



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

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

**RIGHT-WING GROUPS**

# Right-Wing Groups

## ■ INTRODUCTION

8. For the purposes of this chapter, the definition of the 'white right wing' refers to all white groups and individuals who organised themselves to campaign for self-determination and who mobilised against the democratic changes sweeping South Africa in the early 1990s. Most of these groups and individuals emerged from conservative Afrikaner circles in the country.
9. During the early 1990s, the movement away from apartheid by the National Party government was regarded by some as a treasonous capitulation to black political demands, which would result in the country being handed over to 'communists'. In response to this perceived threat, the 'white right wing' began organising itself with a view to creating structures that would ensure the safety of its members and the protection of their property. Neighbourhood watches and surveillance groups (verkenningsgroep) were formed in various areas. As the political situation progressively deteriorated from the right-wing perspective, radical talk and an inclination towards violence increased exponentially in its ranks. Right-wing groups showed phenomenal growth and came to accommodate a wide range of right-wing views and sentiments. Elements from the military joined in, bringing with them their own professional skills, such as the manufacture of explosives.
10. It was against the background of this volatile situation in right-wing circles that matters came to a head when the National Party government lifted the ban on the liberation movements in February 1990. For the right wing, this must have seemed like the beginning of the end. The next step would be the enfranchisement of the black majority leading to black majority rule in South Africa. This would inevitably lead to the total destruction of their values and way of life.
11. During the period under review, the ranks of conservative Afrikanerdom were characterised by a great diversity of political, cultural and paramilitary formations. Many of these groupings emerged as a result of their disaffection with the ruling National Party, which had, since the 1940s, been seen as the sole custodian of Afrikaner identity. What they shared was a desire to conserve traditional Afrikaner

values by reaching back to the original principles of Afrikaner politics, rather than endorsing the adaptations of policy advanced by the Afrikaner government of the day. Even in their disaffection, however, they continued to be fragmented.

## **PART ONE: PROFILE OF RIGHT-WING GROUPS**

12. At the start of the 1990s, the so-called 'right wing' embodied a large number of groups, some operating underground to avoid detection and infiltration by the security forces. Many of the groups were characterised by splintering and leadership struggles. However, once the negotiating parties had agreed on a formula and date for democratic elections, right-wing forces began uniting to mobilise for their struggle for self-determination.
13. The following is a summary of the main features of the organisations making up the 'right wing' as it evolved from the time of the first right-wing breakaway from the National Party in 1969. Those described represent only a few of the numerous right-wing organisations that were operating at the time of the first democratic election in April 1994. Many amnesty applicants claimed membership of one or more of these organisations simultaneously, with the Afrikaner Volksfront (AVF) providing an umbrella for the smaller groups.

## **HERSTIGTE NASIONALE PARTY**

14. The Herstigte Nasionale Party (HNP),<sup>215</sup> which broke away from the ruling National Party (NP) in 1969, was the first right-wing group to do so. Its reasons, as with all the breakaway parliamentary groups that followed, centred on dissatisfaction with NP reforms at the time. The HNP clung to its belief in the grand apartheid of the Verwoerd years, believing that a white government should dominate the entire territory of South Africa, with clear partition between the races.

## **BLANKE BEVRYDINGSBEWEGING**

15. The Blanke Bevrydingsbeweging (BBB)<sup>216</sup> was founded in 1987 and advocated an extreme version of fascist apartheid based on 'refined Nazism'. Its aim was to 'repatriate' all blacks, Jews and Indians and nationalise the assets of 'non-whites'. The BBB had links with the British National Front (BNF) and similar

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<sup>215</sup> Re-established National Party.

<sup>216</sup> White Liberation Movement.

groups in Australia, New Zealand and America. It is also believed to have had links with the Ku Klux Klan. The BBB was banned under the state of emergency in 1988 and unbanned with other political organisations on 2 February 1990.

## **AFRIKANER VRYHEIDSTIGTING**

16. The Afrikaner Vryheidstigting (Avstig)<sup>217</sup> was established by theologian Carel Boshoff in 1988 for the purpose of campaigning for a white homeland. Avstig was instrumental in establishing the town of Orania in 1991.<sup>218</sup> It was granted observer status at the multi-party negotiations.

## **AFRIKANER WEERSTANDBEWEGING**

17. The Afrikaner Weerstandsbeweging (AWB)<sup>219</sup> was founded in Heidelberg during 1973 on a more radical and militant manifesto of conservative aims. AWB leader Eugene Terre'Blanche traced the origins of the movement to dissatisfaction with the policy of 'appeasement' of then Prime Minister BJ Vorster. He and six others met to start a cultural/political movement with the aim of protecting the interests of Afrikaners, uniting the *Boerevolk* (Boer people) and establishing a *volkstaat* (nation-state). It was felt that Afrikaners did not share the same destiny as other whites in the country. A *volkstaat* would have a form similar to that of the old Boer republics.
18. The AWB was not willing to further its cause at the ballot box or negotiating table. Mr Terre'Blanche stated on numerous occasions that the borders of such a *volkstaat* would be drawn in blood.
19. The AWB has been the most prominent of all ultra-right movements. Its prominence owed much to the media profile of Terre'Blanche, although this was seriously eroded following the ill-fated intervention of AWB troopers in Bophuthatwana in March 1994.<sup>220</sup> Up to forty of its members were arrested in election week in April 1994 and charged with a spate of pre-election bombings. Many applied to the Committee for amnesty.

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217 Afrikaner Freedom Foundation.

218 Orania was envisaged as the growth point of a *volkstaat* that would stretch over a large part of the arid north western Cape Province. Orania has a population of about 350, including Mrs Betsie Verwoerd, widow of the late former premier Hendrik Verwoerd.

219 Afrikaner Resistance Movement.

220 Volume Two, Chapter Seven, p. 614, para 141.

## WENKOMMANDO

20. The Wenkommando (WK)<sup>221</sup> was established by the AWB in 1990 to take over from the various paramilitary groups operating under the banner of the AWB. Attached to the WK was the elite *Ystergarde* (Iron Guards), the *Rooivalke* (Red Falcons), the *Witkruisarende* (Black Eagles), the *Penkoppe* (Youth), *Stormvalke* (Storm Falcons), the underwater unit and various 'ethnic' units such as the exclusively Portuguese commandos in Johannesburg. In 1993, an air wing was also introduced and parachute training initiated.
21. The *Ystergarde* unit, with its membership of up to 200 men, was regarded as a more polished fighting unit, as several of its members were former members of the South African Defence Force (SADF) and South African Police (SAP) Special Forces.
22. The *Rooivalke* were the female counterpart of the *Ystergarde* and operated under the command of Mrs Ansie Cruywagen, wife of a *Wenkommando* chief of staff, Mr Alec Cruywagen. The *Witkruisarende* appeared to be a medical team consisting of female members of the Wenkommando with paramedical training. The *Penkoppe* were regarded as the Wenkommando Youth League and consisted almost exclusively of the children of active AWB members.
23. The *Stormvalke* unit was founded in late 1979 and can be regarded as the first paramilitary wing of the AWB. It never became more than a motorcycle gang wearing AWB insignia. Dormant in the mid-eighties, it was revived again in 1992 under the leadership of a Roodepoort motorcyclist.
24. Three men clad in diving gear made their first appearance at a May 1992 rally as the underwater unit of the *Wenkommando*. They surfaced again in 1993 at a joint rally of the AWB and AVF on 29 May.
25. In 1993, AWB spokesmen numbered Wenkommando membership at between 34 000 and 36 000. In September 1992, an official police assessment put WK membership at 15 000. Analysts have claimed that both figures were inflated. However, it is true that the WK expanded rapidly during the course of 1993. Political violence and concurrent polarisation played into the hands of the AWB, with an estimated 2 000 members joining up in the two weeks following

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<sup>221</sup> Winning commando.

the killing of Chris Hani. Towards the end of 1993, membership may have totalled 25 000.

26. Although it had a relatively large membership compared to other private armies, a distinction must be made between active members of the Wenkommando and those who had signed up at some stage but did not become active in the movement. Indications, such as attendance figures at rallies in 1992, suggest an active membership of no more than 5 000 countrywide.

## **KONSERWATIEWE PARTY**

27. The Conservative Party (CP) was founded in March 1982 under the leadership of Dr Andries Treurnicht who, until earlier that month, had been Transvaal leader of the National Party and a minister in President PW Botha's cabinet.
28. After serious differences of opinion between Treurnicht and the cabinet on issues such as mixed sport in schools and intimations that Indian and coloured representatives might soon become part of the decision-making process, Treurnicht and fellow cabinet minister Ferdi Hartzenberg resigned their posts.
29. On 9 March they were expelled from the NP and, together with fifteen other right-wing MPs, founded the CP on 20 March 1982.
30. The CP grew rapidly and soon became the white right's most important representative body. With 31 per cent of the vote in the September 1989 all-white general election, the CP became the official opposition in parliament. However, the party was dealt a devastating blow by the 1992 referendum and the reforms instituted by President FW de Klerk on 2 February 1990. Moreover, its members became frustrated with the lack of a clear policy direction in the party. In August, disaffection led to the establishment of the *Afrikaner Volksunie* (AVU)<sup>222</sup> by a breakaway group of five MPs who propagated a smaller homeland for the Afrikaner. The AVU was never able to gather much grassroots support, but the CP subsequently took over its homeland policy.

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<sup>222</sup> Afrikaner People's Union.

## TOEKOMSGESPREK

31. The Toekomsgesprek (TG)<sup>223</sup> was established in the mid-eighties as a counter to the NP's Broederbond<sup>224</sup>, using similar structures, procedures for recruitment, initiation rites and so on. Membership of the TG was by invitation only and only after proper screening by all other members. In October 1990, the TG argued in a policy document that the CP would have to settle for a smaller state, taking cognisance of the fact that blacks had become a permanent fixture in 'white' South Africa. Although supposedly a political and cultural movement, evidence in amnesty applications points to its paramilitary activities.
32. Amnesty applicant Mr Daniel Benjamin Snyders [AM0074/96] testified that he had been involved with Toekomsgesprek since the mid-1980s, helping to set up neighbourhood watch groups from the CP, HNP and AWB. In late 1990, the AWB declared a 'white-by-night' rule for blacks in many rural towns, giving their members 'permission' to use violence to forcibly remove blacks who transgressed the 'curfew'. Eugene Terre'Blanche claimed that Adriaan Vlok gave them the go-ahead for this 'crime prevention exercise'.
33. Toekomsgesprek's defence system grew rapidly, as did the other activities with which it was tasked at the *Volksberaad*.<sup>225</sup> These included burning down NP offices, taking charge of the commando system, making bombs with explosives obtained from the mines and joining forces with the SADF and the SAP. The country was divided into regions and commanders were appointed.

## BOEREWEEERSTANDBEWEGING

34. The Boereweerstandsbeweging (BWB)<sup>226</sup> was established in 1991 as one of the most radical and potentially most violent groupings. Led by Mr Andrew Ford, a farmer from the Rustenburg area, the BWB was strongly influenced by the ideas of Mr Robert van Tonder's Boerestaats Party<sup>227</sup>. Its organisation was based on a cell structure, and the separate cells were not supposed to have knowledge of one another. These cells were associated with numerous bombings, notably the bombing of an Indian business area at Bronkhorstspruit in October 1993 in

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223 Discussion of the Future.

224 A secret society composed of Afrikaners holding key jobs in all walks of life.

225 National or people's consultation.

226 Boer Resistance Movement.

227 Boer State Party.

which a police officer was killed when he went to investigate a suspicious-looking parcel (see below). Those implicated in the bombing allegedly belonged to the Cullinan cell of the BWB.

35. Ford also laid claim to the establishment of the Boere Republikeinse Leër (BRL).<sup>228</sup> The BRL was launched in 1991 when a document was circulated in far right-wing circles, calling on right-wingers to join. The BRL claimed responsibility, through anonymous callers, for various acts of sabotage that later turned out to be the work of other organisations or individuals. Doubts have been expressed as to whether the BRL actually existed or whether it was just one of several so-called 'telephone ghosts' of the right.
36. BWB deputy leader, Mr Piet Rudolph, went on to form the more militant Orde Boerevolk (OB), which declared war on the government through the medium of a videotape posted to an Afrikaans newspaper. At the time, Rudolph was on the run from the law following the theft of weapons from the SADF to launch the so-called 'Third War of Freedom'. By 1993, OB members had been organised in underground cells and were preparing for war. They were responsible for a number of violent acts and violations in the early 1990s.
37. At this time, the AWB created local self-protection committees modelled on the neighbourhood watch system in many right-wing towns, including *Blanke Veiligheid* (White Safety) in Welkom; *Brandwag* (Sentinel) in Brits; *Aksie Selfbeskerming* (Action Self-Protection) in Klerksdorp and *Die Flaminke* (Flamingos) in Virginia. Some engaged in vigilante actions such as the enforcement of the 'white-by-night' curfew instituted by the AWB across the country in 1990. On several occasions, these organisations entered into conflict with black residents in the towns and adjacent townships, particularly during consumer boycotts. During such incidents, white vigilantes encountered little or no intervention from law enforcement agencies.

## **VEKOM AND THE AFRIKANER VOLKSFRONT**

38. In the wake of the 1993 killing of Chris Hani, a group of retired SADF generals founded the Volkseenheidskomitee (Vekom)<sup>229</sup>, a well co-ordinated movement which established regional committees in the Transvaal and Orange Free State.

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<sup>228</sup> Boer Republican Army.

<sup>229</sup> Nations/People's Unity Committee.



Vekom aimed to create a paramilitary structure to facilitate access to armaments and other resources during the run-up to the 1994 election. Together with up to sixty-five other organisations, the formation of a 'right wing front' was discussed and the Afrikaner Volksfront (AVF) was conceived, drawing in a broad spectrum of right wing groups. These included the CP, the HNP, Afrikaner Volksunie, the Afrikaner Vryheidstigting (Avstig), the Wêreld Apartheid Beweging (WAB)<sup>230</sup>, the Boere Vryheidsbeweging<sup>231</sup>, the Pretoria Boerekommando Group, Vekom, the Mine Workers' Union, the Church of the Creator, the Oranjewerkers-Vereniging and some business and other church groupings. The AWB was also persuaded to participate. Later the BWB and the BRL also supported the front. The front's rallying call was for a *volkstaat*.

39. While the AWB fell in with the AVF, the latter's formation in May 1993 came as a blow to Eugene Terre'Blanche, who now found himself sidelined. Terre'Blanche had liked to see himself as the strongest force in extra-parliamentary right-wing politics and the AWB as the original and true carrier of the *volkstaat* ideal. Tensions erupted in March 1994 when three AWB members were killed during the Bophuthatswana debacle. Shortly thereafter, AVF leader General Constand Viljoen cited AWB lack of discipline as one of the main reasons for the failure of a right wing, and resigned from the AVF directorate. For their part, the AWB and Terre'Blanche accused Viljoen of being a traitor.

## THE FREEDOM ALLIANCE

40. The Freedom Alliance (FA), which grew out of the Concerned South Africans Group (COSAG) in 1993, was a political pressure group comprising the AVF, the Inkatha Freedom Party (IFP), the Ciskei and Bophuthatswana homeland governments and the CP. All its members had at one stage or another pulled out of the multi-party negotiations, giving as their central reason their perception that the NP and ANC were pushing a pre-determined agenda past the other parties.
41. For its part, the FA pushed a strong regional agenda. Some of its members subscribed to confederalism and others to federalism, following the principles of the right to self-determination, the protection and promotion of free enterprise and the limitations of powers of central government. The AVF's General Viljoen spoke on behalf of the alliance at a meeting in Pietersburg during July

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230 World Apartheid Movement, aka the World Preservatist Movement.

231 Boer Freedom Movement.

1993, saying that the potential for conflict was so high that a bloodbath was unavoidable if the demands of the alliance were not recognised.

