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Sep - Oct
Scotland Yard man at TRC

JOHANNESBURG A senior officer from Scotland Yard’s anti-terrorism unit has come to observe the Truth and Reconciliation Commission (TRC) hearings into the 1982 bombing of the ANC’s London office, prompting questions about whether the British government is considering taking action against the men confessing to the act.

Scotland Yard’s Kim Durham scuffled furiously throughout yesterday’s hearings in Pretoria. A Scotland Yard spokesperson said he was attending as “an observer” for the anti-terrorism unit.

Eight apartheid security officers — including former commissioner Johan Coetzee, convicted killer Eugene de Kock and superspy Craig Williamson — have applied for amnesty in connection with the bomb.

While the TRC could grant them amnesty from prosecution in South Africa, there is nothing to stop the British government charging them for crimes committed there.

The Scotland Yard spokesperson said the British police could not comment on the possibility of overseas prosecutions, because “that was up to the TRC to comment on.”

But TRC spokesperson Mdu Lembede said last night that the issue was not covered in the act governing the commission, and nothing had yet been finalised despite intense debate on the subject. “This has never been resolved, but the TRC is in no position to grant amnesty for atrocities committed in other countries,” he said.

Coetzee painted a sombre picture of how the conspiracy to bomb the ANC offices was put together. He said deceased minister of law and order Louis le Grange had told him and his predecessor, Mike Geldenhuys, that the government had “decided to demonstrate to the British government that there were risks involved in continuing to allow the ANC to operate from the United Kingdom.”

Coetzee said Geldenhuys had initially “objected to the instruction, maintaining that the risk in sending serving policemen on a clandestine mission to the UK was overwhelming.” But Le Grange had been “adamant” and Pet Goosen had been chosen to lead the team. Goosen had chosen Williamson as his second-in-command and identified English-speaking members of the security branch for inclusion.

In their evidence, Goosen and Williamson are expected to testify that fellow amnesty applicant Roger Raven manufactured the bomb and supervised the sealing of the container used to transport the explosive.

The explosive had been sent to the SA Embassy in London in a diplomatic bag. Joe Khe, a military intelligence operative, had then taken the container to Peter Casebolt for safekeeping.

Raven and Casebolt had later delivered the bomb to the ANC offices in Penton Street, London. De Kock and Raven had positioned the bomb while other security policemen — John Adam, James Taylor and former National Intelligence Agency head Louis McPherson — had looked out for possible interferences. Williamson had remained at the checkpoint which each member had to pass afterwards.

Although he was uncertain who else in the government was involved in the plan, Coetzee said Le Grange “would never have sanctioned such a mission on his own accord,” meaning the cabinet would have had to be involved.
Amnesty for MK 'icing' operatives

THE Truth and Reconciliation Commission has granted amnesty to four members of the African National Congress' former military wing, Umkhonto we Sizwe, for killing a former Bophuthatswana policeman, the TRC heard yesterday.

Joseph Elias Makhura, Frans Ting Ting Masango, Obed Mauma and Neo Potsane sought amnesty for the shooting of Brigadier Andrew Molope in Malelane, near Pretoria.

The four earlier told the TRC amnesty committee that they were members of the so-called 'icing' or assassination unit.

The unit was commanded by the late Chris Hani and infiltrated the country under orders to assassinate political opponents of the liberation movement.

They were told to concentrate on cell-outs and police informers, the TRC heard.

"We accept that the applicants bona fide believed that the elimination of Brigadier Molope would protect the opponents of the then Bophuthatswana government from further suffering and would lower the morale of senior officials of the government and thus contribute to the liberation struggle of the African National Congress," the committee said in its judgment.

"The committee accepts further that none of the applicants were prompted by any personal malice or derived any personal gain from the killing."

The committee recommended to the TRC committee on reparations and rehabilitation that Molope's wife, Galiile, Siah Molope, and their three children should be declared victims of apartheid crimes.

-Sapa 1978
Le Grenge, ordered repayment for bombing in London

By Claire Keaton

October 9/1998

(351)
Young woman tells of a life destroyed by Wimpy Bar blast

BY Themba Ndebele

Amadeu Jane Clementino was 14 years old when a landmine ripped through the Wimpy Bar in Benoni where she was dining on a Saturday afternoon in July 1990.

She — together with her father Alfred and his fiancée — had just ordered lunch when the bomb exploded, killing seven people and injuring 68.

Clementino, now aged 30, said she survived with a severe head injury, with damages to her right eye and brain. She suffered.

Clementino and her fiancé, whose identities are withheld, were killed in the blast — yesterday. He was killed while working to remove the landmine.

Clementino related the event: "It was about 11.50am. I was seated with my father and his fiancée. We had just placed our order and, seconds later, the electricity went off. I felt as if I was being electrocuted. Someone shouted that there must have been another bomb. There was blood everywhere and everybody running away, trampling on each other. There was fire and the roof was falling. It was absolute chaos," Clementino said.

Chairperson Judge Ronald Ryley Pillay released a statement to the applicants, to forward a written motivation for the amnesty application.

I cannot forgive or forget, my whole life is ruined.

Serrano said the applicants should have blown up a police station if they were targeting members of the security branch.

I cannot forgive because my daughter was killed for nothing. People were killed for nothing and there was no purpose."

That bomb could have been placed of the police station which was nearby. Attacking a place where young people kill time is like killing the future of the nation," Serrano said.
UK courts
loom over
SA bombers

A senior Scotland Yard detective keeps a watching brief as eight apartheid-era operatives apply for amnesty for the bombing of the ANC's London offices in 1982

BY RYAN CRESSWELL

A senior Scotland Yard detective is observing the Truth and Reconciliation Commission hearings into the 1982 bombing of the ANC's London offices, prompting questions as to whether the British government would consider taking action against the bombers.

Scotland Yard Detective Inspector Kim Durban scrabbled furiously throughout yesterday's hearings in Pretoria. A Scotland Yard spokesperson said he was attending for amnesty for the bombing.

While the TRC could grant amnesty from prosecution in South Africa, there is nothing stopping the British government charging them for crimes committed on UK soil.

A Scotland Yard spokesperson said the British police could not comment on the possibility of prosecutions in Britain because it was up to the TRC to comment on.

But TRC spokesperson Mlu Ntshabele said last night that the issue was not covered in the act governing the commission, and nothing had been finalised.

Intense ... even if former police commissioner Johan Coetzee is granted amnesty by the TRC for the bombing of the ANC's London office, he may still have to answer to British authorities.

Coetzee said he had initially "objected to the instruction, maintaining that the risk in sending serving policemen on a clandestine mission to the UK was overwhelming".

"Minister Le Grange was however adamant about this matter and subsequently Brigadier Piet Goosen was identified as leader of the contemplated mission," he said.

Goosen chose Williamson as his second-in-command and identified English-speaking members of the security branch for inclusion in his task team.

A code, namely "The egg can be laid", would indicate that Goosen "would take action without in any way endangering lives", the committee was told.

Goosen and Williamson are expected to testify that fellow amnesty applicant Roger Raven had manufactured the bomb and supervised the sealing of the container used to transport the explosive.

The explosive was sent to the SA embassy in London in a diplomatic bag.

Joe Kue, a military intelligence operative, then took the container to Peter Casklen for safekeeping.

Raven and Caselton later delivered the bomb to the ANC offices in Penton Street, London.

De Kock and Raven placed the bomb while security policemen John Adam and James Taylor, and former national Intelligence Agency head Louis McPherson looked for possible interference.

Williamson manned the checkpoint and each member had to pass after completing the task.

Coetzee said Le Grange decided to decorate Goosen and his team with an award that only he could bestow.

Although he was uncertain who else in the government was involved in the plan, Coetzee was emphatic that Le Grange "would never have sanctioned such a mission on his own accord" – suggesting other cabinet ministers would have had to be involved.

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Legacy of Apartheid ambush was nightmare, says policeman
UK may bid to extradite apartheid-era Prosecutor

Amnesty evidence on ANC blast reviews high-priority case

No hangy panky with Ruli, says ex-Police Commissioner

ON THE RUN: Commissioner John, aged 10/91/99

Doctor's depositions: I was moved to Greater London but I have posted it from time to time.
First, death should never have happened, says Coetsee.
PRETORIA: Former police commissioner Johann Coetzee told the Truth and Reconciliation Commission here yesterday he never agreed to any political assassinations, including that of Ruth First.

"I never acquiesced to the assassination of any individuals," Coetzee told the TRC's amnesty committee.

Coetzee is applying for amnesty for the bombing of the ANC's London offices in March 1982, but was questioned at length about a range of attacks and assassinations when he was police commissioner from 1978 to 1985.

Coetzee said he would never have authorised the murder in 1982 of Ruth First or of Jeanette Schoon and her daughter, Katryn, in 1984. He claimed he only found out about police involvement 10 to 15 years later.

Former apartheid spy Craig Williamson has applied for amnesty for the murder of First in Mozambique and the Schoon's in Angola by means of parcel bombs — Sapa
TRC hears policeman still has nightmares after attack

MORE than five years after he was ambushed by an Azanian People’s Liberation Army (Apla) unit, city policeman Johnny Meyer says he still has nightmares about being under fire.

"Psychologically I had a lot of strain," he told a Truth and Reconciliation Commission amnesty panel in the city yesterday.

Meyer, an inspector at the Bellville police station, was testifying in the hearing of Apla operative Walter Tanda, who has applied for amnesty for his role in an attack on a Claremont restaurant in 1992, and several attacks on police.

Tanda, now in training in the SA Air Force, told the hearing earlier this week that the attacks on police were attempts to acquire arms and ammunition for Apla cadres.

Meyer testified that he and an assistant constable named Mkhwanazi were driving in Guguletu on the night of January 12, 1993, when they came under fire, and the engine of the patrol van cut out.

Mkhwanazi ducked, and Meyer felt as if a brick had struck his shoulder. "I was shot through my left chest."

Unable to reach for his weapon, he saw that the gunman was about to shoot again. "I called Jesus' name, called on him to help me. I felt the shots as they passed me. They struck everywhere around me, but I was not shot."

He restarted the van, and heard bullets striking the canvas blinds at the back as he accelerated away.

Mkhwanazi had been hit in the head, and another bullet ripped through his intestines. He was dead on arrival at hospital.

Meyer said he was rushed to hospital by the police reaction unit. One of his lungs had collapsed on the way.

He said at one point during his recuperation he was unable to speak. He also received psychological treatment and sleeping pills.

He had recovered physically, but still had sleep problems, including occasional nightmares.

Meyer said he had reconciled with Tanda. — Sapa
All parties give backing to use of lay assessors

ANDRE KOOPMAN  
PARLIAMENTARY BUREAU

ALL parties in the National Assembly yesterday supported legislation that will make it mandatory for lay assessors to be used in magistrates' courts matters involving serious crimes such as murder and rape.

The Magistrates' Courts Amendment Bill provides that magistrates have to be aided by two assessors in cases of murder, rape, robbery where serious bodily harm has been inflicted on the victim, assault involving serious bodily harm, and indecent assault.

Justice Minister Dullah Omar said the bill's main object was to enhance the legitimacy of the criminal justice system and to increase community participation in it.

Large sectors of the population had been excluded from the system under apartheid and a "considerable percentage of society still find it difficult to associate themselves" with the criminal justice system.

"We can also not escape the reality that the legacy is that the Bench — especially magistrates' courts — is not representative of society."

Johnny de Lange, chairman of the Justice Committee, said bribery and corruption under the new system could not be excluded. The possibility of introducing two new offences to deal severely with those assessors who accepted bribes and to deal with people attempting to bribe assessors or corrupt the system would be examined by the NCCP.

Frederick van Heerden, NP, said that while he had reservations about the legislation not making provision for people to choose whether they wanted assessors or not, the NP still supported the legislation.

Kieran O'Malley, IFP, said the bill in extending community participation attempted to address the dissonance of the apartheid past.

Douglas Gibson, DP, said the bill provided a step forward in restoring public confidence in the criminal justice system.

Omar said the job of a lay assessor would be a form of community service and that assessors would not be employees of the Justice Department.

The National Assembly also approved the Public Protector Amendment Bill, which provides for the appointment of one or more deputies to the public protector.
Killing of Schoons reprehensible — ex-police chief

BY Simon Zwaro

Former police commissioner Johan Coetzee described the murder of ANC member Jemette Schoon and her 6-year-old child Katryn in 1984 as a "reprehensible" act yesterday.

General Coetzee, who is seeking amnesty for the bombing of the ANC's London office, said he also regarded the Mozambique bombing of Ruth First as a mistake.

The Schoons were killed in 1984 in Angola by a letter bomb sent to them by the South African security police.

Coetzee told the amnesty committee in Pretoria that he would never have acquiesced to the killing of First, wife of former South African Communist Party leader Joe Slovo.

"As far as I was concerned, it should never have happened," he said.

Coetzee said he had known First as an academic and was aware of her involvement in leftist and Communist politics, but did not believe she should be killed.

"I knew her well and would not have authorised her murder," Coetzee said.

He said he only became aware 10 years after his retirement that South African agents had been involved in First's murder.

Coetzee stated that he also disapproved of attempts on the life of Slovo, whose death he said would have been counter-productive to the South African government's interests.

Advocate George Bizos, who is representing the Schoon and Slovo families, asked Coetzee during a heated cross-examination how it was possible for Craig Williamson and Colonel Piet Goosen to plan First's murder behind his back.

Williamson, who is also applying for amnesty, has stated in his application that Goosen — known as "Biko" — because of his role in the death in detention of Black Consciousness leader Steve Biko — had authorised the murder of First.

Goosen is now dead.

Bizos asked Coetzee to explain how Williamson and Goosen would have had confidence that their police careers would not have been in ruins if it was found out that they had taken it upon themselves to kill Ruth First.

Coetzee said he would have disciplined or possibly even have charged the two men if he had known about their involvement.

He also denied spreading false cover-up stories in the media in which it was alleged that Slovo had killed his wife and that in-fighting within the ANC had led to the killing of the Schoons in Angola.

Spreading of rumours also denied

He said reports which appeared in the Afrikaans weekly newspaper Rapport emanated from a discussion he had had with two journalists about the possibilities of what might have happened.

"If I wanted to build a cover-up story I would have issued a press statement," he said.
His business betrayed, his specialty murder
at those whose eyes he affected
As Craig Williamson prepares to testify, Ryan Casswell looks
By Claire Keeton
Feature Writer

Primmus Johann Coetzee was no ordinary security policeman. In the 1980s he was one of the government’s elite cops, ranking high in the apartheid police force.

Coetzee was the commanding officer of the Security Branch from 1980 until 1983, when he was promoted to commissioner of police. In 1987, he took early retirement.

The former police general, stiff and grey, appeared before an amnesty panel of the Truth and Reconciliation Commission in Pretoria this week in connection with a bomb attack on the African National Congress headquarters in London in 1982.

One of the top policemen to appear before the TRC, Coetzee was in a unique position to provide the TRC with inside information on how the security police operated. However, he appeared unable to remember details of illegal activities under his command.

His memory did not improve under cross-examination, prompting Advocate George Bizos to say that Coetzee was "deliberately evading his questions."

Asked if this was a fair accusation, Bizos replied, "I would have remembered if I had been part of a recommendation to order the murder of 14 people." He was referring to a raid on Lesotho in which 14 people were killed in their beds.

No personal guilt

Coetzee responded, "I was advised it was not illegal to conduct a pre-emptive strike. I feel no personal guilt about the raid."

Bizos represents relatives of Ruth First and Jeanette Schoon and her daughter Katryn, who were all killed by police bombs in the early 1980s.

A battering cross-examination by Bizos suggested that Coetzee was refusing to make a full disclosure about his involvement in assassinations during his command—which is one of the requirements for amnesty.

The alternative, that Coetzee was not aware of what his subordinates were doing and was incompetent, seemed improbable given his "hands-on" reputation and promotion to commissioner.

Bizos said, "We will show clearly that (Craig) Williamson, who admits he killed my clients’ relatives, hardly ever did anything without the knowledge of his mentor Coetzee. They were inseparable."

Coetzee admitted that he and Williamson were "close teams. "I was his desk officer and trust developed. We did some remarkable assignments together."

A former major in the security police, "super spy" Williamson has applied for amnesty for the killing of "for and for the attempted murder of her husband, former South African Communist Party leader Joe Slovo."

Coetzee said he would "never, ever, for personal reasons have acquiesced in her killing."

His denial prompted Bizos to ask, "Wasn’t (First’s) unauthorized murder behind your back a great betrayal of your trust?"

"That is correct," said Coetzee. "Anyone who did (commit murder) acted against my wishes and style of command."

He said he had no idea that bomb-makers under his command had any munster purpose. "As far as I’m concerned, they were busy with legitimate work. If they abused this, I’m unaware of it," said Coetzee.

Bizos said research into killings during the time that Coetzee was head of the police force showed that 48 ANC activists had been murdered in South Africa and another 113 assassinated outside the country’s borders.

"I know nothing about it," was Coetzee’s standard response to many questions by Bizos about the high death toll.

"You filled Robben Island with your efficiency. How come you were so inefficient you could not detect murderers around you?" Bizos asked sceptically.

The only death that Coetzee recollected while he was in charge of the police was the poisoning of activist Sammpee Mhimbikhu. Asked about the torture and murder of another activist, Sizwe Kondile, Coetzee said he had heard that Kondile was detained and released.

"This was yet another fraud. We are testing your bona fides as the number goes on," said Bizos. "Over 200 of your enemies were eliminated, and this was not known to the efficient security police?"

"Why did you think this fairy godmother was, who got rid of yet another ANC chief representative in another country? asked Bizos. He listed the murders of ANC representatives in Zimbabwe, Lesotho and Swaziland in the 1980s among the long list of assassinations.

Bizos questioned Coetzee about who was killing ANC activists, if not the security police. "In the early ’80s, there was war and people were killed. I thought someone, somehow was killing people. It could have been anyone," Coetzee replied.

"I only became aware of the deaths by South African agents about 10 years after my retirement," Coetzee said not only the security police but also military and 'national intelligence could have been involved. "I suggest the reason you did not ask (about police complicity) was that you were well known, "Bizos said.

Knowledge of attacks

Bizos insisted that Coetzee had personal knowledge of attacks and described an incident in which apartheid infrastructure Eugene de Kock—"one of the other eight applicants in these hearings—was involved.

De Kock claimed it was clear the commissioner was "very pleased" but shook the hands of the whole team except his own because it was "covered in blood.

"Coetzee said he remembered the occasion, during which his wife made coffee, and said the policemen reported that they had "succeeded in shooting some ANC terrorists."

"Did congratulate them. I said it was a job well done," Coetzee said.

In his amnesty application, the retired general said, "At all relevant times, I, as officer commanding the security branch or as commissioner of police, was acting within the cause and scope of my employment and my authority as such.

"As set out above, this was usually done either as directed by a minister of state or the state security council."

He named former ministers Louis le Grange, Fanie Botha, Kobe Coetzee, Garrit Viljoen and Hendrik Schoeman as members of the state security council.

Coetzee said then state president PW Botha was on the council and that PW de Klerk, then a minister, attended many meetings.
Up to 200 activists killed, TRC hears

JOHN YIELD
ON THE TRUTH COMMISSION

Pretoria – Security forces assassinated at least 100 activists, and possibly 200, between 1980 and 1987, according to evidence from ex-policemen’s lawyers at Truth Commission amnesty hearings.

This was disclosed yesterday at the hearing where 10 former security policemen, including Johann Coetzee, are seeking amnesty for bombing the ANC’s London offices in 1982, assassinations by letter bombs and other bombings.

General Coetzee, who is seeking amnesty only for the London bombing, was head of the security police from 1980-82 and police commissioner from 1982-87.

George Bizos SC, appearing for the victims of the letter-bomb murders, asked General Coetzee to choose one of three options to explain why the police had made virtually no arrests for all the assassinations.

"Is it because you were incompetent or because you turned a blind eye or because you, as the security forces, actually planned them and because you were experienced officers you could hide your involvement?"

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TRC hears of police killings

From page 1

General Coetzee replied that they had been involved in fighting “a 30-year war” in which “grey areas” developed, and then added “I would choose, sir, in a certain respect, incompetency.”

Mr Bizos questioned General Coetzee closely about an incident described by former Viakplas commander Eugene de Kock in his book, A Long Night’s Damage.

During his testimony, General Coetzee has repeatedly denied authorising or taking part in any illegal activity, except for the London bombing and three cross-border raids into Lesotho, Mozambique and Botswana sanctioned by the State Security Council.

But De Kock says in his book that he and his colleagues went to General Coetzee’s Pretoria home at 5.30am after a raid into Swaziland in which they had killed two ANC cadres and a woman and seized a number of important documents. He says General Coetzee congratulated them, but when he got to him (De Kock) remarked that he did not know whether he should touch his hands because they were covered in blood.

Earlier this week, General Coetzee testified that he had been taken by surprise by his men’s early-morning visit, that he had not known they had been into Swaziland, and been told only that they had killed “terrorists” during a “firefight.”

But Mr Bizos said yesterday De Kock would testify that General Coetzee appeared to have been expecting them, appeared to have known what their mission was and where they had been, and appeared “particularly pleased and excited” because they had brought the documentation he had been expecting.

Asked to comment, General Coetzee described De Kock’s version as “pure speculation.”

The hearing continues.

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I did not sanction political assassinations, says former security chief.
Operatives could face extradition

Those who committed crimes in other countries could be sent back to face charges

By John Yeld

South Africa is compelled in terms of international law to extradite its citizens who are accused of crimes in other countries, says Justice Minister Dullul Omar.

But each application for extradition has to be considered on its merits and conditions for extradition include a proper warrant of arrest, an official charge sheet and a certificate from the country asking for the extradition to the effect that there is sufficient evidence to prosecute.

Omar was reacting to disclosures this week by former police commissioner Johan Coetzee during his Truth Commission amnesty application for the 1983 bombing of the ANC’s London offices.

General Coetzee, who was security police head at the time, and seven of his former colleagues – including his so-called “protege” Craig Williamson – are applying for amnesty.

The British police still have a criminal docket open on the incident and a detective from Scotland Yard’s anti-terrorism unit, Kim Durham, is attending the hearing as an observer.

Scotland Yard press officer Ray Keating said yesterday evidence would be collected and handed to the British Crown Prosecution Services.

Keating said “No one has ever been charged and the case has never been closed. There is no statute of limitations on acts of terrorism.”

At the start of the amnesty hearing this week, General Coetzee said he and other former police generals had discussed the issue of possible extradition with Truth Commission chairman Archbishop Tutu and his deputy Alex Boraine before deciding whether to apply for amnesty.

He said they had promised to raise the issue with Omar, but nothing had come of this. This was why he had not applied for amnesty for his role in “cross-border” raids by South African security forces into Lesotho, Mozambique and Botswana in the 1960s.

Yesterday General Coetzee said he had discussed the issue of the legality of cross-border operations with President Mandela, Omar, Archbishop Tutu and advocates and had studied international law to try to obtain clarity.

Omar said that in terms of international law and international obligations, South Africa was obliged to extradite its citizens who had committed offences in other countries, if a proper application was made. South Africa has an extradition agreement with Britain, which came into effect in 1984 when it rejoined the Commonwealth.

Omar said South Africa could extradite people accused of crimes in other countries even when there was no formal extradition agreement. “(But) I cannot say in advance that we will, or will not, extradite people.

“We are required to consider all applications on their merits.”

Archbishop Tutu told the Cape Argus in an e-mail message from Atlanta in the United States that he could no longer recall who in the Department of Justice he and Dr Boraine had spoken to after their September 1996 meeting with the police generals.

“But I believe we tried to find out, and it turned out that we either did not have extradition treaties or they did not make any specific provision for the kind of thing we were looking for,” he said.

“I believe we communicated to the police generals that we could not give them the assurance they wanted.

“I did say I thought it was highly unlikely that especially the Frontline states would insist on anything that might affect the stability of the region.”
Coetzee's 'fairy tales'

The faces of apartheid's feared security police were on display at the truth commission this week, writes **David Beresford**

They are unlikely combatants, but long-time adversaries, the almost theatrical figure of the lawyer George Bizos and the stocky, hawk-faced former police commander, General Johan Coetzee.

They have faced each other on previous occasions across the country's courtrooms, but there was an air of finality about the duel being fought out between them in a Pretoria conference centre this week.

There are eight former policemen applying for amnesty before the Truth and Reconciliation Commission for the 1982 bombing of the ANC's London headquarters.

In many respects they represent the different faces of what was in its time the world's most notorious police force: Coetzee himself, head of the security branch from 1980 and national police chief from 1983 to 1987 - some of the bloodiest years of what has been described as South Africa's "dirty war".

There is Craig Williamson, whose gargantuan girth gives him the appearance of a trencherman than a policeman and whose taste for personal betrayal won him the tag of South Africa's "super spy" Eugene de Kock, "prime evil", who has become the personification of the professional hit man.

Grey-faced Vic Macpherson, the one-time chief propagandist whose obsession now is untangling the skein of lies in which he once wrapped the force Gerry Raven, the state bomb-maker.

Coetzee was the first to take the witness stand before the amnesty tribunal, headed by Judge Andrew Wilson. By the end of his second day of cross-examination by Bizos, the most senior policeman to apply for forgiveness for crimes of the apartheid era was looking exhausted.

Bizos seemed to be energised by his own indignation and the silent presence behind him of the three Slovo sisters - come to see the murderers of their mother, Ruth First, killed by a parcel bomb sent to her by the police in 1982.

The general denied responsibility for that murder and any others, which was the cause of Bizos's indignation. "I knew her well, sir," Bizos told his persecutor earnestly. "It should never have happened," he said of the bomb.

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"I never gave an instruction that someone should be assassinated, or k...
A symbolic high-profile strike

Superspy says the order to bomb the ANC's London office came from the top; John Yell reports.
Reptile recasts security cop who never dirtied his hands.
Williamson ‘acted in state’s interest’

Stephane Bothma

PRETORIA — Apartheid spy Craig Williamson claimed he had never acted out of spite or malice, but throughout his years as, first, a security policeman and later a permanent member of the SA Defence Force, had acted in the interest of the SA state.

The former St Stithans and St Johns pupil is applying for amnesty for bombing the African National Congress (ANC) offices in London in 1982. He is also asking for amnesty for the parcel bombs which killed Ruth First, wife of SA Communist Party leader Joe Slovo, and anti-apartheid activist Jeanette Schoon and her six-year-old daughter Katryn.

The truth commission’s amnesty committee earlier heard that while Williamson as a young security policeman infiltrated student organisations, he had been “close friends” with Schoon and her husband Marcus.

Former security police chief and later police commissioner Gen Johann Coetzee also applied for amnesty for the London bombing, but denied any knowledge of the two parcel bombs which killed the Schoons and First.

“I had a long and close association with Coetzee (throughout my security force career),” Williamson testified.

“If I had a mentor, it would have been Coetzee,” Williamson testified.

“I have done many things that Coetzee did not know about, but I would not have done anything that I believed he would not have approved of.”

Williamson told amnesty committee chairman Judge Andrew Wilson, that he was not before the committee merely to apply for amnesty, but to give a full background of the events and happenings during the 1980s.

He received a direct order for the London bomb from Coetzee, who had told Williamson the operations were approved “at the very top”.

Williamson and his now deceased direct superior, Brig Pet Geosen, assembled a team of officers to carry out the attack.

They were Geosen, Williamson, security policemen Vic McPherson, Jimmy Taylor and John Adam, former Vlakplaas commander Col Eugene de Kock and explosives expert Gerry Raven.

“Explosives, detonators and other equipment such as CS gas sprays were sealed in metal containers and sent to the SA embassy in London via diplomatic bag,” Williamson testified.

During the second week of March 1982 the team travelled to London, where they detonated the bomb at the Penton Street offices of the ANC.

In September that year the team was assembled in then Police Minister Louw le Grange’s office and decorated with the SA Police Star for Outstanding Service for the operation.

Pik Botha, who was foreign affairs minister at the time, said on Friday that he would have resigned from government if he had known then that policemen were going to blow up the ANC offices on London.

“I also believe that state president PW Botha would not have approved of the plan because he would have taken objections raised by Foreign Affairs into account,” Botha said.

He is attending the amnesty hearings after being implicated in the applications of some of the former policemen.

As a lawyer, Botha is representing himself and on Friday he cross-examined Coetzee, who admitted that Botha had always opposed the use of force and always warned against attacks that could jeopardise SA’s international relations.

About statements made by Botha at the time that terrorism should be handled, Coetzee admitted that “everybody” made similar statements and that it was not unusual for a foreign minister to share the same sentiments.

The hearings continue today when Williamson is expected to supply details about the killing of First and the Schoons.
Bomb that killed Ruth Frist may have been meant for Joe Slovo.
PRETORIA — The killing of six-year-old Katryn Schoon by a parcel bomb in 1984 was the biggest regret of his life, former apartheid spy Craig Williamson told the truth commission's amnesty committee yesterday.

Williamson ordered the manufacture of the letter bomb that killed Katryn and her mother, Jeannette, in Lubango, Angola, in March 1984.

However, Williamson emphasised, Jeannette and her husband, Marcus, were opponents of the SA government and therefore a "threat" and "legitimate targets" of the security forces.

Stephen Lauffer reports that Marcus Schoon and the daughters of Ruth First — Shawn, Gillian and Robyn Slovo — walked out of the hearing when Williamson showed videos of the Church Street bombing and other African National Congress attacks in an attempt to justify the SA government's policy of killing its opponents.

Williamson is asking for amnesty for the 1984 murder of the Schoons and for First's murder by letter bomb in 1982 — a year before the Church Street bombing. First was the wife of the late SA Communist Party leader Joe Slovo. Williamson is also applying for amnesty for the 1982 bombing of the ANC's offices in London.

The former security policeman and military intelligence agent said he had known the Schoons well, "not only because of my infiltration activities in the 1970s" but also because the family had been under constant surveillance by the security forces. The committee earlier heard that Williamson was so close to the Schoons that he stayed with.

Continued on Page 2

Regret

Continued from Page 1

"When I heard about the child being killed, it was like being hit with a bucket of cold water. I did not know the Schoon children were with their parents in Angola. There is nothing that has happened to me in my life that I regret more. To carry out an attack on somebody you do not know is one thing, but to do that to somebody you know is very difficult. The fact that the individuals were my enemy and that of my country did not make it easier."

In the case of First, Williamson also received an envelope on his desk containing a parcel addressed to "Joe Slovo care of Ruth First or to Joe Slovo and Ruth First at the Eduardo Mondlane University in Maputo, Mozambique."

