty-three names but two are duplicated.

71. No amnesty applications were received with regard to twenty-nine of the forty-five<sup>35</sup> people recorded as having been killed in the 9 December 1982 raid on Maseru. Applications were received for only nine of the remaining sixteen people who were killed in the subsequent December 1985 raid. No applications were submitted for the remaining seven deaths.
72. No applications were received for four or possibly five killings in Mozambique, excluding the deaths in the Matola raid. No applications were received for five of the seven deaths listed in Zambia.
73. As noted above, Security Branch operatives involved in the process of target identification made application for their involvement in the June 1985 Gaborone raid. Special Forces members who conducted the raid did not apply.

## Ambushes

74. The Amnesty Committee received amnesty applications for seven ambushes. Five ambushes took place between 1986 and 1988. Informers and/or agents played a role in five cases. In the remaining two, captive MK personnel were used to lure targets to the place where the ambush took place. The following cases illustrate the nature of these violations:
  - a Two unknown MK Special Operations operatives were killed in the Western Transvaal in 1972. The incident followed the arrest of a number of Special Operations personnel, one of whom was allegedly induced to lure two operatives into South Africa. The applicant, Willem Schoon, was granted amnesty [AC/2001/193].
  - b On 14 August 1986, two MK operatives, Jeremiah Timola (aka Tallman) and Mmbengeni Kone (aka Bernard Shange), were killed by C1/Vlakplaas and Eastern Transvaal Security Branch operatives while infiltrating South Africa. A Security Branch source, Shadrack Sithole, responsible for their transport, was also killed. At the same time, the two MK operatives responsible for transporting them to the Swaziland border were ambushed on the Swazi side of the border and one of the two, Mr Mzwandile Radebe, was killed. The survivor, Mr Vusumuzi Lawrence Sindane, escaped but was captured a day later. All of the applicants were granted amnesty for the killing of the MK operatives, but three applicants were refused amnesty for the killing of Mr Shadrack Sithole, the Security Branch source.<sup>36</sup>

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<sup>35</sup> Forty-eight names appeared on the list, but three are duplicated.

<sup>36</sup> See Volume Two, Chapter Three, pp. 246–8 for further detail.

- c Ms Lita Mazibuko was responsible for the transport arrangements of two groups of MK personnel in June 1988. Her handlers at Piet Retief Security Branch provided transport and drivers. Both groups were ambushed and killed on 8 and 12 June 1988 after which Mazibuko was paid for her services. She was subsequently apprehended by MK intelligence and severely tortured. Her handler, Flip Coenraad Theron, testified that, on her return to South Africa, she reported to him and was paid a further sum for her involvement.

## **Deaths in unknown circumstances**

- 75. According to an MK list, 197 combatants died inside South Africa during the Commission's mandate period, the overwhelming majority of them being killed in combat situations. The MK list includes the names of the twenty-eight people for whose killings amnesty applications were received.
- 76. The Commission accepts that many operatives infiltrating South Africa were armed and that in this process, situations of combat arose. However, the possibility that some of these were not actually skirmishes but ambushes cannot be ruled out. Aside from the element of surprise, the security forces were able to choose the ambush ground, the targets were outnumbered and the security forces were able to deploy highly-trained personnel in the form of Special Forces, C1/Vlakplaas or the Special Task Force. In short, claims of deaths during attempted arrest should be regarded with scepticism.
- 77. In many instances, those who were killed were not identified at the time and were buried as paupers. Some were identified but their families were not informed of their deaths. As a result many post mortems and inquests were not properly conducted or subjected to independent scrutiny.

## **Entrapment operations and incidents in which weapons had been tampered with**

- 78. Entrapment operations often involved supplying ANC and MK operators with modified weaponry such as hand grenades, limpet mines, landmines, guns and ammunition. Members of the Technical Section of Security Branch Headquarters admitted in amnesty hearings that a common *modus operandi* was to modify weaponry to make it lethal to users by such methods as zero-timing. There are numerous instances of combatants being killed by their own weaponry.

79. The Amnesty Committee received applications for seven entrapment operations in which forty-five youth activists were killed. These operations tended to target youth groups like South African National Student Congress (SANSCO) and the Congress of South African Students (COSAS), which were active in townships that the Security Branch regarded as hot spots. Such youth groups were infiltrated with a view to identifying and eliminating key leaders.
80. Using *askaris* posing as MK operatives, the security forces offered young men arms, training and transport out of South Africa. The *askaris* then lured them into ambushes or gave them zero-timed explosive devices with which they blew themselves up. Arrest was not regarded as an option in any of these operations: the intention was always to kill.

### **The 'COSAS Four'**

81. Three COSAS members were killed and one was seriously injured in an entrapment operation organised by the West Rand Security Branch in Krugersdorp on 15 February 1982.<sup>37</sup> The operation entailed detonating explosives in a pump-house on an abandoned mine where an *askari*, whom the youths believed to be an MK operative, had promised to give them basic military training.
82. The applicants were, by majority decision, refused amnesty for this operation. The Committee felt that the decision to eliminate the group was not justifiable and that the applicants had failed to make use of other options available to them, such as arrest and arraignment, or preventive detention under the prevailing security legislation [AC/2001/198].

### **Operation Zero Zero**

83. In June 1985, an entrapment operation<sup>38</sup> was conducted in the East Rand townships of Duduza, Tsakane and Kwa-Thema by a joint team from Security Branch Headquarters. General Johan van der Merwe, then second-in-command of the Security Branch, sought and received approval for the operation from then Minister of Law and Order, Louis le Grange.
84. The group of youths was infiltrated by Constable Joe Mamasela, who masqueraded as an MK operative.<sup>39</sup> Mamasela showed the young men how to detonate a

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<sup>37</sup> Volume Two, Chapter Three, pp.257–8.

<sup>38</sup> Volume Two, Chapter Three, pp. 259–61, and Volume Three, pp. 628–631.

<sup>39</sup> Although Constable Joe Mamasela played a role in many such incidents, he never applied for amnesty.

hand grenade and supplied them with grenades whose timing devices had been reduced to zero seconds. The person with whom Constable Mamasela had initially established contact, Congress Mtsweni, was given a zero-timed limpet mine to ensure that he did not survive to identify Mamasela. At midnight on the night of 25 June 1985, eight of the COSAS members were killed and seven were seriously injured as they attempted to throw the grenades at their chosen targets. Fifteen Security Branch operatives, including the head of the Security Branch and other senior personnel, applied for and were granted amnesty for the operation [AC/2001/058].

85. ***The ‘Guguletu Seven’***

On 3 March 1986, seven operatives were killed in Guguletu, Cape Town, by a combined C1/Vlakplaas, Western Cape Security Branch and Riot Squad team. The group of youth activists had been infiltrated by C1/Vlakplaas operatives (working in conjunction with the Western Cape Security Branch), who provided them with weapons and training. Only one of the seven had apparently previously received military training from MK. The applicants presented conflicting evidence as to whether the intention had been to arrest or kill the activists. Two C1/Vlakplaas applicants were granted amnesty for this operation [AC/2001/276].

***The ‘Nietverdiend Ten’***

86. On 26 June 1986, a joint operation by the Northern Transvaal Security Branch and SADF Special Forces led to the killing of ten youths from Mamelodi near Nietverdiend in the Western Transvaal.<sup>40</sup> The youths believed they were en route to Botswana for military training.
87. The applicants testified that this was one of several joint operations undertaken by Special Forces and the Northern Transvaal Security Branch. The role of the Security Branch was to identify the targets and that of Special Forces to carry out the operational aspects.
88. In this case, Constable Joe Mamasela, who had transferred to the Northern Transvaal Security Branch after his former C1/Vlakplaas commander Brigadier Cronje became divisional commander, was responsible for identifying the individuals. On the night of 26 June 1986, Mamasela drove ten young activists to the location in the Nietverdiend area.

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<sup>40</sup> Volume Two, Chapter Three, pp. 264–5.

89. The youths were ordered out of the minibus at gunpoint and injected with a chemical substance by Commandant Dave Trippet (deceased). Now unconscious, they were bundled back into the minibus and driven into Bophuthatswana by Special Forces operative Diederick Jacobus Vorster. A limpet mine and an AK47 were placed in the minibus, an accident was staged and the minibus was set alight.
90. The bodies were burnt so severely that identification was difficult, and there is some confusion about who was killed in this incident. These difficulties were compounded by the fact that the operation was followed by a second entrapment operation, also involving youths from Mamelodi, who became known as the 'Kwandebele Nine' (see below).
91. Mr Vorster testified that, following these operations, he had requested not to be deployed on such missions, both because of security concerns and because he did not believe that such operations were the proper function of a soldier. The applicants were granted amnesty.<sup>41</sup>

### ***The 'Kwandebele Nine'***

92. On the night of 15 July 1986, just two weeks after the killing of the 'Nietverdiend Ten', nine youths were shot dead and their bodies set alight in a house in Kwandebele.<sup>42</sup> The youths had been expecting Constable Joe Mamasela, who had offered to provide them with arms and training, but when they opened the door to him, Northern Transvaal hit squad members burst in. The youths were lined up and shot. Captain Hechter poured petrol over the bodies before setting them alight. The applicants were granted amnesty for this operation [AC/1999/248; AC/1999/030; AC/1999/033].

### ***Jeffrey Sibaya and Mpho***

93. In June 1987, Constable Joe Mamasela, posing as an MK operative, lured Mr Jeffrey Sibaya and a man known as 'Mpho' (possibly Mr Moses Lerutla) out of the township. Believing they were being taken for military training, the men followed Mamasela to a place north of Pienaarsrivier where they were beaten, kicked and then strangled to death by Northern Transvaal Security Branch operatives. Their bodies were subsequently placed on a landmine on a road in Bophuthatswana, which was then detonated. The applicants were granted amnesty for this operation [AC/1999/030; AC/1999/032].

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41 AM3761/96;AM3759/96;AM3760/96; DJ Vorster AM5641/97;AM3799/96;AM5443/97;AM5471/96; AM4149/96;AM4125/96;AM2776/96;AM2773/96.

42 Volume Two, Chapter Three, p. 264.

## **The 'Soweto Three'**

94. The Soweto Intelligence Unit (SIU) received information that a local Soweto activist, Casswell Richard Nceba, and other Soweto Youth Congress (SOYCO) members were involved in a campaign of intimidation, including attacks on the homes of policemen and informers. They also believed it possible that the group was in contact with MK structures. As a result, an *askari* attached to the SIU, Constable Moleke Peter Lengene, infiltrated SOYCO.
95. Constable Lengene supplied the group with AK47s, hand grenades and an SPM limpet mine. He later drew in two Vlakplaas *askaris* who provided training in the use of these weapons.
96. At this stage, the commander of the SIU, Lieutenant Anton Pretorius, approached the divisional commander of the Soweto Security Branch, Brigadier Sarel Petrus Nienaber, who granted permission to launch an entrapment operation. On 2 July 1989, three members of the SOYCO group were supplied with zero-timed limpet mines: Mr Nceba was killed when the zero-timed limpet mine detonated, Mr Bheki Khumalo was shot dead and Mr Richard Ngwenya died from injuries sustained after being shot.
97. The applicants were granted amnesty for the operation [AC/2001/007]. However, when granting them amnesty the Amnesty Committee had the following to say:
- We must express our concern at the practice of giving training to these activists in the use of sophisticated and dangerous weaponry and then justify the need to act pro-actively by killing them, advancing the reason that they (activists) had become dangerous resultant to that training. In the present matter, Nienaber stated that the police created 'a monster' when they gave training to the activist. We agree with these sentiments. It however begs the question whether there were indeed no other available methods short of 'creating a monster' that could have been effectively used to obtain the required information [AC/2001/007].*
98. In most of the above cases, the applicants admitted that they had not known the identity of the targets at the time. On their own evidence, they made little attempt to establish the identities of the individuals concerned, nor to check whether the Security Branch already had information about them and whether prosecutions would have been possible. On the other hand, one also needs to approach the version of events the applicants presented to the Amnesty

Committee with some caution. It may well be that applicants intended to give the Amnesty Committee the impression that they were mere pawns in the hands of their superiors, rather than active players with a far greater knowledge and understanding of the operations in which they were involved.

### **Killing of own people**

99. The Amnesty Committee received security force applications for sixteen deaths in this category.
100. Four of the killings occurred in the 1980/81 period: two were *askaris* killed by C1/Vlakplaas because their loyalties were questioned, and two were alleged informants.
101. Applicants from C1/Vlakplaas, Security Branch Headquarters, Northern and Eastern Transvaal and the Eastern Cape Security Branches applied for amnesty for the killing of four black policemen, the wife of a policeman, two *askaris* and two sources between 1986 and 1989. C1/Vlakplaas and Port Natal Security Branch sought amnesty for the killing of three *askaris* in the post-1990 period. In addition, C1/Vlakplaas operatives applied for amnesty for the killing of two former *askaris* who had escaped.
102. With the exception of one *askari* who was killed by white members of C1/Vlakplaas on a drunken spree and two who were killed during ambushes, the remaining *askaris* appear to have been killed for fear that they might disclose evidence about hit squad activities.
103. Only in one instance, that of the 'Motherwell Four', were the perpetrators charged and convicted.
104. In addition to the above killings, C1/Vlakplaas and operatives from the Technical Division of Security Branch Headquarters applied for amnesty for the attempted killing of former Vlakplaas commander, Captain Dirk Coetzee. Although the attempt failed, it resulted in the killing of human rights lawyer Bheki Mlangeni.

### **Killings during an arrest or while in custody**

105. Amnesty applications were received for approximately twenty-three killings committed while people were either being arrested or in custody. Eleven people



died while they themselves were being arrested, and five others were also killed during arrests. A further three died as a result of torture or assault<sup>43</sup> and four were killed during their detention or on their release.

## **Abductions/disappearances**

106. Evidence from amnesty applications and hearings reveals that the Security Forces (including covert units, the Security Branch and the SADF) engaged in abduction operations inside and outside South Africa. The main purpose of the abductions was interrogation, killing or recruitment.
107. Of the eighty<sup>44</sup> abductions for which amnesty applications were received, only three people were abducted prior to 1980. Two of these were subsequently charged and one was returned to Swaziland. Twelve people were abducted between 1980 and the end of 1984. Abductions increased sharply between 1985 and 1989, and a total of sixty-two applications were received for this period. Forty-one of the people abducted were killed, two or possibly three were recruited and the fate of the remainder is unknown. Applications were received for two abductions and killings in 1990. In some cases, fairly high-profile individuals were abducted with a view to killing them, and interrogation seems to have played a secondary role. In other cases, those abducted were interrogated, beaten and released.
108. Several abductions were associated with the assassination of fairly high-profile activists. These include Messrs Griffiths Mxenge, Sphiwe Mthimkulu and Topsy Madaka, the 'Pebco Three' and the 'Cradock Four'.
109. Thirty-nine out of the total number of eighty abductions were MK or ANC-linked. Twenty-four of these occurred inside South Africa, where the usual method was interrogation followed by killing. Eighteen of the victims are known to have been killed, seven by the Northern Transvaal Security Branch and ten by the Port Natal Security Branch, while the fate of four<sup>45</sup> remains unknown. The remaining two of the twenty-four internal abductees survived.
110. All the internal abductions for which amnesty was sought occurred after 1986, with sixteen in 1987 and 1988. The dramatic upsurge in the killing of internal

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43 Steve Biko, Stanza Bopape and Sam Xolile, aka Valdez Mbathani.

44 This figure excludes the abductions allegedly carried out by the SADF in Kwandebele.

45 Moabi Dipale, Nokuthula Simelane, Moses Morudu and Peter Thabuleka.

activists confirms the Commission's earlier finding that the practice of killing people outside South Africa became widespread in response to the intensified internal uprising of the mid-1980s.<sup>46</sup>

111. Seventeen of the abductions involved MK operatives based outside South Africa's borders. Of these, only Mr Cleophas Ndlovu and Mr Joseph Nduli, who were abducted in 1976, were formally detained and charged. Mr Herbert Fanele Mbale was abducted in 1972 and was returned to Lesotho following a formal protest from the Lesotho government.
112. A strong motive for the remaining external abductions seems to have been that the targets were regarded as key persons in MK's military machinery. The intention was to interrogate and if possible recruit them. Where the attempt at 'turning' failed, the victims were killed. Amnesty applicants confessed to three such killings, namely those of Messrs Jameson Ngoloyi Mngomezulu, Mbovane Emmanuel Mzimela (aka Dion Cele) and Ms Phila Portia Ndwandwe (aka Zandile). A further five, and possibly six<sup>47</sup>, are said to have been recruited. The exact fate of the remaining five<sup>48</sup> is unknown.
113. In addition to the above MK abductions, the brother of an MK operative was abducted and killed by C1/Vlakplaas<sup>49</sup> and another internal activist<sup>50</sup> was killed while being abducted or arrested by the Transkei Security Branch and C1/Vlakplaas *askaris*.
114. Three amnesty applications dealing with the abduction and torture of local activists were received from SADF members in different regions of the country. In his application, Major Gert Cornelius Hugo referred to Orpheus, an operation that was designed to destroy the leadership and second tier leadership of the UDF. Hugo testified that the targets were abducted and taken to one of several abandoned premises at Barkly Bridge, Newton Park and Fairview, Port Elizabeth, where they were interrogated and tortured. According to Hugo, who was involved in providing logistical support, the operation began in the Eastern Cape in 1986 but later became a national operation and continued through 1987.