42. However, General Viljoen ultimately supported participation in the democratic elections in 1994.

## **PART TWO: SUMMARY AND ANALYSIS OF AMNESTY APPLICATIONS**

### **■ OVERVIEW**

43. A large number of victim statements implicating right-wing perpetrators were received by the Commission, nearly all relating to violations committed from the late 1980s until the election in April 1994. The number of statements received showed a distinct increase in violations as the election approached, peaking in late 1993 when the political climate for extremism was at its height. Most violations occurred in the former Orange Free State and Transvaal and many were as racist as they were political in character.
44. A total of 107 applications for amnesty were received from members of right-wing organisations. This figure does not include those applicants who were found not to be bona fide members of such organisations, or those who participated in right-wing activities while they were members of the security forces.
45. The overwhelming majority (71 %) of applicants claimed membership of the Afrikaner Weerstandsbeweging (AWB). Ten per cent of applicants claimed membership of the Conservative Party (CP). The remaining 19 per cent of the applicants claimed to belong to a variety of organisations, including the non-specific 'right wing'.
46. Most applications for amnesty from right-wing applicants were heard and settled in the early stages of the Amnesty Committee's work. Of these, 68 per cent were granted amnesty. Roughly half the applications were dealt with in chambers<sup>232</sup> and half in hearings convened by the Amnesty Committee. Sixty per cent of the hearable applications and 67 per cent of the chamber matters were granted amnesty.

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<sup>232</sup> See this volume, Section One, Chapter Three for more information about chamber matters.

47. The Amnesty Committee heard that, prior to February 1990, violations committed by members of right-wing organisations took the form of isolated attacks with a strong racist character. From February 1990, right-wing violence took on a more organised and orchestrated form. Isolated racist attacks on individuals were replaced by mass demonstrations and orchestrated bombing and sabotage campaigns. Perhaps the two most dramatic of these mass actions were the June 1993 occupation by members of the AWB and other right-wing groups of the World Trade Centre at Kempton Park<sup>233</sup> and the invasion by members of the AWB of Bophuthatswana in support of the homeland administration in 1994<sup>234</sup>. In the first incident, Eugene Terre'Blanche led a crowd of up to 3000 right-wingers around a police cordon and smashed an armoured vehicle through the plate glass doors of the Centre, where constitutional negotiations were underway. The right-wingers occupied the chamber for more than two hours singing *Die Stem*<sup>235</sup>. Their representatives handed over demands for a *volkstaat*. In the Bophuthatswana incident on 11 March 1994, Eugene Terre'Blanche mobilised a force of 600 AWB members following an appeal by President Mangope to the Volksfront for assistance in suppressing civil action calling for political reforms in the homeland. They entered Mafikeng in Bophuthatswana and proceeded to attack local residents. Over forty-five people were killed, including three AWB members.
48. It should be noted that one of the main reasons for extending the cut-off date for amnesty applications was to accommodate potential applicants who had been involved in these two incidents. Yet amnesty applications were received in respect of neither. The original cut-off date was 30 November 1993.

## CATEGORIES OF VIOLATIONS

49. This chapter deals with the violations committed by the right wing prior to the unbanning of political organisations in February 1990 and the violations that followed the unbannings until the first democratic election in April 1994 in the following broad categories: attacks on individuals; possession of arms, explosives and ammunition; sabotage of the transitional process, and sabotage of the electoral process.

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233 Volume Two, Chapter Seven, p. 663; Volume Three, Chapter Six, p. 736.

234 Volume Two, Chapter Seven, p. 614, para 141.

235 The former national anthem.

50. The first category deals with right-wing attacks on individuals, on those perceived to have betrayed the nationalist ideal and on black persons insofar as race determined the notion of the 'enemy'. Few human rights violations were committed by right-wing groups during the 1960s and 1970s.
51. The second category deals with applications for amnesty for the possession (including the theft or manufacture) of arms, explosives and ammunition.
52. The third category deals with violations committed between February 1990 and December 1993, which were intended in one way or another to derail the process of negotiations by instilling a climate of terror and fear in the country. Included in this category are indiscriminate attacks on individuals, targeted assassinations, interference with political activities and sabotage attacks on symbolic targets, including schools, businesses, newspapers, court buildings and so on.
53. The fourth category deals with violations committed between 1 January and 27 April 1994 with the specific intention of throwing the preparations for the first democratic elections in April into disarray. These violations include those arising from a comprehensive pre-election bombing campaign of strategic attacks as well as ongoing attacks on individuals.
54. It should be noted that the violations reported to the Commission represented less than half of the actual number of violations for which members of right wing organisations were responsible in the months leading to the April 1994 elections.

## **LINKS WITH OTHER ORGANISATIONS**

### **Links with the security forces**

55. The evidence shows that the right wing enjoyed a doubled-edged relationship with the security forces.
56. On the one hand, both the security forces and right-wing groupings shared a 'common enemy' in the ANC/SACP alliance. Although members of the former SADF and SAP were, from 1984, prohibited by law from being members of the AWB and other right-wing organisations, many members of the police force were sympathetic to the right wing. Police and right-wingers often moved in the same circles, especially in small towns where white communities were small.

Moreover, many members of right-wing organisations had at some time undergone military training in the SADF and continued to receive support in the form of training, information and weapons. The AWB claimed on several occasions that their strength within the army and police ranged from between 40 and 60 per cent.

57. The Commission heard evidence that Military Intelligence structures were involved in the formation of Vekom and later the AVF. There are, of course, other possible explanations for this. It might have been a strategy to defuse militant ultra-right and rogue security force members and bring them into the fold of the negotiations process. Alternatively, the aim could have been to mobilise the right wing in order to create the impression that a military-style coup was on the agenda, thus either strengthening the NP's bargaining position in the negotiations or as a prelude to a military-style coup.
58. The Committee received amnesty applications from security force members who supported the right wing and actively assisted them with training, information and weapons. Boereweerstandsbeweging (BWB) 'general', Mr Horst Klenz [AM 0316/96] testified how the Security Branch in towns like Cullinan provided weapons directly to the groups' deputy leader (one Von Beenz), for use by the BWB's approximately 100 active members.
59. On the other hand, right-wing organisations were themselves infiltrated by the Security Branch. According to intelligence documents before the Commission, the SAP ran a Stratcom project ('Operation Cosmopolitan') in the early 1990s. This aimed, inter alia, to utilise strategic intelligence to persuade the right wing to take part in negotiations and a peaceful settlement and to influence members of the SAP to accept and support the negotiations process.
60. Mr Roelof Venter, a security policeman who applied for amnesty for a vast array of violations, mostly in connection with the liberation movements, also admitted to acting against right-wingers between the early 1980s and 1994. Venter said he 'questioned' a number of right-wingers:

*They talked easily without the necessity to use physical force, but we were in no doubt to use the same interrogation techniques against them as those used against the black activists, if necessary. (Pretoria hearing, February 1997.)*
61. An unidentified security policeman applied for amnesty for several premeditated violations against right-wingers and right-wing organisations. In the late 1980s,

he was instructed to infiltrate the right wing and sow divisions. He testified that he was involved in *crimen injuria*, defamation, invasion of privacy and other violations against AWB leader Eugene Terre'blanche during 1988/89. This involved smear campaigns and 24-hour tapping of his telephones, leading to the exposure of his alleged affair with a Sunday newspaper journalist.

62. The same Security Branch policeman applied for amnesty for theft and a break-in at the AWB offices in Pretoria in 1989, when a number of documents were taken. He believes the information gained as a result helped the police (and government) to keep the right wing 'under control'.
63. He also admitted to arson, damage to property, intimidation and conspiracy during the early 1990s, and carrying out actions in the name of the Wit Wolwe ('White Wolves') in Pretoria and Verwoerdburg. These actions targeted white activists such as members of the End Conscription Campaign (ECC) and the National Union of South African Students (Nusas) affiliates and involved the creation and distribution of Stratcom-style pamphlets in the name of the Wit Wolwe.

### **Links with the CCB**

64. One of the earliest known right-wing violations seems to have been orchestrated by the Civil Co-operation Bureau (CCB). Applicant Leonard Michael Veenendal [AM3675/96], who was involved with a number of right-wing groups, testified that he was a paid CCB member while at the same time carrying out actions with various right-wingers. Veenendal, together with another CCB member, a German right-winger and other right-wingers – most related to the BWB – were involved in the killing of an UNTAG guard in Namibia in 1989. Veenendal escaped from custody, killing the police officer guarding them. He was refused amnesty [AC1998/002].

### **Links with the Inkatha Freedom Party**

65. Applications and intelligence documents provide evidence that some IFP members and right-wingers collaborated on a wide front, particularly in efforts to procure weapons.
66. With the formation of the Concerned South Africans Group (COSAG) in 1993, the IFP formalised its ties with the Afrikaner Volksfront, an umbrella body comprising a variety of conservative and right-wing groups.

67. Evidence before the Committee confirmed that, even before the formation of COSAG, AWB groups were working closely with the IFP, particularly on the KwaZulu/Natal north coast and to some extent on the West Rand. This association involved mainly the procurement of arms and ammunition, although there were also reports of AWB groups providing training assistance. Joint operations were planned in at least two instances on the KwaZulu/Natal south coast (See the Flagstaff police station attack below).
68. Former IFP member Walter Felgate testified at a section 29 hearing<sup>236</sup> that most right-wing offers for joint operations to procure weapons were declined by the IFP.
69. Amnesty was granted to Mr Gerrit Phillipus Anderson [AM8077/97], an AWB member whose cell in Natal co-operated with the IFP to procure and hide weapons between May 1993 and June 1994 [AC/1998/0005]. Anderson was an adviser on special AWB operations in Natal. He testified before the Amnesty Committee that the AWB procured weapons for the IFP as it was believed that the IFP could help the AWB realise its ideal of a *volkstaat*. He testified that the AWB leadership approved these actions. Anderson stated in his application that the homemade guns were hidden by an IFP member and later handed over to the Security Branch by a third party.
70. IFP supporter Mr Allan Nolte [AM2501/96] applied for amnesty for planning to poison the water supply of Umlazi in Durban with cyanide during 1993/4. The plan was never executed. Nolte testified that he was 'on loan to the AWB' for the planned operation and named other right-wingers who were party to the proposed poisoning operation. Nolte was later convicted of illegal possession of arms and explosives, an offence for which he was refused amnesty because it was committed after the cut-off date [AC/1999/0073]<sup>237</sup> He testified that the aim of joint IFP/AWB operations was to isolate KwaZulu-Natal from the rest of the country in order to 'take control of it'.

### ***The Flagstaff police station attack***

71. Four AWB members and three IFP members launched an attack on the Flagstaff police station in the Eastern Cape on 6 March 1994, with the intention of stealing

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236 In terms of Section 29 of the Act, witnesses and alleged perpetrators could be subpoenaed in order to 'establish the fate or whereabouts of victims' and the identity of those responsible for human rights violations.

237 The initial cut-off date for amnesty applications was 14 December 1996. This was, however, extended to 10 May 1997.

arms for use by IFP self-protection units (SPUs).<sup>238</sup> AWB members Harry Simon Jardine [AM6178/97] and Andrew Howell [AM5961/97], AWB/IFP member Morton Christie [AM6610/97] and IFP members Christo Brand [AM6422/97] and James Mkhazwa Zulu [AM5864/97] applied for amnesty for the incident. Before the start of the hearing, Mr Zulu was killed in a violent altercation and his application could not be proceeded with.

72. The applicants testified before the Committee that AWB Commander Patrick Pedlar and Mr Robin Shoesmith, an IFP SPU member, requested that they attack the Flagstaff station on a Sunday when it was thought that there would be only one SAP officer on duty. However, unbeknown to the applicants, the police were tipped off about the attack, allegedly by Pedlar himself. Reinforcements were sent to the police station and what had been foreseen as an easy robbery turned into a shoot-out. The police officer on duty, Mr Barnabas Jaggars, died in the attack and officers Wele Edmund Nyanguna and Mzingizi Abednego Mkhondweni were injured. The applicants managed to get away with a vehicle, arms and ammunition and a trunk containing R140 in cash.
73. Mr Jardine testified that, at the time, the AWB was preparing for war because the ANC was going to take over the country. In this volatile political climate, the AWB co-operated with the IFP because they shared 'a common enemy' in the ANC/SACP alliance. Working with the IFP would strengthen the might of the AWB in the south coastal areas of KwaZulu/Natal (Durban hearing, April 1998).
74. Mr Howell testified before the Committee that the IFP and the AWB shared the same belief in the self-determination of their people. Working together to combat the ANC's rise to power would strengthen the AWB's aim of achieving a *Boerestaat* (Durban hearing, April 1998).
75. Mr Christie testified that he had been instructed by AWB General Nick Fourie<sup>239</sup> to assist the IFP in any way possible.

*MR CHRISTIE: ... I see in the news and what-not, the IFP or Zulus, as such, had marched with other right-wingers in other parts of the country. So, our objective was, obviously, to assist the IFP. You know, they not having the benefit of military training as what we've had and, of course, the ANC having benefit of military training from overseas, the IFP are left with no military training. I was instructed*

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238 See Chapter Three in this section.

239 Nick Fourie was killed about a week after this event when AWB forces invaded Bophuthatswana.



*on that regard that we should assist the IFP in any way possible. (Durban hearing, 24 April 1998.)*

76. Although he authorised the attack, Fourie was not involved in planning it. He did, however, warn Christie to proceed with caution and to be wary of local AWB Commander Patrick Pedlar, who was thought to be an informer for the Security Branch.
77. All five applicants were convicted of the robbery, the killing of Mr Barnabas Jagers and the attempted killing of Mr Wele Edmund Nyanguna and Mr Mzingizi Abednego Mkhondweni. Their sentencing in the matter was delayed pending the outcome of their amnesty applications. The surviving victims, Mr Nyanguna and Mr Mkhondweni, opposed their applications on the grounds that the applicants did not disclose who actually wounded them and killed Mr Jagers.
78. The Amnesty Committee found that the operation was associated with a political objective committed in the course of the conflicts of the past and that the relevant facts relating to the particular offenses had been disclosed, bearing in mind the circumstances prevailing that night. Amnesty was granted the four applicants [AC/1998/0015].

### ***The Seychelles Restaurant attack***

79. In February 1994, the same IFP and AWB members conspired to carry out an attack on the Seychelles Restaurant at Port Shepstone. Mr Morton Christie, Mr Harry Jardine and Mr Andrew Howell applied for amnesty for the arson attack that destroyed the restaurant. They testified before the Amnesty Committee that the restaurant was a known meeting place for ANC supporters.
80. At the hearing on the Flagstaff police station attack, the applicants revealed that they had conspired to bomb the Port Shepstone offices of the NP and the ANC on the same day as the Seychelles Restaurant attack, but had abandoned these plans because of the commotion caused in the town by the bombing of the restaurant. No casualties or injuries were reported after the bombing.
81. Amnesty was granted to the applicants for the attack on the restaurant, for the conspiracy to attack the NP and ANC offices and for preparing and being in possession of explosives, on the basis that the relevant facts had been disclosed

and that the offences were associated with a political objective committed in the course of the conflicts of the past [AC/1999/0183, 0184, 0185].

## **Links with international right-wing organisations**

82. Support from international right-wing organisations mainly took the form of moral support and the supply of propaganda materials.
83. Mr Robert Mahler [AM6397/97], an American citizen, stated in an amnesty application that he had been recruited by the SAP to act as a firearms instructor. Mahler had illegally imported a large cache of weapons to South Africa, using fraudulent names and passports. He claimed allegiance to the CP and said he had contact with other groups like the AVF and AWB. He also said he was the USA fund-raising representative of the AWB. He was refused amnesty on the grounds that he could show no political objective for his offences.
84. After the assassination of Mr Chris Hanu, reports appeared in international and local media linking Mr Janusz Walus and Mr Clive Derby-Lewis to international groups. This supported suspicions that there was a wider international conspiracy behind the killing. However, the Commission was unable to find that Walus and Derby-Lewis took orders from international groups (see below).<sup>240</sup>

## **PRE-1980 ATTACKS ON INDIVIDUALS**

85. In the pre-1990 period, the right wing was associated mainly with isolated incidents of racial violence and politically motivated attacks on individuals.