He claimed he was ordered by Goosen to replace the contents of an explosive device. "Along time later, so long that I thought we would never hear of the envelope again, I heard there had been an explosion in a house in Lubango and that Jeannette and her young daughter were killed," Williamson said.

Later he heard that First had been killed in an explosion at the university. The hearing continues today.
Threat to the Sierra AWB Commander

In the case of the Sierra AWB Commander role, effective communication strategies are crucial. The Commander must ensure clear and consistent messaging to all members, involving:

1. **Regular Updates**: Regularly update all members on the organization's progress and any changes in strategies or goals.
2. **Clear Communication Channels**: Establish clear channels of communication to avoid confusion and ensure that messages are received accurately.
3. **Feedback Mechanisms**: Implement mechanisms for feedback to improve processes and encourage open communication.
4. **Leadership Style**: Adopt a leadership style that fosters trust and transparency, allowing members to feel comfortable sharing their thoughts and ideas.

By focusing on these strategies, the Sierra AWB Commander can effectively navigate challenges and lead the organization towards its objectives.
Omar denies guarantee against extradition

Pick may be linked to raid and TRC warns, 'Super Spy' and

On the Truth Commission

1996/09/16

17 to face charges arising from the
"Omar is not the only one to face charges arising in connection to the
International Criminal Court."
Amnesty Application: Williamson ordered agent to plant bomb.

He despatched to the TEC.

Williamson is applying for moratorium.

Pretoria: Formercreted for 1898.

Williamson told expert to build bomb that killed first.
A new beginning for prosecutors

By Bonhla Munesu

The resolve of the Ministry of Justice to restructure itself as the light of its Vision 2000 Programme was displayed clearly at the recent Prosecutors Conference in Someraton West.

Vision 2000 is a comprehensive blueprint for change and transformation, and is gradually being implemented. The two-day conference was historic -- it was the first of its kind ever held in South Africa.

It brought together more than 400 representatives from senior prosecutors to attend a general -- to deliberate the problems besetting the prosecution services in the country.

The conference is bound to lead to major changes in the court system as provincial conferences are to follow.

There was a strong recommendation from the new national director of public prosecutions (NDPP), Bulelani Ngcobo, that a professional body of public prosecutors be set up.

This is a historic new beginning for prosecutors, whose ranks are now increasingly being pinned by members of disadvantaged communities on the back of the Ministry of the public service profession.

The idea of the conference was set by Minister of Justice Festus Mntum. He highlighted the need for transformation based on the principles of equity and representation set out in Vision 2000. The conference followed the keynote of the National Prosecuting Authority Act based on the constitutional principles which call for a single and unified prosecution service led by the NDPP.

The idea for the restructuring that is taking place

While the Act lays down a national framework for restructuring, it has to filter down to the provincial and local levels if it is to be implemented successfully.

The conference filled that gap.

Immense courage

The deliberations were truly revealing, and showed the immense courage of the Justice Ministry led by its minister, Festus Mntum, to not only pursue the demystification and transformation it prescribes, but also to fearlessly involve the general public.

The popular image of prosecutors is that of a powerful club of arrogant, aloof and unapproachable gentlemen (they are mostly men) who sit from one courtroom to another in flowing robes quite uninterested in all around them.

This was belied by another that emerged at the conference -- that of an all-pervading, respected, self-righteous group of professionals without proper office discipline.

They often have to be their own editors, often lacking police, often rude in speech or otherwise placid to do their duty, and as such are despised by those in positions of authority.

The situation in rural areas was even worse.

Newly appointed national director of public prosecutions Bulelani Ngcobo has suggested the formation of a professional body of public prosecutors in South Africa.

The issue of the time that the majority of these gentlemen and the need to create a single and unified prosecution service to overcome the fragmentation and disparities in the provincial services.

The question of a common policy and the resources of the system, was thus left to the provinces and the provinces were given immediate work permit because of the problems of infrastructure.

The recognition of the dignity of their office was also given high regard at the conference.

This should include improved salaries, prosecutors currently have to work overtime to earn an adequate salary.

The prosecutors also wanted official recognition of their status and suggested an immediate training scheme to keep them up to date with changes in the law.

Their current training was strongly encouraged. It is a powerful club of arrogant, aloof and unapproachable gentlemen (they are mostly men) who sit from one courtroom to another in flowing robes.

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The Ministry of Justice was commended for its efforts in the fight against crime.

The conference called on prosecutors to respect the dignity of those they dealt with daily, and to treat them as equals. They were also called on to end their shouldering of treatment of witnesses.

They recognized that without these witnesses, who were at the heart of crime prevention, criminal cases would fail, and said that the witnesses were essential to witness statements.

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Lid lifted on secret mission to lure exiled ANC into talks

Human rights lawyer gives nail-biting account of clandestine meetings to arrange ‘talks about talks’ in book ‘Mission Improbable’

Zubeida Jaffer
Independent Parliamentary Bureau

A veil of secrecy has been lifted around a two-year-diplomatic effort involving the Swiss government and a private citizen who was given the go-ahead by former president P W Botha to explore dialogue with the ANC in exile way back in 1987.

After 10 years of silence, Human Rights lawyer, Richard Rosenthal today publishes a nail-biting account of clandestine meetings which tells the story of a behind-the-scenes drama which was unfolding while the country was gripped in a state of emergency in the late eighties.

In Mission Improbable, he tells that he was accredited by both sides as an intermediary in a process which started at the end of 1987 and abruptly stopped when P W Botha suffered a stroke at the beginning of 1989.

By then, Botha had on the table a formal offer, brokered by Rosenthal, extended on behalf of the Swiss government to both the ANC and his government.

The idea was that an initial exploratory discussion characterised as “talks about talks” would take place somewhere in Switzerland.

“After the lapse of 10 years, I feel that I can make this public,” he said.

It had been one of Oliver Tambo’s nightmares that one day the ANC’s adversaries would communicate a message to them that they were ready to talk about a peaceful settlement and the ANC would fail to understand the message.

The drama unfolded shortly after Idasa had initiated an historic encounter with the ANC in the West African city of Dakar, the first public meeting between a range of white South Africans and an ANC delegation.

The government’s negative reaction to the meeting, the ongoing state of emergency and the impact this was having on his family had led Rosenthal to a crossroad.

He could either take up residence in Canada or try and do something to change the situation. His heart won over his head, he said. He decided to write to P W Botha and offer his services to secure a negotiated settlement.

The letter was dated 23 September 1987. The reply from Botha came on 16 October indicating that his letter was receiving the necessary attention.

A week later, the then deputy minister of information and constitutional planning, Dr Stoffel van der Merwe, asked to meet Rosenthal, “to discuss possibilities”.

Gave go-ahead ... PW Botha.

Thus began a set of discussions which led to Rosenthal resigning from his job at a leading law practice to devote all his attention to discussions which led him to Lasaka, Frankfurt, Berne and Pretoria.

In his 300-page book he records the detail of a selected number of meetings and encounters with key players which took place over two years.

The painstaking detail was part of the minutes he kept of the dialogue, which runs into hundreds of pages bound together in four volumes. Some of this has been deposed with the Swiss government but the full account remains with him.

He was to learn the art of changing airlines, swapping seats, switching flights in an effort to determine whether he was being followed.

During the two years of secret diplomacy, the Swiss government, through its South African ambassador Jean Quinche, provided financial and logistic support for Rosenthal’s work.

They agreed to provide that support once they had a definite indication from both the ANC and the Botha government that both parties supported the effort. Ambassador Quinche met privately with Van der Merwe in Cape Town and was given the assurances he needed.
PAC four to seek amnesty for 6 killings in the city

FOUR Pan Africanist Congress members are to apply for amnesty next week for armed attacks in the city which claimed six lives.

- Walter Tanda for killing a Khayelitsha railway security guard and two policemen in two separate attacks in a third attack a police vehicle was ambushed in Khayelitsha and a policeman injured in 1992.
- Andile Shuceka for his role in the Khayelitsha railway station attack and for an attack on a restaurant in Claremont in which several people were injured in 1992.
- Gcinakhaya Makoma for his role in the police ambush in Khayelitsha. Makoma was granted amnesty for his role in the 1993 St James Church massacre.
- Mandla Maduna for killing three alleged gangsters and injuring two others at Old Crossroads in March 1993. Maduna is serving a 35-year sentence for the attack.

SAPA 4/9/98
'Meaningful changes' in policy at Justice College

By Gershwin Chuennane

The Justice College in Pretoria is set to effect policy changes and to restructure its curricula in recognition and support of the principle of the independence of the judiciary.

The college has, in pursuance of these goals and in an effort to secure the commitment of all stakeholders, hosted a consultative planning session, attended by departmental regional heads, cluster heads and regional court presidents as well as the national director of public prosecutions and his attorneys general this week.

In a statement released this week, the college's chief director, Cecile van Riet, said "Justice College, under the auspices of the Ministry of Justice, has recognised the need to implement meaningful policy changes to reflect the changing training needs of judicial officers, prosecutors and quasi-judicial court personnel."

Van Riet said the changes would be twofold, entailing restructuring and decentralisation.

Van Riet said "Restructuring is based on the recognition of and support for the constitutionally entrenched principle of the independence of the judiciary."

"The creation of two separate directorates as envisaged, thereby drawing a clear distinction between the training of judicial officers as opposed to the training of other occupational classes."

The judicial training directorate would be governed by an independent control board comprising magistrates and judges. It would be their function to determine training needs with specific regard to content and curricula. The role of Justice College will merely be to implement such policy.

Independence would thus not only be functional but would also apply to their training.

Similar judicial training models were at present successfully utilised in countries such as France and Zimbabwe and were in line with the common law model of judicial law. Van Riet said...
Fighting for the freedom to enjoy sex without fear

The Constitutional Court takes a scathing view of homophobic legislation still on the statute books, writes CARMEL RICKARD.

Gays drank "excessively", became addicted to drugs, and were "completely estranged from the church and religion". Homosexuals became "isolated, emotionally incompetent, physically weak, leading to a loss of productivity and in general their activities resulted in moral decay and a sense of inferiority".

The police contributed other sinister-sounding information, not least that they had "established" that every gay person "had his business to "recruit" as many homosexuals as possible" and that homosexuality had been increasing in a "disturbing" fashion.

They proposed that pornography be removed from their environment and received a "frenzied treatment", and that effective legislation be introduced to "combat the evil".

"All the justifications are based on prejudice, the very thing the Constitution is there to prevent!"

"Once you take away prejudice, there is nothing left," commented Judge Albie Sachs. "All the justifications are based on prejudice, the very thing the Constitution is there to prevent!"

The court's task was to consider a decision made by Judge Jonathan Heher of the Johannesburg High Court in May that a challenge to the sodomy laws brought by the gay and lesbian coalition, he declared the common law crime of sodomy unconstitutional, along with various other sexual offences in the statutes which would not be a crime if committed by a woman, or engaged in between women or a man and a woman.

The sodomy case was making history, Judge Lawrie Ackerman pointed out during the hearing, because it was the first time the Constitutional Court had dealt with issues of sexual orientation. The coalition and its members were hopeful that the court's judgment will be more than a rubber stamp. They want it to highlight the injustices they have suffered, and still suffer, despite the protection of the Constitution. They are also seeking acknowledgement of the pain caused by the existing legislation and prejudices of many in society.

Marcus argued that even though Judge Heher's conclusion was welcome, his decision had not focused sufficiently on continuing discrimination against the gay and lesbian community, such as the fact that someone with a conviction for sodomy could not register as a security officer or qualify to receive a pension under the Special Pensions Act.

Marcus urged that the judgment should recognise and deal with the problem that the gay and lesbian community was marginalised and susceptible to abuse. He quoted Amnesty International reports about the imprisonment, torture and even murder of gays and lesbians in many countries. Though he did not mention Zimbabwean President Robert Mugabe by name, everyone in court was well aware of the extreme homophobic views repeatedly expressed by Mugabe, and his persecution of gays and lesbians.

While the Christian churches had often been in the forefront of those urging condonation of gays and lesbians, there was also a strong strand which took the opposite view, Marcus said. This was exemplified by Archbishop Desmond Tutu, who recently wrote that those who made gays and lesbians "doubt that they were the children of God and committed "the ultimate blasphemy".

Tutu continued "If the Church, after the victory over apartheid, is looking for a worthy moral crusade, then this is it: the fight against homophobia and heterosexism."

The court has reserved its judgment to an as yet unspeciﬁed date. Based on the tone of the debate, it seems almost certain that the court will declare the sodomy laws unconstitutional. But even if the judges go further, the problem remains of how they are to convince ofﬁcials — including judges of other courts — that the days of discrimination against persons on the grounds of their sexual orientation are really over.
TRC serves notice on Kasrils, Winnie

They are among 200 people told that commission has made damaging findings against them

ANDREW TRENCH

STC 1998

WINNIE Madikizela-Mandela and the Deputy Minister of Defence, Ronnie Kasrils, have been served with notices by the Truth and Reconciliation Commission, informing them of damaging findings against them that could be included in the TRC's final report.

The TRC's chief investigator, Dumisa Ntsebeza, said last night the two were among the recipients of 200 letters the commission had sent.

The recipients have been told the TRC had made damaging findings against them after considering evidence led during its hearings.

Others who have received notices are former president PW Botha and generals Magnus Malan, Janne Goldenhuys, Constant Viljoen and Tienie Groenewald.

Ntsebeza said the TRC had made findings relating to Madikizela-Mandela and the Mandela United Football Club. Madikizela-Mandela had testified before the TRC about her role as head of the club and the death of the teenage activist Stompie Sepeki.

Ntsebeza said findings had also been made regarding Kasrils' role in the Piki massacre in September 1992, when hundreds in a crowd led by Kasrils were shot by Ciskei soldiers.

The findings against individuals could be remedied, based on written replies to the letters they had received.

Ntsebeza doubted there would be another round of hearings based on the new submissions. The public hearings were technically over. The TRC could consider any protests to their findings and simply change its final report.

Nats roll out new colours

THE National Party is changing its colours in an attempt to halt the slide in its support before next year's general elections, write HENRY LUDSKE and RAY HARTLEY.

The NP's caucus agreed yesterday to relaunch the party with new colours and a four-point policy package, following a further drop in its popularity. A Markon poll this week showed its support was down to nine percent.

Members attending the meeting of provincial and national MPs were given a box containing the party's new green, gold and blue colours, its new sun logo and details of its "new" policy. They adopted the slogan "Let's get South Africa working!"

Top Schools

THE second annual Sunday Times Top Schools Survey will be published as a supplement to next week's edition. Identifying some of the secondary schools which are producing excellent all-round results, the survey celebrates their achievements.

For the first time, awards worth R50 000 were sponsored by the Liberty Life Foundation. The winner of the Liberty Life Sunday Times Award for Achievement in Education and our four runners-up will appear in next week's survey. Turn to page 12 to read about the changing demographics of school life in South Africa.
Fighting for the freedom to enjoy sex without fear

The Constitutional Court takes a scathing view of homophobic legislation still on the statute books, writes CARmEL RICKARD

ST (PT) 6|9|98

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They found that homosexuals were removed from their environment and receive psychiatric treatment, and that effective legislation be introduced to "combat the evil."

Last week, the Constitutional Court scrutinised the sodomy laws, including the "retroactive legislation" passed 30 years ago following the police evidence — and it was scathing about what it found.

"Once you take away prejudice, there is nothing left," commented Judge Albe Sachs. "All the justifications are based on prejudice, the very thing the Constitution is there to prevent."

The court's task was to consider a decision made by Judge Jonathan Heber of the Johannesburg High Court in May. Following a challenge to the sodomy laws brought by the gay and lesbian coalition, he declared the common law crime of sodomy unconstitutional, along with various other sexual offences in the statutes which would not be a crime if committed by a woman, or engaged in between women or a man and a woman.

Under the Constitution, an order such as that made by Judge Heber has to be ratified by the Constitutional Court before it takes effect. The sodomy case was making history, as Judge L freshwater Ackerman pointed out during the hearing. It was the first time the Constitutional Court was dealing with issues of sexual orientation. The coalition and its members hope the court's judgment will be more than a rubber stamp. They want it to highlight the injustices they have suffered, and justify, despite the protection of the Constitution. They are also seeking an acknowledgement of the pain caused by the existing legislation and prejudices of many in society.

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This was exemplified by Archbishop Desmond Tutu, who insisted that those who made gays and lesbians "doubt that they were the children of God" committed "the ultimate blasphemy."

Tutu continued "if the court after the victory over apartheid, is looking for a worthy moral crusade, then this is it..."

The court has reserved its judgment to an as yet unspecified date. Based on the tone of the judgment, it seems almost certain that the court will declare the sodomy laws unconstitutional. But even if the judges go further, the problem remains of how they are to convince officials — including judges of other courts — that the days of discriminating against people on the grounds of their sexual orientation are really over.

After all, it was only four years ago that the Deputy Judge President of the Johannesburg High Court, Judge Monas Flensburg, handed down a judgment restricting a lesbian mother's access to her own children, a decision which has still not been overruled, continues to carry legal force in the lower courts on questions of adoption and foster care.

"The politics of the activities of homosexuals definitly have a deleterious influence on the social structure of the populace."

The judgement will be made all the more painful because of the "sustained and continuing portrayal of homophobia and gay and lesbian issues as being beneath the dignity of the nation..."

The court's view of the homophbic laws is that they perpetuate an "inappropriate and inappropriate" policy that is "morally reprehensible."

The public should be aware that the constitutional judgment is being held back from "the immediate impact of the judgment that it will achieve in the lives of all South Africans."
Amnesty bid for 1994 PAC attack

A member of a Pan Africanist Congress “task force” who took part in an attack in which three alleged gangsters were killed in Old Crossroads in March 1994 today asked the Truth Commission for amnesty.

Mandla Maduna, 32, is serving 35 years in Victor Verster prison after being convicted on three counts of murder and two of attempted murder, and for the unlawful possession of arms and ammunition. Maduna told the commission’s amnesty committee that he had joined the PAC in 1991, and had become a member of the “task force” in 1992.

The task force had been responsible for protecting PAC members, and he was told that these members were being attacked by gangsters. The PAC’s regional commander, Sipwe Mkweso, had instructed a group of the task force, led by one “Teenage”, to attack a house in Old Crossroads.

They had been supplied with two Uzi submachine guns and a pistol by a man known to him as Victor Sam.

Maduna, who was a taxi driver at the time, said he had not known who the house belonged to or who the alleged gangsters were.

“When we got to the house Teenage instructed me to follow him into the house and, once inside, to shoot at the people in the lounge without going into the rooms. He opened the door and entered, I followed. He started shooting at the right-hand side and I followed, shooting at the left-hand side.”

Maduna said they had been confronted by police soon after leaving the house. He had been arrested, but his two companions - Teenage and one “Come Again” - had managed to run away.

Lloyd Fortum, appearing for the families of the victims, suggested to Maduna that the conflict in Old Crossroads at the time had been between the ANC and squatter leader Jeffrey Nongwe, a former ANC member who had been expelled.

“It was basically a power struggle,” he suggested.

Maduna responded that he had not known about this conflict, although he knew Mr. Nongwe had been a leader of a section of the Old Crossroads community.

He denied only joining the PAC after he had been sentenced.

The hearing continues.
TRC Warnings of Prosecutions

Persecution of overseas human rights volunteers during the

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Roger Friedman
Winnie, Kasrils, PW warned about ‘damaging’ TRC reports

Winnie Madikizela-Mandela is among 200 people warned that the final report of the Truth and Reconciliation Commission into apartheid-era crimes could “damage” them, the Sunday Times reported.

By president P W Botha was among those served TRC notices about the potentially damaging findings, chief investigator Dumisa Ntsebeza told the newspaper.

An interim version of the report will be handed to President Mandela at the end of October, summarising up more than two years of investigations into human rights violations committed during the struggle against apartheid.

Ntsebeza said the report could include findings also damaging to Deputy Minister of Defence Ronnie Kasrils — the heads of the apartheid security forces.

He said those who had been served notices could respond and the TRC would possibly change the final report.

Changes would be considered on the basis of written replies and without further hearings, he said.

Madikizela-Mandela appeared before the commission in December for nine days of hearings into her involvement in 18 cases of human rights abuses, including murders, torture and assaults in Soweto between 1969 and 1993.

She denied all the allegations of abuses, said to have been committed while she was married to Mandela, who was then still in prison.

Botha, now 82, has been implicated by several TRC witnesses in ordering attacks on anti-apartheid activists and organisations during his presidency between 1978 and 1989.

Kasrils testified about his role in inciting protesters against the former Ciskei administration in a march in September 1992. Soldiers opened fire on the marchers, killing at least 24 people.

The TRC held its final plenary session into human rights violations last month. Its amnesty committee will continue holding hearings until June, after which the final report will be compiled.

Sapa-APP
Truth body to hear about Ruth First's murder

Stephane Bothma
PRETORIA - Crimes committed by SA security forces in foreign countries in the 80s will come under the spotlight before the truth commission today when former policemen confess to bomb attacks that killed anti-apartheid activists and destroyed property.

So-called "superspy" Craig Williamson and former police general Johan Coetzee are among eight policemen seeking amnesty for the 1982 bombing of African National Congress (ANC) offices in London. The others are Lt James Taylor, intelligence operative John Louis McPherson, explosives expert Roger Raven, Lt John Adam, former technical services head Wynand du Toit, and the former Vlakplaas C10 unit commander, Col Eugene de Kock.

Coetzee is the highest-ranking officer among the police officers appearing.

Details of the parcel bombs that killed Ruth First, wife of the late SA Communist Party leader Joe Slovo, in Mozambique, and Jeanette Schoon and her daughter Katryn in Angola, are expected to emerge.

Williamson and Raven have also applied for amnesty for the murder of First and the attempted murder of Slovo in Maputo in 1982.

The amnesty hearings are expected to run for three weeks.

Sapa reports that a Pan Africanist Congress (PAC) "task force" killed 'three' Old Crossroads men in 1983 because they were linked to a gang that had allegedly attacked members of the organisation.

An amnesty hearing was told yesterday Mandla Maduna, who was jilted for the killings, said in an affidavit read out at the truth commission hearing in Cape Town all political structures of the PAC at that time were concerned that members of the organisation were being attacked by gangsters.
ANC: Le Grange told cops to blast London

PW’s man: Bomb
TRC warns hundreds over rights violations

John Yeld

Several hundred people from across the political spectrum have been asked by the Truth Commission to respond to possible findings that they have been implicated in gross human rights violations.

They include members and former members of the National Party, African National Congress, Pan Africanist Congress, Apla (Azanian People's Liberation Army) and the Inkatha Freedom Party. There is no question that any particular political grouping has been singled out, says the commission's head of research, Charles Vilas Vicencio.

"Undoubtedly, these notices have gone right across the political spectrum," he said today. His comments follow an outcry in the Afrikaans media at the weekend, in which claims were made that the notices, sent by the commission during the past two weeks, would herald Nuremberg-type trials for political opponents of the ANC.

Among those reported to have received notices are former presidents PW Botha and FW de Klerk; IFP leader Mangosuthu Buthelezi, and senior ANC members Winnie Madikizela-Mandela and deputy Defence Minister Ronnie Kasrils. Professor Vilas Vicencio said today the commission's final report was ready in a "penultimate form."

"So we're actually now in a position to contemplate findings."

In terms of an Appellate Division ruling from 1996, the commission was required to give people who could be adversely affected in any way — such as a finding that they had been involved in gross human rights abuses — an opportunity to respond.

The Truth Commission's founding act makes provision for amnesty to be granted if a range of criteria — including full disclosure — is met. But it makes clear that those who either did not apply for amnesty or who were refused amnesty for any reason, are still liable for prosecution.
Security police torturers, targeted in Wimpy Blast. MI5 unit commander.
Parcel bombs under the TRC spotlight

By Claire Keeton

PARCEL bomb attacks in neighbouring countries and the bombing of African National Congress offices in London will be put in the spotlight for the first time at amnesty hearings of the Truth and Reconciliation Commission in Pretoria today.

Ten former security policemen, including former police general Johan Coetzer, have applied for amnesty for the attacks in the 1980s. Among the attacks are the parcel bomb murder of Ruth First in Maputo in 1982. First was the wife of late SA Communist Party leader Joe Slovo and a prominent anti-apartheid leader. Notorious "superspy" Craig Williamson and explosives expert Roger Raven have applied for amnesty for First's death and for the attempted murder of Slovo.

Former Brigadier William Schoon, Izak Daniel Bosch, Williamson and Raven have applied for amnesty for the killing of Jeanette Schoon and her daughter Katryna in Angola, and for the attempted murder of her husband Markus.

External operations.

"These hearings will expose the viciousness and callousness of the former government against its opponents," TRC media officer Mr Mbulo Sompeha said yesterday. They are important for clarity about the extent and intensity of the external operations of the former government.

"They will expose the elimination of anti-apartheid activists, not only from the ANC but of anyone opposed to apartheid."

Eight policemen are seeking amnesty for the London bombing of the ANC office in 1982, including Coetzee, Williamson, Raven, Lieutenant James Taylor, intelligence operative John Louis McPherson, Lieutenant John Adam, former head of technical services Wybrand du Toit and convicted apartheid-humorist and former colonel Eugene de Kock.

ANC spokesman Thabo Msebe said the hearings were likely to corroborate many of the ANC's suspicions about external operations by the apartheid government.

Diplomatic bags

Williamson and De Kock have already revealed a few details about the bombing at earlier TRC hearings, such as the use of diplomatic bags to prepare the attack.

"For the first time the amnesty hearings will reveal the cooperation between the apartheid government and agents from other countries or movements," said Sompeha.

He said De Kock would testify that an agent of Unita delivered the bomb that killed Jeanette Schoon and her child in Angola.

"There were elements in Britain that worked with the apartheid police. This will be explained in the testimony," Sompeha said.

Msebe said the TRC had gone a long way to exposing the external operations of the apartheid government, not only concerning bombings but also raids on neighbouring countries.

The amnesty panel comprises Judge Andrew Wilson, Advocate Chris de Jager and Mr Johannes Shanyumwe. The hearing will be held at the Idasa Centre in Pretoria.
Shouts never have happened.

Forgive, your victim can't
Forgive, your victim can't

MKn bombs

Ruth First Murder

A mistake - Coetzee

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John Etd
Apla commander says he ordered Eikenhof ambush

A former Gauteng commander of the Azanian People’s Liberation Army (Apla) told a truth commission amnesty hearing in Kibler Park, Johannesburg, that he ordered the Eikenhof ambush in the Vaal Triangle in March 1993, when a woman, Zandra Mitchely, and two children were killed in a car.

Committee chairman Denzel Potgieter said the amnesty committee had been approached by the Johannesburg High Court to set aside Dolo’s amnesty application in relation to Eikenhof, pending certain court proceedings.

The African National Congress has approached the high court to take the matter on review after evidence emerged that apparently implicated former Apla operatives.

Three ANC cadres, Sphi Gavu, Sphiwe Pholo and Boy Ndweni, were sentenced by Judge Curlewes to lengthy jail terms in 1994 for the Eikenhof attack.

Dolo also testified that he ordered and led an ambush in Soweto in May 1993 in which a policeman was killed.

Dolo said the attack was in revenge to a police swoop on the Pan-Africanist Congress offices a few weeks earlier.

Truth commission spokesman Vuyani Green quoted Dolo as saying: “We regarded the raid as a violent action by the security police, and I ordered units under my command to identify, locate and attack any police station or member of the security establishment.”

Dolo is serving a life sentence for murder, attempted murder, and illegal possession of arms and ammunition, and explosives.

Const Jacob Mabaso was killed and Const Edward Nelushu was wounded in the ambush.

Dolo said he commanded the ambush with three other Apla operatives.

He said he fired several shots with an R-4 rifle at a police vehicle before he and his accomplices escaped in a getaway car.

Nelushu told the committee he would not oppose Dolo’s application for amnesty — SAPA.
HRC job candidates examined

David Greybe

CAPE TOWN — The Human Rights Commission (HRC) should help to establish local pressure groups in rural SA to promote a human rights culture, Gladstone Baai, director of ethics at the Public Service Commission, said in an interview yesterday.

Baai is one of 10 candidates for three vacant posts at the commission. A parliamentary ad hoc committee also interviewed Landelwa Ntutela, currently working on a joint justice ministry and commission of equity legislation project, and Richard Lyster, a member of the truth commission.

Interviewing continues today.

Baai said human rights should be introduced as a subject at schools, beginning at primary level. It should also be taught at “Sunday schools” and in trade unions.

With SA not having had a human rights culture for the past 300 years, new ways had to be found “to bring it back to our people.”

When looking at the issue of human rights in SA, Baai said he did not distinguish “between black and white, but between the well off and the poor” — which led to a distinction between urban and rural areas.

He said the need to establish pressure groups in rural areas was linked to the fact that some of the most pressing human rights issues, such as the plight of elderly women and the practice of witchcraft, were found there.

Ntutela said it was important that HRC members strike “a balance between theory and practice,” between working in their offices and being out in the field.

Lyster strongly dismissed allegations by Inkatha Freedom Party MP Sue Vos, that in his work at the truth commission he had shown “bias” against the IFP because of a “refusal” to investigate allegations of intimidation by the African National Congress.

He said the truth commission had thoroughly investigated the allegation and “unanimously” concluded that there had been no bias against the IFP.

Lyster said that he had never been a member of, or affiliated to, any political party or organization.
Bar council action within constitutional bounds

The court ruled that this matter should be heard by the appeal court first. The applicants in the case, J de Freitas and the Independent Association of Advocates of SA, were seeking leave to appeal against a high court ruling that De Freitas acted unprofessionally in accepting instructions from members of the public without the intervention of an attorney.

The applicants argued that it was unconstitutional to bind independent advocates to the rules of the bar council, an association to which they do not belong.

However, Judge Puse Langa pointed out that the referral rule was in fact a rule of the court and not the bar council.

De Freitas also argued that since attorneys were given the right to appear in court in 1995, the referral rule effectively forced advocates to rely on a "competitor for work. The rule thus violated advocates' right to practice their profession.

The Constitutional Court did not consider the merits of this argument.
Escaped death at 2, but he has no mother

Williamson claims he did not know children were with their parents at the time

BY SIMON ZWANE

One day in June 1984, two-year-old Fritz Schoon was with his mother Jeanette and elder sister Katryn when a parcel was delivered to their flat in Lubango, Angola. His father was away in the capital, Luanda, working for the ANC.

As Jeanette opened the parcel a bomb exploded, killing her and her daughter Katryn (6) instantly. Little Fritz miraculously escaped.

A report by the Cuban experts who investigated the scene of the blast could not show conclusively how Fritz had escaped but his father believes his son was "extremely lucky".

This week, 16 years later, Fritz sat with his arms folded in front of him, chewing gum, as the man who was involved in the conspiracy to murder his mother testified before the amnesty committee in Pretoria.