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46 Volume Two, Chapter Three, pp.287-9, and Volume Five, Chapter Six, p. 214ff.

47 Gaboutwelwe Christopher Mosiane, Vikelisizwe Colin Khumalo, Michael Dauwanga Matikinca, Ernest Nonjawangu (the 'Bhunye Four' abducted from Swaziland in April 1984), Glorius 'Glory' Lefoshie Sedibe, aka September, and possibly Jabulani Sidney Msibi, again both taken from Swaziland

48 All were abducted from Lesotho, the 'Ladybrand Four' (Joyce Keokanyetswe 'Betty' Boom, Tax Sejaname, Nomasonto Mashiya and Mbulelo Alfred Ngono), abducted in late December 1987 or early 1988, and Simon Mokgethla, aka Old Timer, abducted in mid-1986 [AC/2001/257].

49 Japie Maponya, brother of Odirile Maponya, aka Mainstay.

50 Batandwa Ndondo.

115. When the Commission asked the SADF about Operation Orpheus, the SADF denied its existence. However, applications received from Messrs Johan Edward Moerdyk [AM2001/031; AM7218/97] and Frans Nyoni Mandlazi [AM5027/97; AC/2001/277] concerning abductions in Kwandebele and the Eastern Transvaal reveal a similar *modus operandi* to that described by Hugo. Although Mandlazi was granted amnesty for the incidents for which he applied, Moerdyk's application was refused, as he had sought amnesty for knowledge of rather than participation in such abductions and torture.

## Torture

116. As discussed above, a very small proportion of security force applicants applied specifically for torture violations. When prompted, however, several applicants gave vivid and sometimes horrifying testimony of torture techniques used by members of the Security Branch and the SAP. One applicant described it thus:

*CAPT. ZEELIE: ... there were methods used, common assault, slapping with an open hand or with fists. Then there was also the tube method that was used and at that stage we used a wet bag that was pulled over a person's head ... and basically the person was suffocated for a short while. And then we also used shock methods where, at that stage, two electrical wires which were connected to a telephone-like device, was attached to the person. We would at that stage put a stick between a person's teeth so he can bite on it and then the telephone handle was turned and this sent a shock through the person, and at that stage that also sort of suffocated the person.*

*And then what I can recall now is the method of a broomstick where a person is handcuffed and his hands are pulled over his knees and the broomstick is pushed in-between, through his arms and legs and he's hung between two tables, and it is in that position that he is questioned...*

*... you took the person's mind and you made him believe that something could happen to him ... I took a hand grenade and it was a hand grenade that has been secured, there's no explosives in it, there's no detonator that could go off. And then that hand grenade, this is what I did, I would for example, take it and have the person hold it between his legs while his hands are bound behind his back and then psychologically you made him believe that if he opens his legs the hand grenade will drop to the floor and it will blow him up. .. and then, for example, we also used methods where persons would be assaulted by an interrogator and then the assault would be ceased and then perhaps the following*

*day you would use another interrogator and that interrogator would be the so-called 'nice guy' and he would speak nicely to the person and then psychologically that man will, this guy who is nice to him, he would trust this guy more and supply information to him ...*

*... I will honestly say that it was general practice in the Police and specifically in the final years where I was involved in the Security Branch. There was never any person that was ashamed to say that he had assaulted a person or had applied certain techniques in order to obtain certain information. (Bloemfontein hearing, 9 October 2000.)*

117. General Erasmus, who was Divisional Commander of the Eastern Cape and Witwatersrand Security Branches at the time of Mr Stanza Bopape's detention and death, told the Committee that he accepted that violence was used as part of interrogation. He confirmed that, while members of the Security Branch were never instructed to use torture, members of the police engaged in such practices with the tacit approval of their seniors (Pretoria hearing, 4 June 1998).
118. Yet, despite such testimony, two former commanding officers of the Security Branch and the SAP, Generals Johan Coetzee and Johan van der Merwe, denied that torture was condoned at a senior level. General Coetzee said that, where persons were found using such methods, the case would be investigated and, where sufficient evidence existed, the offending party would be charged. However, aside from one incident in which two police officers had been charged and convicted, he was unable to specify any other incident or produce any documentation or evidence showing that such action had been taken.
119. General van der Merwe, who applied for amnesty for his involvement in the cover up of the actions of Security Branch members involved in the killing of Mr Bopape, told the Amnesty Committee that torture and deaths in detention 'would be a very serious embarrassment for the South African Police and the national government'. He testified, however, that there was some sympathy for members who used torture 'in an effort to obtain information which could have led to the saving of lives'. Yet he insisted that they would have had to face the consequences of their actions. Police members who engaged in torture were aware of the seriousness of the offence and the 'dangerous position that could have come about if this matter was handled in the wrong manner'. He believed that offenders would not repeat their mistakes and, for this reason, he did nothing further about it. Ultimately, General van der Merwe conceded that his refusal to warn police members that the practice of torture would not be tolerated

amounted to a condonation of the practice and the protection from senior officers (Pretoria hearing, 1 September 1998).

## **Arson and sabotage**

120. The 1980s saw a pattern of state-directed sabotage and arson, authorised from the highest levels of government. The Amnesty Committee received applications for eighty-three incidents of bombing or arson.

### ***Attacks on buildings***

121. Attacks on offices included the 1982 bombing of the ANC offices in London, Cosatu House and Khotso House, all operations that were authorised at the highest level.<sup>51</sup> At the amnesty hearing into the bombing of Cosatu House, the Congress of South African Trade Unions (COSATU) produced evidence of forty-six attacks on their offices around the country.

122. Applications for amnesty were received for over twenty attacks on offices or buildings, including the following:
- a The bombing of Community House in Salt River, Cape Town on 29 August 1987. Tenants of the recently completed building were to include COSATU and several anti-apartheid organisations and non-governmental organisations (NGOs). Operatives from the Western Cape Security Branch, Security Branch Headquarters and SADF Special Forces applied for and were granted amnesty for this incident [AC/2002/150 AC/2002/042].
  - b An arson attack on Khanya House, the Pretoria offices of the South African Catholic Bishops' Conference on 12 October 1988, leading to the building being extensively damaged by fire. Members of C1/Vlakplaas and the Technical Section of Security Branch Headquarters applied for and were granted amnesty for this incident. A number of people were in the building at the time of the attack [AC/2000/215].<sup>52</sup>
  - c An explosion at the offices of the Early Learning Centre in Athlone Cape Town on 31 August 1989, minutes before the Cape Youth Congress were due to hold an executive meeting there. Members of Region Six of the CCB, an SADF Special Forces covert unit, were refused amnesty for lack of full disclosure [AC/2001/232].

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<sup>51</sup> Volume Two, Chapter Two, p. 157; Volume Two, Chapter Three, p. 289; Volume Two, Chapter Three, p. 29.

<sup>52</sup> AM5283/97;AM3765/96;AM3745/96;AM0066/96;AM4129/96;AMS184/97;AM4361/96;AM5452/97; AM4076/96;AM3916/96;AM3811/96;AM3922/96;AM3812/96;AM5451/97;AM3584/96;AM3764/96; AM5183/97;AM4358/97;AM3721/96.

### **Attacks on homes**

123. There were also applications for forty-eight attacks on houses by petrol bombing, other 'home-made' devices or, in the case of credibility operations,<sup>53</sup> modified grenades. A covert unit of the Northern Transvaal Security Branch, acting in concert with certain members of the SAP's Special Investigation Unit into unrest, was responsible for a number of petrol bomb and pentolite bomb attacks on the homes of activists in Mamelodi, Atteridgeville, Tembisa, Ekangala, Moutse and Pietersburg. At least three people are known to have died in these attacks.

### **Stratcom<sup>54</sup> operations**

124. Several applications related to activities in the mid-1970s by Stratcom operatives. These applications provided details of a range of threatening actions including vandalising cars and property and making threatening phone calls. Condoned by commanders, this behaviour developed into more serious attacks such as throwing bricks through windows, blackmail, loosening bolts on car wheels and firing shots at homes.

### **Credibility operations**

125. Attacks on installations were used to provide credibility for deep-cover agents and sources. This was the method used by the SIU during the 1980s. Applications were received from members of the SIU for approximately fourteen credibility operations, including several grenade attacks on houses using modified grenades, as well as a range of attacks on installations. These included blowing up railway lines, attacks on administration board offices and detonating dummy explosive devices on the property of a councillor and a university official. A more serious operation included the placing of explosive devices outside migrant hostels.

### **Illegal weapons**

126. Amnesty applications for dealing with the illegal movement of arms were dealt with in Chambers.<sup>55</sup>

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53 Credibility operations were designed to provide cover for deep cover agents.

54 Strategic communication or Stratcom: a form of psychological warfare waged by both conventional and unconventional means.

55 See this volume, Section One, Chapter Three for more information about chamber matters.

127. Some applications in this respect related to operations where the Security Branch was attempting to establish the credibility of a source or agent. Others involved Stratcom operations like the Krugersdorp incident where an arms cache of Eastern Bloc weapons was planted and then 'discovered,' providing the pretext for an SADF raid into Botswana<sup>56</sup> A number of applications involved establishing private arms caches in the 1990s, ostensibly to provide access to weapons in the event of the failure of negotiations and the outbreak of civil war.<sup>57</sup>
128. At least seven applicants from C1/Vlakplaas applied for amnesty for unlawfully transporting massive quantities of arms of Eastern Bloc origin from Koevoet in Namibia to South Africa. These were weapons that had been seized in the course of the Namibian war and were transferred and stored in an armoury belonging to Vlakplaas.<sup>58</sup>
129. However, the bulk of applications relating to the provision of unlawful weapons concern the supply of weaponry to the IFP in the 1990s.<sup>59</sup> These applications<sup>60</sup> came principally from C1/Vlakplaas and described how weapons seized in Namibia were supplied to the IFP on the East Rand and Natal. Several C1/Vlakplaas applicants also applied for amnesty for training the IFP in the use of such weaponry. Some of the applicants testified that the provision of arms was done with the approval of Security Branch Headquarters and was in line with a policy of support for the IFP.
130. C1/Vlakplaas operatives also applied for amnesty for the provision of weapons for the attempted overthrow of the then Chief Minister of the Transkei, General Bantu Holomisa. Testimony at the amnesty hearings confirms that this was done at the request of SADF operatives.<sup>61</sup> Kommandant Jan Anton Nieuwoudt of the SADF applied for amnesty for the attempt to overthrow General Holomisa in the Transkei in November 1990, but later withdrew his application.<sup>62</sup>

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56 AM4120/96;AM4152/96;AM4362/96; AM0066/96 and AM4396.

57 AM3766/96 and AM4358/96.

58 AC/2001/162; AC/2001/178; AC/2001/192; AC/2001/199; AC/2001/202; AC/2001/210; AC/2001/214.

59 See Volume Two, Chapter Seven, pp. 605–10 for further detail on the provision of weapons to the IFP.

60 AM5666/97;AM3764/96;AM3762/96;AM2775/96;AM2538/96.

61 AM 0066/96; AM3764/96;AM3766/96; AM5183/97 and AM4358/96.

62 The Amnesty Committee also received several applications from members of C1/Vlakplaas for their role in providing Kommandant Jan Anton Nieuwoudt with arms to be used in the coup. At the time Kommandant Nieuwoudt was based in IR-CIS, allegedly a private company that provided an intelligence capacity to General Oupa Gqoza, Chief Minister of the Ciskei, but in fact a front for the SADF.

131. The Amnesty Committee heard that the armoury was moved from Vlakplaas during the Harms investigation (East London hearing, 19 April 1999) and transferred first to Daisy farm (owned by Security Branch Headquarters) and then to Mechem, a subsidiary of Armscor. However, operatives continued to have access to the armoury long after they ceased to be members of the SAP. In one instance, Mr Phillip Powell of the IFP received from Colonel de Kock six 10-ton truckloads of weapons, said to be a fraction of the remaining armoury. At the time of this handover, in October 1993, Colonel de Kock was no longer a member of the SAP.<sup>63</sup>
132. Evidence that emerged before the Amnesty Committee confirmed the long-held view that the Security Branch was involved in the conflict in the 1990s. Colonel de Kock and others of his operatives asserted in their applications that the provision of arms was authorised by the commander of Group C, Brigadier 'Krappies' Engelbrecht and the head of the Security Branch<sup>64</sup>, General SJJ 'Basie' Smit.
133. Mr Gary Leon Pollock, who was based first at Alexandra Security Branch (a sub-branch of Witwatersrand) and later at the Natal Security Branch, confirmed that these actions were in line with Security Branch policy at the time. He testified that, following what he described as 'the severe lowering of morale and confusion among Security Branch personnel that accompanied the negotiations phase,' generals from Security Branch Headquarters visited the Alexandra Security Branch. The generals assured members that their 'tasks were still the same' and would in fact be increased to strengthen the bargaining positions of the National Party in the negotiating process. These 'tasks' involved creating an environment of instability and eroding the credibility of the ANC.
134. Pollock, who testified at the Security Forces hearing in November 2000, applied for amnesty for number of incidents, which included the supply of weapons to the IFP; warning IFP hostels of impending police raids; discharge of firearms in Alexandra at night to intensify residents' insecurity, and furnishing the IFP with the names of ANC members.

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<sup>63</sup> Volume Three, Chapter Three, p. 318ff.

<sup>64</sup> By that stage known as Crime Combating and Investigation following the re-organisation of the SAP in the 1990s.



## **JOINT OPERATIONS OF THE SECURITY BRANCH AND SPECIAL FORCES: EXAMPLES OF CASES WHERE SPECIAL FORCES DID NOT APPLY FOR AMNESTY**

135. Members of the SADF did not seek amnesty for any external operations, even where the planning of such operations took place inside South Africa. In a number of cases, however, applications were received from Security Branch operatives for their role in operations conducted with or by Special Forces operatives. In other words, we learn about the following cases from applications by the Security Branch and not from the SADF itself.

### **Nat Serache**

136. On 13 February 1985, a Special Forces team attacked the house of Mr Nat Serache in Gaborone, Botswana. According to applicants, MK members infiltrating South Africa used Mr Serache's home as a transit facility. Several days before the attack, a planning meeting attended by General Stanley Schutte, then head of the Security Branch and General AJ 'Kat' Liebenberg, then head of Special Forces, was held at a Security Branch safe house in Ottoshoop, Transvaal. The attack was launched that night, injuring Mr Serache and another person.

### **Vernon Nkadimeng**

137. On 14 May 1985, Vernon Nkadimeng (aka Rogers Mevi), a senior ANC/SACTU official,<sup>65</sup> was killed in a car bomb explosion in Gaborone, Botswana. The divisional commander of the Western Transvaal Security Branch, Brigadier Wickus Loots, and the commander of the Zeerust Security branch, Captain Rudi Crause, applied for amnesty for their role in providing target intelligence on Mr Nkadimeng and MK Jackie Molefe to Commandant Charl Naude, then operational commander of Barnacle, approximately one month before the operation.

### **The Gaborone raid, 1985**

138. On the night of 14 June 1985, the eve of the ANC's consultative conference in Kabwe, Zambia, Special Forces conducted a government-sanctioned cross-border raid into Gaborone, Botswana, killing twelve people. Security Branch

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<sup>65</sup> South African Congress of Trade Unions

operatives from Security Branch Headquarters and the Western Transvaal and Soweto divisions applied for amnesty for identifying targets and supplying intelligence. The applicants testified to attending high-level meetings at Security Branch and Special Forces Headquarters at which generals from the SAP and SADF were present. One operative testified to accompanying Military Intelligence and Special Forces personnel to Cape Town to brief Ministers le Grange and Malan several days before the raid.

139. A Special Forces operations centre was set up at Nietverdiend near the Botswana border, and SADF forces were assembled to strike at Botswana should the Botswana Defence Force retaliate.