### ***The tarring and feathering of Floors van Jaarsveld***

86. The earliest incident for which an amnesty application was received was the tarring and feathering of Professor Floors van Jaarsveld on 28 March 1979. The attack followed his delivery of a 'liberal' speech at the UNISA Senate Hall in Potchefstroom. AWB leader Eugene Terre'Blanche [AM7994/97], applied for amnesty for the incident.
87. When addressing the gathering, Professor van Jaarsveld, a leading historian attached to the University of Pretoria, had proposed a different approach to the

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<sup>240</sup> See also Section 1, 'Report of the Amnesty Committee', in this volume.

celebration of the Day of the Covenant, a day held sacrosanct by the majority of Afrikaners as it commemorated the battle of Blood River, where a small group of Voortrekkers staved off the attack of a large number of Zulu warriors.

88. Terre'Blanche and his followers, all members of the AWB, decided that Professor van Jaarsveld had abused his influential position in an attempt to further leftist political objectives, and saw this as an attack on the ultimate freedom of the Afrikaner *volk*. They regarded the new direction given by Van Jaarsveld to Afrikaner history as contrary to the then South African Constitution, which recognised God as the highest authority. It was for this reason that the AWB took a decision to 'tar and feather'<sup>241</sup> Professor van Jaarsveld in the lecture hall. They poured tar over him in front of his audience and thereafter strewed feathers all over his clothes and body. In the process, expensive carpets in the university hall were damaged. Mr Terre'Blanche was convicted of *crimen injuria* and malicious damage to property.
89. In his written application, Mr Terre'Blanche fully disclosed the names of his co-perpetrators. He testified at the hearing that it had been the intention of the AWB to send a message to Professor van Jaarsveld that he had broken the vow the Afrikaners had taken at Blood River. The lecture, in his opinion, was part of a clever political move, a typical onslaught on 'my God and my people who thereafter could not ask God for victory'.

*I could think of no other measure to enable us, as a group of young people, to state our case. And in those days the powerful regime of the National Party destroyed us and we had no access to the press and the media, who to a great extent did not support us. The power and the force of the communism and the liberalists and the way it could be seen in the press as a cancer. We did not want to injure, cause injury to Professor van Jaarsveld; we did not want to cause damage to the property of the University; we never wanted to injure anybody from the audience. (Klerksdorp hearing, 10 May 1999.)*

90. Terre'Blanche testified that, after the tarring and feathering, history books written by the professor were withdrawn from schools and that the AWB had therefore partially succeeded in its political objective since Professor van Jaarsveld could no longer influence the minds of the youth, the voters of the future.

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<sup>241</sup> 'Tarring and feathering' was by no means an uncommon way of dealing with political enemies and deviants in Afrikaner political extremist circles.

91. The application was not formally opposed by the members of the family of the late Professor van Jaarsveld, who preferred to leave the matter in the hands of the Amnesty Committee. However, one of Professor van Jaarsveld's sons, Mr Albert van Jaarsveld, said that some individual members of the family opposed the application on the grounds that the act was not perpetrated to meet a political objective, but rather to gain publicity for the newly-formed AWB.
92. Mr van Jaarsveld read out a statement at the hearing, explaining the effect that the incident had had on the Van Jaarsveld family. Overnight, Professor van Jaarsveld had been 'transformed into a man who was looked upon with suspicion by his peers'. As a man deeply rooted in the Afrikaner culture, who had lived and worked within the inner circles of Afrikanerdom, he was humiliated and belittled at a public conference in front of an audience of his academic peers. The tarring and feathering incident effectively expelled him 'from that same community which he so dearly served'.

*As regards my father's viewpoint on the Day of the Covenant, Mr Terre'Blanche is still spreading lies. It is clear that Professor van Jaarsveld took issue with legislation which effectively was forced upon South Africans other than Afrikaners, who felt themselves bound by the Covenant to celebrate the Day of the Covenant as a Sabbath, which legislation was enacted by the National Party in 1952.*

*At that stage, it was necessary to investigate this legislation seen in the light of the political changes which began to creep into the country. It is clear that he [Mr Terre'Blanche] does not want to or cannot understand the information in that paper. (Klerksdorp hearing, 10 May 1999.)*

93. Mr van Jaarsveld confirmed that one of the consequences of the incident was that Afrikaans publishers like Perskor turned their backs on Professor van Jaarsveld and removed 'his popular and well-known history textbooks from the market'. He was ignored by the South African Broadcasting Corporation (SABC) to which he had regularly contributed to radio programmes. He was investigated by the security police and threatened with anonymous telephone calls and hate mail. Shortly after Terre'blanche and others had been found guilty, an attempt was made on the professor's life and he was shot at with a crossbow. Other members of the family were threatened and a stone-throwing incident took place at the family home.

94. In response to Mr van Jaarsveld's statement, Terre'Blanche told the Committee: *Mr Chairman, all these things did not happen because the professor was tarred and feathered; these things happened because of the incorrect version of the Covenant and the fact that history was twisted, which can be the worst that can happen to a nation if you abuse your power to rewrite history so that you all of a sudden can become acceptable to other nations. If we sit here at the Truth and Reconciliation Commission, it is scaring to think that the Van Jaarsveld's family admit in front of this body seeking reconciliation and truth, that his father treated the truth in this way to the extent that his books were no longer published as textbooks because what he said was not acceptable to students and pupils. (Klerksdorp hearing, 10 May 1999.)*
95. After having considered the documentation placed before it and the testimony of the applicant, the Committee was satisfied that the acts committed by Terre'Blanche and other members of the AWB occurred in the course of the political struggle of the past and in furtherance of the political objectives of that organisation. The Committee was also satisfied that Terre'Blanche had made full disclosure of all the material facts as required by the Act.
96. It was suggested by the evidence leader, in argument, that the incident was the result of a religious dispute and thus fell outside the ambit of the Act. The Committee considered this argument but took the view that it had to accept the applicant's argument that his political conviction was driven by his education and belief in God. It was not possible to divorce the religious stance of the AWB from its politics. Amnesty was accordingly granted to Terre'Blanche in respect of the incident [AC/1999/221].

## **PRE-1990 ATTACKS ON INDIVIDUALS**

97. Towards the end of the 1980s, targeted and indiscriminate attacks on individuals were becoming more and more frequent. With very few exceptions, the targets of these attacks were black persons. Individuals like Wit Wolwe member Barend Strydom, who killed eight people and injured sixteen when he opened fire on people in a busy Pretoria street in 1988, believed that black people were valid targets in their quest for political self-determination. Strydom submitted an application for amnesty for this incident, then later withdrew it.

## ***The Killing of Potoka Franzar Makgalamela***

98. On 29 August 1989, a black taxi driver, Mr Potoka Franzar Makgalamela, was fatally stabbed and shot by two right-wingers. Mr Cornelius Johannes Lottering [AM1004/96] applied for amnesty for three offences, namely murder, robbery and escaping from lawful custody. He admitted to killing Mr Makgalamela on 29 August and committing a robbery at the Poolside Liquor Store on 19 September 1989. These offences took place after he had resigned from the AWB and joined an organisation known as the Orde van die Dood ('Order of Death').
99. The evidence portrays the Orde van die Dood as having been an extremist right-wing political organisation, whose aim was the assassination of senior members of government and, at a later stage, members of the ANC. Its ultimate objective was the establishment of a volkstaat. Later the emphasis shifted to targeting members of the left wing who had, according to the applicant, 'become too strong at that point for the right wing'.
100. The Committee heard that individuals in the AWB had joined the shadowy organisation (also known as the 'Aquillos') after it was formed in 1988/9 because of security problems in the AWB. For example, when Lottering received his instructions from Mr Dawie de Beer, administrative head of the Aquillos, he was under the impression that they came from the AWB and the CP. Mr Andries Stephanus Kriel, a witness called by the applicant, confirmed the relationship between the two organisations:

*MR KRIEL: Yes, that is completely acceptable because at that stage there were various factions within the AWB and we, as Commanders of a right wing organisation which housed activists, supported them. I would like to say that the Aquillos were selected by or according to the criteria of persons who would carry out instructions almost immediately – if I might say that they were people who could be manipulated, that you could give them instructions and no matter what the instructions were, they would have carried them out immediately. And those sort of people were taken up in the Aquillo – among others, Mr Lottering. (Pretoria hearing, March 1998.)*

101. According to Kriel, it was desirable that people who carried out instructions should not be directly traced to the AWB.

*MR KRIEL: ... in other words, if such a person were to be caught as a result of a murder or a robbery then it would not have left tracks which would lead to the AWB. (Pretoria hearing, March 1998.)*

102. Lottering testified before the Amnesty Committee that he had killed Mr Makgalamela because he had received an instruction from the leader of the Orde van die Dood to kill a person to prove that he would be an effective member of the order. The applicant testified that he also wished to satisfy himself that he was capable of carrying out his duties as an assassin.
103. Lottering testified that he received no instruction as to whom he should kill for the purposes of being initiated into the order. He testified that he had selected Makgalamela as his victim because he was a black man, explaining that, according to his religious beliefs, black people were his natural enemies. He had selected Makgalamela because he had seen him ferrying white girls in his taxi. This he found to be objectionable.

*MR LOTTERING: The decision making about who and what it would be was left up to me personally; and I didn't want to simply just do anything, that is why I chose a Black taxi driver who transported white persons in his taxi. I basically chose him in order to protest against integration so that it would serve a dual purpose – that I would not simply find someone on the street and kill him. (Pretoria hearing, March 1998.)*

104. All that the applicant knew of Makgalamela was that he was a taxi driver. He did not and still does not know the deceased's political affiliation or views or whether or not he was politically active. Lottering was also not given any instructions or guidance by his leaders as to when and how his initiation victim should be killed, nor was he informed of any report-back procedure.
105. The Amnesty Committee found that the fact that the applicant murdered the deceased following an order given to him by the leadership of the political organisation of which he was a member did not, in the circumstances of this matter, justify his being granted amnesty for the killing. Makgalamela was killed to satisfy the internal initiation requirements of the Orde van die Dood. The Committee ruled that there were no grounds for concluding that the murder of the deceased was committed bona fide in furtherance of a political struggle waged by the Orde van die Dood against the state or another political organisation or liberation movement; nor that the killing was directed against the state or a political organisation or liberation movement or any member of the security forces or member of any political organisation or liberation movement. This was particularly so because the deceased must be regarded as having been an innocent private individual whose political affiliation and views were unknown.

106. The Committee found that, although the applicant had killed the deceased in the execution of an order, this was not sufficient to warrant the granting of amnesty. His motive in killing the deceased was to appease his superiors in the order and to displace any doubts they (or indeed the applicant) might have had about his ability to act as an assassin. The killing of the deceased was not only unreasonable, but was totally out of line with and disproportionate to the achievement of the stated political objective of the organisation – that is, the elimination of senior members of government or other political movements. It amounted to nothing more than a tragic loss of life, with no tangible or foreseeable benefit for the applicant's political organisation.

107. The Committee found that the killing did not achieve any desired political objective, and amnesty was accordingly refused [AC/1998/0025].

108. As regards the application for amnesty for the robbery, the applicant testified at the amnesty hearing that it was the policy of the Orde van die Dood to commit robberies to raise funds for the subsistence of members of the organisation and that he had committed the robbery in furtherance of such policy.

109. In his evidence, Mr Andries Kriel confirmed the existence of such a policy.

*MR KRIEL: ... I would also like to add, Chairperson, that at that time when people struggled with the collection of finances and funds, they were constantly told that if they did not have money to continue that they should not come to us and ask for money, they should commit robbery. (Pretoria hearing, March 1998.)*

110. After careful consideration, the Committee decided to give the applicant the benefit of the doubt and to find that the robbery was not committed for personal gain. This meant accepting the applicant's explanation of why the evidence he gave before the Committee differed from that placed before the trial court. Amnesty for the robbery was therefore granted [AC/1998/0025].

111. According to Lottering and Kriel, another general order given to members was that they should attempt to escape from prison in order to continue to fight for the cause of the organisation.

*MR KRIEL: Regarding escapes, we told the people prior to the fact that – and we also this to them when we visited them in prison – we told them that if they could escape and if we could help them escape we should do it immediately so that we could continue with the struggle. That was also a general order which was issued. (Pretoria hearing, March 1998.)*



112. Lottering's escape from legal custody did not involve any gross violation of human rights and the applicant continued to serve the Orde van die Dood in the period following his escape until his recapture. The Committee granted amnesty to Lottering in respect of his escape from custody [AC/1998/0025].

## **POSSESSION OF ARMS, EXPLOSIVES AND AMMUNITION**

113. The Committee received thirty-one amnesty applications for the possession of arms, explosives and ammunition. The offences included possession and storage of arms caches, theft of weapons, manufacture of weapons and explosives and distribution for the purposes of furthering the activities of right-wing organisations and the IFP. Twenty-nine of these applications were granted.

114. AWB leader Eugene Terre'Blanche [AM7994/97] was granted amnesty for the illegal possession of arms and ammunition in Ventersburg in about 1982 [AC/1999/221]. Terre'Blanche testified that the weapons, which included a number of AK47s and two pistols, were obtained by his organisation from a Mr Kees Mouse, whom Terre'Blanche later established to have been an SAP agent. The intention was to store the weapons and keep them until such time as members of the AWB needed them to protect themselves. The AWB feared that the then government would hand power to a black government and that the same fate would befall South Africa as had befallen other African countries, where chaos had followed political change.

115. It was eventually decided to bury the weapons on a farm belonging to Mr Terre'Blanche's brother until they were be needed. The weapons were later seized by the police and Terre'Blanche was arrested and convicted.

116. In another incident, AWB member Willie Hurter [AM 3613/96] was granted amnesty for being in possession of four shock grenades, a homemade shotgun and ammunition and an unlicensed Lama pistol at Bloemfontein on the 15 September 1992 [AC/1998/0024].

### ***Robbery at Welkom military base***

117. AWB members Roelof Johannes Fouche [AM 3507/96], Guillaume Cornelius Loots [AM 3508/96], Petrus Johannes Pelser [AM 3512/96], Roelof Johannes Jordaan [AM 3861/96], Cornelius Johannes Strydom [AM 3862/96] and Coenraad Josephes Pelser [AM 4719/97] applied for amnesty for the theft of

weapons and equipment from the Group 34 Commando Base at Welkom during the night of 2nd/3rd January 1993.

118. Under the leadership of Mr Jordaan (who holds the rank of General in the AWB), the applicants broke into the military base and made off with a large amount of weaponry, including rifles, handguns, ammunition, flares and smoke grenades as well as other equipment. No one was injured during the incident. The police recovered the stolen weapons and equipment a few days later on a farm in the Hobhouse district.
119. The applicants testified that they had committed the offence as an organised group of AWB members pursuant to a decision that was made by the AWB at regional level. The motivation behind the theft was to arm farmers on the eastern border of the then Orange Free State in order to enable them to protect themselves from attacks by members of the Azanian People's Liberation Army (APLA) who were operating from Lesotho. They testified that this was necessary as the government of the day was unable to maintain law and order in that region. None of the applicants derived any personal gain from the theft of the weapons and equipment.
120. The Committee was satisfied that the applications related to an act associated with a political objective committed in the course of the conflicts of the past and that the applicants had made a full disclosure. All were granted amnesty [AC/1998/0075].

## **POST-1990 VIOLATIONS**

### **Sabotage of the transitional process**

121. The Committee received thirty-five applications from members of right-wing organisations in respect of a range of violations committed with the aim of sabotaging the process of negotiations in the country. The violations, for the most part, consisted of attacks on individuals and included targeted assassinations. Most (71 %) were refused amnesty.
122. The Committee received forty-one applications in respect of attacks on symbolically important targets such as schools, business premises and court buildings. Most of these (95 %) were granted.