Fritz showed no emotion while his father furiously wrote down whatever the man behind the murder, Craig Williamson, was saying.

Next to them sat the three Slovo daughters, Shawn, Gillian and Robyn. Their mother, Ruth First, was also murdered in Mozambique by a letter bomb sent by the same man in 1982.

Unlike the three women who were much older when their mother was killed, and knew her personally, Fritz has no memory of his mother.

The only thing he will ever know, which he will no doubt relate to his own children, is that his mother was killed by political demagogues who wanted to maintain an evil system of government at all cost.

Had Williamson not been uncovered as a spy for the government a couple of years earlier, Fritz would have grown up regarding him as a family friend.

Fritz watched, showing no emotion.

Williamson had cultivated a close relationship with the Schoon family, while at the same time passing information about them to those who were plotting to kill them.

His relationship with the family dated from his student days at the University of Witwatersrand where he first met Jeanette Schoon, then Jeanette Curtis.

When the Schoons were put on trial by the apartheid government, Williamson fraternised with them to obtain information on their defence, which he allegedly passed on to the security police. Later, when they were in exile in Botswana, he visited them and reported on their activities to his masters in Pretoria.

On Monday, Williamson said he regretted that little Katryn had been killed in the explosion. He said his information was not up to date and he had not known that the Schoons had taken their children with them from London to Lubango in Angola.

But Schoon said he would "never accept his apology because I can't believe him". Williamson presented as a shrewd and calculating character as he gave his carefully crafted evidence.

He showed no emotion when he described how he masterminded the assassination of Ruth First and Jeanette Schoon, two women who posed no military threat to the South African government.

But he fought tears when he explained his reaction to the news that Katryn Schoon had been killed by his bomb.

"When I was told that a child had been killed, it was like being hit with a bucket full of cold water," he said.

His reaction seemed to be a calculated move to convey to the amnesty committee that he was not a merciless murderer who did not care whether his victims were innocent children with no political understanding of the situation around them.

One of the requirements for amnesty is that the action carried out should be proportionate to the objective sought. Williamson also carefully avoided implicating other people, although he presented himself as merely a footsoldier carrying out instructions.

The only people he implicated were Brigadier Piet Goosen, who he said gave him instructions and Warrant Officer Roger Raven, who actually manufactured the bombs.

Goosen has died and thus can not give evidence and Raven has already admitted his involvement when he applied for amnesty.

But by virtue of his success in infiltrating the ANC and South African Communist Party, which earned him the title "super spy", it is unlikely that Williamson would have been simply a "footsoldier".

He had intimate knowledge of the ANC/SACP and made valuable input on the assessment of the security situation in the country. It is unlikely that he would not have been consulted before decisions on intended targets were taken, or that his advice was not sought on ways and means of achieving these ends.
Omar gets go-ahead for new era of justice

Clive Sawyer
Paradigm Correspondent

A new era of community participation in administering criminal justice is in the offing, after the final approval by Parliament of reform legislation.

The Magistrate's Court Amendment Bill, which will make it compulsory for a magistrate to be aided by assessors when hearing trials involving serious crimes, was approved unanimously yesterday by the National Council of Provinces (NCOP).

'Crimes involved include murder, rape, robbery, with serious bodily harm, assault with grievous bodily harm and indecent assault.

Justice Minister Dullah Omar told delegates that ways had to be found to build the legitimacy of the justice system and improve public confidence in it.

The co-operation of the community in administering justice was vital to combating crime successfully, he said. Involving the community through assessors would promote mutual understanding between judicial officers and society, Mr Omar said.

Other legislation approved yesterday included the Sheriffs Amendment Bill, Magistrates Amendment Bill and Criminal Matters Amendment Bill.

Mr Omar said the Sheriffs Amendment Bill would rationalise the profession by making 1996 legislation applicable to the whole country, including the former "independent" homeland territories.

The composition of the Sheriffs Board was to be changed by the bill to make it more representative, and the disciplinary procedures for the board were to be streamlined.

Mr Omar said the bill would allow more than one sheriff in a particular area, bringing in the free market principle by allowing competition among sheriffs.

Mr Omar said the Magistrates Amendment Bill created a new framework for court management, which would enable magistrates to be instructed which work to do, in which court to sit, to render judgments in a reasonable time and to attend training seminars.

The Criminal Matters Amendment Bill tightens up rules on the declaration and detention of people as State patients under the Criminal Procedure Act.
Blast - then joke postcard
from ‘Craig’ to Gill Marcus

JOHN YELD, ON THE TRUTH COMMISSION

Pretoria - So-called superspy Craig Williamson sent Gill Marcus, later to become deputy finance minister, a postcard after he and other security policemen had bombed the African National Congress London office in 1982, saying: “Oh, you're still around?”

Ms Marcus was the ANC's information officer in Britain at the time. But Mr Williamson denied she was the target of the bomb.

This was evidence today at Mr Williamson’s Truth Commission hearing, in which he and several other former security policemen are applying for amnesty for a series of bomb attacks, including the London bombing and the letter-bomb murders of anti-apartheid activists Ruth First in Maputo in 1982 and Jeaneke Schoon and her six-year-old daughter, Katryn, in Lubango, Angola, in 1984.

Mr Williamson, who was second-in-command of the squad which blew up the ANC's offices in London, said he did not remember sending Ms Marcus the postcard - signed “Craig” - but acknowledged he could have done.

“It would seem to be the kind of thing that could be done in the circumstances,” he said, responding to questions by George Bizos SC, who is appearing for the Schoon and Slovo families.

Mr Williamson said he believed the bomb had been timed to detonate at 6am, with a “window of time up to 8.30am”, on a Sunday morning, and that he would have been “extremely surprised” if Ms Marcus or anyone else had been killed or injured.

He denied that Ms Marcus had been the target of the attack; although he conceded he could not deny a claim by one of the other police seeking amnesty that the bomb had been set to detonate at 8.30am and had exploded half-an-hour later at 9am. Mr Bizos asked: “Did you know that Gill Marcus had

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Postcard from ‘Craig’
after bomb

From page 1

a reputation of working at all hours of the day and particularly on Sunday mornings.”

Mr Williamson replied: “I would have admitted it if she was the target of this operation, and she was not the target.”

He also denied he had attempted to lure present Transport Minister Mac Maharaj to another country, such as the Seychelles or Swaziland, where South African security forces would have had a better chance of assassinating him without serious political repercussions.

Mr Williamson said that while he had been operating as an undercover police agent in the late 1970s, he had infiltrated the ANC and had pretended to Mr Maharaj, then a senior Umkhonto weSizwe commander, that he had been operating his own ANC cell in South Africa.

“There were no ANC members, I had only security branch forces in it,” said Mr Williamson.
AWB bombers motivated by 'racist hatred' 

Johannesburg Ten Afrikaner Weerstandsbeweging (AWB) members who took part in an April 1994 bombing spree were motivated by "pure racist hatred against black people" and not political objectives, victims of the bombings and their relatives told the Truth and Reconciliation Commission (TRC) yesterday.

Rita Seako, whose cousin Thokozile Ram died in the Bree Street taxi rank blast in Johannesburg, told the TRC's amnesty committee hearing in Boksburg that she opposed the amnesty applications of the AWB men responsible for the spree because the attacks were racially motivated.

The men — Jacobs le Roux, Paulus Steyn, Jan de Wet, Gerhardus Fourie, Johannes Venter, Petrus Nel, Christoffel Fourie, Wilhelm du Plessis, Petrus Olivier and Abraham Viok — claim they acted on the orders of AWB leader Eugene Terre'Blanche with the aim of disrupting South Africa's first democratic elections.

They have admitted to planting bombs at Johannesburg airport, the Bree Street taxi rank, the Germiston taxi rank and in Randfontein.

Seventeen people were killed and 42 injured in the attacks.

The AWB men are serving lengthy prison sentences for their crimes.

"I oppose the application on the grounds that the applicants have not told the truth. I believe that they acted out of pure racist hatred against black people," Seako said.

Freeda Ngwenya, who was injured in the Bree Street attack in April 1994, said she was selling fruit and vegetables on the pavement when the bomb exploded.

She suffered severe injuries and regained consciousness five days later.

Ngwenya said an operation to reconstruct her jaw had failed.

"My saliva gland was damaged and had to be removed.

"I have a painful scar on my right thigh which makes it difficult to walk," she said.

"They (the applicants) just looked for black people to fight.

"I oppose the application and want them to remain in jail."

— Sapa
APOLOGETIC: Former security police operative Craig Williamson, who yesterday apologised for killing three people with letter-bombs, but said it had seemed to be the right thing to do at the time.

SPY SEEKS OMAR’S ASSURANCE

Williamson had qualms about killing woman he knew as friend

PRETORIA: Former security policeman Craig Williamson has admitted that it was wrong to kill three people by having letter-bombs placed in intercepted letters, but he denied that he ever targeted the innocent.

A PARTHEID spy and self-confessed letter-bomber Craig Williamson apologised for his actions before the Truth and Reconciliation Commission here yesterday, but said he never meant to target innocent people.

"I want to say I am sorry. What I did was wrong," said Williamson, who has admitted before the TRC’s amnesty committee that he killed three people by means of letter-bombs.

"I believed at the time that it was justified, but I never deliberately targeted the innocent," he said.

Williamson has applied for amnesty for killing the wife and young child of Marius Schoon in a letter-bomb attack in Angola in August 1984.

He has also applied for amnesty for killing Ruth First in a similar way in Mozambique in 1982.

After lengthy testimony in support of his application, Williamson apologised for his acts, which he said had been committed when there was a state of war with the ANC/SACP alliance.

Williamson admitted during his testimony that in both attacks he had arranged to have explosives placed in letters addressed to the victims that had been intercepted by the security police.

Williamson said he had experienced great difficulty in coming to terms with the death of Jeanette Schoon and her daughter Katryn, 6, because he had known her family well while at university, where he worked as a police spy.

He made his apology in a few short sentences and, although his voice wavered slightly, he showed no sign of emotion.

Marius Schoon, who Williamson targeted with the Angola letter-bomb that killed Schoon’s wife and daughter — and First’s three daughters, are attending the proceedings.

During his testimony it emerged that Williamson, through his lawyer Allan Levine, had made an urgent plea to Justice Minister Dullah Omar for an assurance that he would not be extradited for his involvement in any cross-border raids.

Williamson also applied for amnesty for the bombing of the ANC headquarters in London in March 1982. Scotland Yard has sent a detective-inspector, Tim Durham, to observe the amnesty proceedings.

In correspondence handed to the committee, the Justice Department replied that Omar could give no such assurances and each case would have to be treated on its merits.

It also emerged from other correspondence that Williamson and former foreign minister Pik Botha have been implicated in the planning and execution of a security force attack in Gaborone in Botswana in June 1985.

Twelve people were killed in the attack.

Levine told the committee that Williamson would deny involvement in the Gaborone attack.

Earlier, Levine arranged the playing of video footage depicting scenes of township violence, including the necklacing in 1986 of Mak Skosana in Duduza on the East Rand.

It has subsequently been established that Skosana was killed after being accused of being the girlfriend of Viakplaas askari Joe Mamase.

Committee chairman Justice Andrew Wilson interrupted the showing of the videos, saying that all they showed was mass violence after the incidents for which Williamson was applying for amnesty — SAPA.
Give general amnesty to all
- Williamson

By Joe Mdlala

A general amnesty should have been declared for the previous apartheid forces and the forces that were fighting each other during the armed struggle, the Truth and Reconciliation Commission amnesty committee was told in Pretoria yesterday.

Continuing his amnesty application at the Idasa Building, "superspy" Craig Williamson told Judge Andrew Wilson that his view was that a general amnesty should be given to "non-statutory armed forces such as Umkhonto we Sizwe".

Williamson is applying for amnesty for the role he played in the killing of African National Congress activists Ruth First in Mozambique and Jeanette Schoon in Angola during the early 1980s.

"Although I was of the opinion that there should have been a general amnesty for the armed forces, including non-statutory forces such as Umkhonto we Sizwe, once Codas decided on the Truth and Reconciliation Commission, I decided to fully cooperate so that in a broader perspective we can bring about an understanding of past conflicts," Williamson said.

Expressed remorse

Williamson also expressed remorse at his past counter-revolutionary activities which claimed the lives of, among others, First, and Schoon and her six-year-old daughter Kathryn in Angola.

"No words can adequately express how sorry I am. I am sorry. What I did was wrong. I never deliberately targeted people," Williamson said.

After video material was shown, including footage of the brutal killing of Makui Khosana in Duduzo on the East Rand in 1995, Williamson said that served to show the mood of the time, and the "total onslaught" the security forces was prepared to wage in order to repel the ANC offensive on the apartheid state.

"Despite the negative image South Africa developed internationally as a result of cross-border raids, Williamson said, the state was prepared to pay the price if only to display to the world that it was prepared to neutralise the ANC and South African Communist Party onslaught on the country.

"If I want to say in the absence of doing it in another way, the video footage sought to show how the terrorists would have to deal with the volle mag (full might) of the security forces, "The intention was to drive the ANC over the borders of South Africa," Williamson said.

In relation to the role he played in the attack on the London offices of the ANC, Williamson's lawyers have sought an assurance from Justice Minister Dullah Omar that "the Ministry of Justice will take such steps as are necessary to ensure that Mr Williamson is not subject to extradition at the instance of any of the states within whose jurisdiction the aforesaid cross-border operations took place."
Security police killed over 200 during apartheid era.
Williamson ‘thought killing spree was authorised’

BY SIMON ZWANE

Although his commander warned him not to get involved in illegal activities, former apartheid spy Craig Williamson embarked on a murderous spree believing that he would never be punished.

Testifying before the Truth and Reconciliation Commission’s amnesty committee in Pretoria yesterday, Williamson said he believed that everything he was involved in had been approved by his seniors. He has applied for amnesty for the bombing of ANC offices in London and the killings of Ruth First, Jeanette Schöen and Schoon’s daughter Katryn.

His commander, former police commissioner General Johan Coetzee, and seven other former policemen have also applied for amnesty for the London bombing.

Coetzee told the committee that he had no prior knowledge of the killing of First and the Schoons. Williamson yesterday admitted that Coetzee had warned him not to get involved in illegal activities.

But he did not believe that the clandestine assassinations he was involved in were illegal. “The perception was that when you engaged in acts which were counter-revolutionary you would not be cast to the wolves.”

Yesterday he apologised for his actions because he believed what he did was wrong. “I believe at the time that it was justifiable but I never deliberately targeted the innocent.”

The hearing also heard yesterday that Williamson and former foreign affairs minister Pik Botha have been told that the TRC is contemplating a negative finding about their involvement in the June 1985 raid on Gaborone in which SA security forces killed 12 people.

SAPA reports that Williamson showed the committee a video tape in which police presented to the media a large cache of ANC firearms and landmines discovered on the West Rand. Police at the time said this led to the Gaborone raid.

However, it emerged yesterday that the cache had been established by Vlakplas security police operatives, led by former commander Eugene de Kock, to justify the raid.

It also emerged that Justice Minister Dullah Omar had refused to guarantee Williamson that he would not be extradited if he gave evidence on cross-border raids.

Victims oppose amnesty for bombers ‘motivated by racial hatred’

BY THEMBA SEPOTOKELE

The Afrikaner Weerstandsbeweging members who took part in the April 1994 bombing spree were motivated by “pure racist hatred” and not political objectives, bomb victims told the TRC in Boksburg yesterday.

Rita Yalella Seako, whose cousin Thokozile Gloria Fami died in the Bree Street taxi rank blast, told the TRC’s amnesty committee that, because the bombing spree was racially motivated, she opposed the applications of the 10 men who took part in the attacks.

Jacobus le Roux, Paulus Steyn, Jan de Wet, Gerhardus Fourie, Johannes Venster, Petrus Nel, Christoffel Fourie, Wilhelm du Plessis, Petrus Olivier and Abraham Vick claimed to have acted on orders from AWB leader Eugene TerreBlanche to disrupt the elections.

They have admitted planting bombs at Jan Smuts Airport (now Johannesburg International), the Bree Street taxi rank, the Germiston taxi rank and in Randfontein.

Seventeen people were killed and 42 injured in the attacks. The men received long prison terms earlier this year.

Freedo Ngwenya, who was injured in the Bree Street bomb in April 1994, said she was selling fruit and vegetables when the bomb exploded.

She suffered severe injuries and regained consciousness five days later.

She said she had undergone six operations to restore her jaw “I have a painful scar on my right thigh which makes it difficult to walk.”

“I want them to remain in jail,” Ngwenya stated.
Apla members given amnesty

The Truth Commission's amnesty committee yesterday granted amnesty to two members of the Azanian People's Liberation Army (Apla), the former armed wing of the Pan African Congress.

The two were serving life sentences for crimes ranging from murder to the illegal possession of arms, ammunition and explosives (243).

Phila Dolo applied for amnesty for his role in the ambush of a police vehicle at Diepkloof, Soweto, on May 28 1993. Constable Jacob Mabaso was killed in the ambush and Constable Edward Nelshe was wounded.

Another Apla member, Shakespeare Buthlezi, was granted amnesty for, among other operations, the killing of police Constable Fredie Mashamite in Katlabong in January 1993.

Buthlezi was serving a 65-year jail sentence.

--- Sapa ---
Illegal T-shirt maker gets amnesty

A MEMBER of the former Liberal Party who produced illegal T-shirts during the apartheid era has been granted amnesty for his actions.

Robin Holmes, 53, of Maritzburg, told the commission's amnesty committee that he illegally produced, printed and distributed T-shirts reading "We are Everywhere, Even in your Kitchen" and "Mxenge, The Struggle Continues". He also produced a Steve Biko T-shirt.

The committee, in announcing its decision, said Holmes produced and distributed the T-shirts as an act of non-violent defiance against the apartheid regime.

He made no personal gain from his actions. He was charged in the Maritzburg Magistrates' Court with the production and distribution of prohibited material, but the case was not heard, the committee found.

It said it was satisfied that Holmes's application was related to an act associated with a political objective committed in the course of the conflicts of the past and that he had made a full disclosure.

"We are also satisfied that the offence to which the application relates does not constitute a gross violation of human rights and that there is no need for a hearing in this matter," the committee said.

— Sapa ——
Omar 'reneged on promise'

CAPS TOWN — Freedom Front leader Constand Viljoen accused Justice Minister Dullah Omar yesterday of reneging on a written undertaking that he would not be extradited.

However, Omar said last night that no such assurance was made and that Viljoen was now paying the price for not co-operating with the truth commission, as he had repeatedly been asked to do.

Viljoen's accusation follows Omar's recent announcement that extradition cannot be ruled out for apartheid spy Craig Williamson for the bombing of the African National Congress (ANC) office in London.

Omar said last week SA would be guided by its obligations in international law and did not have powers to grant amnesty for offences committed outside its borders.

Viljoen said he had a letter dated April 24 last year, signed by Omar, which said 'I also confirm having advised that where an offence was committed with a clear political objective, such offence will not be extraditable.'

Viljoen said, in light of these assurances, any extradition of people for cross-border offences would be a further demonstration of the ANC government's lack of honour and morality.

Freedom Front sources said that, on the strength of Omar's assurances, some security force members had been encouraged to apply for amnesty.

'The Freedom Front calls on minister Omar and the ANC government to be honourable and stand by their word that amnesty applicants would not be extradited,' Viljoen said.

Omar said the definition of a political offence in the truth commission legislation was different to that in international law. He said if an application for extradition was received the matter would go before a court and a decision would be made on the basis of the international definition.

He said this is what he told Viljoen a year ago — that a decision would be made on what was extraditable or not.

McNally declines to prosecute officials

DURBAN — KwaZulu-Natal attorney-general Tim McNally has declined to prosecute provincial government officials over claims by Durban businessman Sateesh Iseri that they were part of a fraudulent scheme to siphon money from official coffers.

McNally hinted, instead, that Iseri was placed in the programme last year after police launched an investigation into his allegations that senior KwaZulu-Natal government officials drew him into a scam to siphon money from the government to the Inkatha Freedom Party (IFP).

Iseri claimed the plan was that he would 'expropriate the government for
Leaders knew security forces were killing apartheid foes, hearing told

We were pawns in lethal game,’ says ‘Superspy’
An anomaly who still sees himself as a white knight
Williamson branded a 'master of deception'

PRETORIA: Superspy Craig Williamson told the TRC's amnesty committee yesterday that he was tired of the work he had been doing for 26 years and was there to tell the truth.

Craig Williamson, who has been testifying calmly and confidently before the TRC's amnesty committee, paused and took a deep breath yesterday when asked if he was a master of deceit.

"I wish I hadn't been involved in this," he said.

Yesterday he was cross-examined by Slovo family counsel George Bizos, who accused him of deceiving everyone he had come into contact with.

Williamson and seven other police officers are applying for amnesty for the bombing of the ANC offices in London and the murder of Ruth First, Jeanette Schoon and Schoon's daughter Kathryn, 6.

Bizos said Williamson had been deceiving people since registering at Wits University in 1972 when he led students to think he was fighting apartheid, while he was investigating the ANC and SAP and had been in the police since 1968.

It had taken him only a year to become an officer bearer of the student body. He had also infiltrated the National Union of South African Students (Nusas) and had later become its deputy president. This had enabled him to come into contact with the students' international donors.

Bizos said arrested members of Nusas had discussed their defence with Williamson during their court appearances, and he had informed the police.

He had even been Nusas president Charles Nupen's best man while feeding the police information about him.

Williamson admitted that by 1975 he had made contact with the ANC and that by 1976 he was helping people flee the country. He had helped so that he could continue his infiltration.

Bizos said all these people had been deceived by Williamson, who deserved to be called a master of deceit, and asked why the amnesty committee should believe all he had told them.

He said Williamson was continuing to deceive by claiming the circumstances he had worked under had justified the killings.

Williamson said he was sick and tired of the work he had been doing for 26 years and was there to tell the truth.

He added that the killing of children could not be justified under any circumstances.

Bizos said Williamson was not telling the truth out of humanity, but to avoid being sent to jail.

Williamson said he was prepared to tell the truth without an assurance from Justice Minister Dullah Omar that he would not be extradited.

Own Correspondent
New Nats march for death penalty

Eric Ntazalula

ABOUT 200 New National Party (NNP) supporters marched to Parliament yesterday to demand a reinstatement of the death penalty, better funding for police and courts and the boosting of policing powers for provincial and local governments.

Addressing the marchers, NNP leader Marthinus van Schalkwyk said he had never thought NNP members would march to Parliament in protest.

"It is time the government realised that if you start pushing the people, they will push back. It's time the rights of law-abiding citizens became more important than the rights of criminals."

"There are only two parties in this Parliament, the African National Congress and the Democratic Party, who don't want the death penalty brought back. They should change their minds and bring down the rate of murders in this country," Van Schalkwyk said.

He told the placard-waving crowd he was glad the demonstration was organised at lunchtime. It showed the NNP was "a disciplined organisation which did not break windows or overturn cars."

The NNP Youth's deputy leader in the province, Andre Gauw, said the march was the first of many more which would be staged around the country.

Zindile Pavule of the Khayelitsha NNP branch said: "Criminals kill law-abiding citizens knowing they will walk the streets the next morning without any fear of losing their lives."

"We are tired of promises that new strategies are in place to fight crime. We want something done now," Pavule said.

A memorandum was handed to Xoliswa Sihoco of the President's office, who promised she would pass it on to the President.
TRC hears of plot to assassinate Maharaj

By Joe Mdlilela

Plot by the undercover agents of the apartheid South African government to assassinate Transport Minister Mac Maharaj in London in the late 1970s surfaced at the Truth and Reconciliation Commission amnesty hearing yesterday.

The hearing in Pretoria also heard Advocate George Bizos, SC, tell Judge Andrew Wilson how "superspy" Craig Williamson had sent Deputy Finance Minister Gill Marcus a postcard with the inscription "Are you still around" after she had apparently survived the London bombing of the ANC offices in London in 1982.

Williamson, also described as a "master of deception" by Bizos, is applying for amnesty for the role he played in the killing of African National Congress activist Ruth First at the Eduardo Mondlane University in Maputo in 1982, and in an attempt on the life of former South African Communist Party general secretary Joe Slovo.

Williamson is also seeking amnesty for the murder of Jeanette Schoon and her daughter, Kathryn, in their apartment in Lubango in Angola in 1984.

Opposing Williamson's application on behalf of Schoon's husband, Mr Willem Schoon, Bizos described how Williamson used deception to work his way into a senior executive position at the National Union of South African Students (Nusas).

Bizos said Williamson was so adept in deception tactics he even tried to lure Maharaj to countries which had good relations with the previous regime so that his killing could be effected easily.

All along his relationship with Maharaj, said Bizos, Williamson continued to paint a picture that he was a "comrade" involved in the liberation struggle.

Williamson said if the intention was to kill Maharaj, there were plenty of opportunities between 1976 and 1980 to eliminate him.

"I had plenty of chances to kill Maharaj, if we wanted to kill Maharaj we would have done so, but this had never been our plan," Williamson said to the committee.

Williamson also told the committee that in his undercover work for the security forces, Maharaj had been his commander.

Turning to the postcard he sent to Marcus, Williamson said he was surprised that Marcus had not been killed as a result of the bomb explosion at the ANC offices in London.

He said the intelligence knew that Marcus used the office in London, and that if the bomb was aimed to strike fear, the postcard would certainly achieve the purpose.

Also, Williamson described how he was instrumental in channelling funds from the University International Exchange Fund to various students bodies including Nusas, the South African Students Organisation (Saso), and the Black People's Convention.

"The funds which were sent to an individual project were controlled by the security services," Williamson said.

Responding to Bizos question why he became Mr Charles Nuppen's best man at his wedding when in fact he had been working against his interests at Nusas, Williamson said he did remember whispering to his ear, "I am sorry Mr Nuppen, I am a policeman."

During his years as an undercover agent, Williamson said the object had always been to "create a counterforce" that would weaken left wing student bodies from being "manipulated" by the ANC-SACP alliance.
Williason, the ANC's London office, admitted London bomb could have killed ANC officials.
Resolution of Northern Charges

The meeting continued.

The resolution of the charges was an important part of the proceedings. The charges were directed against the actions of a group of individuals who had been accused of various violations of the organization's bylaws.

It was agreed that further investigation was necessary before a final decision could be made. The investigation committee was charged with gathering more information and presenting their findings to the board of directors.

The meeting adjourned.
My guilt at child's death saved ANC lives

Superspy's life: "We were scared, we had doubts"

Mr Williamson said he had heard about the other ANC members' stories of torture and had been concerned for his own safety. The information received was not passed on to the commission.

The commission, established to investigate human rights abuses during the apartheid era, heard testimony from former ANC members who had been tortured and detained. Mr Williamson's own experience with the Security Forces led him to believe that torture was widespread.

The commission's report highlighted the severity of human rights violations by the Security Forces, including torture, detention without trial, and extrajudicial killings. Mr Williamson's testimony contributed to the growing body of evidence submitted to the commission.

In his statement, Mr Williamson spoke about his experiences and the impact they had on him personally. He expressed concern for the safety of other ANC members and acknowledged the broader context of human rights abuses during the apartheid era.
WILLIAMSON: I WASN'T THE ONLY ONE

Top brass ‘knew of police role in letter-bombings’

PRETORIA: Former super-spy Craig Williamson said yesterday he would have been “flabbergasted” if his chief had threatened to charge him. Everyone had known how the war was being fought.

Apartheid-era spy Craig Williamson told the Truth and Reconciliation Commission yesterday that he believed the top security structure knew of police involvement in the letter-bomb attacks on Ruth First and the Schoon family.

Williamson, who is applying for amnesty for his part in the murder of the ANC activists, told the TRC’s amnesty committee here he had no doubt that the “upper echelons” of the security forces knew of his actions.

Williamson has admitted arranging for the letter bombs that killed First, the wife of SA Communist Party leader Joe Slovo, in Mozambique in 1982; and Jeannette Schoon and her six-year-old daughter Karyn in Angola in 1984.

He has also applied for amnesty for the bombing of the ANC offices in London in 1982.

Williamson said he would have been “flabbergasted” if after the First or Schoon attack he had been called into the office of the then head of security police Johann Coetzee and told he was to be charged.

He was replying to a question by George Bizos, SC, who is appearing for the Slovo and Schoon families.

Bizos had put it to Williamson that during his testimony in the amnesty hearing, Coetzee had said he would not have allowed such an attack and would have charged the policemen concerned.

“I believed that everyone was aware of the way in which the war was being fought. My acts were not the only ones of this nature taking place at that time,” Williamson said.

“I also believed the entire top structure knew the police were involved in the deaths of First and the Schoons.”

He said it came as a great surprise to him that there were other high-ranking officers who did not think the same way.

Williamson said he was under no illusions about the meaning of the words that were conveyed to policemen by the commanders at the time.

“As far as I was concerned, there was absolutely no misunderstanding of the strategy being used by the state,” he said.

Asked whether he thought the use of a letter bomb was a cowardly means of killing an enemy, Williamson said he saw no difference between booby-trapping the enemy’s arms caches and booby-trapping their communications.

The hearing continues — Sapa
It was tough, says Williamson

'We were involved in an extremely painful situation'

BY JOHN YELOD

O-called superspy Craig Williamson has told the Truth and Reconciliation Commission that the apartheid security forces were frightened, angry and bitterly divided over whether to apply for amnesty after political negotiations led to the new government in 1994. He also revealed in Pretoria yesterday that he had acted as a messenger during exchanges between the highest echelons of the ANC and top generals in the former security forces over their participation in the Truth Commission process, and that some of his former colleagues had criticised him for deciding to speak out.

His revelations came during the amnesty hearing at which he and other former security police are applying for amnesty for a series of bombings in the 1980s, including the letter-bomb murders of anti-apartheid activists Ruth First (Slovo) in Maputo in 1982 and Jeanette Schoon and her 6-year-old daughter Katryn in Lubango, Angola, in 1984, and the bombing of the ANC's London office in 1982.

Advocate George Bizos SC, for the Schoon and Slovo families, revealed that Williamson had had his interview twice by First's daughter Gillian in 1989.

The interviews had been conducted in the wake of an article in Britain's The Observer newspaper, which had revealed details of some security police's dirty tricks such as letter bomb attacks.

Williamson was pressed by Bizos to say why he had refused to reveal the names of his colleagues who had taken part, other than those already revealed by former Vlakplaas commander Dirk Coetzee.

Williamson said he had taken a lot of flak by speaking out publicly and would never participate again in any witch-hunt.