### **Aubrey Mkhwanazi and Sadi Pule**

140. On 31 December 1986, the Western Transvaal Security Branch heard from a source that two MK operatives, Aubrey Mkhwanazi (aka Take Five) and Sadi Pule, were staying in a house in Ramoutse, Botswana. Acting immediately on this information, they were authorised by Security Branch Headquarters to approach Special Forces with a view to conducting an operation. A raid was launched that night, leading to the death of a 72-year-old Botswana national, Maponyana Thero Segopa. Both of the intended targets had apparently been warned of an impending attack and were not in the house at the time.

### **The McKenzie car bomb**

141. On 9 April 1987, Ms Mmaditsebe Phetolo, a Botswana national, and two children were killed when a car bomb exploded outside their home in Gaborone, Botswana. The explosion was the result of a failed operation undertaken jointly by the Northern and Western Transvaal Security Branches and Special Forces/Barnacle operatives. The bomb had been placed in a secret compartment in a vehicle belonging to a Northern Transvaal Security Branch source, Charles McKenzie. McKenzie, who had successfully infiltrated MK Special Operations in Botswana, had transported arms into South Africa for MK.
142. According to applicants, the intended targets of the operation were Messrs Johannes Mnisi (aka Victor Molefe), Lester Dumakude and Ernest Lekoto Pule, all Special Operations operatives. The plan was to deliver the vehicle to the MK operatives and to detonate it by remote control while they were in the vehicle. Alternatively the bomb would detonate when the secret compartment in which

the arms were stored was opened. However, McKenzie was already suspected of being a spy and was apprehended by MK on his arrival in Botswana. McKenzie was allegedly not aware of the bomb. His vehicle was parked in a street in Gaborone, Botswana, where it exploded several days later, killing Ms Phetolo, her seven-year-old daughter and infant niece.

143. As Special Forces operatives were responsible for the Botswana leg of the operation, it is not known whether the explosion happened accidentally or whether Special Forces detonated the bomb.
144. Amnesty applications were received from Brigadier Cronje and two Section A<sup>66</sup> operatives, from two members of the Western Transvaal Security Branch who assisted with the operations, and from General Johan van der Merwe, who authorised it.

### **The Oasis Motel**

145. Applicants from the Western Transvaal and Soweto Security Branches testified that they took part in two aborted operations with Special Forces in August or September 1987. The aim had been to kill several prominent MK and SACTU leaders based in Botswana who were allegedly in the process of setting up MK or Industrial Combat Units within the Post and Telegraphic Workers' Association (POTWA), a trade union in South Africa. Special Forces called off the first attempt for reasons unknown to the applicants. In the second operation, an explosive device was set up in the room of the Oasis Motel, where the targets were due to meet a source of the Soweto Security Branch, SWT 180. When they did not arrive for the meeting, the device was dismantled.

### **The Bulawayo operation**

146. On 11 January 1988, a car bomb exploded outside a house in Harare, Zimbabwe. During the subsequent trial it emerged that the incident had been an operation conducted by the Zimbabwe cell of the CCB.
147. According to evidence at the trial, Mr Kevin John Woods, a Zimbabwean citizen recruited by the NIS, had received information that MK was using the house as a transit facility. He later received instructions from Pretoria to liaise with the

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<sup>66</sup> Section A monitored the activities of Indian, coloured and white activists and organisations.

CCB cell with a view to launching an attack on the transit facility. The CCB cell assembled a car bomb and recruited Mr Amon Mwanza, an unemployed Zimbabwean citizen, to drive the car to the targeted house. The car was detonated outside the house, killing Mr Mwanza and severely injuring a resident of the house.

148. Kevin Woods and three members of the CCB cell, Barry Bawden, Philip Conjwayo and Michael Smith, were sentenced to death for this operation. The sentence was later commuted to life imprisonment. Mr Woods, the only one of the four to apply for amnesty, later withdrew his application.

### **Patrick Vundla and the arms cache**

149. A number of Security Branch operatives applied for their role in one, or possibly two, operations involving the establishment of an arms cache in Krugersdorp on 28 March 1988 [AC/2001/228 & AC/2001/119]. The applicants were Messrs JH le Roux [AM4148/96], JC Meyer [AM4152/96] MJ Naude [AM4362/96], EA de Kock [AM0066/96], JC Coetzee [AM4120/96] and WF Schoon [AM4396/96].
150. Brigadier Schoon, head of Group C at Security Branch Headquarters, told the Committee that he was approached by the Chief of the Army, General AJ 'Kat' Liebenberg, and asked whether the Security Branch could establish and then 'discover' an arms cache of Eastern Bloc weapons. The arms cache could be ascribed to MK units in Botswana, thus providing a pretext to launch an attack. The SADF seems to have been having difficulty in getting political authorisation for the proposed operation and was hoping that this would tilt the balance in their favour. Brigadier Schoon's allegation could not be tested, as General Liebenberg was no longer alive and none of the SADF personnel had applied for amnesty for this incident.
151. An arms cache was duly established at Krugersdorp and later 'uncovered' by the Security Branch. Brigadier Schoon and one of his operatives accompanied Generals Liebenberg and Joubert to Cape Town to be on standby should they be required to brief the relevant ministers. The proposed attack was authorised and conducted on 28 March 1988. The target and outcome of this attack is not clear.
152. On the same day, a separate 'hot pursuit' operation was launched on an alleged transit house in Botswana. This followed the capture of one and the killing three

days later of three MK operatives near Derdepoort, Thabazimbi by an SADF patrol. Mr Vuyo Moleli (aka Kagiso Mogale or Vito), the captured operative, was handed to the Western Transvaal Security Branch. During interrogation, they established that his unit had stayed overnight at a transit house in Botswana. They then handed him over to Special Forces who launched an attack on the house, killing a senior MK commander, Mr Patrick Sandile Mvundla, (aka Naledi Sehume) and two women, both of whom were Botswana nationals. Mr WJ Loots [AM4149/96; AC/2001/228] was granted amnesty for this incident.

153. While it is possible that the above two incidents are in fact one, detail from the amnesty hearing seems to suggest two separate incidents.

### **Other operations**

154. Some of the other operations in which SADF personnel have been implicated by Security Branch personnel include:
- a The bombing of two houses in Mbabane, Swaziland, on 4 June 1980 in which MK operative Patrick Mmakou and a seven-year-old boy, Patrick Nkosi, were killed.
  - b The abduction from Swaziland and subsequent torture of ANC member Dayan 'Joe' Pillay on 19 May 1981.
  - c The killing of seven COSAS activists and the injuring of eight people on the East Rand on 26 June 1985 in a Security Branch operation code-named Operation Zero.

## **PART THREE: KEY SECURITY FORCE UNITS INVOLVED IN GROSS HUMAN RIGHTS VIOLATIONS**

### **SECURITY BRANCH HEADQUARTERS**

155. The Headquarters of the Security Branch was based in Pretoria. Until 1992, the Security Branch was organised centrally, with headquarters in Pretoria and nineteen regional divisions (excluding South West Africa).<sup>67</sup>

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<sup>67</sup> In the 1990s, the Security Branch was renamed Crime Intelligence and Investigation and fell under the same division as the old Criminal Investigation Department (CID), and several of the regional divisions were combined. However, for the sake of simplicity and because the bulk of applications fall into the pre-1990 period, this report has not distinguished between the pre- and post-1990 periods.

156. A total of eighty-one applicants applied for amnesty for offences committed while based at Security Branch Headquarters. Forty-seven of these applicants were based in C1/Vlakplaas.

### **Case study: C1/Vlakplaas**

157. Thirty-five of the forty-seven Vlakplaas members who applied for amnesty were white Security Branch operatives and seven were black. Only five C1-based *askaris* applied for amnesty.<sup>68</sup>

158. Vlakplaas is a 44-hectare farm just outside Pretoria. C1 was ostensibly a rehabilitation project for 'reformed members' of the liberation movements. However, beyond the employment of *askaris* as trackers of MK and APLA combatants, there is no sign that any rehabilitation took place.

159. From its inception through the 1980s, C1/Vlakplaas was deployed in the following ways:

- a assisting in the tracking and identification of members of the liberation movement who had received military training and were active in MK and APLA structures;
- b conducting covert cross-border operations (Swaziland remained the pre-eminent area of activity, always in close liaison with the Eastern Transvaal Security Branch division), and
- c conducting internal covert operations, either where a political decision or the command structure of the Security Branch decided on a covert operation or during the routine deployment of *askaris* in regions. In some instances this was at the request of the divisional or local branch; in others as an outcome of the tracking work being undertaken.

160. *Askaris* were former members of the liberation movements who came to work for the Security Branch, providing information, identifying and tracing former comrades. A number were also operationally deployed.

161. Former members of the liberation movements became *askaris* if they defected from the liberation movements of their own accord or if they were arrested or captured. In some cases, attempts were made to 'turn' captured MK operatives using both orthodox and unorthodox methods during interrogation. Other

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<sup>68</sup> At least two others applied for amnesty but subsequently withdrew their applications.

*askaris* were MK operatives who had been abducted by the Security Branch from neighbouring states.<sup>69</sup> Several abductees remain disappeared and are believed to have been killed. The threats of death used to 'turn' *askaris* were not idle. Amnesty applications revealed that several operatives were killed for steadfastly refusing to co-operate.

162. *Askaris* were primarily used to infiltrate groups and to identify former comrades with whom they had trained in other countries. At the Pretoria hearing in July 1999, Mr Chris Mosiane testified:

*In the initial stages askaris were used as police dogs to sniff out insurgents with white SB [Security Branch members] as their handlers. Black SB were used to monitor the askaris.*

163. *Askaris* were initially treated as informers and were paid from a secret fund. Later, they were integrated into the SAP at the level of constable and were paid an SAP salary. While deployed in the regions, they were paid an additional amount, which was usually generated by making false claims to a secret fund. After successful operations they usually received bonuses.
164. The *askaris* used Vlakplaas as an operational base and resided in the townships where they attempted to maintain their cover as underground MK operatives. Although a few *askaris* escaped, most were far too frightened to attempt it. At his amnesty hearing, Colonel Eugene de Kock<sup>70</sup> testified that he had set up a spy network amongst the *askaris* and used electronic surveillance. He told the Amnesty Committee that he had also established a disciplinary structure to deal with internal issues and other infractions by *askaris* and white officers. However, *askaris* who exceeded their authority in operational situations or criminal matters were seldom punished.
165. Generally *askaris* were extremely effective. Because of their internal experience of MK structures, they were invaluable in identifying potential suspects, in infiltrating networks, in interrogations and in giving evidence for the state in trials.
166. A large number of white C1 operatives were drawn from Koevoet, the SAP Special Task Force or had specific counter-insurgency experience. Several had explosives training while a small number were former detectives who could 'arrange scenes' after covert operations in order to ensure they would not be traced to the security forces.

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<sup>69</sup> See Chris Mosiane interview, below.

<sup>70</sup> See further details on Eugene de Kock below (para 170 onwards).

167. In August 1980, Captain Dirk Coetzee was appointed commander of Vlakplaas. Under his command, C1/Vlakplaas members were drawn into other operational tasks, both within and outside South Africa. Coetzee and two black Vlakplaas operatives applied for amnesty for a number of operations.
168. Captain Jan Carel Coetzee assumed command of the unit after Dirk Coetzee was transferred to the uniform branch of the SAP at the end of 1981. Lieutenant Colonel Jan Hatting 'Jack' Cronje became commander of Vlakplaas in early 1983, with Jan Coetzee serving as second in command. Cronje, who had been a part of the SAP contingent in Rhodesia in 1974 and 1975 and afterwards did 'border duty' at Katimo Mulilo in SWA/Namibia, brought to the unit a far wider experience in the use of unconventional methods of counter-insurgency warfare.
169. Brigadier Cronje applied for amnesty for numerous offences committed during his subsequent appointment as divisional commander of the Northern Transvaal Security Branch, but for only two operations conducted as commander of C1/Vlakplaas. Both these operations confirm the continued use of C1/Vlakplaas as an operational unit. The first was the 22 November 1983 cross-border attack on Mr Zwelibanzi Nyanda, a member of MK's Natal urban machinery in which both Mr Nyanda and fellow-MK operative Keith McFadden were killed. The second was Operation Zero Zero, an entrapment operation which led to the deaths of eight and severe injuries to seven COSAS youths.
170. In 1983, during Cronje's term of office, another veteran of the Rhodesian and SWA/Namibian wars, Captain Eugene de Kock, was transferred to C1.<sup>71</sup> He remained as commander of C1 until 1993, when he left the SAP as a colonel with a payout of over R1 million.
171. In May 1994, Colonel de Kock was arrested and subsequently convicted. He applied for amnesty [AM0066/96] for incidents associated with<sup>72</sup>:

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71 Constable Eugene Alexander de Kock joined the SAP in January 1968 and spent nine months at Police College before being sent to Rhodesia to do 'border duty.' In 1978, he was deployed to the Security Branch office at Oshakati and on 1 January 1979 was transferred to the newly established Koevoet unit, attached to Security Branch Headquarters. De Kock himself engaged in numerous 'contacts' in the four years he spent as the head of a highly successful Koevoet unit. While still at Koevoet, De Kock had been identified as one of the operatives to take part in the bombing of the ANC offices in London, for which he was awarded the highest decoration, the SAP Star for Outstanding Service.

72 AC/1999/0242; AC/1999/0345; AC/1999/0349; AC/1999/0350; AC/2000/040; AC/2000/057; AC/2000/084; AC/2000/085; AC/2000/086; AC/2000/089; AC/2000/087; AC/2000/090; AC/2000/152; AC/2000/215; AC/2001/002; AC/2001/004; AC/2001/006; AC/2001/047; AC/2001/049; AC/2001/058; AC/2001/063; AC/2001/081-MK; AC/2001/094; AC/2001/095; AC/2001/108; AC/2001/141; AC/2001/146; AC/2001/148; AC/2001/167; AC/2001/171; AC/2001/179; AC/2001/225; AC/2001/227; AC/2001/228; AC/2001/231; AC/2001/241; AC/2001/252; AC/2001/272; AC/2001/273.



- over seventy killings, of which twenty-six were committed outside South Africa, including five of *askaris* or *ex-askaris*;
- nine abductions, three of which were committed outside South Africa;
- sabotage of five buildings;
- supply of weapons for attempted coup in the Transkei, and
- supply of weapons to the IFP.

172. During his amnesty hearings, De Kock repeatedly said that he took overall responsibility for the operatives under his command.

173. Fifteen of the killings for which De Kock sought amnesty were committed in the post-1990 period and fell into three broad categories. The first category reflected a continuation of C1's earlier cross border operations and involved the killing of six people in Botswana in April 1990 (the Chand incident). The second category related to the killing of own forces where it was feared they would disclose the nature of previous covert operations or, in the case of the attempted killing of Captain Dirk Coetzee, where they had already done so. The third category consisted of two incidents in which nine people were killed and which arose from operations related to the new focus for combating crime. In the first incident, Vlakplaas operatives applied for amnesty for covering up the killing of four alleged arm smugglers on 21 April 1991 in an abortive entrapment operation near Komatipoort. In the second incident, De Kock and his operatives ambushed a vehicle near Nelspruit on 26 March 1992, killing all four unarmed occupants, allegedly to foil a planned armed robbery. The leader of the group, Mr Tiisetso Leballo, a former driver of Ms Winnie Madikizela-Mandela, was later apprehended, interrogated and then shot dead. The applicants, who were denied amnesty, claimed that they believed the planned armed robbery to have been aimed at securing funds for the ANC.

174. In addition to killings, applicant De Kock and some of his team applied for a range of offences relating to the supply of weapons to the IFP in Johannesburg and Natal and to SADF operatives and agents involved in the attempted overthrow of Chief Minister Bantu Holomisa in the Transkei.

175. The Amnesty Committee also received applications for the killing of seven *askaris* from Dirk Coetzee and Eugene de Kock of C1/Vlakplaas and several of their operatives, and from Port Natal Security Branch operatives: Nkosinathi Peter Dlamini and Ace Moema were killed while Coetzee was commander of Vlakplaas, and Pat Mafuna was killed on an unknown date between 1982 and 1986. Moses

Nthelang was killed in a drunken frenzy after he reported having lost his firearm. The remaining three (Brian Ngqulunga, Neville Goodwill Sikhakane and escaped *askari* Johannes Temba Mabotha) were killed in the post-1990 period. Following the disclosures of Butana Nofomela and Dirk Coetzee in 1989, there was increasing fear that *askaris* would reveal the workings of C1/Vlakplaas.