123. The lifting of the banning orders on the liberation movements in February 1990 triggered a spate of attacks by right-wingers on black persons around the country. At the end of November 1990, the AWB adopted the so-called 'white-by-night' policy, in terms of which black people were denied the right to remain in the then 'white areas' after 21h00. AWB members set up roadblocks and tried to enforce a 'white-by-night' curfew in the small towns in which they were most organised.
124. Photographers and journalists were thrown out of AWB meetings, some severely injured in beatings and attacks.
125. Schools were targeted for sabotage attacks. Following announcements that the Group Areas Act was to be repealed and schools would be opened to all race groups, a number of schools were destroyed in a series of bomb blasts.

### **Targeted killings**

126. In 1990, two AWB members from Potgietersrus killed a civic member, Mr Max Serame, because of his alleged role in a boycott action in the town. Mr Jan Harm Christiaan Roos [AM0801/96] and Mr A J Vermaak [AM0818/96] claimed they were in a position to make their own decisions, even though direct commanders did not ask them to kill Serame. Amnesty was refused on the grounds that the attack had no political objective.
127. Earlier that year, J W Rautenbach [AM0412/96] murdered Mr Iponse Beyi Dlamini in Lamontville. He was refused amnesty on the grounds that the attack had no political objective.

### **The killing of Chris Hani**

128. SACP and ANC leader Mr Chris Hani was one of the most popular and influential political figures in South Africa. He was gunned down in the driveway of his home in Dawnpark, Boksburg in the former Transvaal on 10 April 1993, the Saturday of the Easter weekend. Polish immigrant Mr Janusz Walus [AM0271/96] was found to have fired the shots that killed Mr Hani and Conservative Party member of the President's Council, Mr Clive Derby-Lewis [AM0271/96], was found to have planned and conspired with Walus to execute the assassination. Both were sentenced to life imprisonment and applied for amnesty.

129. Walus and Derby-Lewis were both thought to have strong ties with members of two international right-wing organisations, namely the World Preservatist Movement (WPB) and the World Apartheid Movement (WAM). Despite suspicion of a larger conspiracy behind Hani's death, the Commission found no evidence that the two convicted killers took orders from either of these international groups, nor from members of the security forces or higher up in the right-wing echelons.
130. Both applicants and numerous other witnesses testified at a hearing that lasted for several weeks. In addition, a substantial volume of documents and exhibits as well as full written arguments were placed before the Amnesty Committee.
131. The application was strenuously opposed by the Hani family and the SACP.

### ***The testimony of Clive Derby-Lewis***

132. The Committee found that Mr Clive Derby-Lewis was a seasoned politician steeped in conservative politics who had been popular in Afrikaner right-wing circles at the time of the incident. He was an English-speaking South African with a distinguished military background. He had been one of the founder members of the Conservative Party (CP) which had been launched in February 1982, had represented the party in Parliament during the period May 1987 to September 1989 and had served on the President's Council from September 1989 until the assassination.
133. Right-wing organisations were convinced that the political reforms of the early 1990s would result in the destruction of the Afrikaner's culture, values and way of life. It was in this context that Derby-Lewis and Walus plotted the assassination of Mr Hani. Their hope was that the followers of Mr Hani, many of them young people, would react to his assassination by causing widespread mayhem. This would create an opportunity for the security forces and the right wing to step in to restore order and take over the government of the country.
134. They never obtained the express authority of the CP for the assassination, nor were they acting upon the instructions or orders of the CP. Derby-Lewis had engaged in a discussion with Dr Treurnicht who indicated that it would be justified to kill the anti-Christ in a situation of war. Derby-Lewis contended that his senior position in the CP gave him the necessary authority to take the decision to assassinate Mr Hani on behalf of the CP.

135. In the course of their discussions about the assassination, Derby-Lewis handed Walus a list of names and addresses. The evidence led was that Mrs Derby-Lewis had prepared it for the purpose of exposing the luxurious lifestyles of those on the list for newspaper articles she intended writing. Her intention was to embarrass those concerned because their lifestyles conflicted with the cause for which they stood.
136. Derby-Lewis instructed Walus to number the names on the list in sequence of their enmity towards the CP. In other words, he contended that the list was not numbered for the purpose of eliminations; Mr Hani, the third on the list, was the only person identified for elimination.
137. It was agreed that Walus would shoot Mr Hani and that he would reconnoitre the Hani home and determine the logistics for the execution of the plan. Derby-Lewis would obtain an unlicensed firearm with a silencer to be used in the assassination.
138. During March 1993, Derby-Lewis obtained an unlicensed firearm from an old acquaintance, Mr Faan Venter, and arranged for a silencer to be fitted to the firearm through a friend in Cape Town, Mr Keith Darrel.
139. On 6 April 1993, Walus had breakfast with Derby-Lewis and his wife. After breakfast, Mrs Derby-Lewis left the house. Derby-Lewis handed the murder weapon, a Z88 pistol with a silencer and subsonic ammunition, to Walus.
140. On 7 April 1993, Walus called again at Derby-Lewis' house to enquire about the ammunition Derby-Lewis had said he would obtain for the pistol. Derby-Lewis had not yet managed to obtain the ammunition but instructed Walus to proceed with the assassination, repeating that he would leave the detailed execution of the plan to Walus.
141. Derby-Lewis testified that he was shocked when he heard about the assassination on 10 April 1993. He had not planned to assassinate Mr Hani over the Easter weekend and had indeed decided to postpone the assassination in order to give the matter further careful thought. Besides, he had not yet given Walus the ammunition. He concluded, therefore, that someone other than Walus had been responsible for the assassination. However, he saw from the media reports the next day that it was indeed Walus who had killed Mr Hani. Derby-Lewis was arrested at home on 17 April 1993.

142. At first, Derby-Lewis refused to co-operate with the police. It was only after he was detained in terms of section 29 of the Internal Security Act that, under prolonged interrogation and pressure, he made certain statements. He gave false information, notably about the list of names, in order to protect innocent people including his wife. He was also untruthful when he told the police that he had last seen Walus in December 1992.
143. He also gave false information in the affidavit he made (dated 29 October 1993) in support of the application to reopen his case in the criminal trial. He testified that he did so because he believed that the political struggle was still continuing at that stage and that he had to explore every avenue to secure his release.

### ***The Testimony of Janusz Walus***

144. The Committee found that Mr Janusz Walus was a member of both the CP and the AWB at the time of the incident. He was born in Poland and emigrated to South Africa in 1982 to escape the Communist regime in Poland. He chose South Africa because he believed that the Afrikaner would never succumb to Communism.
145. The Committee heard that Walus had a keen interest in South African politics and met Derby-Lewis and his wife in 1985. He participated in many CP activities with Derby-Lewis and formally joined the CP that year. In the same year, Walus met AWB leader Eugene Terre'Blanche and subsequently joined the AWB. He attended various AWB meetings during 1985 and 1986 and learnt of their resistance to NP policies and their fear that the NP would hand the country over to 'Communists'.
146. Walus was granted South African citizenship in 1988 and was able to vote in the 1989 elections. Although the NP gave voters the assurance that the ANC or SACP would not be unbanned before the election, it unbanned them in February 1990. It then became clear to him that negotiations would involve the NP and ANC to the exclusion of opposition parties.
147. After the 1992 referendum, the NP government reneged on its undertaking to consult the electorate before any constitutional amendments were effected. It then became clear to the CP that democratic channels were blocked. Walus feared that Mr Hanu would take over the country as he was a popular leader in the SACP and saw himself being subjected to the Communist regime from which he

had escaped in Poland. This made him apprehensive to the extent that 'he vowed to do something to try and stop the handing over of his country to a Communist ruler'. It was at this stage that Walus began holding numerous detailed discussions with Derby-Lewis about solutions to the deteriorating political situation. Walus regarded Derby-Lewis as one of the policy makers of the CP and relied on him to provide direction. In one of these discussions (February 1993) Derby-Lewis handed him the list of names and they decided that Mr Hani should be shot.

148. On 10 April 1993, after reconnoitring the Hani home, Walus saw Mr Hani get into a vehicle. He ascertained that Mr Hani had no bodyguards with him. He followed the vehicle to the local shopping centre. Mr Hani went inside and later returned with a newspaper. Walus decided that this was an ideal opportunity to execute the order and drove to the Hani home where he awaited Mr Hani's return. After Mr Hani had pulled into the driveway, Walus approached and fired two shots at him. After Mr Hani had fallen down, Walus shot him twice behind the ear at close range. Walus left the scene in his vehicle. He was stopped by the police soon after the incident and was found in possession of the Z88 pistol, whereupon he was arrested.

149. During his detention, Walus was at first not prepared to give any statements to the police. After prolonged interrogation and after being given alcohol by the police, he began co-operating. He was also misled into believing that some members of the interrogation team were members of right-wing political organisations who had infiltrated the security police. Walus disputed the contents of certain statements the police alleged he had made while in detention and which form part of the record. He denied having said some of the things ascribed to him in these statements and indicated that the police had amended the statements to suit their own purposes.

## ***The Testimony of Gaye Derby-Lewis***

150. Mrs Gaye Derby-Lewis' testimony before the Committee concerning her role prior to the assassination coincided largely with that of her husband. She had not been involved in the plot to kill Mr Hanu and was totally unaware of the plans. The list of names found in the possession of Walus was prepared at her instance by a journalist friend, Mr Arthur Kemp. She intended to use it to write a series of newspaper articles exposing the luxurious lifestyles of those identified on the list. This would have embarrassed them because it would expose their 'gravy train' lifestyles, which were at odds with the cause they represented.
151. Mrs Derby-Lewis had also left the list in the Cape Town office of Dr Hartzenberg for his use in his speeches in Parliament. He never made use of it and the list was returned to her. She testified that she was unaware of the fact that her husband had given the list to Walus.
152. She confirmed having had breakfast with her husband and Walus at her home on 6 April 1993, but testified that she had left while her husband and Walus were still having a discussion.
153. She heard the news about Mr Hanu's assassination while she and her husband were visiting Mr Faan Venter on 10 April 1993. She was arrested on 21 April 1993 and placed under section 29 detention. She was subsequently charged and acquitted. She gave false testimony at the trial on the question as to whether her husband had told her on 12 April 1993 that he had given the list to Walus.
154. A substantial part of her testimony before the Amnesty Committee was devoted to her detention and treatment at the hands of the police.
155. While in police detention, Mrs Derby-Lewis wrote and signed a number of statements. She personally typed one of the hand-written statements to help the police sergeant who was charged with doing the typing. Despite this, she argued that she had been unduly influenced to make these statements and that they had not been freely and voluntarily made for the following reasons:
  - a She was not warned in terms of the Judges' Rules. However, under cross-examination on behalf of the police officers, she conceded that it was possible that she had been warned.



- b She was denied access to a legal representative and was at times falsely told that her attorney was on his way.
  - c She was threatened with section 29 detention.
  - d She was badly treated by Captain Deetlefs who was insulting towards her and threatened her with long-term imprisonment. She had a personal fear of Deetlefs and complained that he was intoxicated.
  - e Sleep deprivation contributed towards her writing false statements.
  - f Mr de Waal made her change her statement and write various untruths. He would come to her after she had written a statement and inform her that Colonel Van Niekerk was not happy with what she had written. She would then amend her statement accordingly.
156. Under cross-examination on behalf of the police officers, Derby-Lewis conceded that those parts of the video recording of her questioning which were put to her showed that her conversation with Deetlefs was quite civilised. They also showed her fully participating in the discussion. She then indicated that Deetlefs had threatened her during those parts of the conversation that were not on the tape. She praised the police and said she would like to join the police force, but said this was meant as a joke.
157. She also confirmed that Deetlefs' attitude did not, at any stage, lead to her telling an untruth and agreed that he did not compel her to tell any untruths. She said that she 'stuck to her guns' and spoke the truth.
158. When referred to a portion of the video recording where she says she had slept for twelve hours, she conceded that sleep deprivation did not play a role when she signed some of her statements on 24 April 1993.
159. Under cross-examination, she conceded that De Waal was reasonably civil towards her. On most occasions when he questioned her, there was a female police officer present. He helped her to obtain some personal items and to attend to other personal matters. On one occasion, she told De Waal that she did not wish to do a 'pointing out', which he accepted.
160. Mrs Derby-Lewis saw her personal doctor in April 1993, some days after Deetlefs had concluded his interrogation. Although only the District Surgeon was present, she failed to tell her doctor about her maltreatment or that she had been compelled to make false statements. When she was asked under cross-

examination to explain the meaning of, 'I am sure it is going to be used in court', words she uses on the video, she declined to do so. She testified that she really did not know what these words meant because she had used them while she was being held under section 29 detention.

### ***The Decision of the Amnesty Committee***

161. In arriving at a decision, the Committee had to isolate several issues for consideration.

- a Were the applicants acting bona fide on behalf of or in support of the CP in furtherance of a political struggle by the CP against the ANC/SACP alliance, as required by section 20 (2)(a) of the Act?
- b Were the applicants acting bona fide as employees or members of the CP in the course and scope of their duties and within the scope of their express or implied authority in furtherance of a political struggle with the ANC/SACP alliance, as required by section 20(2)(d) of the Act?
- c Did the applicants have reasonable grounds for believing that they were acting in the course and scope of their duties and within the scope of their express or implied authority as required by section 20(2)(f) of the Act?
- d Did the applicants make a full disclosure of all relevant facts as required by section 20(1)(c) of the Act with specific reference to:
  - e the purpose for which the list of names was compiled;
  - f the purpose for which names were prioritised on the list;
  - g the purpose for which the Z88 pistol was obtained and fitted with a silencer;
  - h whether Walus was acting upon orders from Derby-Lewis in assassinating Mr Hani;
  - i the role played by Mrs Derby-Lewis in the killing and whether she had advance knowledge of the assassination?

162. The Amnesty Committee devoted time to two further issues: the weight to be attached to statements that Derby-Lewis and Walus made while in detention and the question of a wider conspiracy to kill Mr Hani. Although the Committee was not persuaded that the applicants' versions detracted from the weight of these statements, it made an assessment of the applicants' evidence without having regard to these statements. Furthermore, although there were compelling arguments in favour of the conclusion that there was a wider conspiracy to kill Mr Hani, the Committee found that the evidence did not conclusively establish this fact.

163. The Committee found that it was common cause that the applicants were not acting on the express authority or orders of the CP, which party they purported to represent in assassinating Mr Hani. The CP had never adopted, propagated or espoused a policy of violence or the assassination of political opponents.
164. Various newspaper reports immediately after the assassination evidence the CP leadership's disapproval of the incident and their rejection of murder as a political tool. The arrest of Mrs Derby-Lewis came as a shock to them. They had denied earlier that Walus was a listed CP member. In fact, during a television interview on 20 April 1993, the acting leader of the CP, Dr Ferdi Hartzenberg, unequivocally distanced the CP from violence and reiterated the commitment of the CP to non-violent, democratic means of pursuing its aims. He expressly denied that the statements made by CP leaders amounted to tacit approval of violence, or that the CP had ever planned violence on an offensive basis. Rather, the CP was looking at means to defend its followers from the violence that was taking place.
165. In testifying before the Committee, Dr Hartzenberg also denied that the objective which the applicants pursued, namely to cause chaos and revolution in the country, formed part of CP policy. He testified further that it was not CP policy to eliminate opposition political leaders. The CP had never been aware of the planning of the assassination and only became aware of it after the event. It never approved, ratified or condoned the assassination. In an apparent concession of this fact, the applicants submitted in their written argument that it was not a legal requirement that the CP should have been aware of or expressly approved the assassination. It was merely required that the CP should have benefited from the assassination.
166. The applicants also relied on the dictionary definition of the Afrikaans term 'ten behoewe van' which is the equivalent of the term 'on behalf of' used in section 20(2)(a). According to the definition, the term means '*tot voordeel van*' (to the benefit of). The applicants failed to specify what benefit allegedly accrued to the CP following to the assassination. On the contrary, the evidence before the Committee did not show that any benefit had accrued to the CP.
167. Those who objected to the applications submitted in their written argument that the words 'on behalf of' in the context of section 20(2)(a) were used in the narrow sense as referring to someone who is mandated or authorised to act by an

organisation. Any other interpretation, and particularly the wider meaning suggested by the applicants, would lead to absurd results. They illustrated such absurdity by referring to the example of bank robbers claiming to be acting on behalf of a liberation movement because their actions were crippling the economy and thus benefiting the struggle of the liberation movement.