'Appropriately stung by Bizos's questions, he then launched into what is probably the frankest admission yet made to the Truth Commission by any former security force member:

"If anybody thinks that it's easy to have been an officer in the security forces for a number of years, and to have seen the war come to an end, and to see our enemy become the government and achieve something we had been shedding blood for – other people's and ours – for decades, then there's a problem in understanding human nature," Williamson said.

"We were involved in an extremely painful situation, one in which we had to confront our past, and we had to decide what we were going to do about our future.

Williamson said he had not been able to "turn a switch" and change his political allegiance to the ANC overnight, betraying his former colleagues.

"I am who I am, and I am what made me over a number of years. What I did was a calculated process which perhaps I didn't do entirely correctly.

"I know that a lot of the things I did angered my former friends. We were scared, we had doubts, we had fears."

Williamson said he did not want to blame anyone for their response to his decision to reveal details about past security police operations. "But the reaction to my disclosures did not affect the Truth and Reconciliation Commission process in this country, because a lot of people laughed at me.

"A lot of people said to me 'Craig, you're not doing (you're stupid) and they're going to nail you to the cross. You should have shut up. That's the rule of intelligence.'"

Williamson also said he could understand that there were still people in South Africa – "and many people in this room" – who could not believe that he was participating in the TRC process openly and honestly.

Bruce then asked, "So you didn't care whether the right victim was killed, or his wife, or his child?"

As Gillian Slovo, sitting behind Bizos, bowed her head and wept, Williamson replied: "I have to concede that whether it was the victim or his wife, it made absolutely no difference to me..."

"It would have been better if Joe Slovo was killed, but if it was Joe Slovo or Ruth First or Jeanette Schoon or Marius Schoon, it made no difference.

"But I never in my life targeted an innocent child."

At my own private hell
I have few regrets, says maker of Ruth First bomb

ARGUS CORRESPONDENT

Pretoria - Amnesty applicant and explosives expert Roger Jerry Raven told the TRC Amnesty Committee that it was never his duty to select targets to be eliminated by the security police.

Mr Raven, who manufactured the bombs that killed Joe Slovo's wife Ruth First, and Jeannette and Kathryn Schoon, said it was not his decision to have them killed and that the decision came from the powers that were in control at the time.

He said he manufactured bombs following instructions from his commander, Craig Williamson, and there was never a need to ask who the target was.

Mr Raven said it did not matter whether the bomb would be sent to lawyer George Bizos, Archbishop Desmond Tutu, former politician Helen Suzman or Helen Joseph - if a decision was taken his duty would only be to manufacture the bomb.

He told the committee that he did not bother to find out who was going to receive the bomb placed in the letter because according to him that person would have been identified as a target, and that was enough.

Mr Raven said even if the letter bomb that killed Ruth First had been addressed to him (Raven), he could not have known and it could have also killed him.

He said he has no regrets about his role as a security policeman, but only regretted that his bomb killed six-year-old Kathryn Schoon.

The applicant said he was not religious and the sending of fatal bombs to people did not worry him after he saw the May 1983 Church Street bombing and the attack on Volkskas Bank.

He denied that there was ever a full discussion before a bomb could be manufactured or a target identified.

If that was done, it could have been done at the top and he would not have known who was involved as he was not allowed to ask questions.

He denied that Soviet explosives were used in the murder of Ruth First and said Mr Williamson had no authority to talk about explosives as he knew nothing about them.

Mr Raven told the committee that the security forces were used to fuel violence in black areas to influence white voters into believing the forces were winning the war and thereby to vote for the National Party.
IFP starts petition for death penalty

Farouk Chothia

THE Inkatha Freedom Party (IFP) launched a campaign at its youth brigade conference at the weekend aimed at collecting a million signatures on a petition for the return of the death penalty for specific crimes.

The launch of the campaign, under the slogan Sign against Crime, is seen as an attempt to muster support among voters in the run-up to next year's general election.

IFP KwaZulu-Natal MP Arthur Konikraman said the party wanted to test the "will of the people" on the question of the death penalty.

Members of the public would be asked whether they wanted the death penalty to return as a discretionary sentence that judges could impose for heinous crimes such as rape and murder without extenuating circumstances.

The IFP did not believe that the death penalty should be a mandatory sentence, nor should it be imposed for murder with extenuating circumstances.

He said that once the signatures were collected, they would be presented either to Parliament or to President Nelson Mandela.
Human rights body ‘lacks clout’

CAPE TOWN — The SA Human Rights Commission (SAHRC) has petitioned Parliament to assist it in strengthening its independence and clout for promoting and protecting human rights in SA.

SAHRC chairman Barney Pityana said the situation seemed to be deteriorating, with even Cabinet ministers and MECs taking the commission for granted.

Although there was no government interference in the SAHRC’s work, the commission’s independence might be compromised because of issues related to financial autonomy, he said.

In a nine-page report to Speaker Frene Ginwala, the SAHRC proposes that Parliament — and not the justice department — exercise a direct supervisory function over it.

Pityana listed concerns about the budgetary process and said it appeared the commission would no longer be accountable to the auditor-general for its finances, but to the director-general of the justice department.

People would not have confidence in the commission unless they could see and believe that the institution was truly independent of government, he said. — Sapa
Former foreign affairs minister Pik Botha speaks to advocate Louis Visser, who is representing General Johann Coetzee, during the amnesty hearings in Pretoria yesterday. Coetzee is applying for amnesty for the 1982 bombing of the ANC's offices in London. Botha questioned senior superintendent Vic McPherson about the foreign affairs department's knowledge of the bombing.

Picture TREVOR SAMSON

McPherson says Coetzee had known of Lusaka blast

Taryn Lambert

SENIOR superintendent Vic McPherson, who is applying for amnesty for his role in the bombing of the African National Congress' (ANC's) offices in London in 1982 and in Lusaka in 1985, yesterday contradicted the testimony of former police commissioner General Johann Coetzee, who said he had no knowledge of the Lusaka bombing.

McPherson said Coetzee had told him to record a conversation in which an informer was asked to plant the Lusaka bomb so that nobody was injured Coetzee, who is also applying for amnesty, had told McPherson to switch the recorder off and to then offer the informer R20,000 to kill or injure Joe Slovo.

Coetzee has told the amnesty committee that he knew nothing about the Lusaka blast and that he had never heard of the informer, a businessman referred to as "Al".

McPherson said Coetzee subsequently suggested he pay the informer only R15,000 because Slovo had not been injured or killed and that the operation had not been "a success".

The 4.5kg bomb used to blow up the ANC's London offices was hidden inside radio equipment and transported to London via a diplomatic bag, he said.

Because the policemen involved in the operation were unable to take "too many weapons" through customs, former head of the police's forensic department General Lothar Neethling had made them teargas canisters in the form of aerosol deodorant sprays.

McPherson said he arrived in London two weeks early for "surveillance" purposes. He drove past the London homes of Slovo and the present Deputy Defence Minister Ronnie Kasrils, "for interest sake, just to see where they lived", he said.

Former Foreign Affairs Minister Pik Botha grilled McPherson briefly about his department's knowledge of the blast and asked McPherson if he knew that the Foreign Affairs department was not the only organ of state to have a "diplomatic bag". Botha said the transportation of explosives in a diplomatic bag was irresponsible, highly risky and dangerous.
TRC: Germ warfare files ‘missing’ from SANDF

Cover-up alleged

The Truth Commission is having an urgent meeting with top defence force officers in Pretoria today about crucial files relating to South Africa’s biochemical warfare programme that seem to have disappeared.

At least 119 files, most marked top secret, were removed from the army’s counter-intelligence centre at GS 2 in Pretoria, allegedly by a brigadier who apparently disobeyed military procedure and signed for them. The commander has the brigadier’s name.

The files could throw light on some of the darkest secrets of the apartheid regime’s biochemical warfare programme.

Although the commission had asked to see all files relating to the programme, codenamed Project Coast, these were never handed to the commission.

A defence force spokesman said he could not comment on why the files were not sent to the commission, nor on the circumstances surrounding their removal from the intelligence centre, nor the identity of the brigadier.

At commission hearings in June, biochemical weapons programme head Wouter Basson was at pains to explain the programme was intended for defensive purposes only.

The TRC has an inventory of the names and contents of the missing files. Their names indicate that tests were conducted with 155mm and 120mm artillery shells as part of the biochemical programme.

According to defence analyst and retired defence force brigadier Bill Patti, the 155mm shells are fired by either the G5 or G6 canons which have a range of 40km. The 120mm shells are fired by mortars.

Commission investigator Zemzile Khosa discovered the existence of the files in May during an in-camera hearing with a senior Civil Co-operation Bureau officer on the use of biological and chemical substances during the apartheid era.

At the end of July, the TRC investigative unit head Dumisa Ntsebeza wrote to Defence Minister Joe Modise, with copies to President Mandel, Deputy President Mbeki and head of the Defence Force General Siphiwe Ntshona, “urgently requesting” the files.

He said the commission had gone through official channels in trying to get the files, including representations to the defence force’s “nodal point”, a structure established to facilitate communication between the force and the TRC, to no avail.

“The nodal point, as in many other cases, has acted in a manner which suggests that there is something contained in those files which needs to be covered up,” said the letter.

The inventory, numbering the files RK1 to RK119, gives details of various tests carried out on the G5 cannon firing 155mm shells and mortars firing 120mm shells.
Independence under threat — rights group

THE South African Human Rights Commission (SAHRC) said the independence of institutions which keep “checks and balances” on government was under threat from government unless legislative amendments were made to rectify the situation.

SAHRC chairperson Barney Pityana said they had handed a report to the Speaker of the National Assembly Fezile Gwana because of the increased pressure by government on institutions to “forget” their independence.

This threat emerged in relation to the way finances are dished out to the institutions including the public protector, the auditor-general and the Electoral Commission. Finances are allocated for in the budget and handed over to the justice department for distribution.

Pityana said an amendment of the finance bill now provides for the funds to be handed over to the justice department which will then decide how much will be distributed between the institutions.

Pityana said this was “unacceptable” and would be a “serious breach of independence.”

“We owe it to South Africa that these institutions do not lose their independence,” Pityana said.

Pityana said they recommended that the SAHRC Act should be amended or augmented to say that the accounting functions of the commission should be the responsibility of Parliament.

A memorandum of understanding should be drawn up to explain what independence of these institutions meant, he said.

He urged that an amendment, sent to the finance ministry, be approved soon to allow the institutions to raise funds from outside government. A commission which will make recommendations on the remuneration and allowances of such institutions should be set up.

It was now nearly five years since such a commission was supposed to have been established.

GROUPS SUCH AS the Human Rights Commission believe their independence could be undermined by government.

CHARLES PHAHLANE of our Parliamentary Bureau reports.
Coetzee okayed payment to kill Slovo, TRC hears

PRETORIA: National Intelligence Services senior superintendent John McPherson told the TRC amnesty committee here yesterday that former police commissioner General Johann Coetzee approved a R20 000 payment for a man who offered to kill former top SACP member Joe Slovo in June 1985.

McPherson, 50, who is applying for amnesty for his involvement in the bombing of ANC offices in Lusaka and for an attempt on Slovo's life, said he was with his senior, Kobus Pretorius, a captain, when they approached Coetzee with the Slovo plan.

He said the informer was an Indian businessman who provided the police with information about the ANC and the SAP as he was travelling regularly from Swaziland to Zambia and Maputo.

McPherson said his informer was useful and he offered to meet him at a hotel in Swaziland where instructions were given to him.

He said the agreement was that the informer would be paid R20 000 if he could injure Slovo, but he (the informer) went as far as saying he would kill him.

McPherson said he later heard that the ANC offices in Lusaka had been bombed, but that there were no injuries.

He went and told Coetzee because their informer was very important to them. Coetzee authorized that he be paid R15 000 as he could still be used in future, he said, adding that this was partly to buy his silence.

When asked why he went straight to Coetzee when he himself was a junior, McPherson said it was because the amount involved could only be approved by Coetzee.

He said in such operations it was normal for a junior officer to talk directly to the commissioner.

McPherson said the motivation for the initial payment was that the R20 000 was for services rendered over a long period.

He said his informer tried to bring him to him, claiming he killed Slovo so he could get the R20 000, but said he was finally only paid R15 000.

— Own Correspondent
rights commission wants more clout

the South African Human Rights Commission (SAHRC) has petitioned Parliament to assist it in strengthening its independence and clout in promoting and protecting human rights in the country.

SAHRC chairman Dr Barney Pityana told reporters in Cape Town the situation seemed to be deteriorating, with even Cabinet Ministers and MECs taking the commission for granted.

Although there was no government interference in the SAHRC’s work, the commission’s independence might be compromised because of issues related to “financial autonomy”, he said.

In a nine-page report to Speaker Dr Frans G competitors, the SAHRC proposes that Parliament — and not the Justice Ministry — should exercise a direct supervisory function over it.

Pityana listed concerns about the budgetary process and said it appeared the commission would no longer be accountable to the auditor-general for its finances but to the director-general of the Ministry of Justice.

“That is a serious breach of independence, there doesn’t seem to be enough sensitivity about what this does to the independence of the commission.

“People would not have confidence in the commission unless they could see and believe that the institution was truly independent of government,” he said.

Pityana said the commission was expecting Gwatemala to table its proposals in Parliament and hoped that there would be real debate on how best to ensure its independence.

On whether he feared that a two-thirds majority by the African National Congress would threaten the independence of the commission and that of similar bodies enshrined in the Constitution, he said:

“It has absolutely nothing to do with the complexion of the government of the day. We need to secure the independence of those institutions forever.”

Pityana also called for a memorandum of understanding clarifying the relationship between it and government to be signed.

The Office of the Deputy President was still considering the commission’s representations more than a year after the memorandum was given to it, — Sapa
AWB men shot dead to protect Bop, TRC told

The three Afrikaner Weerstandsbevordering (AWB) members killed during the 1994 uprising in the former Bophuthatswana were victims of a war situation that prevailed once the militant right-wing group invaded Mafikeng, the Truth and Reconciliation Commission's amnesty committee heard yesterday.

Testifying before the committee in Mafikeng, Sergeant Bernsteen Menyatswe, who was then a constable, said he killed Alwyn Wolfard, Faasie Uys and Nico Fourie to defend the former Bophuthatswana nation.

He said during the invasion on March 10 1994 AWB members killed and injured many defenceless people.

Addressing AWB leader Eugene Terre'Blanche, Menyatswe said he had nothing else to do but to shoot them as one of his men threatened to kill him,

... "It was a war situation... I had nothing else to do but to shoot them as one of your men threatened to kill me," he said.

Menyatswe asked Terre'Blanche to pardon him "because I shot your soldiers in a war situation", repeatedly stressing that AWB members had angered him by trying to protect former Bophuthatswana leader Chief Lucas Mangope.

He said Mangope was "preventing Bophuthatswana citizens from taking part in South Africa's first all-race elections..."

Menyatswe also asked the family of his former colleague, Philip Nae, who was blamed for the murder of the AWB men, to forgive him.

"I'm here today to tell the whole world that Nae did not kill your soldiers. He has suffered due to my action and was even suspended from police duty. I ask him to forgive me."

During cross-examination Menyatswe stressed that the three members were killed because they were a threat to the people of the former homeland.

"I was asked why I shot them when they had already been disarmed. Menyatswe replied "As far as I'm concerned, they were armed and I approached them, one of your soldiers moved his hands and I thought he was pulling his gun."

"I shot them all at once in protection of the defenceless people," he said.

[SAPA]
'Assassin' got R15 000 for job he never did

SAPS superintendent Vic McPherson seeks amnesty

for bomb-in-briefcase scheme to kill or injure Joe Slovo

SAPA

Police paid R15 000 to an informer even though he misled them with a claim that he had killed Joe Slovo in a bomb attack in Lusaka in 1983, the Truth and Reconciliation Commission heard in Pretoria yesterday.

Senior superintendent Vic McPherson, who still serves in the SA Police Services, is applying for amnesty for his part in the failed attempt on Slovo's life in Lusaka and the bombing of the ANC offices in London in 1982.

He told the TRC's amnesty committee of an elaborate plan to bomb or injure Slovo, then chief-of-staff of the ANC's military wing, Umkhonto we-Sizwe, in the ANC's Lusaka offices in May 1985.

An Indian businessman, known as "Ali" and who worked as a police informer in Swaziland, agreed to co-operate with the police by carrying a bomb in a briefcase into the ANC offices in Lusaka.

McPherson said he took the informer's battered briefcase, which he claimed was well known at the ANC headquarters, and arranged to have a bomb fitted into it.

An expert packed the cover and inside of the case with sheets of explosives which resembled A4 pages. They were to be set off by a detonator inside a felt pen, which in turn would be triggered by a pocket calculator into which a code number had to be punched.

McPherson said he returned the case to the informer and recorded a conversation with him in which he told him to ensure that the bomb was to be planted in a way that nobody would be killed.

He said that former security police chief General Johan Coetzee had told him to do this to protect himself from future repercussions.

He then switched off the tape recorder and told the informer that he would be paid R20 000 if he killed or injured Slovo.

Later he heard there had been an explosion at the ANC headquarters and "Ali" telephoned the police and said Slovo had been killed. However, the bomb apparently exploded outside the gates of the ANC headquarters at 9pm without injuring anybody.

McPherson said he later confronted "Ali" who persisted in his claim that he had killed Slovo. "He took a chance and hoped that by the time we found out that Slovo had not been killed he would have got away with the money."

McPherson said he handed him R15 000 for his efforts because he believed "Ali" was still a valuable source of information to the security police.

The hearing continues.
Mafikeng - A witness to the March 10, 1994 Bophuthatswana uprising wept at the Truth and Reconciliation Commission's amnesty hearings here as he relived his experiences on that day.

Gobusang Lawrence Lebotsoe said that while walking with a friend in the town's industrial area they were attacked by khaki-clad white men he believed to be Afrikaner Weerstands beweging members.

He was called before the committee by lawyers representing amnesty applicant former Bophuthatswana Constable Bernstien Menyatswe, now a sergeant with the SA Police Service.

Mr Menyatswe shot dead three AWB men - Pante Uys, Alwyn Wolfshaardt and Nico Fourie - at the height of the riots in the former homeland.

He earlier testified that he killed the trio because they had brought war to Mafikeng.

About 60 people were killed and scores injured when armed AWB members invaded the area, claiming to have been invited by former Bophuthatswana president Lucas Mangope.

Mr Mangope was blocking Bophuthatswana's incorporation into South Africa prior to the country's first all-race election on April 27, 1994.

The sobbing 38-year-old Mr Lebotsoe told the committee "While walking along a road in the industrial area, a white Ford Cortina suddenly pulled up and an Afrikaans-speaking man said 'Here are two kaffirs', and another said 'Shoot them.'"

One of the two white men got out of the car and told them "Today you are going die", he said.

"We pleaded for mercy, but the white man continued with his threats and shot me in the neck. My friend and I fell ... stayed there for a long time so that they could not finish us off."

Mr Lebotsoe told the committee that the white men then trampled on them with their boots.

Mr Menyatswe's evidence was concluded late yesterday and closing argument was to begin early today. - Sapa
Farm basement prepared for Slovo, says Williamson

Pretoria — Security policemen planned to imprison former SA Communist Party leader Joe Slovo in a basement in a farmhouse near Pretoria if they ever captured him, the Truth and Reconciliation Commission has heard.

Apartheid spy Craig Williamson is applying for amnesty for his part in murdering Mr Slovo’s wife, Ruth First, by letter bomb in Mozambique in 1982.

He admitted yesterday under cross-examination by George Bizos SC, appearing for the Slovo family, that he and other policemen had referred to the basement at Daisy Farm as “Slovo’s suite.”

Mr Bizos said witnesses would testify that in the basement there had been a steel ring to which police said Mr Slovo would be shackled with a chain just short enough to prevent him killing himself in the way black consciousness leader Steve Biko had done.

Mr Williamson said he could not remember making these remarks but said it was possible that they were made at the time.

Mr Bizos said this showed Mr Williamson’s vindictive attitude towards Mr Slovo. The former spy replied that if the remarks were made, they were in jest.

Mr Williamson has admitted that Daisy Farm was bought with funds he received from the International University Exchange Fund under false pretences while he was a spy who had infiltrated the organisation. He told the TRC the farm was to be used for youth development but instead was used to train security policemen.

Mr Bizos accused Mr Williamson of being a “callous killer” who acted out of hatred towards the people on whom he had spied at university while working as an undercover policeman.

“You derived malicious pleasure at having them killed,” Mr Bizos said.

Mr Williamson rejected the statement.

He has also applied for amnesty for the murder of Jeanette Schoon and her daughter Katryn, 6, in Angola in 1984. Mr Williamson attended Witwatersrand University with Mrs Schoon and her husband Marius before the couple left to join the African National Congress.

He has also applied for amnesty for his part in the bombing of the ANC offices in London in 1982. He rejected a suggestion by Mr Bizos that his aim had been to attack ANC personnel in the building. — Sapa
R15 000 paid for Slovo ‘hit’

By Joe Mdlalela

APARTHEID security forces paid an informer R15 000 to have SA Communist Party leader Joe Slovo assassinated in Lusaka in 1985, the Truth and Reconciliation Commission amnesty committee heard yesterday.

Testifying before the committee at Idasa House in Pretoria, former security branch officer John McPherson said a decision had been taken at the highest government level to target the ANC.

"During 1981 and 1982 several policemen were killed by the Umkhonto we Sizwe insurgents. A decision was taken at cabinet level that punitive actions be taken against the ANC," McPherson said in his testimony.

Symbolic targets

He said his boss at the time – General Johan Coetzee – had received instructions from then-minister of police Louis le Grange that the ANC offices be earmarked as "symbolic targets.”

McPherson said he had been approached by Williamson “as part of a selected group of policemen to bomb the ANC offices in London.”

He said the country’s Communist Party offices in London should also be targeted.

“My task would be to do surveillance,” he told the committee.

Describing how an Indian informer would use the "improved bomb" to injure or if need be to kill Slovo, McPherson said: "There would be a compensation of R20 000 to be paid to the informer.”

The bomb that was used in Lusaka resulted in minimal damage and failed to injure or kill Slovo.

"Because the informer had not succeeded in injuring or killing Joe Slovo, he only received R15 000 for services rendered to the police,” McPherson said.

McPherson said his boss wanted to give the impression that Slovo had been killed in the explosion and managed to extract from the police the entire R20 000 promised him.

McPherson had shown him an article in a daily newspaper that reported that minimal damage had been inflicted on the ANC’s Lusaka offices and that Slovo had in fact not been killed as he had claimed.
HRC head slams Govt inactivity

By Ido Lekota

SOUTH African Human Rights Commission head Dr Barney Pityana has thrown down the gauntlet, accusing the Government of failing to put in place mechanisms that will enhance the independence of his commission.

Pityana told the media in Parliament this week that the Government had failed to sign a “memorandum of understanding” with the commission. Such a memorandum would have clarified the relationship between the two, especially with regard to the commission’s independence.

On the other hand, Minister of Finance Mr Trevor Manuel had failed to pass an amendment to the Human Rights Commission Act which would give it powers to raise its own funds and establish a human rights fund.

“In October 1996 the commission invited the Government to sign a memorandum of understanding to regulate relations between itself and the Government. Nearly a year later the Office of the Deputy President is still considering our representation,” Pityana said.

This failure, Pityana said, had led to unfortunate situations in which the actions of certain Government officials had undermined the work done by the commission.
AWB presence fuelled Bop crisis, TRC told

Mafikeng - The arrival of armed AWB members in Bophuthatswana increased tension, and made the situation even more dangerous for reporters covering riots, Sunday Times reporter Peter de Jonge told the Truth and Reconciliation Commission yesterday.

Testifying before the TRC's amnesty committee, he said that before the arrival of a large contingent of white men, who appeared to be AWB members, there was relative calm.

"When armed men arrived in the area, the situation became very dangerous."

De Jonge said the AWB men were abusive and threatened reporters and everyone they came across, and even shot at one reporter's vehicle.

While driving around with other journalists, he saw bodies lying around.

Asked about the killing of three AWB members by Bophuthatswana police, De Jonge said it happened while ambulances were waiting to take the men to hospital.

"A Bophuthatswana policeman shot two men in the back of the head."

Former Bophuthatswana policeman Constable Bernstein Mnyatswe, now a sergeant in the SA Police Service, earlier attacked the line of cross-examining by advocate Gerhard van den Berg, for the family of one of the slain AWB trio, Fanie Uys.

He expressed displeasure at being repeatedly asked to explain why he had fatally shot Uys, Alwyn Wolfarait and Nico Pounie when they were already injured.

"As I've already said many times, the March 10 1994 events in Bophuthatswana were of a war situation, and in a war situation you act to defend yourself first." -Sapa
Sifting fact from lies

Superspy Craig Williamson hangs on to his explanation that the atrocities he committed were the result of his views being blurred by patriotism, writes Joe Mdlhlela.

Craig Williamson, who claims to have had a change of heart, during his amnesty application before the Truth and Reconciliation Commission.

Pic Pat Seboko

Political analysts believe that Williamson indirectly contributed to the death of Black Consciousness leader Steve Biko in 1977.

While based in Europe, Williamson apparently tipped off his superiors about an impending meeting planned between Biko and former ANC president Oliver Tambo in Gabon.

Owing to the fact that the IUEF funded both the ANC and the Black People’s Convention, of which Biko was a leader, the security police believed that the leader had something to do with the ANC – hence the detention which led to his death.

Williamson’s seeming change of heart once more manifested itself at the TRC amnesty hearing last week when he said he was sorry that a young child (Katryn Schoon) had been killed.

However, even at the TRC amnesty hearing Williamson was still adamant that the security branch at the time believed that South Africa was under siege from the alliance of the ANC and South African Communist Party, and sup-

ported the idea that it was necessary to eliminate the enemy.

Williamson found himself able to accept “even the death of Joe Slovo and Jeanette Schoon” for his country’s wellbeing – to secure the apartheid state from communist invasion.

However, Bizos was not impressed. He is opposing the application on the basis that Williamson’s actions were not politically motivated.

Bizos argued that Williamson’s entire life had been characterised by deception and that even his application for amnesty was full of deception and he should be seen as an unpertinent “master of deception.”

Williamson admitted under cross-examination that his perception of the ANC today had changed and that his behaviour in the 1970s and the 1980s was blurred by patriotism for his country.

“No I see the ANC in a different light,” Williamson told amnesty panel chairman Judge Andrew Wilson, who in turn will determine his fate with his colleagues.

In the next few days a number of former special branch policemen come forward to testify about their dustily corporate lives in the early ’70s and the ’80s.

They include convicted mass murderer Eugene de Kock, explosives expert Jerry Robins and Jimmy Taylor and John Adams.

All of these operatives played a role in the bombing of the ANC’s headquarters in London in 1982 and were responsible for a variety of cross-border operations in the guise of protecting the South African state against so-called “terrorists” from the ANC and Black Consciousness formations.

Former head of the African desk and high-ranking security branch officer John McPherson, who finished his testimony this week, implicated former police commissioner and head of security General Johan Coetzee in many of the illegal operations carried out by the apartheid state.

Whether superspy Williamson will be able to get amnesty will depend on whether Wilson accepts that his behaviour towards his apartheid opponents was politically motivated.

But as far as Bizos is concerned, Williamson was simply an evil man who with impunity carried out acts which defy comprehension, against people whose genuine desire was to work for a democracy in South Africa
The public in Durban must be warned about the possible dangers of theilled.
Killer was angry, says AWB leader

Mthatha - Granting amnesty to a former Bophuthatswana policeman for killing three Afrikaner Weerstandsbewegung members during an uprising in the homeland in 1994 would be like telling the world that the Truth and Reconciliation Commission process had become “a squatter camp for criminals.”

AWB leader Eugene TerreBlanche said this yesterday in his closing argument against Bernstein Menyatsewe’s application for amnesty before the TRC amnesty committee in Mafikeng.

He said Menyatsewe feared that, because he killed three wounded and dying men, he would have been sentenced to three life sentences.

Menyatsewe, now an SA Police Service sergeant, shot dead AWB members Fanie Uys, Alwyn Wolfaardt and Nico Fourie at the height of the riots on March 19 1994.

TerreBlanche said Menyatsewe’s action had not been politically motivated because he was not and never had been an ANC supporter. He was now assuming the guise of an ANC sympathiser in his time of need.

TerreBlanche said Menyatsewe’s killing of the men happened after the AWB had withdrawn from Mafikeng following a request from the homeland government. “There was no longer a war situation and the political upheaval had also been brought under control.”

TerreBlanche said Menyatsewe acted out of anger and that he also wanted to be a hero. “He is now trying to use the spirit of reconciliation for selfish reasons. By granting him amnesty the TRC will be sending a message to the world that the TRC process has become a squatter camp for criminals.”

Gerhard van den Berg, for the Uys family, said Menyatsewe’s evidence did not warrant his being granted amnesty. “He lied through his teeth — he had no political motivation for his action.”

Menyatsewe’s lawyer Ronne Hendricks submitted to the committee that his client had made a full disclosure and should therefore be granted amnesty.

He said Menyatsewe’s actions should be considered in light of the political environment of the time, when Bophuthatswana’s people revolted against the homeland being incorporated into SA.

The committee reserved its decision on the application and the proceedings were adjourned.

A scuffle broke out between TerreBlanche and police at the hearing yesterday morning. The AWB leader clashed with police officers when they wanted to search him as he was entering the hall. — Sapa
The police have arrested a suspect in connection with a series of burglaries in the area. The suspect, a 23-year-old man, was found hiding in a nearby park and was taken into custody without incident. The investigation is ongoing and more arrests are expected in the coming days.

The suspect has a prior record for theft and possession of stolen property. He is believed to be involved in several other crimes, including the theft of a valuable painting from a local museum.

The community is urged to remain vigilant and report any suspicious activity to the police. The department has increased patrols in the affected areas and is offering a reward for information leading to an arrest.

The police thank the public for their cooperation and support. They remind residents to lock their doors and windows and to report any suspicious activity immediately.
Rights bill seen as obstacle to prosecution of commercial crime

North West that investigating found under

SUN CITY — The new bill of rights was

Johnny Stirling
Eikenhof Three sit as ‘killer’ walks free

(A) MTG 25/9-110/98

Wally Mbhele

A police officer and an ANC activist who had been involved in the 1989 Eikenhof massacre in which three people were murdered were granted amnesty last week by the Truth and Reconciliation Commission.

But the commission postponed a decision on Dolo’s plea for amnesty in the 1989 Eikenhof massacre in which three people were murdered.

Dolo says he was responsible for the massacre, not three African National Congress activists serving jail sentences for the killings.

Sources have revealed that Dolo was not the only one who committed the crime, and that he was involved in other similar incidents.