176. The story of Mr Tlhomedi Ephraim Mfalapitsa, aka Francis Tladi [AM3592/96] provides insight into the experience of *askaris*. Mr Mfalapitsa left South Africa in 1976 and joined the ANC in exile. He underwent military training, was deployed on missions into South Africa and finally ended up at military headquarters in Zambia.
177. After the bombing of Nova Catengue camp in 1979, the ANC became extremely edgy about security. It was at this stage that Mr Mfalapitsa found himself party to the torture of suspects during interrogation and witnessed the killing of an operative by other members of his unit. He testified to the Amnesty Committee that he became increasingly disillusioned with the ANC and, in November 1981, returned to South Africa and handed himself over to the SAP:

*I told the South African Police that I am not interested in joining either side of the conflict. I wanted them to debrief me and set me free because there was nowhere else to go and this is my country. And it was my experience and my arrest in Botswana, I saw many people who were stateless, who had no place to go. ... And then, they refused me. They said they could not let me, after having been in military structure in which Joe Modise is the Chief of the armed forces of the MK. So I helped and I was forced to join the South African Police. (Johannesburg hearing, May 1999.)*

178. In January 1982, Mr Mfalapitsa was enrolled as an *askari* at C1/Vlakplaas. Shortly afterwards, he was approached by a neighbour's son, Mr Zandisile Musi, who asked him for help in leaving South Africa. Musi, whose two brothers had left South Africa with Mfalapitsa, had no idea that he had changed sides. Unsure whether this was a trap, Mr Mfalapitsa reported the request and was instructed to continue posing as an MK operative.
179. C1 commander Jan Coetzee asked for and received authorisation for an entrapment operation. On instructions from Coetzee, Mfalapitsa offered to train Zandisile Musi and his friends. On the appointed day, he took the four youths to an outbuilding on a disused mine near Krugersdorp where explosives had already been laid. Mfalapitsa left the building and the explosives were detonated, killing three and severely injuring Musi.

## Eastern Transvaal Security Branch

180. The divisional headquarters of the Eastern Transvaal Security Branch was based at Middelburg, with branches in Ermelo (a sub-branch in Piet Retief), Witbank, Nelspruit, Secunda, Lebombo and Burgersfort. Members of the Eastern Transvaal Security Branch were also based at several border posts, including Oshoek, Golela, Houtkop, and Nerston.
181. Seventeen members of the Eastern Transvaal Security Branch applied for amnesty for fifteen incidents committed between the late 1970s and 1988. These incidents included twenty-five killings, seven abductions and at least three instances of torture and/or severe assault.
182. With minor exceptions, the applications relate to cross-border action against MK operatives in Swaziland or entering South Africa from Swaziland. The ANC submission records a total of at least fifty-two deaths of Swaziland-based MK operatives 'at enemy hands'. A further eight on the list were killed near Piet Retief while infiltrating South Africa, as were several other MK combatants. The above applications account for only fourteen of these.
183. Members of the Eastern Transvaal Security Branch sought amnesty only for operations that were conducted jointly with other Security Branch divisions, principally C1/Vlakplaas, and for which the Amnesty Committee had already received applications.<sup>73</sup> Amnesty was granted in thirty-eight cases, partially granted in two and refused in one instance.
184. One case involved ANC intelligence operative Jabulani Sidney Msibi, a former bodyguard of ANC President Oliver Tambo. The situation arose because members of the Branch suspected that they had been infiltrated by the ANC. When suspicion fell on a Nelspruit Security Branch operative, Warrant Officer Malaza, he allegedly confessed, naming Msibi as his handler. He was then instructed to set up a meeting with Msibi in Swaziland. Msibi was abducted and taken to Daisy Farm.
185. Although the Eastern Transvaal Security Branch claimed that Msibi became an informer, De Kock denied this at his amnesty hearing. Addressing Mr Msibi's family, he said:

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<sup>73</sup> Note, for example, a late amendment to the application by FHS Labuschagne during the section 29 process, which the Amnesty Committee later rejected.

*And I just want to tell you that his dignity and his integrity, his faith and his loyalty in the ANC, remained unscathed consistently and that is how he died. He was the sort of man who I, at any time, would have wanted in my life with me at my darkest hours. That is the kind of person I would have wanted with me. In my limited capacity as a human being, he has all the respect that I could muster and I believe that if any of my members have the courage of their conviction and if they would speak the truth, they would underwrite what I have just said, that he is worthy of respect of the party and the people whom he served at that time.*

*Within my limited capacity as a human being and my even more limited capacity due to my special circumstances, I would like to say that regarding me, he was one of the ANC's and the country's most loyal supporters. He stubbornly refused that anything should break him or his loyalty, and I would just like to tell the family that. (Hearing, August 2000.)*

186. Shortly after his release from detention, Mr Jabulani Msibi was killed in unknown circumstances.

## **Far Northern Transvaal Division**

187. The Far Northern Transvaal Security Branch was based at Pietersburg and had branches in Nylstroom, Thabazimbi, Ellisras, Louis Trichardt, Messina, Tzaneen, Phalaborwa and Giyani. Its area of operation included three international borders: Mozambique, Zimbabwe and Botswana.
188. Nineteen applicants from the Far Northern Transvaal Security Branch applied for amnesty for two separate incidents.
189. The first was for the killing of six MK operatives at Alldays on 10 July 1986 and for perjury committed during the inquest into the deaths. This matter was investigated by the Transvaal Attorney-General after one of the participants in the ambush made a statement to the effect that he had led the six into the ambush without any intention of arresting them. Several of the applicants had been advised by the investigating team that charges of murder were being considered. Only five out of fourteen applicants were granted amnesty for the Alldays ambush [AC/1999/176].
190. A second set of applications involved two acts of illegal entry and theft from the ANC and COSATU offices in the 1990–92 period. One applicant sought amnesty

for both incidents. Six applicants were granted amnesty for the latter incident [AC/1997/071; AC/2001/234].

## **Western Transvaal Security Branch**

191. The divisional headquarters of the Western Transvaal Security Branch was based in Potchefstroom, with branches and sub-branches at Zeerust, Rustenburg and Klerksdorp. Security Branch operatives were also based at the Derdepoort, Kopfontein and Buffelsdrifhek border posts with Botswana.
192. Eleven members of the Western Transvaal Security Branch applied for amnesty. The eleven included two divisional commanders and the branch commander of Zeerust. The thirteen incidents applied for involved thirty-three killings, numerous attempted killings and several counts of assault or torture.
193. Amnesty was granted in thirty-four instances, refused in two and partially granted in three.<sup>74</sup>

## **Soweto Security Branch**

194. A key component of the Soweto Security Branch was the SIU<sup>75</sup>, which ran a number of covert agents and sources both inside and outside the country.
195. Twenty-two members of the Soweto Security Branch, including three divisional commanders and at least eleven members of the SIU, applied for amnesty for twenty-nine incidents committed between 1980 and 1992. These incidents involved at least twenty-two killings, two abductions/torture and approximately fourteen sabotage and/or credibility operations.
196. Four of the killings resulted from Soweto Security Branch operations. Soweto Security Branch members either provided intelligence for or participated directly in the other operations.
197. Most of the incidents applied for were so-called 'credibility operations', conducted by members of the SIU in order to build up the credibility of sources

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<sup>74</sup> With regard to target identification for the Gaborone Raid, applicants were granted amnesty for the targets in respect of which they specifically remembered supplying information.

<sup>75</sup> Soweto Intelligence Unit.

or to facilitate infiltration by deep-cover agents. These operations covered a range of activities such as the establishment of arms caches, the sabotage of offices and installations and attacks on homes and hostels.

198. Amnesty was granted in seventy-six instances, refused in four, conditionally granted in five and granted/refused in three. No decision was handed down in one instance, in which the applicant had died.
199. During the hearing concerning the abduction of Ms Nokuthula Simelane, aka Sibongile, a 23-year-old University of Swaziland student and member of MK's Transvaal Urban Machinery, sharp differences emerged between the various applicants as black members of the SIU challenged the version of white applicants.
200. The Amnesty Committee heard evidence that, in the early 1980s, two deep cover agents of the SIU, RS269 (Sergeant Langa, aka Frank or Big) and RS243 (Sergeant 'Terror' Mkhonza, aka Scotch) infiltrated MK's Transvaal machinery with the help of an informer, SWT66 (Nompumelelo).
201. Early in September 1983, Mkhonza was instructed by his MK contact to meet Sibongile (Ms Nokuthula Simelane) at the Carlton Centre, Johannesburg. After the meeting, Mkhonza led her to the basement parking area where they were seized by waiting SIU members and bundled into the boot of a car. Ms Simelane was, according to all applicants, severely assaulted and brutally beaten.
202. She was subsequently transferred to a farm near Northam in the current North West. Here she was held in a room in an outside building for a period of approximately four to five weeks. Lieutenant Willem 'Timol' Coetzee, Warrant Officer Anton Pretorius and Sergeant Frederick Barnard Mong were tasked with interrogating and recruiting Ms Simelane. When she was not being interrogated, Ms Simelane was under constant guard by black members of the SIU. At night, she was cuffed and chained to her bed with leg irons. The black members, who were responsible for guarding her, slept either in or outside her room.
203. Black SIU applicants, Constables Veyi and Selamolela, testified that she was repeatedly and brutally tortured throughout her stay on the farm, finally becoming 'unrecognisable'. The white applicants denied this vehemently.
204. According to their evidence, the victim had been severely assaulted during the first week and had, on more than one occasion, been put in a dam after soiling

herself while being tortured. However, they alleged that, after the first week, she agreed to work for them and that they spent the remaining weeks of her 'detention' preparing her for her work as an agent. Thereafter, they claimed that they returned her to Swaziland with the help of Sergeants Mothiba and Langa, both since deceased. After that they lost contact with her.

205. This testimony was challenged by Veyi and Selamolela, who testified that the victim's physical state made it extremely unlikely that she could have been in a fit state to be returned to Swaziland. Constable Veyi testified that he had last seen Ms Simelane bound and in the boot of Lieutenant Coetzee's car and that Sergeant Mothiba had told him that she had been killed.

206. In refusing amnesty to applicants Coetzee, Pretorius and Mong, the Amnesty Committee said of Ms Simelane:

*During her detention for a period of approximately five weeks, she was continuously and very seriously assaulted by the group of Security Police, under the command of Coetzee, who held her captive. All attempts to extract information concerning MK or its operations as well as attempts to recruit her to become a Security Police informer, were fruitless. Due to the prolonged and sustained assaults, Ms Simelane's physical condition deteriorated to the extent that she was hardly recognisable and could barely walk. Ms Simelane was last seen where she was lying with her hands and feet cuffed in the boot of Coetzee's vehicle. She never returned to her familiar environment in Swaziland ... and has disappeared since. It is not necessary for the purpose of this matter to make a definitive finding on the eventual fate of Ms Simelane. [AC/2001/185.]*

## **Witwatersrand Security Branch**

207. The divisional headquarters of the Witwatersrand Security Branch was based at John Vorster Square in Johannesburg. Seventeen of its members sought amnesty for various offences committed between the late 1970s and 1992. Two members of the Eastern Transvaal Security Branch, one of whom was the divisional commander, applied for amnesty for assisting with the disposal of the body of Mr Stanza Bopape, a detainee who died in Witwatersrand Security Branch custody.<sup>76</sup>

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<sup>76</sup> See Volume Two, Chapter Two, pp. 212–14, and Volume Three, Chapter Six, pp. 620–24.

208. The nature of the violations for which amnesty was sought included scores of Stratcom operations (see below); eleven specified acts of torture and/or assault and a number of unspecified acts of torture and/or assault; numerous instances of attempting to cover up offences committed by the police; involvement in some seven acts of sabotage and bombing (including the bombings of Cosatu House and Khotso House); several attempted killings; several instances of supplying weapons to the IFP in the early 1990s, and one killing.

### ***Stratcom and Intelligence Johannesburg***

209. Intelligence Johannesburg (IJ) was a unit at John Vorster Square whose functions included routine intelligence tasks such as surveillance and recruitment, unlawful tapping of telephones and interception of mail. IJ was also involved in a number of activities connected to Stratcom operations.

210. The Amnesty Committee received an application from Lieutenant Michael Bellingan [AM2880/96], who was attached to IJ between 1984 and 1986. Two other applications regarding Stratcom operations were received from members of the Witwatersrand Security Branch, Paul Francis Erasmus [AM3690/96] and Gary Leon Pollock [AM2538/96]. All three applicants applied for a range of unlawful operations, broadly classified as disinformation, propaganda and 'dirty tricks'.

211. Stratcom (Strategic communication) was a form of psychological warfare waged by both conventional and unconventional means. Its earlier activities involved random acts of intimidation such as the vandalising of property, the making of threatening phone calls and so on. Later it involved actions such as the unlawful establishing of arms caches in an attempt to establish the credibility of Security Branch agents or to provide a pretext for actions such as the SADF raid into Botswana in 1985.

212. From 1984, following the appointment of Brigadier Gerrit Erasmus as head of the Security Branch, Stratcom actions became less random and more co-ordinated. This shift coincided with the formal adoption of Stratcom as state policy in 1984 and the establishment of a sub-committee Tak Strategiese Kommunikasie (TSK – Strategic Communications Branch) as part of the Secretariat of the State Security Council, with representatives from the Security Branch, Military Intelligence and the NIS.



213. Former Minister of Law and Order Adriaan Vlok testified that Stratcom was an official policy of the government and conceded that it was engaged in unlawful actions. An example of a Stratcom action, he told the Amnesty Committee, might include spreading disinformation about an individual in order to cause people to suspect him of being an agent or even attack him.<sup>77</sup>
214. Applicants Erasmus and Bellingan testified that there were two kinds of Stratcom, loosely referred to as 'soft' and 'hard' Stratcom. Propaganda and disinformation made up the 'soft' side of Stratcom while 'hard' Stratcom referred to 'active measures'. Mr Bellingan cited the examples of the bombings of Cosatu House and Khotso House and the 'Cry Freedom' incident. He said that the use of 'hard' Stratcom came about as a consequence of intensifying resistance, which led to the adoption of the strategy of counter-revolutionary warfare.
215. The bulk of the incidents for which the applicants sought amnesty fell broadly within the range of 'soft' and 'hard' actions. They included: graffiti, fake pamphlets, pouring paint remover over vehicles, disrupting protest gatherings through the use of stink bombs or teargas, theft, threatening phone calls, blackmail, framing, assault, slashing of car tyres, bricks through windows, loosening wheel nuts and bolts of vehicles, firing shots at houses, and arson and petrol bomb attacks on vehicles, homes and buildings.
216. Erasmus, Bellingan and Pollock all testified that one of the aims and strategies of Stratcom was to sow division among 'the enemy'. According to Bellingan, intelligence reports were used to expose ideological rifts in organisations and then find ways to exploit the differences. The effect would be to 'divert their time and effort and resources away from us and as far as possible, against each other'.
217. Several of the incidents for which applicant Pollock sought amnesty fall into this category. He testified that the strategy of the Alexandra Security Branch in the early 1990s was to increase tensions between the IFP and those Alexandra residents perceived to be ANC supporters. Incidents included driving through Alexandra at night firing randomly, and furnishing the names of ANC members to the IFP.

## **West Rand Security Branch**

218. The divisional headquarters of the West Rand Security Branch was based at Krugersdorp, with branches at Roodepoort and Vereeniging. Five members of

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<sup>77</sup> Pretoria hearing, 20–30 July 1998.

the Branch applied for amnesty for six incidents. These include one abduction (which ended in a killing); three attempted killings; the establishment of an arms cache used as a pretext for a raid on Botswana in which three persons were killed, and two acts of sabotage (see above).

219. Amnesty was granted to all but one of the five.

### **East Rand Security Branch**

220. The East Rand Security Branch was based in Springs, with branches in Benoni and Germiston. Amnesty applications for two incidents were received from five applicants, including both divisional commanders. The incidents involved eight killings and at least seven attempted killings (all in Operation Zero Zero) and an attack on the home of a political activist. All applicants were granted amnesty.

### **Port Natal Security Branch**

221. The divisional headquarters of the Port Natal Security Branch was based at CR Swart SAP Headquarters in Durban, with branches or operatives based at Port Shepstone, Scottsburgh and Stanger.

222. Port Natal Security Branch played an extensive role in relation to MK activities in and from Swaziland. Like its counterparts in other parts of the country, it set up a Terrorist Detection or Tracing Unit in the mid-1980s. The unit was headed by then Major Andrew 'Andy' Russell Cavill Taylor and established a significant *askari* base, drawing additionally on the resources of the Pietermaritzburg-based Natal Security Branch and operating throughout the province. Most amnesty applicants applied for offences committed while they were part of this unit.