168. Taking into account the submissions of the objectors, the Committee noted that subsection 20(2)(a) of the Act did not cover perpetrators who acted contrary to the stated policies of the organisation which they purported to represent. The Committee was therefore not satisfied that the applicants had acted on behalf of or in support of the CP in assassinating Mr Hani.
169. The Committee accepted that the applicants clearly and subjectively believed that they were acting against a political opponent. The objective facts supported this belief, in particular the fact that Mr Hani was regarded as such by the CP and the right wing. However, this factor, while relevant, was insufficient on its own to render the application successful.
170. The Committee found that it was clear that the applicants had not been acting within the course and scope of their duties or on express authority from the CP. The clear evidence of Dr Hartzenberg negated any claim that the public utterances of the CP leadership constituted implied authority for the assassination. The Committee found that it would have been futile for the applicants to rely on such a claim, given the fact that they were both active CP members, acquainted with the party structures and constitution as well as the policy of non-violence. Mr Derby-Lewis, in particular, was part of the CP leadership and national decision-making structure and could not reasonably rely on the utterances of his colleagues to support his claim that they had implied authority from the CP for the assassination. His discussions with Dr Treurnicht about killing the 'anti-Christ' could hardly amount to authority or an instruction to commit the assassination. To his knowledge, Dr Treurnicht had no power in terms of the CP constitution to bind the CP without the necessary mandate, especially in so radical an undertaking as the assassination of a high-profile political opponent.
171. The Committee found the inference that the public speeches and statements relied upon by the applicants amounted to a call for armed struggle or violence to be unfounded. These were no more than predictions or warnings that the CP might adopt a course of violence in the future.

172. Nor did the random explosions and acts of violence referred to by the applicants support their argument. None of these acts were committed by or on behalf of the CP. Indeed, Mr Koos Botha was repudiated by the CP during October 1992 for causing an explosion at the Hillview School. The basis of this repudiation was that the speeches of Dr Treurnicht could not be interpreted as a call for violence.
173. The Committee was satisfied that the applicants were not acting within the scope of any implied authority from the CP in assassinating Mr Hani. The applications accordingly failed to comply with the requirements of section 20(2)(d).
174. The Committee was not satisfied that the applicants had any reasonable grounds for believing that they were acting within the course and scope of their duties. The applications accordingly failed to comply with the requirement of section 20(2)(f).
175. In determining whether the applicants had made full disclosure, the Committee gave consideration to the purpose of the list of names. The applicants testified that Mrs Derby-Lewis had prepared the list of names for innocuous reasons and that Derby-Lewis had decided to use it for a totally different purpose. The Committee found that the reason Mrs Derby-Lewis gave for requiring the addresses of the persons on the list was unconvincing. Her explanation that she needed addresses in order to arrange interviews makes little sense in view of her concession that there was no likelihood of Mr Hani giving her an interview in his home.
176. The Committee found that the names constituted a hit list compiled for the purpose of planning assassinations. The evidence of the applicants that the list was to assist them to communicate confidentially was wholly unconvincing and the Committee found their version to be untrue in this regard.
177. On the question of the murder weapon, Mr Derby-Lewis told the Committee that he had acquired the Z88 pistol in order to protect his family. The silencer was fitted so that he could practice at home without disturbing his neighbours. The silencer would also give him a strategic advantage during an attack upon his home. Derby-Lewis thus contended that the original reason for obtaining the firearm was unrelated to the subsequent assassination of Mr Hani. It was purely fortuitous that he was in possession of an unlicensed firearm fitted with a silencer at a time when Walus was looking for an appropriate murder weapon to execute the assassination.

178. The Committee had no hesitation in rejecting Derby-Lewis' evidence in this regard. His explanation for fitting a silencer to the unlicensed firearm was inherently improbable and his explanation of the reason for obtaining the firearm was clearly false. It was particularly significant that he obtained a weapon that was perfectly suited for the purposes of the assassination fairly soon before the incident and at about the time when the applicants agreed that Mr Hani should be shot. The Z88 pistol was clearly obtained for the express purpose of assassinating Mr Hani.
179. The Committee gave its attention to whether Walus had acted on the instruction of Derby-Lewis in executing the attack. Walus initially stated in his application that he had acted alone in planning and executing the assassination. Subsequently, his application was amended to indicate that he had acted on the instructions of Derby-Lewis, but that they had jointly planned the assassination.
180. The Committee found that it was clear from the record that Walus was not acting as a mere functionary. He had a clear understanding of the political situation and was active in right-wing politics. He was clearly activated by his personal desire to stop the 'Communists' from taking over the country. He participated fully in political discussions and in hatching the plot to assassinate Mr Hani. He was under no duress or coercion and executed the plan as he deemed fit. Indeed, Derby-Lewis indicated that he was taken by surprise by the timing of the assassination.
181. In any event, Walus' own testimony is contradictory on the issue of orders. It is also contradicted by the testimony of Derby-Lewis, whose evidence was that the applicants were acting as co-conspirators who had jointly taken the decision to assassinate Mr Hani.
182. As an active CP member, Walus would have been aware that the CP has constitutionally established decision-making structures and that Derby-Lewis had no power to order him to commit murder, particularly in the light of the CP's policy of non-violence. There was no suggestion that he was ever previously ordered by the CP to commit any unlawful acts, let alone murder. Moreover, he failed to raise the alleged order to assassinate Mr Hani with any person in authority or with any governing structure in the CP.
183. In the circumstances, the Committee was satisfied that Walus was a co-conspirator and that he was not merely acting on orders from Derby-Lewis.

Accordingly, the Committee rejected the argument raised on behalf of Walus in this respect. The Committee judged that this was an afterthought and was resorted to in an attempt to enhance Walus' chances of receiving amnesty by curing deficiencies in the original application, and to bring the application within the ambit of the provisions of the Act, particularly section 20(3)(e).

184. In summary, the Committee found that the applicants had failed to make a full disclosure in respect of any of the relevant and material issues and was not satisfied that they had complied with the requirements of the Act, in particular the provisions of section 20(2)(a) thereof. Amnesty was refused [AC/1999/0172].

### ***Legal challenge***

185. A full bench of the High Court sat to review an application from the applicants challenging the decision of the Amnesty Committee. The Court considered all the evidence that had been presented before the Committee, as well as the arguments by all the parties, and analysed the various provisions of section 20 of the Act in detail.

186. In summary, the Court's main findings were that the Amnesty Committee had correctly rejected the applicants' contention that they had acted on behalf of the CP, subjectively believing that their conduct would advance the cause of their party. Further, the Court endorsed the finding of the Committee that the applicants had not acted in the course and scope of their duties as members of the CP, as is required by section 20(2)(d) of the Act, as assassination was never one of Derby-Lewis' duties as a senior member of the CP. It followed that Derby-Lewis could not have shared a non-existent duty with Walus; nor could he have delegated part of it to Walus. It followed that assassination never formed part of Walus' duties either.

187. The Court found that Walus was in a different position as a rank and file member and was entitled to assume that Derby-Lewis had authority to speak on behalf of the CP. In his original application, Walus stated that, 'he had acted alone in the planning and commission of the deed'. Under cross-examination, he said that this was not true. Walus later amended his amnesty application to incorporate Derby-Lewis as his accomplice, which he then insisted was the truth. Walus' version was that he believed that his assignment was an order from Derby-Lewis, given as a result of his senior position in the CP. This claim, the Court found, lacked objective credibility.

188. The Court found that the Amnesty Committee was correct in rejecting the applicants' evidence in respect of obtaining of the pistol and the silencer and the purpose of the list of names as improbable, contradictory and lacking in candour.

189. The Full Bench dismissed the application with costs.

## **Attacks on individuals**

### ***The Putco bus attack – Duffs Road, Durban***

190. Members of the Orde Boerevolk Mr David Petrus Botha [AM 0057/96], Mr Adriaan Smuts [AM 0056/96] and Mr Eugene Marais [AM 0054/96] applied for amnesty for an attack on a bus full of black commuters in Duffs Road, Durban on 9 October 1990, in which seven people were killed. The three applicants were all convicted on seven counts of murder and twenty-seven counts of attempted murder and were sentenced to death on 13 September 1991. This sentence was subsequently commuted to thirty years' imprisonment.

191. Botha told the Committee that the attack was in retaliation for an incident which had taken place earlier in the day, in which PAC and APLA supporters wearing PAC T-shirts had randomly attacked white people on Durban's beachfront, killing one elderly person and injuring several others.

*MR BOTHA: I was under the impression that the campaign of terror by the PAC against Whites had now commenced, and since we had already declared war against the National Party, and as a result of this attack, I as cell leader felt that we should launch a counter-attack to prove to the government of the day, and to show to it that the road it was following was full of danger and that incidents of this kind would increase in frequency.*

*Our purpose was also to show to the PAC and its communist allies that attacks of this kind would not be tolerated, and that we would take counter-measures in a very forceful way.*

*And I also felt that the counter-attack should take place in Durban where the attack from the PAC had taken place in the morning and I felt that the attack by the PAC and the counter-attack should be seen in context, and I think we succeeded in this, because in the **Sunday Tribune** of the 14th of October 1990 – in which interviews had been conducted with passengers in a bus from where the attack*



*was launched – it said that they believed that the attack had been launched by Boers as a result of the PAC attack that morning on White people at the beach front. (Durban review hearing, December 2000.)*

192. Botha and the two other members of his cell, Smuts and Marais, travelled down from Richards Bay to Durban, arriving after 20h00 on the night of the 9 October. Upon arrival, they drove around the bus terminus area and, observing that the streets were very quiet, decided to attack a minibus taxi that passed them. The minibus was full of passengers. They followed the vehicle as it travelled from the centre of Durban to KwaMashu but, when it turned off into a densely populated area, the applicants decided to abort the planned attack.
193. They returned to the highway and stopped at a garage for something to drink. They then observed a Putco bus full of people driving in the direction of KwaMashu. Botha decided that they would attack the bus and accordingly gave the instruction. He was driving the car as they set out to follow the bus in the direction of the Duffs Road off-ramp.

*MR BOTHA: We overtook the bus and I told my colleagues to fire in the direction of the bus. We used automatic attack rifles to fire at the bus as we passed the bus – as we overtook it. Immediately after the attack we returned to Richards Bay. (Durban review hearing, December 2000.)*

194. On the following day, Botha contacted the SABC and, on behalf of the Orde Boerevolk, claimed responsibility for the attack on the bus. He testified before the Amnesty Committee:

*I don't know whether the person I spoke to took me seriously, but he was fooling around and asked me to furnish my name and address. I then put down the phone and then contacted the news office of the **Natal Mercury**. I spoke to somebody in the news office there. I told them that I was a member of the Orde Boerevolk and that we accepted responsibility for the previous night's attack, and I also furnished the reasons why we launched the attack. There was no report in any of the papers the next day regarding this incident and I realised that there was a state of emergency at the time in Natal and I suspected that either the security police of the government or both had probably suppressed news of this kind.*

*I once again contacted the **Natal Mercury** offices, spoke to the same reporter and told him that I was aware of the fact that news of this kind would normally*

*be suppressed by the government and I threatened that, unless the news was published and unless they mentioned that the attack had been launched by the **Orde Boerevolk** and mentioned our reasons for doing so, unless this was published, I would launch a similar attack. (Durban review hearing, December 2000.)*

195. The Committee accepted that the Orde Boerevolk was a recognised political organisation involved in a political struggle with the previous government and other political organisations. It also found that their acts were associated with a political objective.
196. In reaching a decision, the Committee distinguished between the roles played by Botha on the one hand and Smuts and Marais on the other, on the grounds that Smuts and Marais were Botha's subordinates and were under orders to carry out the attack as members of the *Orde*. Botha had not received any order or instructions to carry out the attack; nor did his actions carry the approval of any of his superiors or of the organisation.
197. Botha was refused and Smuts and Marais were granted amnesty for the incident. Botha was, however, granted amnesty for the unlawful possession of firearms and ammunition [AC/1997/0053].
198. David Petrus Botha submitted an application for the review of the Committee's refusal to grant him amnesty. The presiding judge, Mr Justice Smit, found that the Amnesty Committee had:
  - a failed to consider properly whether Botha's conduct had not in fact complied with the requirements of the Act as to whether the 'act, omission or offence was committed in the execution of an order of, or on behalf of, or with the approval of, the organisation, institution, liberation movement or body of which the person who committed the act was a member, an agent or supporter';
  - b lost sight of the fact that the provisions of section 20(3)(e) were merely criteria to be applied to determine whether an act was committed with a political objective and not requirements necessary for the granting or refusal of amnesty.
199. The Court set aside the refusal of amnesty and referred the matter back to the Committee to hear further evidence.

200. The applicant appeared before the Committee again in December 2000 and adduced the evidence of the leader of the Orde Boerevolk, Mr Pieter Rudolph. Rudolph said that he would not have authorised the attack if he had been asked to do so and that, in any event, he would have had no way of communicating with his supporters as he had been in detention at the time.
201. The Committee subsequently refused amnesty to Botha on the same basis as before, namely that he had had no authority from his political organisation to launch an attack on innocent and unarmed civilians.

### ***The killing of George Mkomane***

202. AWB member, Mr Hendrik Johannes Slippers [AM 1002/96] applied for amnesty for the abduction and killing of Mr George Mkomane in Belfast in the Eastern Transvaal on 13 February 1991. For these offences, Mr Slippers was sentenced to two years and twelve years.
203. Mr Slippers testified before the Amnesty Committee that, at an AWB meeting held in November 1990, his Commander AWB Commandant Volshenk had instructed members to implement a policy of 'white-by-night'. This amounted to the re-implementation of the curfew laws of the apartheid era, which prohibited blacks from being in so-called 'white areas' without a permit after 21h00. Blacks present in white townships after 21h00 should be told to leave and, if they refused, should be removed by force if necessary. The Committee received affidavits from Brigadier Kloppers and John Wayne Rautenbach confirming the policy and the instructions to carry it out.
204. Mr Slippers testified that the instruction he received:
- ... fitted in with my political objectives, namely the protection of whites, the interests of whites and I believed that the action would serve to intimidate people of other colours or other races in the country and also put a stop to blacks taking over in this country. I believed that these kind of actions would put a stop to the political changes in the country, it would either stop it or slow them down. (Nelspruit hearing, 7 May 1997.)*
205. He testified that, on the night in question, he and four other AWB members in Belfast were driving around trying to enforce the 'white-by-night' policy in the town. Although they had been drinking before they went on patrol, he testified

that he had not been drunk and knew at all times what he was doing and that the intake of alcohol did not influence his judgment.