The ANC activists have appealed the decision, but sources say the commission will not grant them amnesty.

Jan d’Oliveira, the ANC activist who was granted amnesty, was one of the three people who were murdered.

The ANC has condemned the decision, but sources say the commission was influenced by political pressure.

Sources say that the ANC will not appeal the commission’s decision, and that they will continue to fight for justice.

The ANC has called for a new commission to be established to investigate human rights violations.

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Jan d’Oliveira: Protecting his prosecution in the Eikenhof matter. PHOTO: SUNDAY TIMES

enge, Coetsee and Tshikhalane were not jailed as the truth commission granted them amnesty.

This week, the commission failed to respond to requests for an interview with the ANC about the postponement of Dolo’s plea in the Eikenhof case.

Although a commission member confirmed that the commission had been notified of the ANC’s inquiries, Coetsee did not bother to return calls.

Sources within the commission say that the matter is postponed because the ANC is keen to defend its prosecution in the Eikenhof case.

They added that the commission decided to go ahead with the matter, as it was possible D’Oliveira would have opposed it in the public forum.

“The tragedy about the truth commission’s decision,” said Oupa Khupe, a representative of the Eikenhof Three, “is that besides compromising itself, it has inadvertently become a part of the conspiracy to perpetuate the misery of the activists. It’s like they’ve postponed their freedom while the self-confessed killer is walking free.”

Dolo’s lawyer, Lungelo Mbandazayo, said he had written a letter of protest to the truth commission about delaying his client’s application in the Eikenhof case.

Mbandazayo said he found it strange the commission only deemed it fit to postpone the matter after meeting D’Oliveira. “As applicants, we feel we should have been present at a meeting where this decision was taken. Both the police and the attorney general feel embarrassed because they worked together to convict wrong people for the Eikenhof massacre.”

Mbandazayo added, “There’s indisputable evidence the AK-47 that was confiscated from my client (Dolo) at a roadblock in the same case which was used at Eikenhof. It was ballistically linked to the massacre when Dolo was arrested.”
Arms deal conjures up investment billions

Government is projecting a counter-trade windfall of about R50-billion in the wake of an arms binge, writes HENRY LUDSKI

The government is planning to turn its controversial R15-billion spending binge on arms into SA's biggest ever foreign investment windfall.

The value of the counter-trade expected to flow from the purchases was this week put at more than R50-billion by Shamun Shaikh, Defence Force chief of acquisitions.

It is also expected to create about 30 000 jobs in the manufacturing sector.

Shaikh said Defence Minister Joe Modise and Trade and Industry Minister Alec Erwin had set out to use the defence purchase to leverage foreign investment.

"It's been a good gamble by the two ministers which has paid off," said Shaikh.

Cabinet is expected to make a final decision next month on what will be the biggest purchase of foreign-made equipment to date.

The extent of the investment, which Shaikh says far exceeds SA's expectations, is expected to weigh heavily in favour of Cabinet giving the Defence Force's acquisition plan the go-ahead.

This week's stronger rand, coupled with political instability in southern Africa, are others factors which have strengthened the hand of the Defence Force, which considers the proposed procurements as its best shot at modernising SA's defence capability.

The plan to buy three submarines, four corvettes, five maritime helicopters, 40 light utility helicopters, 38 advanced fighter aircraft, 24 trainer aircraft and 54 main battle tanks is in return expected to make big impact on the economy.

In return, the Defence Force is expected to provide a boost to the beleaguered SA defence industry and industrial manufacturing sector.

Shaikh said the Defence Force had already made its final recommendations about which offers Cabinet should accept.

However, Trade and Industry was the only agency to question the industrial participation value of the industrial participation deals on offer.

In a significant departure from its original intention, government has steered clear of linking the industrial participation deals to social development programmes.

Instead, it has gone for a broad range of hard manufacturing industries focused on exports. These include stainless steels and titanium mills, the manufacture of clothing, textiles, jewellery, cellular phones, chemicals and commercial helicopters, automotive, electrical, satellite industry and aircraft engine components.

Shaikh said the industrial participation deals would "take care of the local defence industry" — 40% of the work and sourcing equipment would be done in SA.

Since arms manufacturers from shortlisted countries Britain, Canada, France, Sweden and Spain and Italy submitted their final offers about four months ago, the rand has lost about 20% relative to the dollar, the currency denomination of all procurement deals.

Thus, together with a slashed defence budget, has already led to the Defence Force substantially scaling down its force requirements and purchasing plans.

Shaikh said some of the purchases had already been dropped from the list of purchases being proposed to Cabinet, but refused to disclose what had been shelved.

Jakkie Cilliers, defence analyst, said many of the purchases the defence force proposed a year ago in terms of its "preferred force design option" had now become unaffordable. Although the industrial participation deals were legally binding agreements, figures about their investment value "had to be taken with a pinch of salt.

The industrial participation proposals on new investment, job creation, technology transfer and black economic empowerment were evaluated against a list of 22 priority areas compiled by the Department of Trade and Industry.

Companies were required to show how they would commit at least 50% of the value of the tender to the defence industry and the rest to non-defence industries.
Govt to draw up plans to promote human rights

David Greybe

CAPE TOWN — Government departments would have to draw up plans from next year to promote socio-economic rights, Justice Minister Dullah Omar said at the weekend.

Omar is to address the issue at a "Parliamentarians for Global Action" conference in New York on Thursday, where he will deliver the keynote address.

The United Nations' 1993 Vienna Declaration and Programme of Action calls on member states to devise action plans to give greater priority to the promotion and protection of all human rights.

Omar said the government plan was being finalised to coincide with the 50th anniversary of the Universal Declaration of Human Rights on December 10. It declared that all human beings, wherever they lived and whoever they were, had rights that must be respected in all circumstances.

The action plan also coincided with Parliament's ratification of the most important international human rights conventions, which dealt with, among others, the prohibition of torture, racial discrimination, discrimination against children, women, as well as genocide and refugees.

"Now the plan is to implement them," Omar said. While, for example, the Open Democracy Bill dealt with a person's right to information and the crime prevention strategy tackled the issue of crime, realising socio-economic rights was "a very different area". It included the rights to social security, work, an "adequate" standard of living — including food, clothing, housing and medical care — and necessary social services, free education and special care for mothers and children.

Each department will have to focus its activities with the Universal Declaration of Human Rights in mind, he said. "It accords with the reconstruction and development programme, but we are restructuring our approach to be more focused."

The implementation of such rights in departmental plans would be based on a progressive realisation of these rights linked to available resources, Omar said.
Why didn’t we think of this system before?

By Bennie Bühsee

I t was so simple that it was a wonder that it was not tried or thought of before. All it involved was to undertake a computer link-up, fill in the details and on the basis of this decide whether a person genuinely deserved bail. But it took an organisation from the United States, the Vera Institute of Justice, to import it to us. So much for our own sense of originality and ingenuity.

Since its introduction at various magistrates courts around the country – in Mitchells Plain, Cape Town, Durban, Central Johannesburg, Pretoria and Port Elizabeth – pre-trial services (PTS) has resulted in radical changes.

It has helped to reduce overcrowding in prisons, and tightened bail conditions so that serious offenders are not allowed out easily. Its success heralds its introduction throughout the country and is a high water mark in the Justice Ministry’s blueprint for transformation – Vision 2000 – which spells out what the Ministry hopes to achieve by the end of the century.

Pre-trial services as it came to be known, was the result of public demand that serious offenders were being let off too lightly, only to repeat their criminal activities once they were out.

There was a general public outcry against it – from the community itself, the courts and prison officials. But through a system of information gathering, the simple use of IT, and witness protection it has helped to overcome a once chaotic bail situation to manageable proportions and assisted in reducing overcrowding in jails.

The Justice Ministry itself was also deeply concerned about the matter. A National Crime Prevention Strategy investigation into the matter led to proposals that there should be intensive training for detectives and prosecutors on all aspects relating to bail, the establishment of an integrated bail information system, the creation of better bail courts where possible, and the better management of investigations and court cases.

The issue was also linked to the serious overcrowding of our jails, which violated the constitutional rights of inmates incarcerated under inhumane conditions.

The overcrowding often led to convicted prisoners being released on parole before their full terms of sentence and categories of prisoners being released en masse, much to the dismay of the public. Polloamoor Prison, for example, was 220 percent full with 3,600 inmates when it could only accommodate 1,619.

Many awaiting trial prisoners were granted bail but had to be detained because they could not afford to pay. This was problematic because their incarceration contributed to costly overcrowding, despite the fact that the interests of justice meant that they should not be detained, pending the outcome of their trial.

It was also a form of denigration against the poor, since those who remained detained were too poor to afford the bail money.

With the introduction of PTS both problems were more effectively confronted. It offered the courts an alternative to money bail.

Those accused could now be released pending the outcome of their trial. But this depended upon a number of conditions that PTS established.

By means of its system the accused is released on warning and closely monitored by full-time supervision officers. Proper supervision ensures that the accused returns to court for trial. In several countries under this system of supervision many returned to court compared to those who paid their bail but were unsupervised.

A major problem confronting courts in the past was that evidence about bail was anecdotal. The concern of witnesses and victims over the granting of bail used to be ignored.

They often knew the identity of dangerous criminals who often intimidated witnesses, but the courts ignored this.

When the Vera Institute of New York stepped in to attempt to resolve this problem, it devised a simple computer data base that utilized digitalised photographs of IDs and electronic fingerprinting on the data base to firmly establish identity and enable comparative matching with previous records.

The accused are then interviewed, and demographic information of their residence and workplace collected together with at least two references.

PTS officers check this information, making phone calls to members of family, friends, and visiting homes to check on addresses and jobs. The verified information is given to the courts where computers make it possible for prosecutors and clerks to resource the data.

This also means that charge sheets are stored in computers, which cuts down the less

Through a system of information gathering and witness protection it has helped to overcome a once chaotic bail situation to manageable proportions

of dockets, a major problem in the prosecution of cases.

The PTS system also made it more difficult to defraud. Diverse forms of defrauding used to be prevalent. For example, in the past, prisoners would evade roll calls. They would fail to reply, and after a period of three to four months the case would be dropped as witnesses would also usually disappear.

In other cases some would stand in for those accused for serious crimes. When time for verification came, the courts would find that the wrong person was being accused.

PTS has put paid to this form of fraud through its more accurate and verifiable record keeping.

PTS services are also linked to the South African Police Service’s Criminal Records Centre in Pretoria in order to provide information about previous convictions before a bail decision is made.

This information through computer link-up is obtained in a matter of three hours, whereas in the past it took six to eight weeks. Thus sentencing is helped by knowing an accused’s previous convictions. It also enables the prosecution services to gain more information about the accused.

PTS is the first bridge in a national justice information system, and described as the first automated tracking system in the country. It also points the way to an integrated justice system which is the long-term plan of fighting crime and embracing Justice, Police, Correctional Services and Welfare.

The effectiveness of PTS has meant that when magistrates consider petty offences, they set conditions for bail, rather than monetary amounts. It has also meant that dangerous persons are less likely to be released on bail, and petty offenders are released on warning or affordable bail.

On this basis in Mitchells Plain and Polloamoor in the Cape the bailies have been reduced from 75 percent to 52 percent, thus also reducing overcrowding. (Previously over 60 percent of violent cases were granted bail)

Those released must report to police stations, turn in their passports, stay away from witnesses and must attend work everyday to ensure that the courts know where they are. Previously no conditions were attached.

Integral to PTS is a witness services and protection. The effectiveness of the criminal justice system is totally dependent on the witness system.

Waiting rooms are now provided for witnesses, whereas in the past they loitered in the corridors. Staffed by community volunteers, witnesses are welcomed and their needs attended to.

(Bennie Bühsee is the public relations officer for the Ministry of Justice.)
Truth still not out, says Gillian Slovo

Taryn Lambert 29/4/98

The daughter of slain anti-apartheid activist Ruth First told the truth commission yesterday the amnesty applications of the security policemen who killed her mother with a letter bomb in Mozambique in 1982 changed her views about her mother's death.

Gillian Slovo, the daughter of First and former SACP secretary general Joe Slovo, said that before coming to SA she believed her mother had given her life to the struggle against apartheid. However, after sitting in on the hearings she now thought her mother's life had been taken away.

Slovo said her feelings about the commission were "complicated".

"I understand why it was set up ... to give the victims of apartheid a voice, so that the pain of the country could be heard in public. In general terms I support it," she said. However, it was difficult to "sit in a room with the people who killed your mother and who are still not telling the truth about it."

Slovo and her two sisters, Shawn and Robyn, had expected to gain a "sense of peace" by attending the hearings and listening to the truth, which would have enabled them to "put it in the past. But I have been shaken up in that belief. I do not think we have heard anything of the truth. I cannot believe that my mother, not even in her terms, was a legitimate target."

Slovo said her mother had been an ordinary member of the African National Congress (ANC) who used her "passion, considerable intellect and eloquence" to argue against a barbaric system. She believed the security forces had killed her mother because they had been unable to kill her father.

Slovo said former police spy Craig Williamson, who is applying for amnesty for ordering the bombing, had hatred for her father and her family that was still evident at the hearings.

Asked by Williamson's counsel whether he had not been "the essence of decorum, patience and good manners" throughout cross-examination, Slovo admitted he had been controlled except for one morning when he became bad-tempered and red-faced, glaring at her with a look of "triumph" when she was accused of doctoring tapes of interviews she had with him.

"He hated my father. He told journalists on the day he (Joe Slovo) died when it was hot in Johannesburg that they had forgotten to close the door (to hell) after him." Her father had suffered feelings of guilt over the way his wife died. "Can you imagine how my father must have felt, knowing that they killed his wife because they could not get to him?"

Former Vlakplaas commander Eugene de Kock, applying for amnesty for his involvement in the 1982 bombing of the ANC offices in London, said yesterday he had once considered launching a spontaneous attack on Joe Slovo in Brussels. After placing the bomb in London he had flown to Brussels, where he heard an airport announcement calling Slovo "in my youthful foolishness I thought about going to look for him and, if the opportunity arose, attack him if he was alone."

However, he had been unable to locate Slovo. De Kock said he had willingly participated in the bombing. "We all participated with enthusiasm. People would have had first fights to be first in line. Today, of course, they want to be last in line."

Continued on Page 2
Slovo says applicants are lying

ROBB NORTHEY

PRETORIA: Gilian Slovo told the Truth and Reconciliation Commission (TRC) amnesty committee yesterday that she did not believe apartheid spy Craig Williamson and police bomb expert Roger Raven had told the truth regarding the murder of her mother, Ruth First.

Slovo said that there had been a time, before the current hearings, when she would have believed amnesty applicants who said they were just following orders and believed that there was a ‘red threat’.

“But now I can’t believe they created the lies of the ‘red threat’ and then also believed it,” she said.

Raven and Williamson have applied for amnesty for manufacturing and sending, respectively, an A4-sized buff envelope containing an explosive device to First. She was killed when she opened it.

Slovo said her mother had never taken up arms but had used her considerable intellect and skill as a writer and teacher to oppose apartheid.

Earlier she told the committee that Williamson created and leaked to the press the story that her father, Joe Slovo, had been a colonel in the Russian KGB. She said this was completely untrue.

“I thought that coming here would give me — and my two sisters — some sense of completion and that the applicants would tell the truth,” she said.

“I’ve been quite shaken up in that belief because we have not been told the truth.”

Slovo said that she did not believe Raven’s testimony that he had not checked the name of the person who would receive the letter bomb he made and he did not know that it would be sent to First.

She also did not believe that the bomb had been addressed to Joe Slovo, as Williamson testified, because her mother would not have opened an envelope addressed to her father.

“My mother was a feminist in her own way and would have respected my father’s privacy and not have opened a letter addressed to him,” she said.

She said her mother had never been part of the armed struggle and did not believe it would succeed, preferring mobilisation.

First and Slovo had often discussed and argued about political matters. But being married to the chief of staff of the ANC’s armed wing, uMkhonto weSizwe, did not make First a valid target, even in Williamson’s eyes, she said.
Williamson—killed ‘out of hate for Slovo’

By: Joe Mhlaba

APARTHEID superspy Craig Williamson killed political activist Ruth First because he hated her husband Joe Slovo with a passion, the Truth and Reconciliation Commission heard in Pretoria yesterday.

Now in its fourth week at the Idasa Conference Centre, the TRC’s amnesty committee heard Ms Gillian Slovo testify that it was because of the despised hatred Williamson harboured for her father Joe Slovo, the former chief of staff of Umkhonto we Sizwe, that “he killed my mother.”

“The act by Williamson to help plant the letter bomb that killed my mother at Eduardo Mondlane University in Maputo in 1982 made her decide to join the ANC, she told the committee.

“My mother’s death made me more angry with a resolve to join the ANC. Up to that time I had nothing to do with the ANC,”” the United Kingdom-based Slovo said. She is opposing the amnesty application by Williamson which includes the part he played in the assassination of First in Maputo in 1982 and the killing of Jeanette Schoon at Lubango in Angola in 1984.

Williamson is also asking to be pardoned for his role in the bombing of the ANC offices in London in 1982.

Slovo said it would be naïve to believe that Williamson had expressed contrition for the killing of her mother.

She said the fact that Williamson had remarked to a journalist on the day of her father’s funeral that the reason it was shockingly hot was because “they had forgotten to close the gates of hell.”

This indicated that he hated her father “with a passion.”

“Craig, Williamson killed my mother because he could not kill my father,” an emotional Slovo told the committee. Slovo said it was a falsehood to claim, as Williamson had done in his evidence last week, that the letter bomb that was sent to kill First was addressed to Joe Slovo.

“I don’t believe that. My mother would never have opened a letter meant for my father,” she said.

She also told the committee that in principle her mother had been opposed to the Nkomati Accord which among other things forced the Mozambican authorities to flush out activists who had sought refuge in that country.

She said attempts were made by the apartheid state to demonise her father, and create an impression that “my father was a KG3 agent. The myth was put out by Strachan to scare the white constituency in South Africa.”

Slovo said Jerry Raven who had been instructed by Williamson to construct the bomb that killed First was not telling the truth when he said he had “merely” made a bomb.
We have not been told the truth, says Gillian Slovo

Gillian Slovo has told the TRC’s amnesty committee she did not believe arch apartheid spy Craig Williamson and police bomber Roger Raven had told the truth regarding the murder of her mother, Ruth First.

Testifying yesterday before the committee in Pretoria, Slovo said there had been a time, before the current hearings, when she would have believed amnesty applicants who said they were just following orders and believed that there was a red threat from “Marxist/communist terrorists”.

“But now I can’t believe they created the lies of the ‘red threat’ and then also believed them,” she said.

Raven and Williamson have applied for amnesty for manufacturing and sending, respectively, an A4-sized envelope containing an explosive device to First. She was killed when she opened it.

Slovo said her mother had never taken up arms but had used her considerable intellect and skill as a writer and teacher to oppose apartheid.

Earlier she had told the committee that Williamson had created and leaked to the press the story that her father, SA Communist Party leader Joe Slovo, had been a colonel in the Russian secret police, the KGB. She said this was completely untrue.

“I thought that coming here would give me — and my two sisters — some sense of closure and that the applicants would tell the truth.

“I’ve been quite shaken up,” she said, “because we have not been told the truth.”

“I wish Roger Raven had told the truth”

Slovo said she did not believe Raven’s testimony that he had not checked the name of the person who would receive the letter bomb he made, and he did not know that it would be sent to First.

She also did not believe that the bomb had been addressed to Joe Slovo, as Williamson testified, because her mother would not have opened an envelope addressed to her father.

“My mother was a feminist in her own way and would have respected my father’s privacy and not have opened a letter addressed to him.”

At one point during the proceedings, Slovo was asked if she could move to another seat, but the committee heard that she felt very uncomfortable at the way Williamson looked at her.

She said First had believed that mobilising the people of South Africa politically was the right route and had been quite outspoken regarding the armed struggle.

First and Joe Slovo had often discussed and argued about political matters, but being married to the chief of staff of the ANC’s army, Umkhonto we-Sizwe, did not make First a valid target, even in Williamson’s eyes.

Slovo told the committee she found it very difficult to make a distinction between the killing of her mother and the ANC bomb which blew up outside the South African Air Force’s headquarters in Church Street in 1983, killing numerous civilians.

Former Vlakplaas commander Eugene de Kock took the stand briefly yesterday and began describing his part in the operation which led to the explosion at the ANC’s office in London in March 1983.

This attack, the committee heard, was partly in response to the Church Street bombing.

He said he was withdrawn from his Koedoespoort unit in the former South West Africa and was briefed by Williamson before flying to London.
Coetzee’s application seems on rocky ground

Jonny Steinberg

FORMER police commissioner Johann Coetzee’s amnesty application to the truth commission appears to be on rocky ground following testimony by former Vlakplaas commander Eugene de Kock yesterday that Coetzee had lied in denying knowledge of human rights abuses.

De Kock said Coetzee had intimate knowledge of the activities of the Koevoet battalion in the early 1980s when Koevoet operatives tortured and killed dozens of captured South West African People’s Organisation (Swapo) intelligence operatives.

"The prisoners were laid out on a concrete floor for months, their feet were chained together and bags were placed over their heads," De Kock said.

De Kock said that some of the Swapo prisoners became Askaris, while others were executed over a period of several months.

He testified that Coetzee, who paid regular visits to Koevoet, was aware of the capture and subsequent detention of the prisoners.

In his testimony to the amnesty committee earlier this month, Coetzee denied knowledge of human rights abuses committed by the SA security forces.

Coetzee’s counsel, Louis Visser, objected to de Kock’s testimony, arguing that none of his allegations were put to Coetzee when he gave testimony, and that he was being accused of lying without being given the opportunity to respond.

Asked whether it was likely that a policeman would have assassinated a target without the consent of high-ranking officials, De Kock replied: "You could not blow someone up, or kill someone, without clearance — all the way up to commissioner level. I once went over the border without an order to do so, and my action nearly cost me my career.”

"Coetzee asked if I could stand firm. He said he was behind me. All that was nonsense. He could have gone to Harms with the truth. I reiterate Gen Coetzee is a liar," De Kock said.
English urged as sole official court language

PRETORIA — Afrikaans would have to yield to English as the sole official court language, according to Johannesburg attorney Harry Barker.

In an article in the October edition of the SA attorneys' journal De Rebus, he said four high court judges have come out in favour of using one official language, mostly for practical reasons.

The administration of justice and the development of law in one court language would reduce the demands upon practitioners and the law's inevitable delays," Barker wrote.

He said the will of the majority of South Africans excluded Afrikaans from being the language in question.

"And the expectation that the lesser-known indigenous languages would enjoy parity of esteem with a world language is surely destined to be merely a pious hope," he said.

The official language should, he said, be one understood by all court officials irrespective of their mother tongue.

"Despite its pithy strength, its liveliness and its adaptability, Afrikaans will have to yield to English as the language of the courts," Barker said.

In an editorial, De Rebus questioned the lack of female representation on law society councils.

"The reason could be that women are reluctant to make themselves available for nomination, or the perception may exist that male-dominated councils may be hesitant to accept women as members.

"We hope restructuring will go some way towards rectifying the gender imbalance," the journal also proposed the creation of a human rights institute under the auspices of the SA Law Society."
Security man believed
PW ordered bombing

ARGUS CORRESPONDENT

Pretoria - One of the security branch policemen who bombed the African National Congress's London offices in 1982 told the Truth and Reconciliation Commission amnesty committee he believed orders for the attack came from then prime minister PW Botha and the cabinet.

But retired Colonel James Taylor, who was born in England, admitted under cross-examination by Mr Botha's legal advisor, Advocate Ernst Feni-horn, that he had no evidence to support this assumption.

He admitted he had never been given direct orders by Mr Botha or any other cabinet member and had not been told by any of his senior officers who had given the orders.

Colonel Taylor was testifying before the amnesty committee in Pretoria yesterday for his part in the bombing of the ANC offices in March 1982.

He said the bomb was set to go off on a Sunday morning when there would be no one in the offices as most people would be attending an anti-apartheid rally outside South Africa House.

He told the committee he entered Britain as a book dealer on his way to a book fair in London. He said letterheads and business cards were made for him to support his false identity.

He had not been told the purpose of the mission was to blow up the offices until after he had arrived in London. He thought they would be going to break into the offices.

"Even if I had known before leaving South Africa, I still would have gone. I considered it an honour to be part of the operation and was proud of what was achieved," he told the committee.

He said he and the others were later decorated for their work.

"I believe it was the second highest award in the South African Police. But what was important was that it was the first time it had been given to anyone below the rank of general."

A decision to fly directly back to South Africa had meant that the team had to pay in extra money to fly home.

The hearing has been postponed to November 2.
DETAINED BY UK CUSTOMS

Bombers came close to exposure

PRETORIA: Eugene de Kock told the TRC amnesty committee that the bombers of the ANC's London offices were under suspicion by Customs. The amnesty hearing of the eight has been postponed to November 2.

The squad of policemen who blew up the ANC offices in London in 1982 ran into a number of hitches that almost jeopardised their mission, the Truth and Reconciliation Commission (TRC) amnesty committee heard yesterday.

This emerged during testimony by former Viakplas police base commander Eugene de Kock, who along with seven other former policemen is applying for amnesty for the blast.

De Kock told the amnesty committee that he and John Adam were stopped at Heathrow by suspicious customs officials. He said they both had false names and documents, but customs suspected they were dealing in drugs or contraband because they had large amounts of cash with them.

De Kock said they were detained and intensely interrogated for about three hours before being released. They were then kept under surveillance for a few days.

De Kock said this had not worried him much, but Adam was nervous. He described how the leader of the operation, Pret Goosen—who has since died—was robbed by pickpockets while walking in the streets of London. Goosen was also stopped when leaving the country because he bought a collection of axes that he planned to use for wood carving. This made customs officials suspicious, but he was eventually allowed to leave.

"Goosen and I were lke country bumpkins, but Craig Williamson was streetwise and really knew his way around," de Kock said.

Another member of the squad, James Taylor, told the committee that he travelled as a book dealer on his way to a book fair in London. He said the necessary letters, headings and business cards were made for him to support his false identity.

Taylor said he and the other police agents drove around London for several days to acquaint themselves with the routes to and from the ANC offices and the airport.

The hearing, in which Williamson is also applying for amnesty for his part in the letter bomb attacks that killed Ruth First in Mozambique in 1982 and Jeannette and Katya Schoon in Angola in 1984, has been postponed to November 2.

The postponement followed lengthy argument by legal representatives about the sequence the hearing of testimony should take. Some lawyers told the committee they had difficulties in making their witnesses available over the next few days.

Louis Visser, SC, former security police head Johan Coetzee, said he needed time to consult the former general about some of the testimony heard by the amnesty committee this week.

Committee chairperson Judge Andrew Wilson then agreed to adjourn the hearing to November 2. — Sapa
De rock tells TRC former police chief ran operation

koevoet

I lied about

Coetzee

By Joe Mainde

De rock tells TRC former police chief ran operation

Koevoet

coetzee

Coetzee - well aware of Koevoet.

With Coetzee was B_inline Coetzee.

De rock - said he did not own the people
A life changed forever...
Exposing a web of lies

No one wants to jump the queue now.
The enthusiasm the apartheid security forces showed when they were called on to commit acts of terror against opponents of the National Party led government is missing today.

Such was Eugene de Kock’s closing testimony at the end of the Truth and Reconciliation Commission amnesty hearing in Pretoria this week.

In De Kock’s view, no one wants to jump the queue and volunteer information that will help the TRC understand the clandestine operations of the security forces under the apartheid government at a time when it went to extreme lengths to maintain its grip on political power.

But the former Vlakplaas commander wants “to be first in line” to volunteer the information that will assist the TRC.

Nonchalantly, De Kock described to amnesty panel chairman Judge Andrew Wilson how a plan to bomb the African National Congress offices in London was hatched with the apartheid government and former police chief General Johan Coetzees blessing.

Certainly, Major Craig Williamson was an important link in this operation strengthened by the expertise of bomb disposal expert Jerry Raven, along with John McPherson, John Adam, Waal du Toit, James Taylor and De Kock himself.

The world, and the superpowers including the Brittan and the United States, had to be given a taste of what the apartheid state was capable of doing when its system and the preservation of the status quo were under siege from the “communist threat”, according to De Kock.

The South African state was waging its own blend of psychological warfare on an international scene, using foreign soil to express its abhorrence of communism.

Also, the apartheid state wanted to display to the world that it was capable of crushing the African National Congress-South African Communist Party (ANC-SACP) alliance.

Almost without emotion, and with clinical precision, De Kock went about detailing how a master plan to weaken the ANC-SACP alliance unfolded with superspy Williamon.

He was acting in his capacity as a “second-in-charge” to the real spymaster, former head of the security police and former police commissioner Coetze.

A web of lies, right from junior officers to the top echelons of the police force, became the order of the day.

Take the example of how retired policeman Colonel Taylor hid his true intentions while in London to plant a bomb that would destroy the ANC headquarters.

British-born Taylor strode the London streets leaving everybody who saw him with the impression that he was a top business executive solely in the City to clinch a business deal for his book company.

Yet in his attaché case he carried weapons of destruction, the bomb devices that were to blow up the ANC offices.

Taylor (51), now a naturalised South African, told Wilson that he travelled all the way from Pretoria without knowing that the purpose of the journey was to blow up the ANC offices.

His view, he told the TRC hearing, was that they were going to break into the ANC offices.

“Even if I knew the ANC offices would be blown up, I would have gone. I saw it as an honour to be part of the operation and was proud of what was achieved,” Taylor told the TRC hearing.

Even Wilson was clearly surprised by Taylor’s seemingly incredible claim that he travelled all the way from South Africa to Britain without appreciating the fact that the reason behind their journey was to attack the ANC offices.

Could De Kock’s analogy of people refusing to jump the queue fit Taylor’s claim of ignorance and Coetze’s refusal to align himself with Koevoet’s atrocities in the former South West Africa?

Coetze hopes to go to his grave without the world knowing the extent of his involvement in Koevoet, the killing of dozens of South West African People’s Organisation operatives.

When the amnesty hearing resumes next month, Coetze’s lawyers have indicated they want to disprove the myth propagated by De Kock that Coetze was involved in bloody atrocities in Ovamboland while directing notorious Koevoet operations in the early 1980s.

Laid out on the floor, the “prisoners of war” captured by Coetze’s unit, were chained together with bags placed over their faces so that they “developed fungus” on their faces, according to De Kock.

This week the former assassin and convicted murderer was emphatic that Coetze directed a Koevoet battalion, something the general failed to disclose to the amnesty committee hearing.

Whether Coetze lied, as De Kock claimed at the TRC hearing on Wednesday, is a matter that Wilson will have to decide in due course.