223. The *askari* unit operated from a number of safe houses and farms in Natal and established its main centre at a farm near Camperdown. The unit's primary task was tracing, apprehending and interrogating MK suspects, but as an operational unit it was also able to take proactive and reactive measures.

224. One of the ANC's submissions to the Commission notes a significant number of losses amongst its Natal operatives during the 1980s, with the number of operatives killed or disappeared rising sharply in 1987 and 1988. The rising number of deaths in these years coincides with the establishment of the Natal *askari* unit.

225. Sixteen members of the Port Natal Security Branch, including the divisional commander and the head of the Terrorist Detection Unit, applied for amnesty for twenty incidents committed between the late 1970s and 1991. These incidents involved more than ten abductions and seventeen killings, almost exclusively committed by members of the Terrorist Detection/*askari* unit between 1986 and 1990. The Amnesty Committee also received several amnesty applications for numerous acts of torture in the 1970s, including one from Colonel Taylor.
226. Applicants were granted amnesty in fifty-two instances and refused in four (the abduction and killing of Ms Ntombi Khubeka – see below). In five instances no decision was made as the applicant, Colonel Taylor, had died before the hearing.
227. Six members of the Port Natal Security Branch based in the Terrorism Investigation Section and two C1/Vlakplaas operatives applied for amnesty for their role in the abduction, death and subsequent disposal of the body of Ms Ntombikayise (Ntombi) Priscilla Ngcobo (née Khubeka) in April or May 1987.
228. Ms Khubeka lived in KwaMashu near Durban, and was suspected of acting as a co-ordinator between the external and internal units of MK. Two C1/Vlakplaas *askaris*, Xola Frank Mbane and a Mr Dube, made contact with her.
229. Mr Mbane drove Ms Khubeka to Battery Beach from where she was abducted by the Port Natal team, blindfolded, bound and taken to an abandoned shooting range at Winkelspruit, south of Durban. Still blindfolded, she was interrogated by a team consisting of Colonel Andy Taylor, Captain Hentie Botha, Sergeant Laurie Wasserman, Sergeant Cassie van der Westhuizen, Joe Coetzer and Warrant Officer 'Bossie' Basson.
230. Captain Botha testified that the interrogation lasted approximately fifteen to twenty minutes and that Taylor struck her approximately ten to fifteen times with a sjambok. Sergeant van der Westhuizen's testimony suggests that the interrogation lasted an hour. Both of these accounts were disputed by *askari* Mbane, who alleged that the interrogation lasted for about two hours and that he could hear her 'screams of pain' from where he waited outside.
231. Ms Khubeka's dead body was dumped near the Bhambayi informal settlement, some distance away from her home. Later Captain Botha established that her family was unaware of her death and appeared to believe that she had gone into exile. It was subsequently rumoured that she had left the country for

Mozambique because of the attentions of the Security Branch. It was only after the application was received by the Amnesty Committee that it became possible to discover what had happened to Ms Khubeka. Cases like this demonstrate the value of the principle of requiring full disclosure before amnesty is granted.

232. The Commission exhumed remains believed to be Ms Kubeka's from a pauper's grave at Charlottedale Cemetery in Stanger. In a post-mortem examination, a pathologist concluded that the remains matched those of Ntombi Khubeka. A single metallic object of approximately 10 mm in length fell from the skull and was later identified by a ballistics expert as a spent 7.65mm bullet. The University of Glasgow made a positive facial identification of the skull. Following a challenge by the applicants, the findings were confirmed by the SAPS Forensic Science Laboratory in Pretoria.
233. Applicants Botha, Du Preez, Wasserman and Van der Westhuizen were refused amnesty for failing to make full disclosure. Applicants Radebe and Baker, who were neither present during the interrogation nor involved in the disposal of the body, were granted amnesty for her abduction.

### **Natal Security Branch**

234. The Natal Security Branch was based in Pietermaritzburg, with branches or operatives based at Ladysmith, Greytown, Kokstad and Matatiele. Natal Security Branch operatives were also based at the Sani Pass and Boesmansnek Border Posts with Lesotho. Amongst the Branch's divisional commanders was Brigadier Jacobus Hendrik 'Jac' Buchner.
235. As mentioned above, the Natal Security Branch participated in the work of the *askari* unit and owned one of the farms from which the unit operated. It was on this farm near Elandskop that the bodies of three abductees were exhumed.
236. Applications were received from five members of the Natal Security Branch for six incidents committed between 1980 and 1988. These incidents included four killings, an attack on a homestead belonging to an IFP member as part of establishing credibility for a source, and an attempted abduction.
237. Amnesty was granted to all applicants for all incidents excluding an attempted abduction in Swaziland.

## **Northern Natal Security Branch**

238. The Northern Natal Security Branch was based at Newcastle, with operatives based at Vryheid, Empangeni, Eshowe, Jozini, Ndumo, Melmoth and Nongoma.
239. Two applications were received from the Northern Natal Security Branch for an abduction and two killings, one in 1980 and one in 1985. Both applicants, warrant officers at the time, were granted amnesty for the 1980 killing, but the applications for the 1985 abduction and the killing of Mr Jameson Ngoloyi Mngomezulu were refused.

## **Eastern Cape Security Branch**

240. The divisional headquarters of the Eastern Cape Security Branch was based in the Sanlam building in Port Elizabeth, where several detainees lost their lives at the hands of the Security Branch. The headquarters later moved to Louis Le Grange Square. Branches and sub-branches were based in Uitenhage, Cradock, Grahamstown and Fort Beaufort.
241. Twelve members of the Eastern Cape Security Branch, including two divisional commanders, applied for amnesty for eight incidents. A Security Branch informer, Patrick Mncedisi Hlongwane, also applied for amnesty for a number of incidents. Applications were also received from members of the C1 (Vlakplaas) unit and from the Technical Division of Security Branch Headquarters for their participation in Eastern Cape Security Branch operations.
242. Incidents applied for include nine or possibly ten abductions and fifteen killings that occurred between 1977 and 1989. Only three of the victims appeared to be directly linked to MK structures (Gcinisizwe Kondile, Siphwe Mthimkulu and Topsy Madaka). Eight of the remaining twelve were prominent political figures (Steve Biko, the 'Pebco Three' and the 'Cradock Four'), three were Security Branch operatives and one was an informer (linked to the 'Motherwell Four').
243. Applicants were granted amnesty in ten instances and refused in eighteen<sup>78</sup> Mr Hlongwane was refused amnesty for all acts associated with his activities as an informer for the Eastern Cape Security Branch in the 1980s.

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<sup>78</sup> Steve Biko, the 'Pebco Three', the 'Cradock Four', the 'Motherwell Four', the torture of Mkhuseleli Jack.

## **Border Security Branch**

244. The Border Security Branch was based in East London, with branches at Queenstown, Aliwal North, King William's Town and Elliot.
245. The Amnesty Committee received an application from a former Divisional Commander of the Border Security Branch, then Colonel Johannes Lodewikus Griebenauw, and one from one of his subordinates for their role in assisting the SADF in an operation code-named Katzen.<sup>79</sup> They were both granted amnesty. Major General Griebenauw, then still a Colonel, also applied for amnesty for his role in securing jobs in the SADF for two Transkei Security Branch operatives who were facing charges arising from the killing of MK operative Sithembele Zokwe in Butterworth in the Transkei on 11 June 1988. This application was refused, as no offence was specified.

## **Western Cape Security Branch**

246. The divisional headquarters of the Western Cape Security Branch was based at Caledon Square and later in Loop Street in Cape Town.
247. Five members of the Western Cape Security Branch applied for amnesty for five incidents and an unspecified number of incidents involving torture. The five incidents included three acts of sabotage, one killing and one attempted killing. Several of the applicants belonged to the Terrorist Tracking Unit.
248. Amnesty was granted in all but two incidents.

## **Orange Free State Security Branch**

249. The Orange Free State Security Branch was based at Bloemfontein with a branch at Ladybrand and a sub-branch at ThabaNchu and Bethlehem. Orange Free State Security Branch operatives were also based at several border posts with Lesotho.
250. Nine applicants from the Orange Free State Security Branch applied for twelve specified incidents. These included four abductions, four attempted killings, torture, and a number of attacks on houses or vehicles using petrol bombs. Applicants

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<sup>79</sup> Johannes Lodewikus Griebenauw [AM5182/97], Phillip Jacobus Fouche [AM6742/97].

in three incidents were divisional commanders: then Lieutenant-Colonels Johan van der Merwe, Dirk Genis and Eben Coetzee. An informer, later a police recruit, sought amnesty for some of the above incidents as well as an additional eight incidents. Amnesty was granted in eleven instances and refused in eighteen.

### **Northern Cape Security Branch**

251. The Northern Cape Security Branch was based in Kimberley and included a branch at Vryburg.
252. The branch commander of Vryburg applied for and was granted amnesty for an attack on a church conducted in co-operation with C1/Vlakplaas.

### **Northern Transvaal Security Branch: A case study**

253. The Northern Transvaal Security Branch was based in Pretoria and was responsible for Pretoria and its environs, including the black townships of Mamelodi and Atteridgeville. The Branch had sub-branches in Brits and Bronkhorstspuit, from where it monitored Kwandebele. Brigadier Jan Hattingh 'Jack' Cronje was the divisional commander during the key period for which most applications were received. During this period, Brigadier Cronje also served in an official capacity on the JMC.<sup>80</sup>
254. Thirty members of the Northern Transvaal Security Branch applied for amnesty for sixty incidents committed between 1981 and 1990. Several operatives, including the Divisional Commander, also sought amnesty for a number of attacks on the homes of activists in the mid-1980s. In addition, two applications were received from members of the Western Transvaal Security Branch, six from the SADF Special Forces and five from members of other SAP units for a number of joint operations or incidents in which they had participated. An application was also received from the commanding officer of the Security Branch and from the Chairperson of a security sub-committee of the Northern Transvaal JMC for incidents that they had authorised.
255. Approximately twelve of the incidents involved torture or serious assault. There were twenty-two abductions; forty-five killings, three of which took place outside South Africa's borders; sixteen bombing/arson attacks on homes, and an

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<sup>80</sup> Joint Management Committee.

undisclosed number of attacks on the homes of activists, either with petrol bombs or with more lethal explosive devices.<sup>81</sup>

256. Amnesty was granted in 120 instances, refused in nine, conditionally granted or granted/refused in five. No decision was taken in two instances where the applicant was deceased and in one where the application was withdrawn.
257. Most of the violations for which amnesty was sought emanated from a covert group under the command of Lieutenant Jacques Hechter.
258. Attacks on the homes of activists took place primarily in Mamelodi, Atteridgeville, Brits and Tembisa. Targets of abductions and killings tended to be MK operatives or those suspected of being linked to MK members. Targets for intimidation tended to be those involved in mass campaigns. In several instances, these attacks led to deaths.
259. A pentolite bomb was thrown at the home of the Ledwaba family shortly after midnight on 18 September 1986. There were nine people in the house at the time of the attack, including a 62-year-old woman and children under the age of fifteen. The target of the attack, Ms May Ledwaba, was unharmed but Mr Walter Ledwaba, a relative, was killed and Mr Julian Selepe lost a hand and suffered severe damage to his leg [AM4158/96; AM2776/96; AM3759/96; AM2773/96].
260. In February 1987, the home of Mr Scheepers Morodu, chairperson of the Mamelodi Students' Congress, was petrol-bombed. Mr Morodu was uninjured, but his eleven-year-old niece, Sanna Puleng Letsie, was killed. Lieutenant Willem Johannes Momberg, Sergeant Eric Goosen, Captain Jacques Hechter, Brigadier Jan Hattingh Cronje and Brigadier Gilles van de Wall, who chaired the security sub-committee of the Northern Transvaal Joint Management Centre, applied for and were granted amnesty for this incident [AC/2001/061].
261. Approximately three months later, Scheepers Morodu was detained by the Northern Transvaal Security Branch. During interrogation, Lieutenant Hechter and Sergeant van Vuuren subjected him to various forms of torture, including electric shock, suffocation and assault. Eventually he agreed to become an informer. At the amnesty hearing into his torture, Mr Morodu testified that:

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<sup>81</sup> These are not mutually exclusive categories: many incidents involve multiple violations, where a person may be abducted, tortured and then killed. Similarly killings include those killed during an attack on a home.



*This act ruined my life and I could not walk safe in the township and each and every person suspected me ... I wouldn't have collaborated with them and they knew that for a fact when they interrogated me and that is why they brought in Mr Mamasela to come and talk to me – whereby I even refused. And when one of them left the office, Joe Mamasela told me in no uncertain terms that I am going to die if I don't work with them. (Pretoria hearing, 21 March 1999.)*

262. Morodu also testified that he has had to continue to receive medical treatment as a consequence of his torture:

*My last operation was last October 31st ... According to that doctor they said my nose was the bone which separates the two nostrils was went to the other side. I think it is as a result of them kicking me in my face.*

263. The covert operational unit was also involved in a number of abductions and killings. Lieutenant Hechter testified at the Masuku hearing on 26 March 2000 that:

*It started with petrol bombs and then, as we began to target the more serious activists, it went over to bomb attacks and then there were specific activists who were removed and eliminated from society.*

264. The covert unit was also involved in the following operations:

- a On 6 May 1987, Mr Joe Tsele, a UDF activist, was shot dead in his home in Bophuthatswana by Joe Mamasela.<sup>82</sup>
- b On the night of 15 July 1986, nine youths were shot dead and their bodies set alight in a house in Kwandebele. This operation happened just three weeks after ten youths had been killed near Nietverdiend (see above).
- c In the same month, Messrs Jackson Maake, Andrew Maponye Makope and Harold Sello Sefolo were abducted and taken to an abandoned Portland Cement Company property near Pretoria. Here they were interrogated and shocked with high voltage electricity until they were dead, one by one. Mr Sefolo, the last to die, witnessed the deaths of Mr Maake and Mr Makope. The bodies of the three were taken and placed on a landmine on an abandoned road in Bophuthatswana. The landmine was then detonated.<sup>83</sup>
- d Shortly after the above operation, an unknown person was abducted and taken to a deserted area in Bophuthatswana. Applicant Constable Sampina Bokaba testified that Hechter questioned Sefolo and, dissatisfied with his

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<sup>82</sup> Volume Two, Chapter Three, pp. 232–3.

<sup>83</sup> See Volume Two, Chapter Three, pp. 238–9.

responses, tied a wire around his neck and strangled him, with the assistance of Warrant Officer van Vuuren. Sefolo's body was then dumped in the veld with a tyre placed around his neck. Petrol was poured over him and he was set alight.<sup>84</sup>

- e In 1987, an unnamed man believed by the Security Branch to be a member of MK was picked up for questioning. He was driven into Mamelodi by between six and eight operatives, including Brigadier Cronje, the Divisional Commander of Northern Transvaal Security Branch, and asked to identify houses where MK members were hiding. When he was unable to identify a single house, he was assaulted by the operatives. Captain Prinsloo testified that he throttled the captive until his body became limp and sank to the ground. Lieutenant Momberg and Sergeant Goosen picked the victim up and placed him on a landmine, which was then detonated. Lieutenant Momberg, who lit the fuse, testified that he heard the explosion as he 'walked away from this scene towards the bus and climbed in'. The group then went back to Pretoria (Pretoria hearing, 1999).
- f Amnesty applicants confirmed that Sergeant David Mothasi and Mrs Busisiwe Irene Mothasi were killed by members of the covert unit at their home in Temba, Bophuthatswana on 30 November 1987, allegedly on the instructions of the Divisional Commissioner of Police, Brigadier Stemmet.<sup>85</sup> They further testified that there had been no instruction to kill Mrs Mothasi, and that her killing by Constable Joe Mamasela was unauthorised. In his section 29 appearance before the Commission, Mamasela claimed that his instructions were that both Sergeant and Mrs Mothasi and their five-year-old son were to be killed, but that he had spared the life of the child. Constable Mamasela did not apply for amnesty.

265. Lieutenant Jacques Hechter of the Northern Transvaal Security Branch (see above) also acted as the link with an SADF Special Forces covert operational unit that was involved in conducting joint operations with the Northern Transvaal Security Branch. Brigadier Cronje testified that Brigadier Schoon, head of Section C (terrorist investigations) at Security Branch Headquarters, instructed him to work with the SADF's Special Forces. This confirmed Brigadier Cronje's opinion that the Security Branch was now engaged in all-out war. At the Security Forces hearing that took place from 2–10 October 2000, he testified that:

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<sup>84</sup> Hearing 27 March to 7 April 2000. See Volume Two, Chapter Three, p. 238; AC/1999/032,AM2777/96, AC/1999/030,AM2776/96, AC/2000/107,AM5460/97.