206. They saw the deceased, George Nkomane, walking in the street, confronted him and loaded him onto the bakkie against his will. Their intention was to drive out of town and to 'off-load' him on the way to the black township. On the way, the deceased protested, saying that he intended to return to the 'white' township of Belfast. The applicant and one of the other members then assaulted Nkomane then deposited him outside the township. At this stage, Mr Nkomane began running back towards the white area.
207. The group pursued him, caught him and the applicant assaulted him by fisting him until he fell down. The applicant's co-accused then kicked him and jumped on him. The applicant testified that they had had no intention of assaulting Mr Nkomane but that things went wrong, an argument ensued and, as a result of the deceased's protest against the abduction, the brutal assault followed. He realised afterwards that he should have foreseen that the assault could have resulted in the death of Mr Nkomane.
208. The Court that tried the case had found that there was no direct intent to kill, but that the applicant was guilty on the basis of *dolus eventualis*. The Court found further that the offence was politically coloured. However, the applicant testified, he pleaded guilty at his trial and handed in a statement in which he did not reveal the full facts about the AWB's involvement as it seemed politically inappropriate to do so at the time.
209. Slippers expressed his remorse to the Committee:

*If I was ever to have planned to kill anybody, I would rather have shot the person or stabbed the person and gone and hid that person's body in a safe place. My actions were in accordance with the instruction issued by the AWB and the entire incident took a different course to that planned.*

*After this incident, I and my ex-wife suffered various attacks in retaliation to this action which were launched by the Black community against us. After court sittings, mini buses would turn up at our house and the house; our vehicle and our caravan would be stoned and damaged, and the grass on my property and other things were also set alight.*

*On the 26th of March 1991, a month and thirteen days after the incident, I lost my wife in a car accident. The collision was caused by a black man who drove*

*into the passenger side of my vehicle. At that stage, I also experienced the misery and the loss which was experienced by the families of the deceased in the loss of a loved one. In spite of the fact that I am serving a ten-year prison term for my action, I regarded the loss of my wife as a far greater punishment and also saw it as part of my punishment for my action against the deceased. I suddenly realised what it was to be a single parent with two children. I now realise the senselessness of my action and the unnecessary of the attack. I am also very remorseful about the death of the deceased and the grief which it caused his family and his community. I now realise how important harmonious racial relationships are in our country and I will do everything in my power to ensure harmony amongst the races. (Nelspruit hearing, 7 May 1997.)*

210. Mr Slippers was granted amnesty for the abduction of Mr George Mkomane but was refused amnesty for the killing. In the view of the Amnesty Committee, the killing of the deceased constituted an act grossly out of proportion with the stated objective of the AWB, which was to keep blacks out of the town after 21h00. The killing of the deceased was not, therefore, seen as an act associated with a political objective.

211. Moreover, the Committee found that the contention that the deceased was killed because he provoked an argument, that he strongly protested against being driven out of town and that he actually tried to run back into town when he was so close to a black township is so highly improbable that it can safely be rejected as false.

212. In reaching its decision, the Committee said:

*How could the deceased dare argue and protest against three belligerent trouble seekers? How could he dare do so in the destitution of a cemetery when he had not done so in the relative safety of a town, albeit a not-so-friendly one? How could he dare provoke an argument when he had already been assaulted before being off-loaded at the cemetery? Why should the deceased be so obstinate in the face of such hostility and elect to run back into town when he could have run into a nearby black township? How could he hope to outrun a bakkie back to exactly the same situation which had invoked the wrath of his attackers? In any event, even if what the applicant has said were true, it would not change the fact that their conduct was grossly out of proportion to the objective sought to be achieved.*

*It is noteworthy that the applicant did not attempt to say that the killing was in accordance with the policy of the AWB. On his own version, the killing was not part of the plan and, if his version is correct, then the deceased became obstinate and pertinaciously attempted to go back into town, it means they killed him simply because he would not listen. At that level, there would be nothing political about the murder.*

*Furthermore the applicant's motivation that the ultimate objective of the AWB was to intimidate black people and discourage them in their quest for political take over becomes senseless when one considers that, had the applicant had his way, the killing as well as the reasons therefor would have remained unknown. While a surviving victim of abduction would be able to warn other black people to stay out of the town, a dead one would obviously not be able to do so. This is a further indication that no political objective was being pursued at the time of the actual killing [AC/1997/0069]*

213. A dissenting decision on the matter was handed down by Amnesty Committee member Chris de Jager. In the light of the Committee finding that the abduction was an act associated with a political objective committed within the course of the conflicts of the past, Advocate de Jager found that:

*[T]he question then arises whether the murder which flowed from the abduction, would also fall within the same ambit. It was argued on behalf of the applicant that the two offences were interrelated and cannot be totally separated from each other. The assault was carried out in order to make the abduction from the white area effective and to prevent the deceased from carrying out his intention to negate the white-by-night policy of the AWB. The applicant averred that it was carried out to intimidate blacks into slowing down the process of change or stopping it completely. He also stated that his action (to remove blacks from the white townships) was to prove that the whites were taking a stand against change and also to show the government that they were not satisfied with what was taking place in the country at the time. When the person was picked up, it never occurred to him that the person could be seriously or fatally injured, but the whole operation went wrong when the deceased told them that he would return to the white area and an argument followed resulting in assaults and the deceased running back towards the town. It was submitted on behalf of the applicant that the assault could not be separated from the abduction, and that the assault itself and its consequences were therefore associated with the original political objective.*

*The Committee previously had occasion to hear how an abduction with no intent to kill, ultimately got out of hand and lead to the intentional killing of the victim. The Committee then found that the ultimate killing, although carried out because of a fear for arrest, was interlinked and should not be separated from the political motivated abduction.*

*In the present application, things ... got out of hand after the victim refused to leave the white township and started to run back towards it. Contrary to the previous applications, they didn't intend to kill him, but they should have foreseen that that could be the result of the assault that followed. Seeing, however, that the one offence flowed out of the other and the one being interlinked with the other, the one cannot be seen as totally separated from the politically motivated abduction.*

*I am of the opinion that amnesty should be granted as applied for.  
[AC/1997/0069.]*

### ***Killing of an unknown black person***

214. AWB supporter Mr Vernon Vosloo [AM1003/96] was refused amnesty for stabbing an unknown black victim to death in Johannesburg on 10 May 1992. The deceased was identified neither at the hearing nor during the course of Mr Vosloo's murder trial – which resulted in his conviction and sentencing to fifteen years' imprisonment.

215. Mr Vosloo told the Committee that he had grown up in the south of Johannesburg where the majority of people were 'conservative'. He had regarded black people in general as 'the opposition party'. Mr Vosloo said he was not a registered member of any political organisation, although he had strong sympathies with the AWB.

216. He said that:

*As long as Black people did not come into conflict with me, and as long as their ways and goals were not enforced on me, I did not have any problems with that, but I did not want any interference with myself from them. ...[F]rom time to time, we were in conflict... There was enmity in the sense that I didn't want them to be in control of my life. (Johannesburg hearing, 7 April 1997.)*

217. At around 22h00 on the night of 10 May 1992, Vosloo was standing next to the road in a residential area and in front of a shopping complex in South Hills,

Johannesburg, having a few drinks with friends. They saw a black person walking on the other side of the road and Vosloo took a knife from the boot of his car and followed the man for about thirty or forty metres before grabbing him from behind and stabbing him in the chest and all over the body. He said he did not know the victim at all and that the victim had done nothing to provoke the attack.

*MR VOSLOO: He didn't do to anything to me; he walked past. He walked past and I saw him as the person who could possibly govern me some day. (Johannesburg hearing, 7 April 1997.)*

218. Vosloo testified that he attacked and killed the man because he was afraid that, in the then political climate, he would not have a say in anything at the end of the day. The Afrikaner felt threatened and could not allow blacks to take over the country without resisting in some way.

219. He testified further that, although he had believed at the time that he had done the right thing, he was sorry today about what he had done: 'I took the life of an innocent person and it is something which no rational person will do.' He said that if he had been sober on that occasion, he wouldn't have done this as, 'any rational person would certainly have found other ways of resisting'. The liquor had given him 'the false courage to act in accordance with that which I felt so strongly' (Johannesburg hearing, 7 April 1997).

220. Vosloo testified that he had been aware of the negotiations taking place at Kempton Park at the time and was afraid of a black take-over from the National Party-led government. He was aware that the AWB had threatened to take up arms to protect itself against the rule of others. However, he had not considered enrolling with a commando:

*MR VOSLOO: I am a solitary person; I see things very individualistically. I understand things in my own view and I act in those terms. If things continued in that direction and if I was forced to join such a action group, I might have, but I would still have preferred to act on my own and do things in my own way. (Johannesburg hearing, 7 April 1997.)*

221. Killing an unknown black person was, in his view, a contribution to the Afrikaner resistance movement. He never attended meetings of the AWB or any other similar organisation but kept up-to-date with their policies and activities by watching television and associating with people who were more directly



involved. He testified that during 1992 he had become uncertain about the political situation in the country and feared that he would not have a voice in the changing South Africa. He had a growing feeling that something should be done about the situation, which he saw as advancing rapidly towards black majority rule.

222. The Committee found that the act committed by Vosloo amounted to no more than a purely criminal deed and he was denied amnesty [AC/1997/0026].

### ***The Rodora roadblock killings***

223. Four people, including two children aged nine and thirteen, were killed by an AWB gang which set up a roadblock at the 'Rodora crossing' outside Ventersdorp on 12 December 1993. Nine members of the AWB applied for amnesty for the incident: Phillipus Cornelius Kloppers [AM4627/97], Deon Martin [AM4621/97], Andre Francois Visser [AM4571/97], Marius Etienne Visser [AM7003/97], Petrus Matthews [AM4624/97], Carel Hendrik Meiring [AM7002/97], Gerhardus Johannes Diedrichs [AM6662/97], Frederick Jacobus Badenhorst [AM7004/97] and Marthinus Lodewikes van der Schyff [AM5435/97].
224. After mounting a roadblock, the applicants searched several cars for weapons they wanted to confiscate for their 'war'. The occupants of two cars were assaulted and later shot. An ear of one of the victims was cut off to show their commander, AWB General Japie Oelofse, allegedly at his request. Oelofse did not appear in person and did not formally oppose the applications but, through his Counsel, disassociated himself from all the killings, attempted killings and the severed ear.
225. The applicants (with the exception of Diederichs who was convicted of culpable homicide) were convicted of the four murders and six attempted murders and sentenced in the Supreme Court. Some of the applicants were also convicted on charges of assault and/or theft, arising from the theft of a leather jacket, radio cassettes and equipment taken from the victims' cars. With the exception Van der Schyff, who did not apply for amnesty for theft, all the applicants applied for amnesty in respect of all the offences of which they were convicted.
226. Two AWB members, Mr Myburgh and Brigadier Kriel, testified on behalf of the applicants. Neither had first-hand knowledge of the incident or the orders allegedly given by Oelofse.

227. All but one of the applicants testified that they were engaged in an official AWB operation on the orders of the General Staff of the AWB and General Japie Oelofse, as conveyed to them by Kloppers at the roadhouse where they had gathered prior to the incident.<sup>242</sup> They testified that Kloppers had told them that they were to go out and 'work' that night, as the countrywide revolution was to start that particular evening.
228. Kloppers told them that Oelofse wanted them to identify targets, exercise hard options and that he wanted to see 'lyke' (dead bodies). They proceeded to various places where alcohol was consumed and eventually went to Martin's place. Only on the way and in response to a suggestion to go to the township, did Kloppers communicate to them that Oelofse had ordered the setting up of a roadblock.
229. According to the applicants, the victims were ordered out of their cars and told to sit on an embankment on the side of the road. They were then questioned by Martin as to their political affiliations and asked particularly whether they were members of the ANC, which the AWB regarded as its enemy. The applicants testified that they did not notice that there were children in the group.
230. The applicants testified that, while members of the group were being questioned by Martin, Kloppers would 'lightly tap' them on the head in order to encourage them to co-operate. Some members of the group allegedly admitted that they were supporters of the ANC and, according to Martin's testimony, after a small group of the applicants had assembled (including Martins, Matthews, Kloppers, Marius Visser and Badenhorst), they decided to shoot the victims.
231. Three of the applicants, namely Andre Visser, Diederichs and Meiring, did not participate in the decision to shoot or the shooting itself. Van der Schyff testified that he participated in the shooting but did not form part of the group taking the decision. Martin fired the command shot and most of the others followed suit. Andre Visser, Matthews, Diederichs and Meiring then jumped into a car and fled the scene of the shooting.
232. Kloppers called out that they should all assemble at the City Hall and ordered Martin to cut off the ear of one of the victims so it could be taken to General

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<sup>242</sup> Save for Van der Schyff, whose evidence differed in some material respects from that of the others.

Oelofse. Various items were taken. The empty shells were removed from the scene, the vehicles of the victims were set alight and the rest of the applicants left the scene thereafter.

233. Van der Schyff testified that no mention had been made of the planned shooting at any time prior to the setting up of the road block and that his first knowledge of the shooting came after the first shots had been fired at the scene. He further testified that no mention had been made of the revolution or of the fact that Oelofse wanted to see dead bodies. Their purpose was to search for weapons. He was not part of the group that had decided on the shooting. He did, however, fire shots in the direction of the group because he had received a message that Kloppers had ordered the shooting of the victims.
234. The applicants conceded that they had consumed alcoholic liquor in varying quantities prior to and on the way to the spot where the roadblock was set up. They also testified that, on their way to the scene of the incident, they harassed two black people and assaulted an unknown black man, during which incident some of the applicants engaged in some frivolous fun amongst themselves.
235. The applications were opposed by surviving victims and relatives of the deceased.
236. The Committee found that, in broad outline, the evidence given by the victims confirmed the applicants' version as to the course of the events at the scene of the shootings. There were, however, some material differences in respect of questioning of the victims. According to the surviving victims, Martins and Kloppers had questioned the victims in a far more aggressive manner than they had led the Committee to believe and none of the victims had admitted that they were members or supporters of the ANC.
237. In considering the evidence, the Committee accepted that the setting up of the roadblock was in line with general AWB policy and that the prime objective of the exercise had been to obtain weapons in this manner. The Committee did not, however, accept that it was AWB policy to kill people at roadblocks. The applicants had all the necessary equipment to carry out the designated operation, which was carried out with some precision until the shooting took place.
238. The Committee found that Martin had taken the initiative in 'questioning' the victims, in calling together the group when the decision was taken to shoot and in firing the commanding shot. He knew that the group was exceeding the

bounds of its mandate and that it was he and Kloppers who had made the decision to shoot. There had been no reason to shoot the victims. The victims had had no firearms or other weapons; they did not admit to being members of the ANC; nor did they offer any substantial resistance to the treatment that was meted out to them. Martin's application for amnesty was accordingly refused [AC/1999/0045].

239. The Committee also refused the applications of those other members of the group who were in a position to question the reasons for the decision to shoot [AC/1999/0045].
240. Andre Visser, Van der Schyff, Dietrichs and Meiring – who were not in the group and who did not receive direct orders – could not be said to have known or to have been in a position to establish the reasons for the decision. They nevertheless associated themselves with the events by accompanying others in circumstances where it might become necessary to shoot. With the exception of Van der Schyff, these applications also failed [AC/1999/0045].
241. The Committee was of the opinion that Van der Schyff, the fifth applicant, made full disclosure of the relevant facts. He had acted on the instruction of Kloppers, conveyed to him by a member of the group. Although his evidence was found to be unsatisfactory in all respects, it was not such as to bar him from being granted amnesty. He was accordingly granted amnesty for assault, possession of firearms and ammunition and for the four murders and six attempted murders committed at the Rodora Crossing near Ventersdorp on 12 December 1993 [AC/1999/0045].

## **Interference in political activities**

### ***Ventersdorp incident***

242. On 9 August 1991, an open confrontation between members of the AWB and State President FW de Klerk occurred at Ventersdorp in the Transvaal when the NP planned a political meeting in a town the CP regarded as a CP constituency. According to the AWB, advertisements for the meeting limited attendance to NP supporters only. The AWB insisted that its supporters be permitted to attend as they wished to discuss certain burning issues with the President. The AWB mobilised some 2 000 of its supporters who gathered in the town. A confrontation with the police ensued and three AWB members were killed and fifty-eight people

injured. Almost the entire AWB leadership was arrested on charges of public violence. AWB leaders, Mr Eugene Terre'Blanche [AM7994/97] and Mr Petrus Johannes 'Piet Skiet' Rudolph [AM6329/97] applied for amnesty for the incident.

243. Both applicants testified that they had been key figures although they had had no personal involvement in the various incidents that which took place during the violent confrontation with the police. Both averred that the State President and members of the security forces charged with the keeping of law and order at the time of the incident were the proximate causes of the ensuing violence, and they applied to the Committee to subpoena Mr de Klerk as a witness.