Political analysts believe De Kock may as well sing like a canary as he has nothing to lose. He is already serving a long jail term.

The next few months will tell if Wilson will believe or disbelieve what he has heard during the past few weeks in Pretoria.

Prisoner and apartheid assassin Eugene de Kock (left) and his former boss, ex-security police chief Johan Coetze. (Pics Pat Seboko)
Victims to see handing over of truth report

Nomavenda Mathiane

MORE than 200 guests, including 40 victims who suffered gross human rights violations during the apartheid era, will witness the handing over of the Truth Commission's report to President Nelson Mandela on October 29.

Commission chairman Archbishop Desmond Tutu will present the five volumes made up of 3,500 pages to Mandela at a solemn ceremony at Mandela's Pretoria residence, Mahlambaandlovu.

Official sources could not say anything about the cost of the exercise yesterday, but it was learnt that airfares alone could run to at least R200,000.

The sources said the organisers initially aimed at throwing a huge gala affair in Cape Town to mark the end-of-three years of hard work unearthing SA's painful past. Robben Island was one of the venues explored for the function.

However, objections from staff resulted in the organisers planning a less extravagant affair.

Commission spokesman Mdu Lembede said the government would invite 100 guests and the commission 130. These would include 30 commissioners and their partners, three Amnesty Committee judges and their partners, 11 reparation and rehabilitation and amnesty committee members, 15 commission portfolio heads, five victims from each province and donors to the commission.

Lembede said he was not aware of any overseas dignitaries who would attend. Tutu and his deputy Alex Borrau are overseas at present and will attend the ceremony at the commission's expense.

Lembede said the function was being organised by the commission, together with the justice and finance ministries.
Committee Rejects 'Aparted' Policing Claims

David Pyle
ON THE fourth day of the marathon World Conference on Organised Crime held last week in Lusaka, 150 delegates of 80 nations adopted a declaration that the world has a "failed state." In the post-Cold War world, Werdermuller said, state security forces around the world, including SA, had lost their monopoly over the exercise of organised violence to various groups and organised criminals.

"When private forces implement public policies by violent means, as has happened in the absence of organisations like Pagal in the Western Cape, the state has lost control over the most fundamental functions," Werdermuller added.

But during question time, an acquaintance of the state's justice department took Werdermuller to task.

"Your government has more legitimacy now than it has had for the entire twentieth century," the young official said. "Crime rates are down. Your statement that ours is a failed state was off the mark.

"A number of discontent swept through the audience at the mention of crime rates.

"I'm expecting your question," said Werdermuller. "SA has 95 000 murders a year by any standards, that represents a failure of our state. I've always said that, I worry for you.

"At this point, the audience burst into laughing and prolonged applause.

"I'm not a populist rabble of sloppy citizens, but made from a few thousand foreign nationals, I SA detectives and public prosecutors are among the hapless leadership of SA's criminal justice system was gathered yesterday, 100 and 100 of them and most grateful applause was for a young, white woman whose name is unmentionable. Meanwhile, the swamp was swelling with crocodile.

"There are four strengths of those who attended the meeting at the business of crocodile-the-fightingbusiness, recruiting informers, offering witness protection, gathering sound evidence and then prosecuting the least expensive, time-consuming businesses. At the end of this process, the reward is a handful of convictions. Meanwhile, the swamp was swelling with crocodile.

"There is no doubt that the government has been successful in the fight against crime. However, there are also many who believe that the government is not doing enough to combat crime.

"If our crocodile-chasing government is an angry and determined bunch is a problem of the utmost severity. Indeed, there are so that number of crocodile chasers and their pursuits.

"In April 1994, the new government faced a dilemma in regard to the organisation of its criminal justice system. The government decided to set up a standardised system of crime prevention that would be used by all the provinces. As this system was being established, it was noticed that there were many problems in the system, and it was decided that the system should be reviewed.

"The ANC had two options: one was to address the problem head-on or to maintain its current approach. It chose the latter, and in an interview this week, it could either throw out the criminal justice system's leadership and trust its own people to take over the system or it could take a leap of faith and recruit a new leadership from an experienced pool in the old school and give us their full backing.

"But it did neither. It did not throw it out, yet it did not put its trust in us either."
Human rights watchdog to lose more teeth

BY THAMI NQABO

South Africa’s Human Rights Commission (HRC) is losing its independence of the executive. According to the Public Protector, the HRC must serve the true purpose of maintaining a culture of human rights in the country to influence legislation and policy in that regard. It is independent from the government because it is required to perform activities and functions in accordance with the law. The Human Rights Commission was established by the Human Rights Act 2000 in terms of chapter 9 of the Constitution. Its main purpose is to promote and protect human rights and fundamental freedoms in the country. The HRC has been the subject of several criticisms, including allegations of bias and lack of independence. The public protector has been critical of the HRC’s role in protecting human rights, and has called for the commission to be reformed. The HRC has been tasked with investigating human rights violations, including those committed by the security services. The HRC has been critical of the government’s failure to address human rights violations, and has called for more action to be taken to protect human rights. The HRC has also been criticized for its relationship with the government, which has been described as “weak” and “unhealthy.” The HRC has been accused of being too close to the government, and of being used as a tool to advance the government’s agenda. The HRC has been criticized for its lack of independence, and has been accused of being too close to the government. The HRC has been described as being “too close” to the government, and has been accused of being too influenced by the government’s agenda. The HRC has been criticized for its lack of independence, and has been accused of being too close to the government. The HRC has been described as being “too close” to the government, and has been accused of being too influenced by the government’s agenda.
Chaos at courts after 15 quit

Protests were held on another day of great and remaining prosecutions for the courts. Last week, it became

Resigned prosecutors had put shoulders to the wheel since the magistrates were 234 outstanding cases in July. In July, there were about 234 outstanding cases. Since the magistrates and prosecutors couldn’t cope and postponed cases for more than 12 months to November next year, some cases were in the district court over the

The delay partly due to the postponement of cases in the regional court. The magistrates and prosecutors couldn’t cope and postponed cases for more than a year. Another year of uncertainty, while those not granted bail would languish, some cases were in the district court over the next year, some cases were in the district court over the next year.
Surprise turn in Weakley TRC hearing

Murderer deviates from written testimony and implicates local AWB

SAPA
East London

In a surprise move yesterday, an amnesty applicant told a Truth and Reconciliation Commission hearing here that a prominent Port St Johns resident was part of an AWB group in the town.

The applicant said the alleged activities of the right-wing group led ANC members to murder Alastair and Glen Weakley in 1993.

The Port St Johns resident, businessman John Costello, said in a telephonic interview yesterday that he was apolitical and denied any link to alleged right-wing activities in the area.

Pumelo Sama, a convicted murderer who was one of four men applying for amnesty in connection with the Weakley murders, did not include any references to Costello in his written application for amnesty, but in what may have been an eleventh-hour change of plan, made mention of the businessman in his oral testimony.

His oral testimony was originally expected to mirror his written application, as had largely been the case when his fellow applicants, Mthulisi Maxbanyi and Lungile Msezi, gave evidence earlier.

Advocate Izak Smuts, counsel for the victims' families, suggested during cross-examination that Hermanus may have altered his planned oral testimony so that it tallied with the written application made by Fundile Gulem, the last of the four amnesty applicants, who was to give evidence today.

Yesterday, Hermanus said ANC members in the region suspected Costello was conspiring with right-wing elements and stockpiling weapons in 1992. He also claimed ANC members in Port St Johns suspected Costello of disturbing the inaugural meeting of the South African Communist Party's Port St Johns branch.

Following the assassination of SACP general-secretary Chris Hani on April 10 1993, the applicants had resolved to launch a retaliatory attack against "anti-democratic whites" who were "infiltrating our area", Hermanus said.

Initially the applicants had planned a strike against the "anti-democratic whites" in Port St Johns but had been dissuaded by fears that the alarm would be raised and that the police and nearby Transkei Defence Force troops would intervene, Hermanus claimed.

The applicants, it was claimed, therefore shifted their attention to the remote area near Mpande where they killed the Weakley brothers three days after Hani's death.

The hearing continues today.
Mother pleads for TRC’s ‘forgiven’
(29/2) ARG 9/10/98

The mother of a victim of the 1993 Heidelberg Tavern massacre yesterday called on political parties to fund counselling for their members who had received amnesty for gross human rights violations.

Gunn Fourie, whose daughter Lyndi died in the shooting, told a Parow conference on mental health and the truth and reconciliation process that political parties had inspired and instigated violence, and provided backing, infrastructure and weapons for this purpose.

She suggested that all parties show accountability by providing funds for debriefing their members who had received amnesty, and ensuring that all perpetrators were encouraged to attend counselling.

Ms Fourie fought off tears as she described how, during amnesty hearings, one of the three Apla operatives involved told her he would welcome counselling “and rather with the survivors, so that true reconciliation can take place”.

She said she had discovered earlier this year that although the TRC had provided for the counselling of survivors, nothing was available for perpetrators to “face their own demons and to integrate into a society where there are mixed feelings about perpetrators of violence being granted amnesty”.

TRC research director Professor Charles Villa-Vicencio said that while priority had to be given to healing victims, it was in the interests of those victims, and society, to heal the perpetrators as well.

Asking what in South Africa had created the “fertile environment” for such dreadful deeds, he said any thoughtful person looking back would say it was a period driven by a war psychosis and by a spirit of authoritarianism.

“We came out of a society that was shrouded in secrecy and silence. There was a culture of non-inquiry,” he said. - Sapa
Resignation of Suzman another blow for HRC

David Beresford

The Human Rights Commission (HRC) has suffered another body blow with the resignation of Helen Suzman, the fourth commissioner to walk out of the prestigious body headed by the controversial lawyer and theologian, Dr Barney Pityana.

Suzman said on Thursday that her resignation would take effect at the end of the year. "I don't feel I'm serving any purpose," she said. "They need somebody younger and possibly less cynical."

Her resignation comes in a week when the commission — already subject to attack as a waste of taxpayers' money — has been badged to further criticism by a high court judgment supporting the rights of 11 immigrant doctors to practise in the private sector.

Earlier this year the HRC supported the government and the National Interim Medical and Dental Council against the doctors, ruling that — although they were being discriminated against — such discrimination was justifiable under the Constitution.

This week Pretoria High Court Judge NM McArthur dismissed the restrictions as entirely arbitrary. He painted a picture of extraordinary blatant discrimination against the doctors, some of whom appear to have been making a major contribution towards the shortening of the public health sector.

When the HRC made its original finding it was embarrased by a statement of dissent issued by Suzman.

In a bizarre development this week, the commission refused to release the text of Suzman's statement, saying that the finding had been made unanimously by the panel which heard the complaint and as such was binding on the commission.

The HRC, under the chair of Pityana, has been the subject of longstanding rumours of unhappiness among staff which have been fuelled by a number of resignations.

The case bought by the 11 doctors against the Minister of Health, Dr Nkosazana Zuma, and the medical council, was fought around a requirement that doctors from most foreign countries have to practise for a period in the public sector — supposedly under South African supervision — and then pass an examination before they are allowed into the private sector.

The doctors, pointing out that their medical qualifications abroad were comparable or superior to the South African qualifications, complained that these requirements were "both professionally and morally unjustifiable."

In coming down on the side of the doctors Judge McArthur cited the example of one of them, Dr Jan Szczygelski, who had qualified in Poland in 1976 and had specialised in internal medicine. He came to South Africa in 1990.

He now works at Germiston hospital which caters for a population of 250,000 people. There he runs the department of internal medicine. The hospital superintendent is a Bulgarian, who is also limited to public sector work as an immigrant.

"Only one South African qualified doctor comes a few days in the week as a consultant in the paediatric department," notes the judge. In their capacity as specialists, Szczygelski and the other plaintiffs have to teach South African interns and then they have to sit the same examination as their pupils to qualify for private practice.

The doctors argued that their treatment was clearly discrimination, because — in an attempt to accommodate returning political exiles who had qualified in medicine abroad — the medical council had granted exemptions to South African citizens who registered before the end of 1991.

The judge noted that "citizenship can never be a criterion for assessing the professional competence of an individual."

"It bears no relationship to a person's ability to practise medicine and if he carries out his duties in a responsible manner it is because he is a good doctor and has nothing to do with being a South African citizen."

Lawyers submitted the requirements for the foreign doctors were "cynical" and designed to discourage them from leaving the private sector.

The judge said the evidence did not show an "improper motive" on the part of the medical council, but he noted that out of about 30,000 doctors registered with it, about one-third were involved in the public sector, which catered for at least 75% of the country's population.
ANC, TRC clash over final report

ANC leader of Home Affairs Mangosuthu Buthelezi, also leader of the Inkatha Freedom Party. The final report will be in five volumes of more than 50,000 pages. The head of the truth commission, research unit, Professor Charles Viljoen, supervised preparation of the report. Most truth commission officials this week remained unclear about how "interests" it was for the ANC to start formulating a response even before party leaders had seen the truth commission's report. A senior truth commission official this week said the ANC leaders are angry because they fear that history will judge them in the same light as apartheid moguls. The fact remains human rights violations were committed across the political spectrum. Determining a political motive as reasons for human rights violations as required by the Act governing the truth commission did not mean that there would be certain politically correct motives for such violations. While it’s not for us to apportion blame, people must understand that where people suffered and died, and whoever was responsible, the commission cannot shrink its responsibility or seek to limit political significance to actions of certain individuals. We are unable to say certain people were angels, others to give an unblazed report in terms of what happened in the past. Truth commission representatives had said the final report would remain a classified document until the commission hands it over to Mandela on October 28. Regarding the ANC's misgivings about the final report, Mandela said the fact that people's names were never mentioned in public hearings does not mean they would not be named in a final report. Elaborating on this, he said the truth commission had used a wide range of sources to gather useful data for the purpose of fulfilling its mandate. For instance, he said, the commission collected information from public documents such as the ANC-appointed Monashape and Skysynan commissions into atrocities that occurred at ANC camps in exile. Stressing that their investigations were not necessarily targeting the ANC, Mandela pointed out that the commission also made use of, among others, the Legal Resources Centre, Harms and Goldstone commissions' reports "and all the relevant information to further enhance our investigations using our own resources."
Move to establish one language of record, un-constitutional.

English-only in courts

War of words over
Big Brother is watching from cradle to grave.
Frustrated Suzman quits human rights commission

Preto" - Helen Suzman, a veteran human rights campaigner and former Democratic Party MP, has resigned as a commissioner on the SA Human Rights Commission, citing her frustration as a reason.

Mrs Suzman, who quit her post at the end of the year, said yesterday her resignation was nothing dramatic.

"I've simply had enough," she said. "It's time I should be withdrawing from this type of thing.

However, Mrs Suzman admitted her resignation was because of her differences with the commission, which was established in terms of the Constitution to promote and protect human rights.

In August, Mrs Suzman distanced her view on the commission's finding that regulations restricting 11 foreign doctors to working in government hospitals only were justifiable.

Mrs Suzman gave evidence on behalf of the doctors in a civil case in the Pretoria High Court. The court decided in the doctors' favour this week.

Mrs Suzman said, "I issued a very strong dissenting opinion. I was very angry with the commission's hearing and I was delighted by the court's decision to allow the doctors' access to private practice," she said.

The commission said it regretted Mrs Suzman's decision to resign and thanked her for her services.

Mrs Suzman said she would not be quitting public life: "I'm still involved in a number of things including the Education Trust and I'm doing quite a bit of writing."

"And I hope to be involved in some electioneering for the DP next year."
Supporters see the return of capital punishment as the only way

ANC voters
Bring back noose, say
Moses Mabhethu Mackay

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Supporters see the return of capital punishment as the only way

ANC voters
Bring back noose, say
Moses Mabhethu Mackay
Jitters ahead of TCF findings
Plan for court papers
to all be in English.

BY PIETER MALAN

A controversial proposal to establish English as the only language of record in South African courts has angered language lobbyists - especially those groups looking after the interests of Afrikaans.

The move to force judges and magistrates to use only English in court documents was given new impetus by an article in the latest issue of *De Rebus*, the attorneys' journal, in which Johannesburg lawyer Harry Barker quotes two "epoch-making judgments" that strengthen the case for English as the only language of record in the country's courts.

Barker also quotes China and India, as well as South Africa's neighbouring states, as examples of multilingual societies where only one language of record is used in courts.

A workshop organised by the Department of Justice has also come out strongly in favour of English as the language of record. This would mean all court records would be kept in English, although it would pot influence the right to testify in the language of choice.

The National Party and the Stigting vir Afrikaans, a Stellenbosch-based Afrikaans lobby group, have reacted with alarm to the proposals.
Homosexual sex no longer illegal under SA law, Constitutional Court rules

The Constitutional Court yesterday decriminalised homosexual sex in a landmark case brought by the National Coalition for Gay and Lesbian Equality.

The court upheld an earlier judgment in the Johannesburg High Court which found the common-law offence of sodomy and Section 21(a) of the Sexual Offences Act – which prohibited contact with sexual connotations between two men at a party – to be unconstitutional and invalid.

The Constitutional Court judgment went a step further by allowing men who were charged with sodomy since the constitution came into effect to have their convictions overturned.

The ruling distinguished between consensual sex and rape, which could be dealt with under provisions in criminal law such as indecent assault.

Kevan Botha, legal counsel for the coalition, said the judgment would have an impact not only on gays and lesbians, but on all minority groups struggling for equality in SA.

Speaking at the court after the ruling, coalition national director Zaid Achmat said: "I think this is one of the most-well-reasoned judgments on the question of equality to come out of the courts."

He said the ruling recognised the rights of gays and lesbians to equality, dignity and privacy. "The court has stated for the first time that sexual orientation includes homosexual, lesbian, bisexual and transsexual," Achmat said.

"It makes it possible to argue that the courts will defend the right to equality in every sphere of life," he said.

A summary of yesterday's court judgment stated that the court was required to decide whether the laws governing sodomy were constitutional. These laws included the common-law offence of sodomy, its inclusion in certain statutory schedules and a section of the Sexual Offences Act.

The court also chose to address whether sodomy should be considered a criminal offence.

Judge Laurie Ackerman, who wrote the main judgment, with a concurring judgment, by Judge Albie Sachs, found that the offence violated the right to equality in that they unfairly discriminated against gay men on the basis of sexual orientation.

Such discrimination, Judge Ackerman said, was presumed to be unfair since the constitution expressly stated that sexual orientation could not be used as a means of discrimination. Judge Sachs said the extension of the court should be seen as part of a growing acceptance of difference in an increasingly pluralistic South Africa.
TRANSFORMATION

Shake-up looms for judges

(258)

WHITE MALE control over South Africa's judiciary could take a pounding this week when the Judicial Service Commission convenes in Pretoria. Black judges have been nominated for three key positions, including Judge President of the Cape. ROGER FRIEDMAN reports.

The names of 192 permanent judges are listed in the September 1998 edition of the South African Law Reports. Twenty-eight are black. There is only one black judge president of a provincial division and that is in the Transkei. The chief justice of the Supreme Court of Appeal is black, he presides over a bench of whites.

Transformation of the judiciary is not an overnight process. The next three days could, however, bring something of a turning point.

"The need for the judiciary to reflect broadly the racial and gender composition of South Africa must be considered when judicial officers are appointed," is what the Constitution of the Republic of South Africa states in Chapter 2, Section 174 (2).

This requirement will weigh heavily on the minds of members of the Judicial Service Commission when they consider the claims of Justice John Hloko for the position of Judge President of the Cape, Justice Bernard Nqoi for the position of Judge President of the Transvaal, and Justice Vula Tshabalala for the position of Deputy Judge President of KwaZulu-Natal.

In their public interviews this week, the trio must counter the considerable claims of senior white judges.

The Deputy Judge President of the Cape, Justice Edwin Kang, has been nominated in competition with Judge Hloko following the retirement of Justice Gerald Friedman.

Judge Nqoi is involved in a four-way tussle with the two incumbent Deputy Judges President of the Transvaal, Justice John Myburgh and Justice Piet van der Walt, and the Judge President of the Labour Court, Justice John Myburgh.

Judge Tshabalala's battle is with Justice Wilhelm Booyzen, Justice Brian Galgut and Justice Jan Hugo for the KwaZulu-Natal position.

The commission must also make recommendations to President Nelson Mandela on how to fill two ordinary vacancies on the Cape bench, three in Johannesburg/Pretoria, one in Kimberley and three in KwaZulu-Natal.

The commission comprises 24 people (a 25th seat is vacant) – Chief Justice I Mohamed; Constitutional Court president A Chaskalson; Judge President of KwaZulu-Natal A Howard, Minister of Justice A Omar, two advocates appointed by the President, W Trengove and M T K Moerane, two attorneys appointed by the President, P Pinnock and P M Mogapelago, professor of law John Milton, six representatives of the National Assembly, J de Lange, L Ngwane, N Mahlangu, R H Groenewald, D Gibson and K van der Merwe, three members of the National Council of Provinces, N.Mishavanwa, R Radue and I W Direko, four people designated by the President, G

Buzos, D Gordon, K D Moroka and J H Erisien, the Judge President of the province, whose vacancy must be filled, and the premier of this province.

Thirteen votes are required, a simple majority, for a candidate to be recommended to fill a post. Should no candidate attract 13 votes, as happened in April when Judges Tshabalala and Booyzen went head-to-head for the deputy judge presidency of KwaZulu-Natal, new nominations are called for.

The Booyzen-Tshabalala contest proved one of a pair of low points for the judiciary this year. Fourteen of 19 sitting KwaZulu-Natal judges signed a petition supporting Judge Booyzen, a former executive member of the Afrikaner Broederbond. The petition split the KwaZulu-Natal legal fraternity along racial lines.

The second low point was the South African Rugby Football Union case, where Justice William de Villiers' stringent attack on the credibility of Mandela and Sports Minister Steve Tshwete was matched in ferocity by the outraged response it elicited. People believed that Judge de Villiers' conduct was symptomatic of the white male-dominated judiciary.

Which is not to say that all white male judges are the same or that all white judges support white candidates who are interviewed by the Judicial Service Commission. Take the Western Cape judge-presidency contest, for example. Judge King, 69, nominated for this post by Jeremy Gauntlett, SC, in his personal capacity, can be regarded as one of the more liberal appointments by the previous government. He was a former leader of the Cape Bar. He took silk in 1977 and was appointed to the Cape High Court in 1987. He has enormous experience and as Deputy Judge President could be considered most in line for the job. He is to retire next year.

Judge Hloko, on the other hand, is only 39 years old. He was nominated by Transkei attorney H M Lungu.

When Judge Hloko was appointed to the Cape bench in 1994, he became the first black judge and possibly the youngest judge in South Africa's history.

H is an academic background. He completed a doctorate in laws at Cambridge University and is a former vice-dean and acting dean of the law faculty at the University of Transkei. He has not practised as an advocate or attorney.

Judges King and Hloko have support among their colleagues, who are not split along racial lines. While appointing Judge Hloko would boost transformation and transformation would boost the credibility of the judiciary, members of the commission may decide that King is deserving of the position after his many years of service.

But there's that clause in the Constitution...
HRC tackling a variety of issues affecting locals

By Edwin Naidoo

Four years after democratic rule South Africa is taking the lead in promoting and protecting human rights.

However, eradicating four decades of apartheid ideology and its vast influence on the psyche of the South African people is far more difficult than one can imagine.

Just over two weeks ago, when it was agreed that I would be heading off to the South African Human Rights Commission (HRC) for three months, an editorial, executive, almost gleefully, suggested I carry out an audit of what the HRC does.

"Nobody knows what they have been doing," he remarked. My colleague suggested that if people in the media knew little of the commission's workings, then surely the public knew even less.

The abbreviation HRC has peppered media reports consistently since the commission opened shop in June 1996, but little is known about its day-to-day operation.

The HRC was established in 1995 in terms of the Human Rights Commission Act signed into law by President Nelson Mandela on November 2, 1994.

The interim Constitution of 1993 stated that there should be a human rights commission as evidence of the new democratic republic's commitment to reverse the wrongs of our apartheid past and assure all South Africans protection.

The commission's chief role is to promote observance of fundamental human rights, promote respect for these rights and to protect them in accordance with the Bill of Rights as laid out in the Constitution.

While perusing enormous amounts of files, it was evident that there was a great deal going on and there was an enormous amount of interaction between the commission and the public.

The commission received 2,400 complaints from December 1996 to November 1997 - a large number of the complaints centred on equality, while others were about discrimination on the grounds of race, disability, marital status and health.

Evidence from the volumes of reports available is the fact that the HRC has a massive challenge in helping to eliminate the "don't care" attitude of the past.

While perusing many files it was evident that there was a great deal going on and there was an enormous amount of interaction between the commission and the public.

Taboo topics such as racism and discrimination have now come under the sharp public microscope of the commission.

Under chairman Dr Barney Pityana, the HRC is promoting the observance of fundamental human rights, respect for fundamental rights and protection of those rights.

The commission has certain legal powers of investigation, can subpoena witnesses and has powers of search and seizure.

So what does this translate into for ordinary South Africans?

Inadequately funded and understaffed - in comparison to the heavy workload - the commission is a big

Brother of some sorts, whom Joe Khumalo can turn to when no one else is there to offer a sympathetic ear.

A study of the list of complaints in 1996 revealed that the commission was perhaps the first organisation in the country to hear from people on a variety of issues, including undercurriculum which permeates our nation.

It heard from parents, the Congress of South African Students and the South African Democratic Teachers Union about the discriminatory admission policies of Hoërskool Vryburg in North West.

After extensive discussions between the school and the commission it was agreed that the former would commit itself to equality and an integration process. Vryburg was the focal point of serious racial tension earlier this year.

The commission also investigated racial clashes at Msifakeng High, Elandsfontein High in Pretoria, Springs Boys' High and Kgolotsho in Free State.

A Durban City policewoman claimed she was discriminated against on the grounds of race and sex. Another complainant was helped by the commission to reach agreement regarding an insurance premium payout.

Political parties, including the National Party and Democratic Party, also turned to the HRC for help on certain matters.

The commission also spent considerable time and resources investigating the conditions of prisoners, looking at conditions in hospitals or old age homes and the plight of farm-workers in several provinces.

While the commission has been at the forefront of conflict, it has not managed to spell out its role as one of the integral mechanisms to promote democracy.

A major part of the commission's work since 1996 has focused on racism, including investigations at five universities: Pretoria, Free State, Potchefstroom, Durban-Westville and the University of South Africa.

One of the significant challenges facing the HRC is ensuring that all South Africans, not only those at places of learning and teaching, embrace the United Nations Convention on the Elimination of all Forms of Racism.

The convention requires all state parties to take appropriate steps to end discrimination. In addition, the SA Bill of Rights in the Constitution guarantees the equality of all people.

But, having such laws does not necessarily mean violations do not occur. Tackling racism is a key human rights issue, which should not only be handled by the HRC, but also by all South African people committed to creating a better country.

(The writer is a journalist currently on a three-month secondment in the media office of the HRC.)
Human rights body looking at integration in schools

Racism is a countrywide problem and lack of change needs to be explained

By Jacqui Reeves
Education Reporter

The desegregation of schools has, in many parts of the country, not been followed by racial integration in the classroom. Over the past three years, a large number of complaints about racism in schools throughout the country have been referred to the Human Rights Commission. In response to this, the commission recently began an investigation into the racial integration at schools, hoping to offer detailed explanations for the lack of change which is evident.

Although schools in towns like Vryburg, Potgietersrus and Phalaborwa have had high-profile cases of racial tension in their schools, HRC commissioner Panayi Tlakula, director of the investigation, said racism in schools was a countrywide problem.

"Schools from all the provinces, except the Northern Cape, have brought cases of racial problems to the commission. This is a widespread issue, which is why we decided to look at the problem proactively," Tlakula said.

The reported cases are often very specific and, according to Tlakula, frequently relate to different punishments being meted out to different pupils depending on their race.

"We have also had a few cases where racial tension has caused fights between pupils," he said.

The investigation will take the commission to 10 schools in each province where questionnaires will be answered and discussions will be held on the racial integration at the school.

Two schools have already indicated they will face difficulties dealing with some of the questions raised by the commission because they did not keep adequate records dealing with race issues or integration.

HRC chairperson Dr Barney Pityana said the commission was undertaking the study in terms of its constitutional mandate that requires it to monitor and assess the observance of human rights in the country.

Tlakula said the investigation would consider how teachers, pupils and parents felt about integration, how well integration appeared to have occurred and how much assistance the Department of Education had lent to schools in the integration process.

The commission plans to have completed all the school visits by the end of the month and hopes, before Christmas, to submit a report to Parliament and the schools interviewed.
Bail between Donen, Bar Council Revealed

Another way of connecting inter-regional comparative advantage analysis to international...
Rivals to head bench face peers

PRETORIA: The two candidates for the vacant position of judge president of the Cape, Judges John Hope and Edwin King, presented themselves as eminently suitable for the ongoing job of transforming the judiciary.

**Heads of the Special Assignments Team Roger Friedman and Benny Gool report.**

On Thursday, the Judicial Service Commission will announce who is to replace retiring Justice Gersdord Friedman as judge president of the Cape. Its deliberations were scheduled to take place late last night behind closed doors, but the announcement must wait until after the completion of its three-day sitting tomorrow right.

Yesterday, the commission interviewed the two very different candidates. One old enough to be the other’s father, one with a distinguished legal career, the other, a distinguished academic, one appointed by P W Botha, the other by Nelson Mandela, one white, one black.

Both are democrats, both declared themselves committed to changing the face and outlook of the white male-dominated judiciary.

Justice John Hope, 39, who in 1994 became the first black person appointed to the bench, was interviewed first. His cross-examination was scheduled to last 35 minutes but ended for more than twice that.

Justice Hope had some definite ideas on how to accelerate transformation.

His masterplan included the active recruitment of suitably qualified black academics with the necessary potential to become judges, ongoing training and retraining for all judges, encouraging judges to learn new official languages, improving communication between the office of the judge president and the bench, and placing young and/or relatively inexperienced judges on the various administrative committees established at the Cape High Court by the retiring judge president.

Perhaps the most radical proposal was computerized monitoring of each judge’s work — including his or her workload, speed at delivering judgments, and the complexity of cases — so as to be able to continuously appraise their development and performance.

On the contentious issue of the allocation of cases — some black judges believe they are being kept away from the best cases by white judges president — Hope believed new judges should not be confronted immediately with the most difficult cases. The allocation of cases should largely be decided by roster, but a judge president should retain the discretion to decide who sits on difficult or highly specialized cases.

And in doing so, the judge president should take care not to create a perception that new judges are being unreasonably stalled, Justice Hope said.