<sup>85</sup> See Volume Two, Chapter Two, p. 271.

*[Special Forces] was the special combat unit working with covert actions. If Brigadier Schoon gave me instruction to work with Military Intelligence I would not have considered that an instruction [for] war, but the instruction to work with Special Forces was a direct instruction to get involved in direct military warfare. I accepted Brigadier Schoon's instruction and respected it as an instruction to get directly involved with military action in a military way. It was therefore no longer normal policing actions or tasks which I had to carry out. My responsibilities were therefore far wider.*

266. The covert unit undertook at least three joint operations with SADF Special Forces (see below).

## **Section C**

267. Like its counterpart at Security Branch headquarters, Section C was the so-called Terrorist Investigation Unit. As an investigative rather than intelligence-gathering unit, its function was to investigate all matters relating to MK and other armed formations.
268. Nine Northern Transvaal Security Branch operatives based in Section C applied for amnesty for a number of abductions and killings committed between 1986 and 1987.
269. During 1986, an MK elimination unit (sometimes referred to as the 'Icing Unit') was active in the Northern Transvaal and Bophuthatswana area.
270. On 18 March 1986, Mr Patrick Martin Mahlangu, who was allegedly linked to the Icing Unit, was abducted from his Mamelodi home by Vlakplaas *askaris* purporting to be MK operatives. He was taken to a place near Northam in the Transvaal and was strangled en route by Colonel Marthinus Dawid Ras. His body was placed on top of approximately eight kilograms of TNT, which was detonated in an attempt to make it appear as if he had blown himself up while laying a landmine.
271. In September 1986, four members of the Icing Unit (Messrs Jabu Masina, Ting-Ting Masango, Joseph Makuru and Neo Potsane) were detained and later sentenced to death. At around the time of their arrest, a fifth member of the unit, Mr Justice Mbizana (aka Mandla Shezi) disappeared and none of the other four

knew what had happened to him. Ten Northern Transvaal Security Branch operatives, including the Divisional Commander, Brigadier Cronje, the head of Section C, Major Sarel du Plessis Crafford, and his second-in-command, Captain Hendrik Prinsloo, applied for amnesty for his abduction [AC/2001/248]. Five of the ten applicants admitted in their applications that they had been responsible for killing Mr Mbizana.

272. On 14 October 1986, Captain Prinsloo (then head of Section C) instructed Constables Mathebula and Chenny William More of Section C to go to the house of Mr Moses Morudu, who was also suspected of being linked to the 'Icing Unit'. Their orders were to pretend to be MK operatives and to persuade Mr Morudu to go into exile. Morudu agreed to go with them and was handed over to white members of Section C. He was taken to a farm near Hammanskraal where he was held for approximately one week, during which time he was interrogated by members of both Section C and the covert unit, including Lieutenant Hechter and Constables van Vuuren and Mamasela.
273. Constables Mathebula, More and Matjeni applied for amnesty for this incident[AC/2000/010]. They testified that they had no idea of Morudu's ultimate fate, except that he disappeared from the farm after a week. The Morudu family believed that he had gone into exile but realised that something must have happened to him when he failed to return with the other exiles after 1990.
274. Another killing linked to Section C of the Northern Transvaal Security Branch was that of Mr Ernest Ramango, alleged to be a Security Branch source (Source 402) but suspected of being a double agent. Mr Ramango was picked up, interrogated and assaulted and given a poisonous drink. He was transported to Mamelodi in an unconscious state and placed on top of a landmine, which was then detonated. Captain JJH van Jaarsveld confirmed that Ramango had been one of his sources but had later reported to Major SdP Crafford [AM3761/96]. J P Roodt [AC5466/97] and D J Kruger [AM5233/97] applied for and were granted amnesty for the murder of Ramango and related offences [AC/1999/307]. Major Crafford [AM5468/97; AC/2000/110] also received amnesty for his role in this murder.
275. In June 1987, Jeffrey Sibaya and a man known as Mpho were killed by members of the covert unit and Section C<sup>86</sup>. Although no specific mention is made of Mr Sibaya's link to the 'Icing Unit', applicant Van Vuuren suggested that Mr Sibaya

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<sup>86</sup> See above, para 93.

had been connected to the death of Sergeant Seuntjie Vuma, for which members of the 'Icing Unit' had been sentenced to death [AM2777/96].

276. Mr Petros Lubane was suspected of being a courier for Mr Sipiwe Nyanda (aka Gebuza), head of the MK's Transvaal Machinery and allegedly involved in reconnoitering Wachthuis, the SAP headquarters. Mr Lubane was abducted by Constables More and 'Bafana' Mbatha on 17 September 1987 on the instructions of Captain Prinsloo. He was taken to a farm near Rust-de-Winter in the Transvaal, where he was held, interrogated and tortured for a number of days. After unsuccessful efforts to recruit him as an informer, Captain Prinsloo and Major Crafford decided that he should be killed. When authorisation was received from Divisional Commander Brigadier Cronje, Mr Lubane was given a poisoned beer. He fell unconscious and was placed in a hole in the ground before being shot in the head. His body was then blown up with explosives. The black constables were instructed to help their white colleagues comb the area for pieces of flesh. These remains were placed in the hole, which was now much larger because of the explosion. A second explosion ensured that all traces of Mr Lubane were obliterated.
277. Mr Lubane's family has requested that the site where he was killed be identified so that they can look for fragments of his remains and perform the customary burial rites.

## **The South African Defence Force**

278. General Johannes Jacobus 'Jannie' Geldenhuys, Chief of the SADF, General Andreas Jacobus 'Kat' Liebenberg, Chief of the Army, Admiral Andries Petrus 'Dries' Putter, Chief of Staff Intelligence,<sup>87</sup> and Brigadier Christoffel Pierre 'Joffel' van der Westhuizen, Officer Commanding Eastern Province Command applied for amnesty for Operation Katzen, an attempt to establish a surrogate force in the Eastern Cape as well as the overthrow of the Ciskei government of Lennox Sebe. Amnesty was granted [AC/2000/192; AC/1999/243; AC/2000/037].

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<sup>87</sup> Admiral Putter subsequently withdrew this application.

279. The following members of the SADF applied for amnesty for their role in destabilising the homelands:
- a Captain Henri van der Westhuizen for his role in providing arms to General Oupa Gqozo (granted in Chambers) [AM5462/97; AC/2001/212];
  - b Kommandant Jan Anton Nieuwoudt for his involvement in the attempt to overthrow Chief Bantu Holomisa in the Transkei in November 1990 (application later withdrawn); and
  - c Clive Brink for his involvement in the killing of Messrs Onward Guzana and Charles Sebe on 27 January 1991 (application later withdrawn).
280. The Amnesty Committee also received several applications from members of C1/Vlakplaas for their role in providing Kommandant Jan Anton Nieuwoudt with arms to be used in the coup [AM8079/97; AM3766/96; AM4358/96]. At the time Kommandant Nieuwoudt was based in IR-CIS, allegedly a private company which provided an intelligence capacity to General Oupa Gqoza, Chief Minister of the Ciskei, but was in fact a front for the SADF.

## **Northern Transvaal Security Branch and Special Forces Joint Operations**

281. Giving evidence before the Amnesty Committee, Major General Abraham 'Joep' Joubert [AM3799/96] testified that the new Chief of the Defence Force, General Johannes Jacobus 'Jannie' Geldenhuys, had informed him that the government planned to expand the state of emergency countrywide in June 1986. General Geldenhuys instructed him to draw up a plan showing how Special Forces could provide support for the Security Branch internally. While it is clear from other evidence brought before the Commission and the Amnesty Committee that co-operation between Special Forces and the Security Branch pre-dated 1986, such co-operation probably related to external operations for which the Security Branch provided target intelligence.
282. According to General Joubert, Officer Commanding Special Forces<sup>88</sup>:

*At this stage, everybody of importance had realised that the unconventional and revolutionary methods provided the only hope of success. The fact that Special Forces was involved on an internal level, confirmed this.*

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<sup>88</sup> A veteran of the war in Namibia and Angola, recipient of the Southern Cross Medal and other awards, and past chair of the SWA Joint Management Committee.

*By this time it was also clear that the ANC was not going to be stopped by normal conventional methods and that revolutionary methods would have to be used. As the institution for external operations, Special Forces would also have to intensify its external operations. (Amnesty hearing into the death of the 'Nietverdiend Ten' and other incidents: AC/1999/188.)*

283. General Joubert testified that the decision to involve Special Forces internally confirmed the recognition that 'unconventional and revolutionary methods offered the only hope of success'.
284. Joubert's plan involved killing ANC leaders and others making a substantial contribution to the struggle, and destroying ANC facilities and support services. Because the SAP and not the SADF were primarily responsible for the internal security situation, the plan foresaw that the Security Branch would be responsible for the identification of potential targets for killing. Thereafter both forces would jointly decide on operations and their *modus operandi* which, once they had been authorised by the respective commanders, would be executed by Special Forces.
285. General Joubert envisaged that this plan would be implemented in three 'hotspots': the Northern Transvaal, the Witwatersrand and the Eastern Cape.
286. After outlining the plan to General Geldenhuys at a function at Armscor in April or May 1986, General Joubert received the go-ahead. He testified that he believed that the plan had been vetted by General Johan Coetzee, then Commissioner of Police.
287. Generals Geldenhuys and Coetzee were earlier questioned by the Commission in connection with the amnesty applications of Joubert and others.<sup>89</sup> They both denied authorising the plan and neither applied for amnesty, although they were given notice as implicated parties.
288. The involvement of Special Forces in 'unconventional and revolutionary' activities was clearly unlawful. This meant that such operations had to be conducted in a covert manner. They required a partial restructuring of the covert operational structures of Special Forces. Special Forces' covert operational capacity had been known initially as D40, later as Barnacle, and in the mid-1980s as the CCB.

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<sup>89</sup> Armed Forces hearing, 8–9 October 1997.

289. Amnesty applications in respect of General Joubert's plan related only to joint operations conducted with the Northern Transvaal Security Branch. It is not known what operations were conducted in co-operation with the Security Branch in the Witwatersrand area, although General Joubert denied that any other killings took place as a result of the above plan. A sworn statement that forms part of an amnesty application by a Soweto Security Branch applicant refers to two of the Special Forces applicants, one of whom is implicated in the bombing of a building.
290. Members of Northern Transvaal Security Branch and several Special Forces operatives sought amnesty for three operations conducted in terms of the joint plan, including the killing of the 'Nietverdiend Ten' on 26 June 1986, the killing of Mr Piet Mbalekwa Ntuli, minister in the Kwandebele government, on 29 July 1986 and the killing of Dr Fabian and Mrs Florence Ribeiro on 1 December 1986.
291. A further joint operation between Special Forces and Section A of the Northern Transvaal Security Branch was conducted in April 1987. This operation involved the attempted killing of MK Special Operations operatives in Botswana and resulted in the killing of three Batswana citizens. (See 'The McKenzie car bomb' above). Applications were received from Brigadier Cronje and two Section A operatives; from two members of the Western Transvaal Security Branch who assisted with the operation, and from General Johan van der Merwe who authorised it. In line with their policy of not seeking amnesty for external violations, members of Special Forces did not apply for amnesty.

## **Operation Katzen**

292. Brigadier Christoffel Pierre 'Joffel' van der Westhuizen devised Operation Katzen<sup>90</sup> in response to intense pressure from high-ranking members of the security forces and the political leadership of the National Party to stabilise the security situation in the Eastern Cape. In the short term, Operation Katzen aimed to fracture resistance politics in the Eastern Cape by creating an organisation along the lines of Inkatha. In the longer term, its ambitious plan was to lay the basis for a new constitutional dispensation in the region, allowing for African involvement in local and regional political structures.
293. Applicant Van der Westhuizen testified that the broad outline of this plan was in line with the thinking of State Security Council (SSC) structures at the time.

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<sup>90</sup> See Volume Two, Chapter Five, pp. 435–40.



Operation Katzen was approved by both the Chief of the Army, General 'Kat' Liebenberg, and his superior, the Chief of the SADF, General Jannie Geldenhuys, and put into operation.

294. By January 1987, the following actions had been taken:

- a *Iliso Lomzi* had been established by anti-Sebe forces as the pro-government 'resistance movement' and had undergone training.
- b Charles Sebe, who had been identified as the leader of *Iliso Lomzi*, had been sprung from prison in Middledrift by members of Special Forces/CCB.
- c Kwane Sebe, son of Lennox Sebe and head of the Ciskei Police Elite Unit, and his second in command had been kidnapped and were being held in the Transkei.<sup>91</sup>
- d A shadow cabinet for the Ciskei had been established and plans had been made to topple the government.
- e A Stratcom plan aimed at discrediting Lennox Sebe had been put into effect as part of the plan to remove him from power by force.

295. By now Brigadier van der Westhuizen had been transferred to the Witwatersrand Command. He told the Amnesty Committee that Operation Katzen was terminated at this time. Yet despite his protestations, an attempted coup did take place in February 1987. Although Brigadier van der Westhuizen claimed that this no longer had the support of the SADF, he conceded that it was the direct result of Operation Katzen.

296. Planning documents submitted to the Amnesty Committee in connection with Operation Katzen make generous use of terminology such as 'permanently disappear', 'take out', 'get rid of' and similar expressions. Applicant van der Westhuizen denied that such terminology was intended to mean killing, although he continued to make the somewhat fantastic assertion that only 'an uninformed person who could possibly read the Plan, could be encouraged to kill or kidnap or discredit' those so identified as targets for 'removal'.

297. Van der Westhuizen's testimony was contradicted by that of Brigadier Johannes Lodewickus Griebenaauw, divisional commander of the Security Branch in the Border Region. Griebenaauw testified that he had been instructed by his superiors to participate in Operation Katzen. He said that he had had reservations about

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<sup>91</sup> The Amnesty Committee also received applications from members of the Ciskei Elite Unit, who sought amnesty for the torture of several detainees who had been detained in the aftermath of Charles Sebe's escape from prison and in connection with the activities of *Iliso Lomzi*.

this, particularly after *Iliso Lomzi* started engaging in 'certain [...] acts of terror' (East London hearing, 7 April 1999).

*At that stage ... I found it hard to swallow as a policeman, because on the one hand I was trying to combat terrorism and on the other hand, I was aware of people who were being trained as terrorists. (East London hearing, 7 April 1999.)*

298. In November 1986, one of his operatives had reported back to him from Operation Katzen meetings held in the Transkei, giving him the impression:

*that what we were now concerned with was killing, actual, physical killing and physical removal, and that was probably the biggest reason that I withdrew and why I asked Head Office that we as the police should withdraw completely. (East London hearing, 7 April 1999.)*

## **Directorate of Covert Collections-linked applications**

299. The applications from Directorate of Covert Collections (DCC) personnel indicate that the SADF's involvement in the destabilisation of the homelands did not end with Operation Katzen. However, as two of these applications were withdrawn and the third was decided in Chambers, little new detail emerged regarding the incidents in question.<sup>92</sup>

300. Besides these applications, a further two operatives linked to the DCC, Johan Frederich Verster and Leon Flores, formerly a Vlakplaas member, applied for amnesty for various operations aimed at discrediting the ANC in the 1990s.

301. The role and functions of the DCC came under the spotlight after a raid on DCC premises by the Goldstone Commission in November 1992. Following this raid, then President de Klerk ordered an investigation headed by South African Air Force general Pierre Steyn. Drawing on two earlier investigations conducted by the SADF's Counter-Intelligence Unit as well as the NIS, General Steyn concluded that DCC personnel were involved in a range of unlawful activities. These included the planning and execution of coups in the Ciskei and Transkei; manipulating important role players in the Transkei and Ciskei; involvement with the IFP; fanning unrest through killing, arming of political factions and intimidation actions; participation in planning to escalate violence in order to thwart the government's reform initiatives, and corruption with regard to illegal arms deals.

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<sup>92</sup> See Volume Two, Chapter Seven, pp. 616–23 regarding destabilisation of the homelands in the 1990s.

302. The investigation by General Steyn also revealed that several members of the CCB, including its second in command, Dawid Fourie, Wouter Basson, 'Staal' Burger and 'Chappies' Maree, had been employed by the DCC following its dismantling.

303. The applications by DCC personnel provided some confirmation of these allegations.

## **CCB Region Six**

304. The activities of Region Six of the CCB surfaced during the investigations into the Lubowski and Webster killings. According to evidence presented to the Amnesty Committee, the SADF decided to establish an internal region of the CCB, namely Region Six, in 1988.