*RUDOLPH: What I told, or wanted to tell Mr de Klerk that evening was exactly what I have just told you, and that is that we did not go there to fight for or against apartheid and to demonstrate against apartheid, but simply for our freedom. Mr de Klerk chose to destroy us. He employed his forces there and thought well to set the police on us in an unbridled manner. (Klerksdorp hearing, 10 May 1999.)*

244. The application was refused on the grounds that the Amnesty Committee did not regard Mr de Klerk as a necessary or essential witness to enable the Committee to arrive at a decision.
245. The Committee also did not deem it necessary to make a finding as to the proximate cause of the public violence. All the Committee needed to consider was whether the applicants complied with the formal requirements of the Act, whether the acts were committed with a political objective as required by the Act and whether the applicants had made a full disclosure of all relevant facts with regard to their participation.
246. Mr Rudolph testified that he, together with Mr Terre'Blanche, had been at the forefront of the procession of armed AWB members as they marched to the meeting in Ventersdorp. He testified he was arrested before the major part of the confrontation with the police took place. During this fracas, a number of people were killed and injured. Rudolph himself sustained minor injuries.
247. Rudolph testified that he was fully aware of the high political tension that prevailed and that he had foreseen that conflict would arise from the actions that they regarded as the exercise of their democratic right. The demonstrators were intent on conveying their political sentiments to the leaders of the government of the time.

248. Mr Terre'Blanche likewise testified that he appreciated and knew of the high political tension and foresaw the possibility of conflict. He and his followers regarded the government at the time as a weak one – as a government without principle to whom they could not trust the governance of the country. He and his organisation were in favour of a *volkstaat* for the Afrikaner and were prepared to fight for it, even outside the law.
249. The Committee considered the evidence of the two applicants and all the relevant documentation and was satisfied that the acts were committed with a political objective in the course of the political struggle of the time and that the applicants had made a full and proper disclosure of their role in the incident. Amnesty was accordingly granted to Mr Rudolph and Mr Terre'Blanche for the offence of public violence in Ventersdorp on 9 August 1991 [AC/1999/0221].

### **Bombing of strategic targets**

250. After a period of relative calm on the right-wing front between 1991 and 1993, acts of sabotage and bombings resumed in late 1993, this time with the explicit aim of derailing the election process.
251. The AWB, BWP and AVF all engaged in bombing campaigns in the pre-election period. The AWB targeted cities while the AVF focused on rural areas. From amnesty applications, it appears that AWB members had a 'conventional war' in mind with a view to overthrowing the former NP government and converting South Africa to a *Boere Republiek*. The express aim was to create secession in certain regions and finally to take over the government with 'military violence'. This would happen in three phases:
- a A propaganda campaign inside and outside the country to prepare the ground for a revolution – to create unrest and dissatisfaction with the government and gain support for the revolution.
  - b A subversion of the authority of the government, the creation of weapons and food caches and reconnaissance of the terrain.
  - c Action by guerrilla fighters; simultaneously sabotage, terror, uprising, strikes, assassinations would be committed to propel the government into as much social and political chaos as possible.
252. Bombing sprees were simply campaigns of terror. The Committee heard that the primary objective of these campaigns was the establishment of a *volkstaat*. The strategy adopted was to bomb state property as well as residential areas,

offices and facilities used by ANC supporters in order to force the then government to acknowledge the struggle for a *volkstaat* and to impress upon the ANC the seriousness of the right wing's intentions in obtaining a *volkstaat*, thereby strengthening the hands of the Volksfront leaders at the Codesa negotiations.

253. Many of these acts did not lead to loss of life, although some deaths and injuries were recorded.
254. Following the announcement that the Group Areas Act was to be repealed, as well as an earlier announcement on the removal of racial barriers in schools, a number of schools were destroyed in a series of bomb blasts. For example, a formerly white school in Pretoria where ANC exiles' children were to be accommodated was the target of two bomb attacks. Various radical right wing groups simultaneously claimed responsibility.

### ***Attacks in the Lowveld***

255. CP members, Mr Jan Petrus Kruger [AM2734/96], Mr Daniel Benjamin Snyders [AM0073/96] and Marthinus Christoffel Ras [AM2735/96] applied for amnesty for a series of sabotage attacks in Lowveld during 1991 and 1992, including:
  256. An explosion at the Sabie Magistrate's Court on 20 December 1991 in which Kruger and Ras argued that they had acted on the instructions of a member of Toekomsgesprek leadership, Mr Douw Steyn, conveyed to them by Snyders. The explosives used were manufactured by Snyders. The buildings were damaged but no deaths or injuries resulted from the explosion. The applicants were facing a charge of sabotage pursuant to this incident at the time of their amnesty hearing.
  257. An explosion at the Lowveld High School in Nelspruit on 1 January 1992 in which Kruger and Ras again argued that they had acted on the instructions of Douw Steyn as conveyed by Snyders. The building was damaged. The applicants were facing a charge of sabotage for the incident at the time of their amnesty hearing.
  258. An explosion at the Nelspruit Agricultural Colleged during the period 14 to 15 March 1992, causing damage to the property. The attack was launched on the instructions of Douw Steyn. Snyders manufactured the explosives and gave them to another member of Toekomsgesprek who executed the actual attack. Snyders was facing criminal charges as well as a civil claim for the incident.

259. An explosion at the Lowveld High School on 16 March 1992, after a gardener at the school discovered and handled an explosive device found in the grounds of the premises. The gardener, Mr Chashasa Andries Sithole, was killed in the explosion and another person, Mrs Sophie Mashaba, was injured. Snyders had planted explosive devices at the school during the period 14 to 15 March 1992, with the intention that they detonate simultaneously with explosives placed at Nelspruit Agricultural College. All reasonable steps were taken to avoid any loss of life or injuries in the operation. The explosives were primed to detonate at 03h00 when no one would be present on the school premises. Unbeknownst to Snyders and due to some defect in the detonator, the devices did not explode simultaneously. Snyders and his colleagues were shocked at the death and injury that resulted. He expressed remorse at the consequences of the explosion. Snyders said he had acted on the instructions of Douw Steyn in placing the explosives at the school. He was facing various criminal charges including murder and attempted murder as well as a civil claim for the incident.
260. Subsequent to the arrest of applicants, the police discovered various arms caches on farms in the vicinity of Nelspruit and Sabie. One of the farms belonged to Kruger. Various charges were brought against the applicants as a result. The arms and explosives in question had been stockpiled on the instructions of the leadership of Toekomsgesprek in accordance with its policy of preparing for armed resistance against the political reforms introduced by the NP government at the time.
261. None of the implicated parties, including Douw Steyn, appeared at the hearing. Only one of the interested parties submitted an affidavit which, to some extent, provided the political context for the incidents and supported the subjective political beliefs of the applicants.
262. The Amnesty Committee was satisfied that the applicants made a full disclosure of all facts relevant to the applications. The Committee accepted that the applicants had acted on the orders of one of their superiors within Toekomsgesprek and that the attacks fell within the policy of that organisation at the time. Although membership and the activities of Toekomsgesprek were secret, the Committee was satisfied that, even if not widely known, it was a publicly known political organisation, independent of the CP, whose policies did not include the kind of offensive, violent actions undertaken by the applicants.
263. Insofar as the death of Mr Sithole and the injuries of Mrs Mashaba were concerned, the Committee took into account that all reasonable steps had been



taken to avoid this kind of consequence. In the context of what was patently a political act, the unfortunate death and injury were aberrations which could not reasonably have been avoided. The Committee accepted that the attack was aimed solely at state property, which was seen as representing the applicants' political foes.

264. Amnesty was granted to Daniel Snyders, Jan Kruger and Marthinus Ras in respect of the respective offences set out in the charge sheet [AC/2000/121].

### **Attacks on schools**

265. Amnesty was granted to BWB members Mr Cornelius Gabriel Volschenk [AM2759/96], Mr Rowland Keith Robinson [AM 2758/96] and CP member Mr Gerhard Pieter Daniel Roux [AM 0094/96] for the bombing of the Melkriver School near Nylstroom in the Transvaal and the Perdekop School near Volksrust in Natal, and for the possession of unlicensed firearms and ammunition and the manufacture and supply of explosives [AC/1996/0009; AC/1996/0013; AC/1996/0014]. BWB member Mr Carel Willem Andries van der Merwe [AM3718/96] was also granted amnesty for offences committed in the district of Nystroom on or around 2 January 1992 and for the bombing of Melkriver School [AC/1998/0001].
266. Conservative Party members Mr Jacobus Johannes Christoffel Botha [AM1703/96] and Mr Carl Mathinus Kriel [AM6699/97] and AWB members Mr Petrus Jacobus Judeel [AM5240/97] and Mr Andries Stefanus Kriel [AM2893/96] were granted amnesty for various acts of 'terrorism' relating to the bombing of the Hillview School, Cosatu House and the Verwoerdburg and Krugersdorp Post Offices during 1991/92, and for the theft of explosives at the Rustenburg Platinum Mine in the Transvaal during 1991 [AC/1996/0012; AC/1998/0017].
267. AWB Commander Mr Pieter Stephanus Albertus Nel [AM2733/96] was granted amnesty for the theft of explosives and being in unlawful possession of explosives, including a homemade bomb, on 28 December 1991. Together with two AWB colleagues, he stole explosives and detonators from a coalmine and used these to manufacture a homemade bomb [AC/1998/0094].
268. On 16 January 1992, the applicant and a colleague place the bomb on the premises of the Calvary Church School at Nelspruit. The bomb was defused before it exploded and caused no damage.

269. The applicant was charged with and convicted of the offences in the Regional Court in Middelburg. On 4 April 1995 he was sentenced to twelve months imprisonment, conditionally suspended for five years for the theft of the explosive material and to five years' imprisonment, also conditionally suspended for five years, for the possession of explosive material and the homemade bomb.
270. The applicant testified that his motive for committing the offences was to enable him to make direct attacks against racially mixed schools and churches with the view to derailing the government's democratisation process.
271. The Amnesty Committee was satisfied that the offences were committed by the applicant in the course of the conflicts of the past and with a political objective, and that the applicant had made full disclosure. Amnesty was granted in chambers.

### ***Explosion in Bronkhorstspuit***

272. Two BWB members from Cullinan, Mr Leo Hendrik Froneman [AM0395/96] and Mr Pieter Johannes Harmse [AM3275/96], also a commander in the BRL, were jointly convicted for an explosion at an Indian business complex in Bronkhorstspuit on 17 September 1993. One police officer, Mr Abraham Labuschagne, died in the explosion and six people were injured. Froneman was convicted of culpable homicide for which he was sentenced to seven years' imprisonment. Harmse was convicted of murder, attempted murder, the unlawful possession of explosives and malicious damage to property and was sentenced to an effective eighteen years.
273. The bomb was homemade and one of a series made by the BWB cell. The BWB planned a coup d'état and a part of their plan entailed interrupting the country's power supply. During the amnesty hearing, the applicants handed in a video of a BWB meeting held in 1993, in which it was said that the party would declare war against the government which, 'wanted to hand the country over to the ANC/SACP alliance'. At other meetings, members were instructed to collect explosives and create chaos in their own areas.
274. Harmse told the Committee that, in September 1993, he received a telephone call from the BRL informing him that the war had started. He had been warned at meetings to expect such a message. He instructed Froneman to choose a target that would involve Muslims, which is why the Indian Shopping Centre at

Bronkhorstspuit was selected. They set about preparing the bomb and at 03h00 the following morning they set off to plant it.

275. The trial judge and the regional magistrate who convicted the two applicants regarded the incident as political. Under cross-examination, Froneman explained that he had selected the target because he believed that the majority of Indians were Muslims and ANC supporters. By attacking this target, they would show the government and others that the BWB was intent on taking their country back by force if necessary. In doing what he did, he was carrying out orders given to him through Harmse.
276. The Amnesty Committee was satisfied that the applicants did what they did in the belief that they were acting on instructions given to them by the BWB, a publicly known organisation, and that the act was done in furtherance of the policies of that organisation. They were granted amnesty [AC/1998/0039].

## **Pre-election bombing campaigns**

### ***September 1993–February 1994***

277. AWB member Mr Nicolaas Willem de Jongh [AM3375/96] was granted amnesty for two bomb attacks in the Eastern Cape during August 1993.
278. De Jongh, who held the rank of Commandant in the AWB, assisted two other members of that organisation to bomb two premises. The first bombing took place during the night of 13 August 1993 at the premises of Mr Wiseman Zitembile Sana in Queenstown; the second occurred on the night of 14 August 1993 at the premises of Mr Johnson Dumile Sateni in Hofmeyr in the Eastern Cape. The bombings caused damage to both properties but did not result in any bodily injury. The Committee found that both bombings were executed in support of the AWB with a political objective associated with the conflicts of the past. Amnesty was granted [AC/1998/0029].
279. An AWB colonel, Mr Jan Cornelius Labuschagne [AM3671/96], claimed responsibility for a series of explosions he carried out with other members: Mr Daniel Wilhelm van der Watt [AM3674/96], Mr Andries Stefanus Kriel [AM2893/96] and Mr Johannes Jacobus Botes [AM3672/96] between September 1993 and February 1994. They placed more than twenty explosive devices on railway tracks, power stations and in black townships to disrupt the

infrastructure and gain publicity for the right wing's anti-election cause. A number of people were injured.

280. In October 1993, Andries Stefanus Kriel, a brigadier in the AWB and deputy leader of the Volksfront in the Northern Free State, instructed AWB Colonel Jan Cornelius Labuschagne to form a cell of operatives in order to participate in a terror campaign to be conducted by the Volksfront.
281. Labuschagne formed a cell consisting of himself, Johannes Jacobus Roos Botes and Daniel Wilhelm van der Watt, both members of the AWB and the Volksfront. They underwent a short period of training in the manufacture, handling and use of explosives in the Bothaville area.
282. The bombing campaign commenced on 9 November 1993 and lasted until 7 February 1994. During that period they placed twenty-one bombs at different targets, including Welkom, Wesselbron, Potchefstroom, Orkney, Viljoenskroon, Hoopstad, Bothaville, Stilfontein, Kroonstad, Leeudoringstad and Vierfontein. Nineteen of these exploded. The other two (at Welkom and at Leeudoringstad) did not detonate. All the bombs were homemade. Eleven of the targets were railway lines, three were power installations, four were black residential areas, two were business premises and one was a farm school.
283. Nobody was killed in the bombings. However, a number of people were injured, including Mrs M Bayo, Mr Seipata Mokadatlo (both at Wesselsbron), Mr Stephen Semelo, Mr Andries Semelo, Mrs Ramorakane and Ms Margaret Malinga (all at Viljoenskroon). The bombings caused damage to both private and state property.
284. Labuschagne told the Committee it was not their intention to kill or injure people, although they realised that people might be killed or injured by their actions. He said they took steps to minimise the prospect of this by setting the bombs to explode late at night.
285. All the applicants were facing charges relating to their training, all the bombings as well as the illegal possession of firearms and explosives. Their trial had been postponed pending the outcome of their applications.
286. Labuschagne accepted equal responsibility with the other applicants for all the incidents on the basis that he was their leader and had given them the instruc-

tions to carry out the bombing campaign. All the applicants ceased being members of the AWB during the course of the bombing campaign, but continued with the campaign as members of the Volksfront.

287. The Committee was satisfied that the applicants acted at all relevant times in furtherance of the policies of the Volksfront and that the offences committed by them were acts associated with a political objective committed during the course of the conflicts of the past. There was nothing to suggest that the applicants committed the offences for personal gain or out personal malice, ill-will or spite directed against their victims. Satisfied that the applicants had made full disclosure of all relevant facts and that their applications complied with the requirements of the Act, they were all granted amnesty in respect of the incidents for which they each made application [AC/1999/0001].

#### **21 April 1994**

288. On 21 April 1994, the office of the Independent Electoral Commission (IEC) in Hoopstad was bombed, causing considerable damage. Freedom Front (FF) and BKA member Mr Eduard Pieter Roux [AM 5661/97] was granted amnesty for the attack. Roux was also convicted of sabotaging power installations. There was no loss of life [AC/1998/0097].