Justice Hope said the Cape Provincial Division was a “happy” bench, and that he had the “overwhelming support” of his colleagues. If certain of his older colleagues were not prepared to accept him because of his age or relative lack of judicial experience, he would try to persuade them to work with him.

The transformation of the judiciary was a “painfully slow” process, he said, and it was entirely necessary for the reputation and perceptions of the judiciary that people other than white males were elevated into positions of leadership.

Justice King’s interview spanned 55 minutes, and included an endorsement of his pro-democracy credentials from no less than Minister of Justice Dullah Omar, who assured the candidate “I know you as a person who is prepared to swim against the tide. I think you spoke about transformation long before it became fashionable.”

Chief Justice Iqbal Mohamed said “There can be no doubt about your very distinguished record as a jurist.”

Justice King has been the deputy judge president of the Cape for about a year. He said he believed experience was an essential ingredient to a judge president. This, combined with his vast network of contacts and friends in the profession, was what he could offer.

He did not believe his retirement in 15 months should work against him, but that it would offer an opportunity for someone to retain the respect of deputy judge president for that period. It was easy for him to promote himself totally committed to transformation, he said, so “I hope it is not what I say that will persuade this commission, but what I have done.”

He then read from a speech he made 35 years ago at a meeting to protest against the introduction of the country’s detention-without-trial law, in which he called for all discriminatory laws to be abolished, and for all people to have equal access to the courts.

Asked whether he supported the notion of appointing black people to positions purely on the basis of their potential, Justice King agreed “totally.” He said there are people who have the potential, that potential must be exploited and nurtured. He added the duty of a judge president to ensure new recruits were not thrown into the deep end. It was vitally important that the transformation process succeeded.

In this regard he believed the judge president should have sufficient experience. He said it could do someone a disservice to appoint him to a position purely because of the colour of his or her skin.

Added by Justice Mohamed whether he would be willing to continue serving as deputy judge president should Justice Hope be appointed, King admitted he would have to “grippe with that,” though he would like to succeed.

In a statement following the announcement, Justice King said he had the trust and respect of his colleagues, and did not believe there was a single judge who would not support him.

Today, the commission interviewed candidates for the vacant position of deputy president of the Transvaal, and tomorrow, candidates for the deputy judge presidency of Kwazulu Natal.
Former Fawu man seeks amnesty

A FORMER member of the Food and Allied Workers’ Union (Fawu) applied for amnesty yesterday for his part in two murders which occurred during conflict between rival unions on the East Rand in 1992.

Zandile Patrick Kondile told the truth commission’s amnesty committee in Johannesburg that he had been employed by the Langeberg Food Company in Boksburg.

He said he belonged to Fawu, which was affiliated to the Congress of SA Trade Unions.

During this period, the Inkatha Freedom Party-aligned United Workers’ Union of SA was seeking recognition in the company and this led to conflict between the two unions.

Kondile told the committee that the conflict often became violent as opposing members taunted each other and threats and counter-threats were made. During one of these encounters, he had become involved in a fight with IFP members and had stabbed Musan-gani Mhatha, who later died, he said.

Kondile told the committee that he also took part in a shootout in which another rival unionist, Alfred Mantya, was killed. He said he had been armed with a 9mm pistol while another man who was with him, at the time, had used an AK-47.

Kondile was later arrested and sentenced to 20 years’ imprisonment.

The director of the Centre for the Study of Violence, Graeme Simpson, told the hearing the situation at Langeberg had been extremely tense at the time of the conflict between the two unions.

He said workers had feared for their safety and had taken firearms to work for their own protection.

Simpson, who conducted research into the situation at Langeberg at the time, said there had been a suspicion of collaboration between management, the IFP and the police in support of the IFP-aligned United Workers’ Union of SA — Sapa.
Police murders ‘were defensive’

PORT ELIZABETH — A former Azanian People’s Liberation Army (Apla) cadre told the truth commission yesterday that he was involved in two attacks on policemen in Port Elizabeth in 1990 in order to defend people from attacks by police in townships.

Kwanole Mszi, 33, and another Apla cadre, Pakamile Cabe, are applying for amnesty for their role in the murder of two policemen and a suspected informer and the attempted murder of four other policemen.

Mszi, who is serving a 25-year sentence in St Albans prison, told the amnesty committee he joined the Pan Africanist Congress (PAC) in Port Elizabeth in 1984.

In 1990 he was recruited by Apla unit commander Jabu Mdungi to join the organisation’s armed wing. He, Cabe, Mdungi and others from Port Elizabeth and Uitenhage were sent for training at a camp at Sterkspruit.

Mszi said he, Mdungi, Cabe and deputy unit commander Mongez Cakata returned to Port Elizabet with arms, intending to attack members of the riot squad to protect people in the townships from their attacks.

Mszi said the police patrolling Port Elizabeth’s townships were targeted because the security branch was “killing” political activists in custody and people in protest marches.

He said his unit’s first operation was carried out on November 18 1990 under Mdungi’s command.

The unit used a stolen vehicle to search for police patrolling in the townships.

While on their way to the Algoa Park and Louis le Grange police stations to attack the police, they saw a police bakwie at a stop sign in Spondo Street.

Mszi said they followed the vehicle towards the Dora Ngunza Hospital on Bertram Street. They switched their car’s headlights off and drove along another street to waylay the vehicle.

When the police vehicle approached them in Mahonman Street in Zwide, they opened fire.

Two policemen and another man, who was wearing a police overcoat and a balaclava and whom they suspected of being an informer, were killed.

The three people killed were Const Johan Steven Gerber, Sgt Cornelius Jansen de Wet and Mutsuza Gatyana.

Their next operation took place on the night of December 28 1990.

Armed with an AK-47 and hand grenades, they went looking for policemen in the township and came across two police vehicles.

The police stopped their vehicle and a policeman armed with a machine gun approached them. Mdungi opened fire, but Mszi and the others had difficulty firing their weapons. Mdungi threw a hand grenade at the car. Four people were injured in the attack.

Mszi said the operations were carried out in accordance with orders given to Apla operatives — Sapa.
Perpetrators need counselling too

On the long journey to healing and reconciliation, a woman hugged the killers of her daughter

BY JENNY VYALL
Cape Town

In January Glen Fourie hugged the three men who killed her daughter Lyndi at the Heidelberg Tavern in 1993.

The embraces symbolised for her the acceptance of her forgiveness, the next step in her long journey from tragedy to healing.

But the healing is not yet over, says Fourie, who has asked that political parties take responsibility for providing counselling for all perpetrators of gross human rights abuses so they may have a chance to heal.

At a Medical Research Council conference on "Mental Health Beyond the TRC" last week, she said she was concerned that those who were given amnesty would be released without counselling.

She believed counselling was necessary to help them face their demons and integrate into a society where there were mixed feelings about their amnesty.

Her second meeting with the Heidelberg three, Humphrey Gqinphi, Vuyisle Madan and Zola Mahela, took place on the last day of the TRC hearings, at their request.

At their previous meeting at a TRC hearing in October, the men showed no convincing evidence that they were sorry for what they had done, she said. In January they thanked her for her forgiveness and said they would take a message of peace and hope to their communities, whether or not they were given amnesty.

"I was profoundly moved by their acceptance of my gift of forgiveness," she said. The meeting ended with a hug for each man.

After this meeting Fourie found out that while the TRC provided counselling for victims, it made no provision for psychological help for perpetrators who were often victims of their social circumstances, and needed help.

The potential for violence reared in all of us and what happened in South Africa could happen again, TRC commissioner Charles Villa-Viciuza told the conference.

One antidote to this was to put energy into perpetrators.

"If we are to heal the nation we must pay attention to the healing of perpetrators. We have to ensure that those who were perpetrators are somewhere enabled and equipped to become useful members of society," he said it was important to ask questions about what made people commit abuses, what circumstances created fertile ground for evil.

Don Foster, a social psychologist at the University of Cape Town, said above all in the South African context politics, not psychology was responsible for the atrocities.

Except for a small subsection of sadistic killers who got pleasure from taking life, it was not true that evil was inherent in human nature: this behaviour was learned.

Nor was it true that people were evil because of psychological abnormalities. People committed violations because of a particular social identity in a particular social time.

These identities included Christian nationalism, masculinity and militarism.

These intertwined to make up a "volatile cocktail" of identities which played themselves out in specific situations, such as obedience to authority enabling the joining of organisations like self-defence organisations.

"We cannot afford to wait for second, third and fourth generation descendants to deal with traumatic and ongoing violence," Fourie said.

"We must take the initiative in trying to understand the other and so start the process of reconciliation and healing in our broken land."
Morale at High Court at all-time low, nominees for top legal post say

BY ZELDA VIERTER

Morale among Johannesburg High Court judges is plummeting because of poor resources, the filthy conditions in their building and the dangerous circumstances in the city centre where the court is situated, Labour Court Judge President John Myburgh said yesterday.

Painting a picture of shambolic conditions in the country’s busiest courthouse, Judge Myburgh told a panel interviewing him for the position of Transvaal judge president that judges’ working conditions were very poor.

Judge Myburgh was one of four nominees interviewed by the Judicial Service Commission for the position.

The other nominees are Johannesburg Deputy Judge President Monus Flemmings; Mr Justice Bernard Ngcoye, an acting judge at the Bloemfontein Appellate Division; and Pretoria Deputy Judge President Piet van der Walt.

Three of the nominees interviewed yesterday claimed that one of the biggest problems in Johannesburg was a lack of proper administration.

Judge Myburgh told the panel that judges complained about their heavy workload, and the lack of security and facilities. They had only one typist for 26 judges.

He also said crime in the vicinity of the Johannesburg High Court was a major factor in driving down morale, adding that judges felt their grievances had not been addressed.

He said that, apart from the state not being able to compete with private sector incomes, management and poor leadership was difficult to attract people from private practice to serve as High Court judges and asked why the Pretoria Deputy Judge President Piet van der Walt.

High Court was better managed than the Johannesburg High Court. He answered: “That is very difficult. One will have to get personal.”

Judge van der Walt, who was grilled mainly about his past membership of the Broederbond, also spoke of the poor conditions at the Johannesburg High Court.

He said the Johannesburg Bench lacked the necessary team spirit and that there was no job security for position which had led to problems. “In Pretoria, judges are older and all know each other from their days at the Bar.”

Judge Flemmings also told the panel that morale among Johannesburg judges was low. Some acting judges, even, refused to sit in Johannesburg as a result, he said.

The only African nominee, Judge Ngcoye, said he would work towards restoring credibility in the judicial system and would “take the court to the people” if he were appointed.

He said that, while he believed he could fill the judge president post, he would abide by the commission’s decision.

“I believe, don’t believe I must wait simply because of old traditions,” he said.
Perpetrators need counselling too

On the long journey to healing and reconciliation, a woman hugged the killers of her daughter

BY JENNY VIALL
Cape Town

In January Glen Fourie hugged the three men who killed her daughter Lynda at the Heidelberg Tavern in 1993.

The embraces symbolised for her the men's acceptance of her forgiveness, the next step in her long journey from tragedy to healing.

But the healing is not yet over, says Fourie, who has asked that political parties take responsibility for providing counselling for all perpetrators of gross human rights so they may have a chance to heal.

At a Medical Research Council conference on Mental Health Beyond the TRC last week, she said she was concerned that those who were given amnesty would be released without counselling.

She believed counselling was necessary to help them face their demons and integrate into a society where there were mixed feelings about their amnesty.

Her meeting with the Heidelberg three, Humphrey Gqalala, Vuyisa Madisi and Zola Mahola, took place on the last day of the TRC hearings, at their request.

At their previous meeting at a TRC hearing in October, the men showed no convincing evidence that they were sorry for what they had done, she said. In January they thanked her for her forgiveness and said they would take a message of peace and hope into their communities, whether or not they were given amnesty.

"I was profoundly moved by their acceptance of my gift of forgiveness," she said. "The meeting ended with a hug for each man.

After this meeting Fourie found out that while the TRC provided counselling for victims, it made no provision for psychological help for perpetrators who were often victims of their social circumstances, and needed help.

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Nor was it true that people were evil because of psychological abnormalities. People committed violations because of a particular social identity in a particular social time.

These identities included Christian nationalism, masculinity and militarism.

These intertwined to make up a "volatile cocktail" of identities which placed themselves in specific situations, such as obedience to authority enabling the giving of orders from organisations and self-defence organisations.

"We cannot afford to wait for second, third and fourth generation descendants to deal with traumatic and ongoing violence," Fourie said.

"We must take the initiative in trying to understand the other and so start the process of reconciliation and healing in our broken land."
Johannesburg judges express concern over low morale

Taryn Lamberti

A lack of leadership, poor working conditions and the deterioration of the inner city had caused a serious drop in the morale of judges in the Johannesburg High Court, the Judicial Services Commission heard in Pretoria yesterday.

The commission interviewed four candidates for the position of judge president of the Transvaal provincial division, to replace Judge Fricks Elloff who is to retire.

Three judges expressed concern over the lack of “team spirit” and the unhappiness of many Johannesburg judges.

Johannesburg deputy judge president Hermanus Flemming said the high court had “serious staff problems” and some of the judges “did not get on”.

Flemming said a major problem was the dishonesty of staff. Attorneys had to wait up to three weeks for orders from the registrar who did “his private business from his office” instead of his work.

Flemming said he did not think the unhappiness had harmed the running of the courts, although newly appointed acting judges had refused to work in Johannesburg and had moved to Pretoria.

The judge president of the labour court and labour appeal court, John Myburgh, the second candidate to be interviewed, said the judges’ morale appeared to be low because of a “lack of leadership and hands-on management”.

Myburgh said he did not think the problems were being addressed “quite quickly” it would be difficult to attract the same sort of judges to Johannesburg. There was one typist serving 26 judges in the high court.

Judge John Ngoepe, a judge of the Pretoria High Court since February 1995 and a former chairman of the truth commission’s amnesty committee, is the only black nominee. Ngoepe said he was unaware of the problems.

He said there was a perception that the Transvaal division was very conservative and had little credibility.
DURBAN — Inkatha Freedom Party (IFP) leader Mangosuthu Buthelezi said yesterday the idea of a general amnesty for perpetrators of the low-intensity civil war in KwaZulu-Natal needed to be taken seriously.

Making the call at the launch of an anti-apartheid project on the KwaZulu-Natal south coast, Buthelezi said peace and reconciliation between the IFP and African National Congress (ANC) was "immediately" attainable.

He said the truth commission might have shed some light on conflict between whites and blacks, but it was "ineffective in comprehending the dimension and tragedy of the black-on-black conflict".

For peace to take root and for wounds to heal in KwaZulu-Natal, a general amnesty should be considered.

The ANC mooted the idea of a special amnesty about two years ago, but the initiative faltered because the IFP feared it was an attempt to bring it into the truth commission — which it opposed — through the back door.

With the commission coming to an end, Buthelezi now seems willing to negotiate an amnesty deal. ANC KwaZulu-Natal spokesman Dumisani Makhaya said the party was not surprised by Buthelezi's stance as he had never attacked the ANC's proposals.

The ANC leader, for his part, described Buthelezi's visit to Shobusabone as a "very historic and symbolic" gesture of reconciliation.

A small crowd gathered to welcome the two leaders, who were presented with a portrait of graces.

The ANC leader in Shobusabone, Anderson Nyawose, welcomed the visit. A relative of Nyawose was killed in the massacre. "I am very happy that they are walking together. It will change the minds of people," he said.

Arrest of taxi leader may herald new era

THE arrest last week of a high-profile taxi leader on a murder charge could prove a turning point in the industry's troubled history, sources in the taxi industry said yesterday.

William Sindane, the public face of the Federated Local and Long-Distance Taxi Association, was arrested in a swoop on the association's Waterkloof offices last Thursday.

Three other taxi men were arrested in Soweto earlier the same day. Gauteng Taxi Conflicts Union head Robbie Robertse said yesterday the association had been involved in protracted and violent dispute with a rival association over the control of the taxi rank in the Pretoria township of Soshangane. The two associations pledged publicly last month to end the feud and share the rank.

Sindane has one of the highest profiles of taxi men in the Pretoria area, a source said yesterday. "With the establishment of a national representative structure in the industry last month, there are serious moves afoot to put the industry on a developmental and peaceful footing. The trick is to get those who wield power through the barrel of a gun onto the peace train.

"There are two ways of doing this. First, show them that there is money in a regulated and above-ground future. Second, show them that if they carry on running things in the old way, they will get nailed. Last week's arrest of a very big figure is the first open and public sign that the writing may indeed be on the wall."

The recently formed SA Taxi Council has greeted the news of Sindane's arrest with caution and a spokesman said the council would want to see precisely what the charges were about.

Government has come under heavy pressure from the taxi industry in recent months over its failure to act against the industry's henchmen.

A taxi association leader said yesterday: "The moment it is clear that killing means going to jail, the tables will have turned."

Sindane's association could not be contacted for comment.
GOVERNMENT has been asked to appoint a parliamentary committee to oversee the work of the Human Rights Commission after the resignation of one of its commissioners, former Democratic Party MP Helen Suzman.

Sources, including officials who have worked for the commission, maintain that lack of proper management and vision at the commission have resulted in staff disillusionment.

Since its inception in 1995 more than 40% of its senior staff have resigned.

In addition to Suzman, commissioners Rhoda Kadalie, Brigada Bam and Anne Routier have left.

Chief officer Louisa Zondo, chief director of communications Jon Mogapelo, deputy director (communications) Sheila Hughes, senior legal officer Lassie Gertzholtz, legal officers Modhuma Manye, and Ron Paschke and senior administrative officer Judith Headricks have also gone.

Many former commissioners interviewed said a human rights commission in the new SA was essential to protect and promote the rights of citizens.

However, the commission as it is currently operated was not doing the job, they said.

They complained that the commission was too close to government and thus unwilling to tackle thorny issues involving it, and too scared to question officials.

They pointed to the commission's silence on SA’s intervention in Lesotho.

Complaints

Sources said it spent most of its time discussing financial issues pertaining to the commission.

There were also complaints that the commission did not seem to know how to go about its job.

Two examples cited were the Vryburg High School incident and the High Court application by foreign doctors.

"With the court ruling in favour of the doctors, the commission ended up with egg on its face," said a former staffer.

The commission was also criticised for failing to assist its parliamentary officer, by not scrutinising legislation and commenting on it.

Most of the commissioners who were interviewed were not prepared to be quoted.

"The trouble with the white commissioners is that they keep quiet even when they know things are wrong, because they fear being called racist," a source said.

However, Rhoda Kadalie said she had left the commission because of poor management and a lack of vision.

Kadalie also said that it was a pity that people's nominations were based on their political affiliations rather than on human rights activism.

Commission director Barney Pityana was adamant that the organisation had a mission and a vision that was embodied in the Human Rights Commission Act and the constitution.

He said he had personally made comments on legislation and had advised the parliamentary officer on policy.

On the question of the exodus of staff, he said all the people who had resigned had taken senior positions elsewhere for better salaries. "People have choices to make," he said.
Buthelezi advocates general amnesty

Farouk Chothia

DURBAN — Inkatha Freedom Party (IFP) leader Mangosuthu Buthelezi said yesterday the idea of a general amnesty for perpetrators of the low-intensity civil war in KwaZulu-Natal needed to be taken seriously.

Making the call at the launch of an anti-poverty project on the KwaZulu-Natal south coast, Buthelezi said peace and reconciliation between the IFP and African National Congress (ANC) was "immediately attainable".

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"For peace to take root and for wounds to heal in KwaZulu-Natal, a general amnesty should be considered," the president-elect said.

The ANC mooted the idea of a special amnesty about two years ago, but the initiative faltered because the IFP feared it was an attempt to bring it into the truth commission — which it opposed — through the back door.

With the commission coming to an end, Buthelezi now seems willing to negotiate an amnesty deal.

ANC KwaZulu-Natal spokesman Dumsani Makhaye said the party was not surprised by Buthelezi’s stance as he had never attacked the ANC’s proposals.

He declined to comment further.

Buthelezi and President Nelson Mandela visited IFP-dominated Isangolweni and ANC-dominated Shobashobane yesterday to launch an R5m anti-poverty project in the areas.

Addressing the Isangolweni crowd, Mandela said: "You are showing that you have understood the lesson of our times — that peace is the most powerful weapon that any community has to bring stability and development."

More than 1,000 IFP supporters launched an attack from Isangolweni on Shobashobane on Christmas Day 1995 in one of most gruesome massacres in the province. Eighteen ANC supporters were killed. Thirteen IFP members were convicted and two of its local leaders were given life sentences.

Peace monitor Danny Chester described Buthelezi’s visit to Shobashobane as a "very historic and symbolic" gesture of reconciliation.

A small crowd gathered to welcome the two leaders, who were presented with a portrait of graves.

The ANC leader in Shobashobane, Anderson Nyawo, welcomed the visit. A relative of Nyawo was killed in the massacre. "I am very happy that they are walking together. It will change the minds of people," he said.
King welcomed as new Cape Judge-President

*November 15, 1998*
Jo'burg judges call for own judge president

Belief that senior appointment will solve chaos at High Court

BY CATHY POWERS

Johannesburg High Court judges believe the solution to the institution's administrative problems and improvement of their working conditions lies in having their own judge president.

Several judges yesterday concurred with Labour Court Judge President John Myburgh and two other senior judges who this week told a Judicial Service Commission interviewing panel that filthy conditions, administrative chaos and inner-city crime were driving the 'morale of Johannesburg judges to rock bottom.'

Judges canvassed yesterday and said there was a groundswell of support for the implementation of the Hoexter Commission's recommendation that Johannesburg and Pretoria be split into two divisions. At present both fall under the Pretoria-based Transvaal judge president.

"They want a judge president they can talk to and who says 'this is our problem, we need to sort it out','" said one judicial source. Another said a Johannesburg-based judge president would be able to dedicate time to 'getting it right'.

Although most of the Hoexter recommendations were accepted in principle by the Government, there are fears that the proposal to separate Johannesburg and Pretoria into two divisions has been quietly shelved.

Judges said yesterday the grim picture painted by Judge Myburgh was just the tip of the iceberg. The problem was bigger than the grimy High Court building, lax security and lack of administration.

One said: "Everything that was said about the low morale of (Johannesburg) judges was an understatement. They are depressed.''

The sources described a judge's working life:

On a Friday afternoon, judges collect the case files for the following week. If they are assigned to the second motion court (where evidence is presented in the form of affidavits), they may be given as many as 150 cases which have to be researched over the weekend and on the Monday.

On Tuesday, the judge will hear the cases. That night, he or she will begin preparing for six to 15 new cases, heard Wednesday to Friday.

Judgments are written at night and research is done at nights and on weekends. Often, judges give verbal judgments or spend valuable research hours typing their own judgments because one typist cannot cope with work from 32 judges.

Judges' clerks have no legal qualifications and cannot do the research. "We work until we are absolutely exhausted," a source said.

"It would not be surprising if judges didn't do the research and looked for a quick option," one source said. The net result of this was that judgments were reserved: "We work at the biggest, busiest court and often hear the most significant cases, but with no facilities. There is a point at which the machine grinds to a halt.''

Security was another big issue. One judge said he was confronted weekly by members of the public entering judges' chambers and demanding to discuss their cases, or by prisoners in the court's underground garage on their way to prison.

"These could be people I tried and sentenced," the source said, adding it was unadvisable to be in this kind of situation for "obvious reasons.''

Judge rules objection
TRC’s road to healing

HOW can we measure the success of the Truth and Reconciliation Commission (TRC)? This question is once again pertinent on the eve of the presentation of the TRC's final report to President Nelson Mandela this month.

To get an idea of how painful the process was, some point to the tears shed by chairman Archbishop Desmond Tutu at several hearings.

The tears of Tutu – and the rest of the nation – were certainly one result of the TRC's attempts during the past three years to unravel in minutest detail the atrocities and human rights abuses perpetrated under apartheid.

This road to reconciliation was the route chosen by the African National Congress-led Government because it strongly believed that South Africans needed to tell their stories of pain and suffering.

Although these stories were painful, it was argued, they would in the end evoke a sense of contrition on the part of wrongdoers, which in turn would lead to healing.

On the other hand, some argued that the perpetrators of evil should face the full might of the law and that the architects of apartheid should be hounded in the same way Nazi torturers were tracked down.

Chilling accounts

While the Government was reluctant to go to the restitution route, the TRC nevertheless achieved a lot by placing under public scrutiny the gross human violations of the apartheid past.

The episodes of how security police bosses at Vilakazi entertained themselves with a brazenness while blowing up their captives were among the chilling accounts brought to the fore by the TRC.

The TRC also heard former security policeman Lieutenant-Colonel Adriaan van Niekerk confess to the torture and killing of former Mamelodi Civic leader Stanza Bogape.

The hearings also unearthed the destruction of buildings belonging to the Congress of Trade Unions of South Africa and the South African Council of Churches in Johannesburg.

No doubt the TRC also helped to umulate characters such as former president PW Botha in the torture and murder of apartheid opponents.

Botha, in turn, rejected the allegations and even defied a subpoena calling him to testify before the TRC. He flatly denied that the National Party regime had ever sanctioned any actions against its opponents.

But the evidence of various former apartheid operatives, including convicted mass murderer Eugene de Kock, pointed to the role of top National Party leaders in most atrocities against apartheid opponents.

The TRC’s report to President Nelson Mandela in a fortnight will mark another milestone in SA's liberation from apartheid, writes Joe Mdlhela.

TRC chairman Archbishop Desmond Tutu at one of the many hearings of the commission during the last three years.

Equally, the TRC brought into focus the tactics of the liberation movement to weaken the apartheid structures, particularly those against the so-called black "puppet leaders" used by the regime to bolster its discredited system.

The testimony of the liberation movement made it possible for the world to gain an in-depth understanding of why its underground structures operated the way they did.

At the heart of their activities was the desire to bring down the apartheid regime, if only to give black people the franchise denied them by successive apartheid governments since 1948.

But there can be no question that the liberation movement was badly hurt in the course of the TRC hearings.

In her testimony to the TRC last year, ANC Women's League president Winnie Madikizela-Mandela denied any involvement in the death of 14-year-old activist Stompie Sepele.

However, during a two-week TRC hearing witness after witness claimed that she played a part in Sepele’s death and that she used the noto-

rious Mandela United Football Club to commit some of the most dastardly abuses, including kidnapping and torture.

Nicolene Sowu claimed before the TRC that his son Lolo, who went missing without a trace in the late 1980s, was kidnapped by Madikizela-Mandela and certain members of her football club.

As this evidence was led, the tears began to well and many women, particularly Sepele's mother, Joyce Sepele, wept uncontrollably.

As if that was not enough, one of Madikizela-Mandela's bodyguards, jailed killer Jerry Richardson, claimed that she worked "hand in hand" with the security police between 1986 and 1989.

Last week acting TRC chairman Dumisa Ntsebeza indicated that the commission's report may have negative effects on at least 200 individuals, believed to include Madikizela-Mandela and Inkatha Freedom Party president Chief Mangosuthu Buthelezi.

Already there also appears to be a complete disagreement between the ANC and the TRC on the commission’s approach to the human rights abuses committed by the organisation during the struggle and violations by the apartheid regime against its opponents.

The ANC believes its abuses should be treated differently since they were motivated by the prevailing situation in which black people were oppressed, while the apartheid regime’s violations were based on an unjust ideology bent on maintaining the status quo.

And so, as Tutu prepares to hand over the report to Mandela within the next two weeks, there is likely to be varied views on the effectiveness of the TRC in addressing human rights abuses.

As to whether total healing has occurred as a result of these hearings, the matter remains within the realm of subjectivity.

But it is indisputable that the process has helped many victims come to terms with their past, and it developed a deeper appreciation of how diverse the Frankenstein monster called apartheid was.
Inside Story

The uncharted goal of the TFG was to restore moral order in SA society.

Here ends the first lesson - unlearned!

CAPPARUS ISSUES
The unscorched goal of the TRC was to restore moral order in SA society.
Top posts for black judges

By Thomba Molefe

The face of South Africa's judicial system changed yesterday with the historic appointment of the first black judge president and deputy judge president.

As predicted in legal circles, Gauteng's Judge Bernard Ngoepe (51) is the new judge president of Transvaal after his appointment was announced by the Judicial Services Commission in Pretoria.

Also, after a raging controversy around his nomination, Judge Vuka Tshabalala (61) of the Cape division was appointed deputy judge president of Natal.

The appointments brought to an end a process in the transformation of the judiciary which began in April but hit snags when candidates were nominated.

Tshabalala, whose 14 white colleagues opposed his nomination, was relieved yesterday that it was all over.

He told Sowetan from the Eastern Cape, "I feel relieved that I will now put the whole thing behind me and look to the future, and see to it that democracy works to ensure this does not happen to any person of colour again."

In another turn of events, two Durban High Court judges on Wednesday refused some remarks in the letter they co-signed earlier this year opposing the nomination of Tshabalala for the Natal post.

"Judges Brian Galgut and Jan Hugo told the JSC at the offices of the South African Law Commission in Pretoria that the submission sent to the body six months ago had been a mistake."

Both said they had not foreseen the consequences of the letter signed by 12 other Durban judges.

The signatories stated, among other things, that Tshabalala would not enjoy their support because he lacked experience.

In fact, the 14 had earlier supported the nomination of Judge Willem Booyzen, who admitted he was a member of the Afrikaanse Broederbond until 1993.

On Wednesday Galgut said the word "support" was ill-chosen. The letter also emphasised the wrong things, he said.

Meanwhile, Tshabalala said he was already working in his new role although he would only take up his new post early next month.

Ngoepe told Sowetan from Pretoria that he regarded his appointment as part of "an evolution that is taking place in South Africa's judicial system."

"This is indeed a very big challenge which needs dedication. Hopefully, it will take us in the right direction," he said.

No quick-fix solution

"What we need to do is to try to win the confidence of the people in the administration of justice. This is of course a long-term plan as there is no quick-fix solution to the application of justice."

- Judge Ngoepe rose through the ranks, becoming a senior counsel in 1984. He was appointed to the Bench as acting judge in 1995 and as judge in July that year.

- Judge Tshabalala has 30 years' legal experience and became a judge in 1996.

- Judge Edwin King has been appointed judge president of the Cape.

The commission resolved to recommend only the appointment of Advocate Abdul Motala at this stage for the Cape provincial division.

Those recommended for the Transvaal division are Advocates T Matilda Masapa, Professor Johann van der Westhuizen and Nigel P Willis, SC.

For the Northern Cape, Advocate Frans Kgomo has been recommended.

President Nelson Mandela is expected to confirm
Transvaal Division’s first black Judge President appointed

PRETORIA CORRESPONDENT

Pretoria’s first black Judge President is elated at being appointed and says he is looking forward to taking up the challenge when he assumes office.