305. Eight applications for amnesty were received in connection with the activities of Region Six.<sup>93</sup> These involved the attempted killing of UDF Western Cape Chair Abdullah Omar, the planned killing of Mr Gavin Evans, an End Conscription Campaign member, the bombing of the Early Learning Centre in Athlone Cape Town on 31 August 1989, and the harassment of Archbishop Desmond Tutu in Cape Town in 1989.

306. Applicants from Region Six claimed that the operations applied for were the only internal operations of Region Six. They stressed that the CCB had been a long-term plan, the fruition of which was cut short by the disbandment of the organisation in 1990.

307. The identity of Region Six had remained top secret even within the network of CCB operatives. Because there was only one amnesty application, there is still very little knowledge about the internal operations of the CCB.

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<sup>93</sup> Major General Edward Webb, GOC Special Forces and 'Chairman' of the CCB; Colonel Pieter Johan 'Joe' Verster, 'Managing Director' of the CCB; Wouter Jacobus Basson, aka Christo Brits, co-ordinator of Region Six; Daniel du Toit 'Staal' Burger, manager of Region Six; Leon Andre 'Chappies' Maree, Region Six, responsible for Natal; Carl Casteling 'Calla' Botha, Region Six, responsible for Transvaal; Abram 'Slang' van Zyl, Region Six, responsible for the Western Cape, and Ferdinand 'Ferdie' Barnard.

## **PART FOUR: ACCOUNTABILITY, DISCIPLINE AND THE ROLE OF LEADERSHIP**

### **ACCOUNTABILITY**

308. In theory, the Commanding Officer of Security Branch Headquarters was accountable to the Commissioner of Police. However, because he had direct access to the Minister, he had considerable autonomy in authorising operations.<sup>94</sup> For example, in Operation Zero Zero (1985), the bombings of Cosatu House (1987) and Khotso House (1988) and the 'Cry Freedom' incident (1988), communication seems to have taken place directly between the Minister and the Officer Commanding the Security Branch.
309. The Officer Commanding's second in command could authorise operations when his superior was not present. Thus, Brigadier Jan du Preez, second in command in the early 1980s, is said to have authorised several operations, including the entrapment operation in which three COSAS youths were killed in February 1982. According to Brigadier Schoon, Brigadier du Preez was functionally senior to the divisional commanders with whom he shared the same rank.
310. Where both the Officer Commanding and his second in command were unavailable, it appears that in certain circumstances Brigadier Schoon, head of Group C (counter-terrorism) and one of the most senior officers at Headquarters, was able to issue such authorisation. He appears to have provided a crucial line of communication and authorisation, and several applicants in divisional offices cite him as their line of communication. Following the killing of the Ribeiros<sup>95</sup>, General Coetzee testified that, as Commissioner of Police, he telephoned Brigadier Schoon directly following allegations of security force complicity and instructed him to make enquiries of Brigadier Cronje, the Divisional Commander in whose jurisdiction the killing had taken place, and to report back to him and the Security Branch chief.
311. During the execution of an operation, operational commanders were allowed considerable discretion. According to applicants, it was not always possible to set guidelines and standing orders because decisions frequently had to be made

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<sup>94</sup> It should be noted, however, that throughout the Commission's mandate period, Commissioners of Police were in most instances former Commanding Officers of the Security Branch.

<sup>95</sup> Volume Two, Chapter Three, p. 231.

quickly. Brigadier van der Merwe told the Amnesty Committee that planning was usually done:

*on the ground level by members who knew the circumstances and who were involved with the execution. [He] ... just accepted that the people who were involved were experienced, competent and that they would have the ability to manage and execute it.*<sup>96</sup>

312. Extrajudicial killings formed part of a counter-revolutionary strategy authorised by the state at the highest level.<sup>97</sup> Targets included civilians who were either political opponents or supporters of the liberation movements.
313. Applicants in numerous hearings testified that those who assisted MK operatives by providing logistical support such as finance and transport and safe houses were also regarded as legitimate or justifiable targets.
314. It would appear that most internal targets for elimination were decided at a divisional level, as emerged at the 'Pebco Three' and Ribeiro hearings. Lieutenant Jacques Hechter told the Committee that targets for elimination were decided on 'an *ad hoc basis*', particularly those who were high-profile activists or 'untouchables' who could not be prosecuted in a court of law.<sup>98</sup>
315. However, such decisions were made within a broader national context: the former in response to an instruction from the Minister of Law and Order to 'stabilise the Eastern Cape by all means' and the latter in response to an instruction by Security Branch Headquarters to work with Special Forces.
316. Colonel de Kock and other applicants said that, because external operations put operatives in a far more vulnerable position, they always sought approval for these from Security Branch Headquarters. Major Williamson testified at the Pretoria hearing on 15 September 1998:

*the impression that I probably got at the time ... was that if one was carrying out an operation which was on behalf of the State ... if a problem arose we would have the backing of the State. I never got the impression that it was like the movies you see where James Bond or somebody gets called in and the*

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<sup>96</sup> Pretoria amnesty hearing, 21 April 1999.

<sup>97</sup> Volume Five, Chapter Six, pp. 214–18.

<sup>98</sup> Pretoria Hearing, 28 February 1997.

*Minister says to him: 'I want you to go and kill somebody in the Bahamas but if you are caught we don't know who you are.' I had the feeling that we had the backing of the State and that if necessary they would take the necessary pain.*

317. Many applicants testified that they worked in a culture where information about clandestine and covert activities was tightly guarded and details were not widely circulated beyond those requiring specific knowledge. Adherence to the 'need to know' principle was regarded as essential in order to maintain the integrity of intelligence gathered and to ensure that operations were not compromised. This was especially so in covert operations, where every attempt was made to ensure that actions could not be traced back to their origins. Unlike clandestine acts, where the aim was to prevent information leaking prior to an operation, secrecy surrounding covert operations had to be maintained in perpetuity. In this context then, asking questions of commanders and colleagues was regarded as taboo. Major Craig Williamson told the Committee that anyone asking questions 'on an ongoing basis ... would definitely have been moved out of security branch headquarters'.

318. The 'need to know' principle extended to reporting on operations. Again, according to Major Williamson: 'what the commanders at that level and the politicians needed to know was the result of the operation and nothing further'. Applicants made it clear that their commanders expected to be told very little. But, said Williamson, 'the General had the right to know and the prerogative of using the right to know was the General's'.<sup>99</sup>

319. However, said Williamson, there was 'a tendency in a social environment for lapses to occur'. Captain van Jaarsveld of the Northern Transvaal Security Branch pointed out that:

*one of those anomalies in the Police ... (the) need to know was sustained on an official level, but when people met informally, like at a braaivleis, they discussed these matters. (Pretoria hearing, 5 May 1999.)*

320. The 'need to know' principle helped prevent knowledge emerging as to who was responsible for covert operations. At another level, however, it appears to have operated together with another well-known security principle, that of 'plausible deniability'. Testimony to the Amnesty Committee on a number of matters clearly revealed that, in deciding 'who needed to know', there was a

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<sup>99</sup> Pretoria hearing, 5 May 1997.

tendency to try to protect those higher up the command chain. At the Stanza Bopape hearing in Johannesburg (23–27 February 1998), General van der Merwe was asked why he had not informed his minister. He responded:

*You must remember I was head of the security branch and the head security adviser and General Erasmus was head of the most important – and I think the burning point in South Africa – and we would have placed him in an impossible situation. They would not have had any other choice to comply with what we did. It would have been disadvantageous to them and it would have made them vulnerable and we would have used them as a rubber stamp and it would have been unethical. And because of that reason I took the decision on my own. And in all honesty I believed that it was in the best interest of the Minister and the government and the whole situation ...*

*... let's just look at what would have happened in the practice if I decided to approach the Minister. Would he have been able to handle this on his own? Wouldn't it have been put to him that he should advise the President and the President would have approached the State Security Council. Where would all of this have ended? The Minister had no more capacity in order to decide about this issue than me. I was responsible for the maintaining of law and order. The Minister was purely the political head. So his capacities were more restricted... So the Minister by knowing about this, could not have attributed to improve the situation as far as I'm concerned. But if I asked him to help with this, in order to maintain the smokescreen he would have had to answer questions to Parliament and he would have made himself guilty of telling untruths. And right through the whole issue he would have followed the same behaviour we did, and for him and the government it could have been very dangerous. You must remember that we were willing to do this in the interest of that which we tried to achieve, which was public order. Something we considered very heavily at that stage. And also to protect the interest of the government. And if the Minister himself would have become involved it would have meant that those interests we wanted to protect, we would have jeopardised them.*

321. In line with the above principles, orders were almost always verbal and tended to be conducted on a one-to-one basis. Written reports contained the barest detail. A lexicon of euphemisms, shrugs and winks developed. Discussions were brief, heavily dependent on body language and on a shared sense of purpose. Thus verbal, one-to-one commands ensured an absence of witnesses and documentary evidence, while obscure language allowed commanders to claim that they had misunderstood or misinterpreted a communication, providing enormous scope for denial of involvement and/or authorisation.

## AUTHORISATION OF UNLAWFUL ACTIVITIES

322. Increasingly, as time went on, the security forces used unlawful and criminal actions, particularly extrajudicial killings, to respond to the political situation. By now, the condonation and tolerance of extrajudicial activity had led to a culture of impunity throughout the security forces.
323. The Commission noted a number of words and phrases in security policy documents, speeches in Parliament and elsewhere in the mid-1980s such as: *'elimineer'* (eliminate); *'uithaal'* (take out); *'fisiese vernietiging – mense, fasiliteite, fondse'* (physical destruction – people, facilities, funds); *'maak 'n plan'* (make a plan); *'uitwis'* (wipe out). Numerous amnesty applicants, including senior personnel, confirmed that they had understood such words to mean killing. Major Williamson told the Committee that he understood 'these words to have a simple meaning and that is to get rid of, kill, destroy'.
324. Despite this, former Minister Vlok and Generals van der Merwe and Coetzee continued to assert that at no stage did the State Security Council (SSC) authorise any policies that included extrajudicial killing. Indeed they went further, saying that the SSC neither authorised nor recommended any illegal action, although Mr Vlok did concede that certain Stratcom activities approved by the SSC could be regarded as unlawful. They did, however, agree that operatives could have 'misunderstood' their intentions. Mr Vlok said, for example, that the phrase 'destroy the enemy' could have been understood in a literal sense.
325. This position appears to have been an attempt to support Security Branch applicants in their efforts to gain amnesty while, at the same time, exonerating those in command and political authority. The Commission did not support the arguments put forward by former Minister Vlok and Generals van der Merwe and Coetzee.<sup>100</sup>
326. The applications referred to below, which covered a range of violations, involved direct political authorisation:

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100 Volume Five, pp. 214–19.



- a In 1982, amnesty applicant General Petrus Johannes Coetzee said he was instructed by then Minister le Grange to assemble a team to strike at the offices of the ANC in London in the United Kingdom, saying that this was ‘the decision of the government’ (Pretoria hearing, 22 February – 5 March 1999).
- b In 1985, Minister le Grange allegedly authorised a plan,<sup>101</sup> codenamed Operation Zero Zero, to issue hand grenades to a number of young COSAS activists on the East Rand.<sup>102</sup> As a result of this operation, seven youths were killed and eight severely injured when they attempted to detonate the hand grenades as instructed.<sup>103</sup>
- c In 1987, Minister of Law and Order Adriaan Vlok authorised the destruction of Cosatu House, national headquarters of the trade union federation, in central Johannesburg. A C1/Vlakplaas team, with assistance from the Witwatersrand Security Branch as well as the technical and explosives sections at Security Branch Headquarters, undertook the operation on the night of 3 May 1987, extensively damaging the building.<sup>104</sup>
- d In July 1988, Minister Vlok authorised the placing of dummy explosives in several cinemas around South Africa, to provide a pretext for the seizure and banning of the film *Cry Freedom* about the death of detainee Steve Biko at the hands of the Port Elizabeth Security Branch. This action was undertaken after numerous unsuccessful attempts to force the government-appointed Publications Control Board to ban the film. In the words of Mr Vlok, ‘we had walked the legal way ... I judged the risk that this film would have and it would be so inciteful that this risk was too big’.<sup>105</sup>
- e In August 1988, Minister Vlok was allegedly ordered by State President PW Botha to render Khotso House ‘unusable’, but to do so without loss of life. According to Mr Vlok and General van der Merwe, the Security Branch had evidence that arms were stored on the premises and that people with MK links had been seen entering the building. Mr Vlok further testified that, although he had not been given specific instructions to bomb Khotso House, neither he nor General van der Merwe was able to think of a legal way to carry out Mr Botha’s instructions. He said, moreover, that Mr Botha’s injunction to ensure that there was no loss of life led him to believe that Mr Botha was suggesting the use of unlawful means. The operation, conducted by C1 with assistance from the Witwatersrand Security Branch and the

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101 As Le Grange is deceased, his authorisation cannot be confirmed. However, Delpont gave evidence that Le Grange visited the East Rand shortly after the incident and congratulated him.

102 See ‘Operation Zero Zero’ in Part Two of this chapter.

103 Evidence relating to the entrapment differs between the applicants and the survivor.

104 Cosatu House hearing, 21–31 July 1998, and Volume Two, Chapter Three, p. 289.

105 Johannesburg hearing, 20–31 July 1998.

explosives section at Security Branch headquarters, took place on the night of 31 August 1988. Following this operation, both Minister Vlok and General van der Merwe were involved in the cover-up.<sup>106</sup>

327. The above incidents demonstrate that there was direct political authorisation for clearly unlawful activities that included killing. In addition, evidence was led that a number of cross-border operations had been authorised by the state, and General Coetzee testified to involvement in the 1982 Maseru raid and the 1985 Gaborone raid.
328. Applicants gave further evidence of high-level political authorisation at a meeting of the senior national and divisional leadership of the Security Branch in early 1985. The meeting was addressed by then State President PW Botha who commanded them to bring the security situation under control by 'whatever means possible'. This was interpreted as authorisation to use unconventional and unlawful methods.
329. One of the arguments presented by representatives of the National Party and certain high-ranking security and intelligence officials is that the CI/Vlakplaas unit was a renegade gang, acting outside of official policy.
330. It is indeed so that higher authorisation was not conclusively established in a number of operations conducted by C1. However, with regard to one matter, that relating to the killing of Mr Griffiths Mxenge in November 1981, the Amnesty Committee commented as follows:

*With regard to [Dirk Coetzee], there was no direct evidence to confirm that he acted on the orders of Van der Hoven [Divisional Commander of Port Natal] or Taylor [Section C, Port Natal]. In fact, it is a matter of public knowledge that Van der Hoven and Taylor denied any involvement; they did so during their recent trial in which they were co-accused with the applicants on a criminal charge in respect of this very incident. While there may be some doubt about the identity of the person or persons on whose advice, command or order, the first applicant acted, the fact that he acted on the advice, command or order of one or more senior members of the Security Branch, admits of no doubt; particularly if regard is had to the following:*

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<sup>106</sup> Khotso House hearing, 20–31 July 1998, and Volume Two, Chapter Three, p. 291.

- *He knew nothing about Mxenge and had never heard of him;*
- *He was not based in Durban, but in Vlakplaas near Pretoria. It is inconceivable that he would have, on his own, come all the way to Durban to launch an operation of this magnitude;*
- *Being from Pretoria, he must have been given the necessary logistical and other support on the orders of someone who was his superior;*
- *In order to carry out the operation he requested that Joe Mamasela, who was at that time based in the North West area, be brought to Durban. This was done; Mamasela was released and sent to Durban to be part of the squad;*
- *The murder was indeed covered up and the truth did not emerge until later when it was revealed by the first applicant. This give credence to the allegation of Security Branch involvement on a high level as alleged by first applicant;*
- *An amount of three thousand rand (R3 000.00) was paid to the second and third applicants and to Mamasela by the Security Police, for their part in the killing of Mxenge. [AC/1997/041.]*

331. The scenario sketched by the Amnesty Committee is, in the Commission's view, of more general applicability to many of the other killings committed by C1/Vlakplaas.

332. The consistent pattern of violations committed by both C1/Vlakplaas and other regions provides compelling evidence that operatives were pursuing a policy that was widely accepted and broadly authorised. Moreover, considerable evidence was led during amnesty hearings that supported the Commission's viewpoint that unlawful activity was widely condoned. The Commission bases this viewpoint on the following evidence:

### **Failure to discipline**

333. There was a consistent failure to discipline those who behaved in an unlawful manner. Applicants cited numerous incidents in which senior personnel failed to take action against subordinates who had committed transgressions.