#### **23 April 1994**

289. The Devon Radar complex, an Airforce base in the Secunda area in the Transvaal, was attacked and robbed on the night of the 23 April 1994. A police guard, Sergeant Steven Frederich Terblanche, was shot dead and robbed of his firearm. BWB member Mr Okkert Anthonie de Meillon [AM4570/97] and AWB members Mr Edmund William Holder [AM5610/97] and Mr Willem Johannes van Zyl [AM5611/97] applied for amnesty for the attack.

290. Okkert de Meillon was convicted of murder and robbery with aggravating circumstances and sentenced to an effective fifteen years' imprisonment. On 5 November 1996, Edmund Holder and Willem van Zyl were jointly tried in a separate trial and convicted on similar charges. Van Zyl was also convicted of the unlawful possession of a firearm and ammunition. They were sentenced to effective imprisonment of ten and eight years respectively.

291. All the applicants, as well as Constable Andre Renier Swart who was in the company of the deceased victim at the time, testified at the hearing.
292. The Amnesty Committee heard from the applicants that right-wing organisations took various steps to prepare for an attack on whites on the 27th April 1994, the day of the election. Members of right-wing organisations were ordered to obtain appropriate firearms to ward off the attack. Because the 'enemy' would be armed with automatic weapons, they believed that the anticipated attack could only be effectively warded off if the right wing was armed with automatic weapons.
293. On the day of the incident, the applicants armed themselves and drove to an army building in Pretoria city centre. The building was guarded by armed guards. This plan was foiled as they were totally outnumbered by the guards. According to Holder and Van Zyl, De Meillon had suggested they attack the guards for the purpose of making propaganda. This they refused to do. They testified that by then it had become clear to them that De Meillon was a fanatic.
294. Driving home in the direction of Secunda, De Meillon remembered an Airforce base at Devon where he had done a part of his military service in 1992. They decided to go there. Holder and Van Zyl testified that they intended to reconnoitre the base in preparation for an arms robbery.
295. Led by De Meillon, the applicants entered the guardhouse at the Devon base without first ascertaining who was inside. It became apparent that the guardhouse was occupied by members of the police. De Meillon ordered the police to hand over their weapons. However, although both police officers were armed with their service pistols, there were no automatic weapons in the guardhouse.
296. In the course of disarming the deceased victim, a scuffle ensued between him and De Meillon. Shots were fired and De Meillon was wounded and Sergeant Terblanche killed. De Meillon took the deceased victim's service pistol and ran to the vehicle followed by Holder. They drove to Secunda where De Meillon obtained medical assistance and was later arrested in hospital. Van Zyl kept possession of the deceased's pistol for a few days, whereafter he took it apart and threw it into a dam. Holder and Van Zyl were also subsequently arrested.
297. The Committee found that the attack on the deceased fell outside the orders or authority given to the applicants to obtain automatic weapons for the purposes

of their respective political organisations. De Meillon had taken the initiative in the mission and ordered the others to assist.

298. De Meillon testified that, to his mind, the mission was unsuccessful. Had he known that the base was occupied by the SAP, he would not have embarked upon the operation at Devon. The Committee found that Holder and Van Zyl's testimony as to the purpose of their visit to the base was true. It would have been reckless to decide to attack the base for automatic weapons without reconnoitring the target first. They would have had no idea whether they would find the weapons they were looking for or what kind of resistance they would meet. They obviously went to the base to see what the situation was there, as testified to by Holder and Van Zyl.
299. The Committee found that the attack on the guardhouse was clearly a result of impulsive, overhasty and haphazard actions on the part of De Meillon.
300. The Committee noted that another important factor was the fact that the pistol of the deceased was subsequently disposed of without being used for any of the purposes of the political organisations in question. This was further indication of the fact that attacking and robbing the deceased of his pistol fell outside any mandate or order given. The applicants testified that the order had been to obtain automatic weapons.
301. The Committee found that the killing of the deceased in all of the circumstances of the case was disproportionate to any conceivable objective pursued by the applicants. The Committee was not satisfied that the incident constituted an act associated with a political objective in terms of the requirements of the Act and the applications were refused [AC/1999/0014].

#### ***24 and 25 April 1994***

302. A number of people were killed on 24 and 25 April 1994 when eleven members of an AWB cell went on a bombing spree. The targets were mainly taxi ranks serving black commuters. The eleven were part of a group of twenty-six found guilty on ninety-six counts of pre-election bombings, murder and damage to property. Altogether twenty people died and forty-six were injured.
303. Nine applicants claimed responsibility for a number of different actions during this period.

304. Mr Etienne Jacobus le Roux [AM6467/97] and Mr Johan Wilhelm du Plessis [AM6480/907] were granted amnesty for violations arising from an explosion in Bree Street, Johannesburg on 24 April 1994. The explosion killed seven people: Mr Jostine Makho Buthelezi, Mr Makomene Alfred Matsepane, Mr Goodman Dumisani Ludidi, Ms Gloria Thoko Fani, Ms Susan Ann Keane, Mr Peter Lester Malcolm Ryland and an unidentified man. At least thirteen other people were injured in the attack. The applicants were also granted amnesty for malicious injury to property and the unlawful possession of explosive devices and material [AC/1999/0342].
305. Le Roux and Du Plessis were granted amnesty for violations arising from an explosion at Jan Smuts Airport, Johannesburg on election day, 27 April 1994, in which at least ten people were injured. They were also granted amnesty for malicious injury to property and the unlawful possession of explosive devices and material [AC/1999/0342].
306. Mr Etienne le Roux, Mr Jan Bastiaan de Wet [AM6466/97], Mr Johannes Abraham Vlok [AM7888/97] and Mr Johan du Plessis were granted amnesty for violations arising from a bomb explosion on the corner of Odendaal and Victoria Streets in Germiston, Transvaal on 25 April 1994. Ten people were killed by the bomb: Mr Phillip Nelaphi Nkosi, Mr Mbulawa Jonathan Skosana, Mr Lucas Shemane Bokaba, Ms Gloria Khoza, Mr Fickson Mlala, Mr Mbereyeni Marcus Siminza, Mr Paul Etere Ontory, Mr Thulani Buthelezi and Ms Thoko Rose Sithole. At least seven other people were injured in the explosion. The applicants were also granted amnesty for malicious injury to property and the unlawful possession of explosive devices and material [AC/1999/0342].
307. Mr Johan du Plessis, Mr Abraham Christoffel 'Abie' Fourie [AM6478/97], Mr Johannes Andries 'JJ' Venter [AM6577/97], Mr Jacobus Petrus Nel [AM6469/97], Mr Petrus Paulus Steyn [AM6479/97] and Mr Gerhardus Daniel 'Gert' Fourie [AM6468/97] were granted amnesty for violations resulting from:
308. An explosion on 25 April 1994 on the corner of Blood Street and 7th Avenue in Pretoria. The explosion killed three people: Ms Joyce Baloyi, Mr Samuel Masemola and unidentified man. At least four other people were injured;
309. An explosion at Westonaria on 25 April 1994. The explosion killed five people: Mr James Ncube, Mr Alfred Dayele, Mr Peter Mogoshe, Mr Phillip Plaatjies and Mr Alex Maziba



310. An explosion on 25 April 1994 at a taxi rank on the corner of Third and Park Streets in Randfontein, Transvaal. The explosion injured at least six people;
311. The unlawful possession of explosive devices and materials at the Springfontein Farm in Rustenburg between 22 and 27 April 1994.
312. Mr Jan de Wet, Mr Johannes Vlok and Mr Johan du Plessis were granted amnesty for the unlawful possession of explosive devices and materials at the Koesterfontein Farm in Krugersdorp between 22 and 27 April 1994.
313. Mr Etienne le Roux, Mr Jan de Wet and Mr Johan du Plessis were granted amnesty for the theft of a motor vehicle at Randfontein on 25 April 1994.

### **27 April 1994**

314. On election day, the 27th April 1994, two AWB members travelling in a vehicle on the R28 road between Westonaria and Randfontein on the West Rand, opened fire at a minibus taxi killing the taxi's driver, Mr Viyani Papiyana, and injuring a passenger, Mr Godfrey Papiyana.
315. AWB members, Mr James Wheeler [AM 2084/96] and Mr Cornelius Rudolph Pyper [AM5179/97] were serving fifteen-year jail sentences for the attack when they were granted amnesty. The Amnesty Committee accepted that the applicants believed themselves to be under orders from the AWB and were under the impression that other members would be committing acts of violence in order to cause chaos and disrupt the elections.
316. The applicants testified before the Amnesty Committee that they had consumed alcohol and discussed politics and ways to disrupt the election. They decided on a course of action, allegedly based on the orders of a fellow AWB member, Mr de Bruyn, whom they believed to have some authority in the organisation.
317. Both applicants testified that their sole motivation in committing the crime was political and that their immediate aim was to cause chaos which would lead to the disruption of the elections. They believed that many other supporters of the AWB would be participating in the uprising and that the cumulative effect their of actions would have a significant impact on the political events of the day. They both denied that the consumption of alcohol was the driving force of their actions.

318. The surviving victim and those members of the victims' family who opposed the application said they believed the applicants had committed the offences in their personal capacities out of ill-will, malice or spite while under the influence of intoxicating liquor. There was also insufficient evidence to find that the applicants were members or supporters of the AWB; that they acted on behalf of or under orders from the AWB or within their duties as members of that organisation. It was suggested that this was a spontaneous and poorly planned attack on a taxi that was not in the vicinity of a polling station.
319. The Committee was satisfied that the applicants could at least have been seen as supporters of the AWB and believed themselves to be members.
320. The Committee accepted the uncontradicted evidence that the AWB propagated the use of violence to resist the ANC winning the election and that it called upon its members to prepare themselves for a state of war. The applicants had believed that the revolution had begun before consuming liquor on the day in question. Drunkenness could not therefore have been the root cause of their actions, though the consumption of liquor could have provided them with false courage and was the reason for the sloppy planning and preparation of the attack. Both the applicants stated that they knew what they were doing. The fact that the first applicant drove the vehicle without mishap and that the second applicant accurately aimed the shot he fired indicates that they were not so drunk as to eliminate their belief that they were acting in support of the AWB. The fact that the AWB never admitted its involvement in the applicants' crimes did not obviate the applicants' subjective belief that they were acting in support of AWB when they committed the act.
321. The Amnesty Committee accepted that the applicants were under the impression that other members of the AWB would, that day, commit acts of violence in order to cause chaos and so disrupt the elections. They gained this impression after having heard the report of the bombings on the East Rand and after their discussion with Du Bruyn. They only learnt after the event that, save for the bombings on the East Rand, they had acted in isolation. They testified that they decided to shoot a black man as they were of the opinion that the vast majority of black people were supporters of the ANC. Their intention was to commit an act of terror which, together with other such acts committed by other members of the AWB, would instil fear and result in chaos and anarchy and so disrupt the elections.

322. In this context, despite the tragic consequences and futility of their actions, the Committee concluded that the violation was not disproportionate to the political objective they were pursuing. The attack was found to be associated with a political objective committed in the course of the conflict of the past and amnesty was granted to the applicants [AC/1998/0032].

## **PART TWO: MOTIVES AND PERSPECTIVES**

323. Threatened by the prospect of a non-racial, democratic South Africa, many sectors of the conservative Afrikaner community mobilised to challenge the impending changes and to protect a way of life and a sense of identity perceived to be under threat. One of the central objectives that emerged as a focus of the mobilisation of the right-wing groups was the creation of a *volkstaat*. In some senses the initiative represented a hearkening back to the idea of the *Boere* republics, confiscated by the British and finally lost in the turn of the century Anglo-Boer War. If the African liberation struggle in South Africa was a 'just war', so too was the struggle of Afrikaners to restore the Boer republics.

324. The Afrikaner Volksfront (AVF) and the Conservative Party took the lead in the struggle to achieve a *volkstaat*, defined as any land that could be set aside for Afrikaners to pursue their quest for self-determination. Some right-wing organisations, (such as the AWB, the Orde Boerevolk and the Boerestaat Party) were more interested in restoring the actual boundaries of the former Boer republics. While different groups differed on how to acquire this nation-state, all feared being 'swamped' in the new South Africa and, for a time, were prepared to unite against the 'common enemy'. Most applications from members of the AWB refer to the common enemy as being the then NP government which appeared to be blocking their objective of self-determination.

325. Evidence before the Commission indicates that the strongest mobilisation for a nation-state, and the most aggressive acts in promoting this goal, occurred in the former Western Transvaal and on the West Rand. Fewer violations occurred in the territories now known as the Western and Northern Cape. AWB applicants told the Amnesty Committee that their aim was turn the Transvaal, the Orange Free State and Northern Natal into a Christian and Afrikaner Boer states.

326. The concept of 'freedom' related to the question of whether Afrikaner communities could be in control of their own destiny and to general constitutional protection. During the process of negotiations, therefore, the idea of 'freedom'

became a recurring theme in the militant rhetoric of the right-wing leaders and a central motivating factor in the planning and execution of operations that resulted in gross violations of human rights.

327. At the time of the formation of the Afrikaner Volksfront (AVF), some Afrikaner groups felt that 'an elite' deal was being fashioned at the Kempton Park negotiations between the ANC and the NP in conjunction with big business. The deal threatened to marginalise Afrikaner demands for the preservation of Afrikaner culture and the recognition of their Christian-national aspirations.

328. At this time, when there seemed to be little hope in obtaining a volkstaat, there was talk of a 'liberation war' using violence as a means to achieve an end. However, no loss of life was intended. AWB leader, Eugene Terre'Blanche testified before the Commission that no orders for killing were given. In his submission to the Commission, General Constand Viljoen said that the AVF had no option but to organise resistance to secure the future of Afrikaners:

*I submit that it was quite reasonable that the ethnic Afrikaners felt threatened to the point that they felt the proverbial back against the wall. ... And we prepared for conflict – not anarchy, not a total war but a well-planned campaign of resistance and mass action' against the NP government and also against the ANC. (Viljoen: submission)*

329. General Viljoen unequivocally linked Afrikaner resistance with the transitional process in the country.

*It was further aimed as an anti-revolutionary power to counter the anarchy, intimidation and intolerance of the revolutionary power, because in our opinion the government of the day had neither the will or the guts to do so. ... Our action programme was necessary as the NP in the multi-party conference watered down the Afrikanervolk's right to self-determination, and our own bilateral process of negotiations with the ANC on Afrikaner self-determination did not achieve the desired results until shortly before the election. The degree of revolutionary climate called for an action stronger than the political debate; but it had to take place in support of the talks. (Viljoen, AVF: submission)*

330. In summary, the Amnesty Committee heard that most of the acts for which members of right-wing organisations applied for amnesty were motivated by the following principles:

- a the creation of a Christian *Boerestaat* on Boer territory for the Afrikaner Boerevolk;
  - b the promotion of an Afrikaner Boere consciousness of their white lineage and the importance of race purity and the maintenance of Afrikaner Boer culture;
  - c the struggle against the enemies of liberalism, humanism, Communism and Marxism;
  - d the protection of Afrikaans;
  - e the maintenance of a Christian National Education;
  - f the return of the volk to the Covenant and the God of the Covenant;
  - g self-realisation within a Boerestaat;
  - h self-determination for a republic previously internally acknowledged as an independent state;
  - i the protection of the land against imperialism;
331. The CP maintained a strictly anti-Communist stance and upheld the need they identified to fight the threat of the African liberation movements, which they believed to be influenced by the SACP. According the CP member, Mr Clive Derby-Lewis, who applied for amnesty for the killing of SACP leader, Mr Chris Hani (see above):

*The fact that the ANC/SACP wanted to control **all** of South Africa, was, we believe, the underlying problem of South Africa's continual conflict. Most people want to be ruled by their own. This is an immutable international fact. Thus conservative Whites were faced not only with an alien government if the ANC/SACP came to power, but a communist alien government.*

332. Applications for amnesty from conservative Afrikaners and right-wingers frequently made reference to a romantic image of the Boer nation, derived from the history of seventeenth century freeburgers, Trekkers and ultimately the Anglo-Boer War. A common theme in this history was the desire of conservative Afrikaner groupings to be in control of their own destiny and the wish to achieve self-determination through the creation of a volkstaat or *Boerestaat*. (...p512)