334. Brigadier Cronje, Divisional Commander of the Northern Transvaal, was present when Captain Hendrik Prinsloo assaulted an unknown MK operative. Yet, even when Captain Prinsloo began to throttle the victim, he made no effort to stop the assault. The victim died of strangulation.

335. On 6 May 1987, Constable Joe Mamasela is alleged to have shot dead Mr Joe Tsele when his instructions had simply been to check whether he was at home. Brigadier Cronje, who was present during the incident, testified that he had seen no point in reprimanding Mamasela as the covert unit had intended to kill Mr Tsele in any case.
336. On 30 November 1987, the covert operational unit killed police officer David Mothasi and his wife Busi Irene. Applicants said there had been no instruction to kill Mrs Mothasi. Joe Mamasela, who was responsible for the killing of Mrs Mothasi, was neither reprimanded nor disciplined.
337. On 12 June 1988, detainee Stanza Bopape died while being tortured with electric shock treatment. Those responsible reported the matter to their Divisional Commander, Brigadier Gerrit Nicholas Erasmus, who in turn informed the Officer Commanding the Security Branch, General Johan van der Merwe. Not only did Brigadier Erasmus and General van der Merwe then conspire to cover up the death of Mr Bopape, but they also failed to take any disciplinary actions against those responsible.
338. In June 1986, Mr Jabulani Sydney Msibi, a prominent MK operative, was abducted from Swaziland on instructions from Security Branch Headquarters. He was subsequently transferred to Daisy Farm where Captain de Kock and another severely assaulted him in the presence of Brigadier Herman Stadler, head of the Intelligence Section of Security Branch Headquarters. Brigadier Stadler instructed Captain de Kock to stop the assault, but took no further action.
339. In December 1985, General van der Merwe, then second in command of the Security Branch, authorised a raid on Maseru, Lesotho, that left nine persons dead, including three Lesotho citizens. When informed of this situation in early January, the Commissioner of Police, General Coetzee, took no action against General van der Merwe. This contradicts his testimony in an earlier Commission hearing, in which he testified that he had taken action whenever he received evidence of unlawful activity. On the contrary, Brigadier van der Merwe's promotion to General and his appointment as Commanding Officer of the Security Branch from the beginning of January 1986 went through as planned. In his defence, General Coetzee said that he had reported the matter to Minister le Grange and it had been up to the Minister to decide whether action should be taken. He further testified:

*On that particular day in the context of what was happening then and then in the milieu that reigned there, if I had gone to the Minister and said 'and now I think criminal prosecution has to be instituted against General van der Merwe', he would have shown me the door and said 'listen here, you are out of your mind' because he believed it was in the interest of the country and that was the general thought or the general train of thought not only with the National Party but also with the government then. (Pretoria hearing, 3 March 2000.)*

340. This provides conclusive evidence that he condoned the action.

## **Cover-ups**

341. Further evidence that unlawful behaviour was widely condoned may be found in the many cover-ups that took place. In many instances, operatives – often with the sanction and assistance of those in higher command – played an active role in covering up unlawful activity. Types of cover-up included:

### ***Placing arms at the scene of an ambush***

342. On 8 June 1988, a joint C1/Eastern Transvaal team ambushed a vehicle they believed would be carrying armed MK operatives near Piet Retief. Three women and a man, all unarmed, were killed. In order to give the impression that a shoot-out had occurred, shots were fired from inside the vehicle and arms were planted in the vehicle.

343. Eugene de Kock testified that he had informed his superior, Brigadier Schoon, that there had been a 'problem with regards to the weapons', but that it had been rectified.

### ***Appointing as investigating officers one of the operatives who had been involved in an incident***

344. In many instances, applicants testified that they had both participated in an operation and acted as investigating officer afterwards, thus ensuring that the true facts did not emerge. In the two June 1988 Piet Retief ambushes, for example, then Captain Frederick Pienaar, commander of the Piet Retief sub-branch, initially acted as the investigating officer, despite the fact that he had been part of both operations. Further, in an arson attack on the Ledwaba home by the covert unit of the Northern Transvaal Security Branch, Sergeant Goosen,

who had accompanied Lieutenant Hechter on the operation, later attended the scene and described how he 'purposely destroyed evidence in order to protect the real perpetrators, including myself'.

***Using Stratcom activities to turn attention away from the perpetrators and cast blame on other parties***

345. In many cases, an attempt was made to lay the blame on a third party. For example, former minister of Law and Order Adriaan Vlok testified that he himself was party to the attempt to lay blame for the Khotso House bomb on MK operative Shirley Gunn. Ms Gunn was subsequently detained.
346. The use of Eastern Bloc weapons in many operations was a further means of disguising the identity of the perpetrators. It is significant that security force operatives had easy access to, and carried around an armoury of, such weaponry.
347. Northern Transvaal operatives testified that their *modus operandi* with regard to extrajudicial killings was to get rid of bodies by blowing them up. This not only destroyed evidence, but also created the impression that the victims had killed themselves while laying a landmine, making them appear incompetent and poorly trained.
348. In some cases, measures were taken to perpetuate the myth that a victim who had been killed was still alive. For example, following the killing of Messrs Siphwiwe Mthimkhulu and Topsy Madaka, the Port Elizabeth Security Branch abandoned Mr Madaka's car near the Lesotho border and continued to harass their families to reinforce the impression that they were still alive. Similarly, before being killed by the Northern Transvaal Security Branch in 1986, Patrick Mahlangu was forced to write his family a letter which was then posted in Botswana, thereby creating the illusion that he had gone into exile. His family believed this and eagerly awaited his return in the early 1990s.
349. Some applicants testified to even more malicious behaviour. Those who applied for the killing of Ms Phila Portia Ndwandwe in October 1988 testified that they had spread a rumour that she had been recruited as an *askari*. Friends and family testified that they had come to accept this painful fact and, following the disclosure of the facts surrounding her killing, were ridden with guilt by their failure to believe in her integrity.

350. In other examples of deception, Major Craig Williamson testified that the Security Branch had been responsible for the story that had surfaced, suggesting that Mr Joe Slovo had been responsible for the death of his wife, Ruth First.
351. Captain Willem Coetzee testified that he had given Major de Kock a letter to place at the ambush scene of three SANSCO<sup>107</sup> students in February 1989 to suggest that they had been killed by the ANC, following suspicions that they were informers.
352. As the above examples demonstrate, many of these Stratcom operations not only turned attention away from the perpetrators but cruelly increased the trauma of victims' families.

### ***Giving false evidence to inquest and other courts and Commissions of Inquiry***

353. The Amnesty Committee heard evidence of Security Branch members providing false information to inquest and investigative proceedings.
354. During the inquest into the Piet Retief ambushes, for example, false evidence included the fact that the first group had been unarmed. Further, Major de Kock's command of the second operation was not disclosed.
355. When questions were asked in Parliament about the *askari* who had killed MK suspect Batandwa Ndonga, the name of the *askari* was formally changed so that Minister Vlok would not be lying when he told Parliament that the individual was not in the employ of the SAP.

### ***Complicity by other parts of police/security structures***

356. Numerous applicants testified to complicity in unlawful activity by other security force structures. In several incidents, evidence was led about approaches to border patrol units or those stationed at border posts to ensure free passage for covert units. Furthermore, several names of investigating officers attached to the Detective Branch repeatedly came up as having played the role of 'sweeper' – in other words, being responsible for ensuring that the identity of perpetrators remained concealed.

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### **Failure to ask questions**

357. While Mr de Klerk and others have consistently denied knowing that the security forces were involved in illegal action, the Commission was struck by the fact that, in numerous cases, nobody appears to have asked any questions. Applicants themselves occasionally expressed their amazement at such disclaimers.

358. For example, former Minister of Foreign Affairs Roelof 'Pik' Botha, Dr LD 'Niel' Barnard, and General Coetzee all testified that when they had convened for the State Security Council at 11am on 20 December 1985, they had been unaware of the raid on Maseru the night before. They further testified that the raid had not been reported at the meeting nor had there had been any discussion about it. The astonishing failure even to mention the raid is best expressed by General van der Merwe, who testified as follows:

*[By] lunch, it was headline news in the newspapers and no-one asked any questions.. One would have expected that if they did not know who it was, the State President would have at least asked the Chairperson of the CIC: 'What is going on here? A number of MK members were killed in Lesotho and this is an essential aspect of the threat with regard to us' and he would have wanted to know who was responsible for it.. [No] member of the SSC [who] had security background and who received information about this threat, could have pretended for any moment that the only people who had the capabilities of doing such things would be the Security Forces of South Africa. Anyone who pretended not to have that knowledge and wanted to blame any other body for this operation, would have been extremely naïve and extremely ignorant at that stage. (Pretoria hearing, 29 February 2000.)*

359. In his evidence before the Amnesty Committee, Mr Vlok testified that there were no questions in the State Security Council about the Cosatu House and Khotso House bombings. He testified that, at the next SSC meeting, he had been congratulated by the State President for the Khotso House incident. However, despite the fact that there had been specific input about the problems Khotso House was giving at the previous meeting, nobody asked any questions or commented on the destruction of the building.

360. This determination to ask no questions seems to have been replicated throughout the command structures of the Security Branch. For example, when asked to get rid of 'a package' (the body of Stanza Bopape), Brigadier Schalk Visser,



divisional commander of the Eastern Transvaal, told Brigadier Gerrit Erasmus that he did not want to know the details.

361. According to Brigadier Cronje:

*All actions under my jurisdiction which happened in this manner were taken up in situation reports which were sent through on a daily basis to my head office. The procedure was that further reports with this information would then have been passed on to the State Security Council. Events which took place under my command in the Security Branch in Pretoria were, therefore, passed on to Head Office and must have been taken up in reports to the State Security Council ... I do not believe anyone in my Head Office could have been so naive as to believe that the ANC were killing and attacking their own people. They must have known what the true facts were. (Johannesburg hearing, 21 October 1996.)*

362. Applicant Craig Williamson, who was a political appointee on the President's Council in the late 1980s, commented:

*Once it got up to the NGBS (NJMC), it became the political control level where a deputy minister then received the information from the civil service below – and when I say civil service I include the security forces – and this information was then fed up via the [Work Committee] and the State Security Council and on a political level I believed directly either to Cabinet or to the State President ... Once the information had arrived at the NGBS and then to the State Security Council, the information was in political hands. (Pretoria hearing, 14 September 1998.)*

363. At the same time, the clandestine and covert nature of much of the Security Branch's work meant that, while certain information circulated and was discussed in formal forums, other mechanisms operated to ensure that sensitive information was kept under wraps. It became clear in many matters before the Amnesty Committee that, while the *fact* of an incident was passed on, in terms of covert rules, the *detail* in respect of Security Branch involvement was not.

364. On another level, of course, this is nonsense. A number of the people who were killed were extremely well-known and their deaths could hardly have been ignored. For example, Brigadier Schoon testified he had first learned of the death of Ms Jeanette Curtis Schoon and her daughter Katryn Schoon in the newspapers and at the morning 'Sanhedrin'. Asked who would have reported it, he replied 'The desk that dealt with that same file, that would be the A Section'.

Williamson testified that some time after that he had organised for an explosive device to be put into an envelope:

*[T]here was an intelligence report to the effect that there had been an explosion ... in the office of Ruth First and that she had been killed and at the next ... Sanhedrin when this point was just noted, Brigadier Goosen looked up, looked at me, nodded his head and that was it. (Pretoria hearing, 14 September 1998.)*

365. Not only would these incidents have been reported but, unlike most victims of MK action, most of these victims would have had Security Branch files, requiring an entry. For example, where members of the Soweto Intelligence Unit or the Northern Transvaal Security Branch were involved in attacks on individuals' homes, the attacks but not the authors were reported. However, to use the Northern Transvaal Security Branch as an example, it would have been inescapably evident to Group B at Security Branch Headquarters that the homes of some forty to fifty activists had been attacked by 'unknown perpetrators' between February and May 1986.

366. It is extremely unlikely that security and intelligence forces would have made no effort to know who was assisting them in their task, especially given the general policy to promote divisions. Asked whether people attending the 'Sanhedrin' could 'have believed that forces other than their own were ... responsible', Williamson replied:

*During my time in the Security Forces, I certainly ... didn't believe that it was the fairies ... I believed that there was a co-ordinated counter-insurgency strategy being applied. (Pretoria hearing, 16 September 1998.)*

## **Line of command**

367. It can be seen from the above that the unlawful operations for which the Amnesty Committee received applications tended to conform to routine lines of command within the Security Branch and reflected a similar *modus operandi* across the country. This does not mean that all operations were centrally organised and directed by the SSC or Security Branch Headquarters. Although the overall strategy and planning was authorised at the highest level of the government and the state, under the prevailing culture of impunity many operations were initiated and carried out at the lower levels.

368. Whether operations were politically authorised or initiated at lower levels, they tended to function according to relatively routine lines of command and communication. For example, even in covert operations, those in charge often tended to follow the courtesy rule of informing commanders in whose area such activities were to take place, thus widening the circle of exposure and experience and encouraging further activity along similar lines. This was particularly so when the operation was politically authorised or conducted by a Headquarters component.
369. Lower ranks were inducted into covert and unlawful operations via their normal command structures, thus legitimising and normalising such activities. The heightened sense of being at war, combined with the strongly hierarchical structure of the Security Branch, made those who were drawn into such operations feel privileged and honoured.
370. Juniors were often drawn into operations without being aware of their nature or of the individual roles they were expected to play. Thus, for example, Captain Abraham Kendall, Branch Commander of Bronkhorstpruit Security Branch (a branch of Northern Transvaal), testified that he was asked to accompany Brigadier Cronje and Lieutenant Hechter to the house of the Chief Minister of KwaNdebele. While Brigadier Cronje and Captain Kendall were inside meeting the Chief Minister, Lieutenant Hechter placed a bomb under Mr Piet Ntuli's car. Asked whether he realised that Ntuli was about to be killed, Kendall responded:
- I suspected that as Hechter was lying in the back of the vehicle, there would be dirty tricks. If I have to think back thirteen years, I cannot think that I thought that somebody was going to die. I wasn't part of that Security Branch, within the Security Branch plan, if we have to put it that way, I had never been a member of such activity. I was a small man, who carried small secrets around with me at that stage. (Pretoria hearing, 9 April 1999.)*
371. Captain Kendall was later transferred to Security Branch Headquarters and applied for amnesty for instructing members of the Eastern Cape Security Branch to throw a petrol bomb at the home of the Revd Allan Hendrickse after he had embarrassed the tricameral parliament by going to a 'whites only' beach. Kendall also sought amnesty for his part in the 'Cry Freedom' operation.
372. Given the overwhelming evidence in this respect, the Commission concluded that the leadership of the Security Branch and a significant proportion of the military leadership were involved in unlawful covert operations. Former State President FW de Klerk has suggested that such activity was unauthorised and undertaken

by groups of renegades or 'bad apples'. The placing and promotion of personnel suggests that those in charge of the Security Branch were well aware of the existence and effectiveness of covert operations. Officers such as General Gerrit Erasmus, Brigadier Nicolaas van Rensburg and Major Hermanus du Plessis, all of whom had a long history of committing abuses, were not only promoted but, by the end of the 1980s, were based at Security Branch Headquarters. Thus, not only were their activities endorsed, but they were placed in a position where they were able significantly to influence and direct security policy from national headquarters.

## CONCLUDING COMMENTS

373. The purpose of this chapter was to examine the extent to which the amnesty process enlarged the Commission's knowledge of the human rights violations committed by the state. By employing the 'carrot and stick' principle adopted in the founding Act, it was hoped that state perpetrators, amongst others, would take advantage of the opportunities offered by the legislation and, in the process, shed light on state involvement in gross violations of human rights.
374. This chapter has shown that the appeal to self-interest in the legislation was a wise one and that, where perpetrators saw the benefit to themselves, they came forward and applied for amnesty. From these applicants, the Commission and indeed South Africa was able to learn a great deal.
375. Unhappily the former SADF, advised that the Commission could offer them no safety from prosecution for the many violations its members had committed in countries outside South Africa, made pitifully few applications.
376. One of the most shameful aspects to emerge from the amnesty process was the failure of the political leadership to stand by those who committed violations at their behest and in their name. In several amnesty hearings, the disdain, contempt and betrayal of those who had expected better of their leadership is evident.
377. One of the more remarkable strengths of the Commission itself was that it has opened the way for the stories of individual people. The amnesty process continued the work of the Commission by helping to find people who would not otherwise have been found and by helping to lead families to a truth that would otherwise forever have been denied. Without some of these applications, many deaths and disappearances would have remained unexplained. (...p264)