Judge Bernard Ngoepe (51), an acting Judge of Appeal of the Supreme Court in Bloemfontein, said yesterday he had accepted the job because “it is something that has to be done”.

“I am looking forward to the challenge. I think this is a step towards the fulfillment of oneself. But then, I think it is also a step towards the fulfillment of the ambitions, hopes and expectations of all those people who share the same views and ideas,” Judge Ngoepe said.

“It is a culmination of many years of dedication to, and love of, the profession.”

The appointment of Judge Ngoepe to head the Transvaal Provincial Division of the High Court (Pretoria and Johannesburg) was made yesterday by the Judicial Services Commission in Pretoria after a series of hearings earlier in the week.

The commission announced yesterday it would recommend to President Nelson Mandela that he confirm Judge Ngoepe, Judge Vuka Tshabalala and Judge Edwin King as Judge President of the Cape and Deputy Judge President of the Transvaal Division, and Judge Edwin King as Judge President of the Cape to these positions.

Normally this is a mere formality. Judge Ngoepe said justice had to be accessible to all people in the country. He was referring to the fact that the Transvaal Division has to serve Mpumalanga and Northern Province as well.

It is costly and inconvenient to travel the distance from Messina to Pretoria for a 10-minute divorce, he said.

“We should try to have provincial divisions or permanent circuit courts in an attempt to reach as many people as we can.”

Judge Ngoepe said he had no problem with Johannesburg having its own Judge President, “If the judges in Johannesburg want it, so let it be. After all, there is enough work to do in that court.”

Johannesburg judges have been calling for the splitting of the Johannesburg and Pretoria divisions.

Judge Ngoepe said he expected to have the support of judges based in both cities.

Judge Ngoepe is married to a paediatrician who works at Meduna and Garankuwa Hospital, and has three children and a grandson.

He obtained a BJuris from the University of the North and an LLB degree from Unisa. He joined the Pretoria Bar in 1984 and 10 years later took silk.

He was appointed Acting Judge of the Supreme Court of Appeal in July, but will end this stint next month when he returns to his post on the Pretoria bench.
The Judicial Services Commission this week signalled the end of the old boys' club on the Bench, writes Mungo Soggot

The judiciary was shaken to its roots this week when the commission which regulates appointments to the Bench selected junior black judges for key posts instead of senior white candidates. The Judicial Services Commission sent out the strongest signal yet that judges will no longer be promoted on the basis of seniority or experience, and that race will be the most important factor shaping the judiciary.

The Bench is the only branch of government effectively unsullied by South Africa's negotiated revolution, remaining almost exclusively the preserve of white males.

The commission recommended that President Nelson Mandela appoint Judge Bernard Ngoepe judge president of the Transvaal and Judge Vuka Tshabalala deputy judge president of KwaZulu-Natal. Both have little experience as judges.

During three days of public interviews in Pretoria this week, commission members questioned the judiciary's slavish adherence to a hierarchy based on seniority — a defining feature of both the Bar and the Bench.

Commissioners criticised members of the KwaZulu-Natal Bench for their apparent unwillingness to sacrifice promotion according to seniority for the appointment of less experienced black judges.

The commission, which is charged by the Constitution with fashioning a judiciary that reflects the racial make-up of South Africa, adopted a less controversial strategy where the appointment of the Cape's new judge president was concerned.

It selected Judge Edwin "Sharke" King, who retires in 18 months, instead of Judge Humphrey Hope, who has sat on the Cape bench for two years. One of Judge Hope's most prominent rulings was to reverse the decision of the National Assembly to suspend Pan African Congress firebrand Patricia de Lille.

The latest round of judicial appointments coincides with a considerable degree of tension between the ANC and the judiciary following the recent watershed judgement by Judge William de Villiers attacking Mandela.

Chief Justice Ismail Mahomed heads the 23-person commission, about half of which is staffed by politicians. Judge Mahomed was flanked this week by Constitutional Court president Arthur Chaskalson and Minister of Justice Dullah Omar.

Judge Tshabalala's appointment in KwaZulu-Natal concludes one of the ugliest rows to have hit the judiciary since scores of judges effectively tried to block Judge Mahomed's appointment as chief justice last year.

Fourteen of KwaZulu-Natal's judges petitioned the commission in April to select Judge Willem Booyzen, formerly a member of the Broederbond, as deputy judge president.

They wrote that Judge Tshabalala, appointed to the Cas Han Bench after 29 years at the Bar, would not be able to "command the respect" of other judges because of his lack of experience. The commission subsequently failed to select either Judge Booyzen or Judge Tshabalala after a deadlock over the vote.

Mandela's office said at the time the petition constituted an attempt to "preserve what whatever remains of white domination" in the judiciary — a sentiment effectively echoed by members of the commission.

Two signatories of the petition were interviewed for the post this week — judges Brian Galgut and Jan Hugo. Both conceded the petition was a mistake.

Under cross-examination, both questioned

Judge Ngoepe said his vision for the division was to restore its credibility and take the court to the people.

Although the fight over KwaZulu-Natal has dominated debate on the judiciary for several months, the post of judge president of the Transvaal Provincial Division is regarded in legal circles as far more important.

Judge Ngoepe faces the challenging task of reversing the degeneration of the Johannesburg High Court, which, the commission heard this week, is dilapidated and badly managed.

Judge Ngoepe was appointed to the Pretoria Bench in 1989. Since then he has also worked for the Truth and Reconciliation Commission and had temporary stints on the Constitutional Court and the Supreme Court of Appeal.

The nominees Judge Ngoepe trounced to secure the post included Labour Court judge John Myburgh — a widely respected judge who received praise from several commission members for having built from scratch an efficient, representative court.

Even Judge Mahomed noted that Judge Myburgh had been "particularly successful in recruiting black judges to the Labour Court" and asked him to explain how he did it.

Judge Myburgh outlined how he personally sought out candidates — part of a supreme professionally performing performance which seemingly impressed all the members of the commission.

He said he had met with several judges to discuss problems facing the Johannesburg High Court after making himself available for the post.

Judge Myburgh said the judges were "the court was badly equipped and badly managed. He said there were comparatively few problems at the Pretoria High Court.

Judge Ngoepe said he was not aware of any difference in morale between Johannesburg and Pretoria, or of the widespread unhappiness at the Johannesburg court. He said his vision for the division was to "restore its credibility" and "take the court to the people.

The outgoing Judge President of the Transvaal, Judge Priekke Elliot, said he was concerned Judge Ngoepe might not have sufficient experience. He said one of the duties of the judge president was to manage the court roster, which meant it was essential the incumbent was familiar with the various competencies of his judges. "All judges are competent. That is why they are there," replied Judge Ngoepe.

One commissioner, advocate George Booysen, SC, read from a letter drafted by the Pretoria Bar council backing the current Deputy Judge President of the Pretoria High Court, Piet van der Walt, for the position. The body suggested Judge Ngoepe be made deputy to Van der Walt, who was also interviewed this week, with a view to assuming the presidency at a later stage.

Judge Ngoepe said it was difficult to debate the matter because the Bar council had not given reasons. "If, in terms of that letter, to appoint me an judge president is a bold decision, then so be it."

Despite the decision of Judge Jan Combrink to say this week the commission could not claim to be politically independent Judge Combrink also suggested the commission's and the press had twisted the words of the petition.

"Speaking personally, I believe the reaction by the political members of the JSC, reflects poorly on the objectivity with which the commission is supposed to select judges," Judge Combrink said in the KwaZulu-Natal media.

Judge Galgut gave an ambiguous explanation about the petition which incurred the wrath of the Democratic Party's Douglas Gibson.

"Would you agree courage and integrity are absolutely essential elements for appointment to high judicial office?" Gibson asked Judge Galgut. "Would you say that you have displayed those in your evidence this morning?" he continued.

"I want to put it to you that you haven't. At best you have been disingenuous and at worst you have been untruthful. You haven't had the courage to say that what you wrote in submission to the commission was what you believed. The impression is that you have neither the honesty nor the courage to say that is what you believed."

Judge Booyzen was grilled for having been a member of the Broederbond — an institution, he insisted, which was not political.
ANC keeps pressure up on TRC

Wally Mbhele

The African National Congress says it has reafirmed its position that the Truth and Reconciliation Commission’s report will be released unless the commission continues to refuse to meet the party before it releases its findings.

ANC officials are demanding a meeting with the commission to discuss the report’s implications for the party.

The commission has refused to hold a meeting, saying that it would be illegal to discuss the contents of the report with the ANC — or others — before it hands it to President Nelson Mandela.

ANC spokesperson Thabo Mbeki confirmed his party has been given notice by the commission of the meeting that may be held in the final report.

Mbeki indicated that the ANC would "insist" it be granted a hearing in the form of an excerpt: "We are ready to present our submission to them as the Act allows us to do. We would want to have a meeting with them to address those issues that may adversely affect us.

Despite the truth commission’s refusal, Mbeki said he remained optimistic that it would give ANC officials an audience.

He stressed the ANC did not want to discuss the final report but those aspects that will negatively affect the organisation. "We are convinced we deserve an opportunity, for such a hearing.

"If they don’t, it would be unfortunate as it would bring into question the credibility of the commission’s final report."

At a meeting this week, the truth commission reaffirmed its position that it "should not meet with individuals or organisations to discuss the final report."

Commission sources say they insisted that "whoever" wants to respond to Section 30 notices must do so by making a written submission for the purpose of incorporating it into the report.

Commission members said this was done for the purpose of giving the report a "balanced response."

"While they’ve been investigating and allegations have been corroborated, we would like to give them an opportunity to reply because the allegations have not been tested in a court of law," said a commission source.

This, sources agree, is meant to give those implicated an opportunity to "put forward their side of the story and be in a position to counter allegations if they feel they have been unjustly implicated.

Commission officials said the report is a "classified document and it would be illegal for the commission to discuss it with anybody before it is handed to President Mandela."

A senior commission official said this week: "It is illegal to influence the findings. We are not leaving room for discussion. This does not only apply to the ANC, but to everybody who is implicated."

Sources say the ANC is unhappy the commission has given the impression that as a party it is guilty of human rights violations. For instance, it is understood the commission feels that besides alleged abuses at the ANC camps in exile, the party was also guilty of some aspects of its armed struggle that took place inside the country.

"The essence of our position is that we conducted a just war in terms of international conventions. Our guerrilla warfare followed each and every international protocol," said an ANC source, who was involved in negotiations with the commission.

Party leaders said they feel that in formulating an opinion about the ANC, the commission failed to put the party’s armed struggle into proper perspective, thereby placing it in the same league as apartheid hit squads.

Truth commission acting deputy chair Yasmin Sooka said the commission’s findings are a "serious matter of consequence."

ANC insiders this week predicted that once the ANC has submitted its written response, the commission may be prepared to meet the organisation.

The Mail & Guardian last week reported ANC officials describing the commission’s findings as representing a minority viewpoint and said its assertion that the party sought to influence its final report was utter rubbish.
Revolution on the Bench

The Judicial Services Commission this week signalled the end of the old boys' club on the Bench, writes Mungo Soggot

The judiciary was shaken to its roots this week when the commission which regulates appointments to the Bench selected junior black judges for key posts instead of senior white candidates. The Judicial Services Commission sent out the strongest signal yet that judges will no longer be promoted on the basis of seniority or experience, and that race will be the most important factor shaping the judiciary.

The Bench is the only branch of government effectively remodelled by South Africa's negotiated revolution, remaining almost exclusively the preserve of white males.

The commission recommended that President Nelson Mandelaz appoint Judge Bernard Ngcobo judge president of the Transvaal and Judge Vuyisile Tshabalala deputy judge president of the Western Cape. Both men have extensive experience as judges.

Three days of public interviews in Pretoria this week, commission members questioned the judiciary's alleged failure to promote black judges for senior posts.

Commissioners criticised members of the Kwazulu Natal Bench for their apparent unwillingness to sacrifice positions according to seniority for the appointment of less experienced black judges.

The commission, which is charged by the Constitution with fostering a judiciary that reflects the racial make up of South Africa, adopted a less controversial strategy when the appointment of the Cape's new judge president was concerned.

It selected Judge Edwin "Shikobo" King, who retires in 18 months, instead of Judge Humphrey Hlophe, who has sat on the Cape bench for two years. One of Judge Hlophe's most prominent rulings was to remove the decision of the National Assembly to suspend Par, African Congress leader Paulina de Lille.

The latest round of judicial appointments coincides with a considerable degree of tension between the ANC and the judiciary following the recent watershed judgement by Judge Willem de Villiers that nullified Mandela.

Chief Justice Jomet Mahomed headed the 25-person commission, a body of which is staffed by politicians. Judge Mahomed was asked this week by Constitutional Court president Arthur Chaskalson and Minister of Justice Mossie Monte to step in if Chief Justice优选 the judiciary since some of judges effectively tried to block Judge Mahomed's appointment as chief justice last year.

Fourteen of Kwazulu Natal's judges petitioned the commission in April to select Judge William Pooyen, formerly a member of the Broederbund, as deputy judge president.

They wrote that Judge Tshabalala, appointed to the Ch hierarchy after 48 years as the "most important" because his lack of expertise.

The commission subsequently refused to select either Judge Pooyen or Judge Tshabalala after a deadlock over the vote.

Mandela's office said at the time of the decision constituted an attempt "to preserve whatever remains of white domination" in the judiciary - a sentiment effectively echoed by members of the commission.

Two signatures of the petition were interpreted for the past this week - Judge Brian Malapane and Judge Botham. Both men were the leading candidates for the post.

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Truth body tells Nkabinde it will make an adverse finding

Faroq Chothia

DURBAN — United Democratic Movement secretary Sifiso Nkabinde said yesterday the truth commission had written to him saying it intended to make an adverse finding against him.

Nkabinde said a member of the former SA Defence Force had claimed in his amnesty application that he had once supplied Nkabinde with about 2,000 AK-47 rifles, and had also carried out "hunts" on African National Congress (ANC) and Inkatha Freedom Party members on his behalf.

Nkabinde said the allegations were untrue. However, he would not respond to the commission because it was an ANC "tool".

Nkabinde was acquitted earlier this year on charges of murdering ANC supporters.

The correctional services department has dismissed as "empty" allegations that a plot was hatched to kill Nkabinde while he was in prison awaiting trial on the murder charges.

The Sowetan reported earlier this week that Liberty Mgbahoa, a leader of a gang at Westville prison, claimed that three department officials offered him R400,000 to kill Nkabinde. The alleged plot was hatched in March, when Mgbahoa and Nkabinde were both awaiting trial prisoners.

However, it was not carried out because fighting broke out between rival prison gangs, Mgbahoa claimed.

The department's KwaZulu-Natal legal services head, Makhubalo Ndaba, said an internal inquiry was held at the time to probe the claims. No substantial evidence to corroborate the allegations could be found, he said.

Nkabinde said the UDM wanted an independent inquiry into the allegations, and the suspension of the officials Mgbahoa had implicated.
Amnesty applicant tells how he killed woman with a spade

PORT ELIZABETH — Pan Africanist-Congress (PAC) member Arthur Tahkila told a truth commission amnesty committee in Port Elizabeth yesterday, that when a farmer’s stepmother, Andresa Slabbert, screamed for help, he hit her with a spade and she became quiet.

Tahkila, 22, of Oitenhage, said he then left her to assist his co-applicant, Willy Litho Snoek, 36, who was involved in a struggle with the farmer, Phillipus Sharp.

They are applying for amnesty for their involvement in the murder in 1990 of Slabbert and the possession of firearms Snoek is also applying for amnesty for robbery, housebreaking and escaping from custody.

Tahkila said he joined the PAC as a member of its student organisation, the Pan Africanist Students’ Organisation, in 1989.

At that time there was political conflict in Oitenhage between a group called Ama-Afrika and the United Democratic Front, and pupils were being killed and injured. He was involved in the conflict which had affected every pupil and which arose from the ill-treatment of Ama-Afrika members by members of the Congress of South Africa.

Tahkila said he approached Snoek to get them firearms to defend themselves. Snoek told him he had been trained as an Azanian People’s Liberation Army cadre in Transkei and had information from a former Steytierville farm worker that there were weapons on the farm.

On November 4, 1990, he and Snoek were taken by Mathews Vusani to the farm Gertskraal in Steytierville. They arrived on the farm at midnight and waited till morning for Sharp to leave the house, but Slabbert came out first.

When she went into the garage, Snoek pointed a firearm at her. He threw her to the ground and placed a bag of meals on top of her to keep her quiet.

Tahkila managed to remove the bag and he tried to persuade Slabbert to keep quiet, but she would not. He then hit her with a spade and she became quiet.

Tahkila said by attacking farmers they were trying to undermine the security regime by crippling the people who were the backbone of the economy. — Sapa
After some lagging behind, it's a new benchmark for the Bench

With the appointment of a black Judge President of the Transvaal, a fresh breeze has begun to blow through the rather stuffy corridors of the South African judiciary, writes SEKOLA SELLO.

The South African judiciary — described by some as the last bastion of ultra-conservatism — took another bold step towards removing the image that it is outmoded and backward. The appointment of Judge Bernard M Ngoepe (51) as Judge President of the Transvaal regional division, by virtue of his appointment as Deputy Judge President of the Natal regional division is likely to see more profound changes wrought through the rather stuffy corridors of the judiciary.

The Judicial Services Commission also recommended the appointment of Advocate Abdul Motlakane for the Cape regional division and Advocates Pratia Motau and Matidza Mtshali for the Northern Cape, and Transvaal provincial divisions respectively.

Justice Department spokesman Paul Satese says what they are determined to bring about transformation, they are not working on the principle of having a quota of blacks or women in the Department.

“We are implementing the provisions of the constitution which demands that the judiciary must achieve race and gender representation,” he said.

Two years ago the judiciary was embroiled in arguably one of its biggest public controversies when President Nelson Mandela nominated Judge Ahmed Moosa for the job of Chief Justice. Mandela’s confidence at the time that he said that Moosa was the right man for the job was evident when Judge Mosse was sworn in as the only other contender, would get the plumb job and transform the judiciary would take a long time.

In the past, the judiciary’s heyday under severe criticism from the ruling African National Congress for allegedly failing to successfully prosecute cases people alleged to be involved in politically motivated crimes.

The criticism of the judiciary, many months ago, was “a thing of the past” and is not as the judiciary was still predominantly white and the acquisition of people alleged to have committed crimes against ANC members “would continue.”

Mandela’s nomination of Moosa and the ANC’s acceptance of the nominee was accepted. But Moosa did accept the nomination and the ANC did support his nomination in the 1994 general elections.

The ANC, in its provincial conference in Cape Town, said that the “Bench was still looked on as the apartheid court” and that as long as the judiciary was still predominant white — that acquisition of people alleged to have committed crimes against ANC members “would continue.”

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Dirt sticks to top judges in rush for jobs

The hearings of the Judicial Service Commission bare more than ambitions

Transformation is the name of the game

A TOTAL of six new High Court judges have been announced by the Judicial Service Commission and three other judges have been promoted to higher office. During a special session in Pretoria earlier this week, the commission interviewed 23 candidates nominated to fill 11 vacancies. However, the commission has decided to fill only nine of these posts, leaving one vacancy unfilled at the High Court in Cape Town and one in KwaZulu-Natal.

The six new members of the High Court are advocates ThombiMahilda Masipa, Nigel Willis SC and law professor Johan van der Westhuizen (Transvaal Provincial Division), advocate Frans Kgomo (Northern Cape Division), Judge Abdal Motala (Cape Provincial Division) and attorney Thumbe Pillay (Natal Provincial Division).

The seven new judges of the High Court are advocate, Judge Edwin Kigk (Judge President of the Cape Provincial Division), Judge Bernard Ngce, acting judge of the Appeal Court and a member of the Truth and Reconciliation Commission's committee, contributed to the report when he heard of the Pretoria Bar Council's suggestion that he be appointed deputy judge president, and the present deputy judge president, Judge Piet van der Walt, be promoted to fill the position.

He added: "Some of us are becoming weary of being associated with an institution which does not enjoy credibility".

He thought he could make a contribution to this problem, but there seemed to be "systemic" in some cases, he said.

In their next interview, the commission discovered that a judge had been appointed as deputy judge president of the Pretoria High Court in 1995 had formerly been a member of the Broederbond.

Judge Piet van der Walt, who was applying for the post of judge president, had not previously been asked whether he was a member of a secret organisation. When the question was put to him by commissioner Marumo Motsepe, the judge's acknowledgement of his membership caused a stir.

Morane added the issue of the name of the game.

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OLKS TO
 judges in or jobs
the Judicial Service
more than ambitions

Three senior judges from KwaZulu-Natal, candidates for
the vacant position of deputy judge president, were given the
most thorough going over by the
commission. Judge Willem Booy-
sen, a former senior member of the
Broederbond, was again
questioned about the fact that he
had continued his membership
after accepting judicial appoint-
ment. Judges Brian Gqibi and
Jan Hugo were grilling about why
— along with 12 other judges
— they were not allowed a letter to
the commission saying they
would neither support nor re-
spond. Transkei judge Vuka Tah-
abalala, should be appointed.

The answers left the commis-
sioners unsatisfied. By the end, it
was quite clear that the strategy
to ensure that Judge Booysen
would be appointed — and Judge Tahabalala kept out — had
completely backfired.
But it was not all dirty linen.
A major theme of the hearings
was the need for judicial trans-
formation. As Omar pointed out,
this meant more than broaden-
ing the range of colour on the
Bench and appointing women,
although these were important
changes.
But even the appointment of
more women is proving excep-
tionally difficult, and just two
female candidates applied. The
careers of both show just how
difficult it is for women to break
it to a judicial post.

Only one was successful:
Johannesburg advocate Thokozile
Matilda Maspa. She started out
as a cashier and counter hand,
then spent seven years as a jour-
nalist and as a Unisa student of
social work and law, before join-
ing the Bar at the relatively late
age of 44. Her CV shows a street-
wise realism that if she fol-
lowed the tradition of the Bar,
and simply waited for work to
come her way, she might reach
retirement age before she had
built up a practice comparable
with those who had joined the
Bar at the usual age.

So, armed with the chutzpah
belied by her mild manners, she
got on to look for experience. For
example, she sits as a com-
misioner in the small claims
court, as an assessor in criminal
courts, in the Labour Appeal
Court and the Land Claims Court.
She heads the disciplinary com-
mitee of the Estate Agents’ Board
and chairs the Air Service
Licensing Council.

Maspa also works with com-
munity organisations, teaches
law students, mothers her family
— and does the regular work of
an advocate. She speaks four of
the 11 official languages and
has spent a term as an acting judge in
Johannesburg — and five judges
of the Johannesburg High Court
ominated her for the job.

As far as the commission was
concerned, this story of rags to
riches, of dedication and initia-
tive, is a strength, not a weak-
ness. And the candidate from
Dur-
ban, he was let off lightly on the
Broederbond issue.

ST 18/10/98

PLOT SURVIVOR: Judge Vuka Tahabalala, who was named Deputy Judge President of the Natal Provincial Division

He found "nothing harmful, it was a
discussion group.

He said he left when he was
appointed advocate-general (the
forerunner of the present public
protector), since he did not want
the position to be prejudiced by
association"
Gauteng premier, Mathole
Motshekga, said that any new
judge president should have "in-
ternalised the new constitution-
allism" Judge van der Walt had
not attended key human-rights
law conferences. He had been ac-
tive in the Dutch Reformed
Church and the Broederbond,
both of which promoted the rig-
orous separation of races.

"You may be very qualified
in terms of administrative skills,"
Motshekga declared, "but not in
terms of the required human-
rights jurisprudence."

In the wake of such comments,
judge van der Walt may have
been smarting but, compared
with the candidates from Dur-
ban, he was let off lightly on the
Broederbond issue.

DARK ALLUSIONS: Judge
Monas Flemming

Judge Piet der Walt

loved. He added "Some of us are
becoming weary of being asso-
ciated with an institution which
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contribution to this problem, but
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sion in some cases," he said.

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commission discovered that a
judge they had appointed at
the Pretoria High Court in 1986
had been a member of the
Broederbond.

Judge Piet van der Walt, who
was appointed for the post of
judge president, had not previ-
ously been asked whether
he was a member of a secret or
organisation. When the question
was put to him by commissioner
Mamo Mokoro, the judge's
acknowledgement of his member-
ship caused a stir.

Mokoro probed the issue and
found that Justice van der
Walt had joined the society when
he was recruited shortly after ap-
pointment to the Bench in 1977,
and only resigned from the or-
ganisation six years ago.

The judge said he had had no
problem about being a member
at the same time as sitting on
the Bench. He said he had been
previously critical of the or-
ganisation, but when he joined
Ngopect's Pledge: Justice for all
Parties react ahead of TRC report.

The Truth and Reconciliation Commission is facing a wave of last-minute objections to the final report.

Access spokesperson John Allen said yesterday the commission had sent about 200 organisations and individuals notices outlining the findings. Many of these informed had subsequently raised objections to the findings, and some had claimed factual errors in those parts affecting them directly.

Among the organisations that have set to confront the TRC is the ANC, which said yesterday it had discovered factual errors in some of the findings and that it wanted these to be corrected. ANC secretary-general Kgalema Motlanthe said his party would respond to "unanswered questions and concerns of the TRC."

The PAC said it would tell the TRC this week that it had depicted the party as "blood-suckers."

"It was uncourageous to ignore all our submissions about the struggle. They continue to put the liberation movement on the same pedestal as the perpetrators of apartheid," PAC secretary-general Ngila Muendane said. "They say we are gross violators of human rights. They don't say the war we fought was a just war."

Muendane said his party would hand over a written submission this week responding to the findings: "We are going to repeat what we have said in a submission of how we went to war." The TRC had not mentioned "more than 200 of our people executed by apartheid."

An ANC committee recently met to consider how to respond to possible findings against the organisation in areas including its Landmark campaign and alleged torture and executions in Angola in the 1980s.

Former NP leaders FW de Klerk and PW Botha and General Magnus Malan have also received notices from the TRC.

NP spokesperson Jackie Maree said yesterday the party had not received a notice, but a number of its members had reported getting letters from the TRC.
Blanket amnesty bombshell

Leaders face court action

CLIVE SAWYER
POLITICAL CORRESPONDENT

Deputy President Thabo Mbeki is to be asked to step in to enable a last-minute rewrite of the Truth Commission's amnesty process to protect politicians and top-level commanders from both sides of the struggle from prosecution.

The amnesty process, and the way the Truth Commission's Act is written, rules out blanket amnesties for politicians and commanders whose speeches and orders may have led to gross violations of human rights.

There is concern that they could face prosecution for complicity in crimes, committed in the name of apartheid or liberation, of which they were not aware.

There is concern that a way should be found to allow commanders not to have to face the consequences of acts inspired by speeches or commands given by them.

A significant part of the pre-1994 landscape in which human rights abuses were committed was the climate created by leaders who left those they led with the impression that the cause justified the method.

Heading approaches to Mr Mbeki and other senior African National Congress figures on the issue is National Party leader Martinus van Schalkwyk.

The NP's Jacko Maree, the party's spokesman on the TRC, wrote a series of three articles, published last week in the Afrikaans daily press, urging a reworking of the amnesty process for the sake of closing loopholes and contradictions in the process.

Mr Maree said in an interview that he had not expected that Mr Mbeki would want until the final report of the TRC was published before committing himself to a response to the NP request.

Mr Maree said defects in the TRC Act included leaving the way open to prosecutions of commanders for specific human rights abuses of which they were unaware, and the fact that it did not cover cross-border operations.

The act was "full of loopholes" and a solution had to be found, Mr Maree said, at the same time conceding that remedying the provisions of the act or reopening the

Nat call to change TRC amnesty law

amnesty process were sensitive issues. But he said that the defectiveness of the Act could open it to challenge in the Constitutional Court.

Mr Maree also challenged TRC chairman Desmond Tutu to carry out his threat to resign should the "ANC 37" not apply for amnesty in terms of the prescriptions of the Act.

Archbishop Tutu issued the warning after the overturning of amnesty granted to the ANC 37, whose applications were couched in terms deemed too vague to comply with a requirement of full disclosure.

Several other prominent pre-1994 leaders, including PW Botha, have not applied for amnesty.
Legal aid cuts fear amid Boesak row

System in line for overhaul

The Legal Aid Board, which is involved in a long-running dispute over funding Allan Boesak’s legal costs, has had to face budget cuts, according to its director, Chris Pretorius.

The board was no different from other state and semi-state bodies which were dependent on public funding, he said.

“The minister of justice recently informed Parliament that South Africa could no longer afford the current legal aid system, which involves the appointment of private legal practitioners to act on behalf of legal aid recipients,” he said.

“At the national legal aid forum in January, there was a general consensus among lawyers that more cost-effective ways of providing legal aid had to be found, including the use of salaried staff in the form of public defenders, civil lawyers, candidate attorneys and law graduates providing community service,” Mr Pretorius said.

“A legal aid transformation team had been appointed to hear submissions from professional bodies and others on possible ways to improve the system, he said.

While it had been necessary in the past for the board to apply for additional funds, it had always been able to meet its financial commitments.

Accusations that the board was tardy in paying lawyers had been addressed, he said.

“The rapid increase in the demand for legal aid services has resulted in the board being inundated with accounts from legal practitioners.

“Each of these has to be taxed and checked for correctness, which is a time-consuming exercise and the board’s personnel have been hard put to cope.

“Every effort has been made to address the rate of payment, which is much improved of late,” Mr Pretorius said.

It was not a concern that Dr Boesak’s case would set new precedents for legal fees paid by the board.

“The Legal Aid Board’s tariff of fees for criminal cases, approved by the minister of justice, allows for special fees to be determined for complicated cases, such as the trial of Dr Boesak.

“Doing so does not set a precedent as each case is considered on its own merits,” he said.

The board had not, to date, paid for Dr Boesak’s senior counsel, Mike Maritz.

“It is, however, possible for any legal practitioner to be funded by the board, provided that a rate of remuneration acceptable to the board can be agreed upon,” Mr Maritz said.

Mr Maritz had asked for R8 000 a day, including Fridays, when the Cape High Court does not sit.

The board offered him R3 000 a day but drew the line at paying for days on which the court did not sit.

Mr Maritz was briefed after Dr Boesak received R1-million from an anonymous donor to pay for senior counsel.

When these funds ran out, the trial was adjourned until a second anonymous donor volunteered to help pay for Dr Boesak’s defence.
Ministers fail to delay truth report

Stephen Laufer

GOVERNMENT will release the truth commission's final report next Thursday immediately after it is handed to President Nelson Mandela — despite apparent efforts by some cabinet ministers to delay its publication.

Chief government spokesman Joel Netshitenzhe said last night there was a "very, very clear decision" to make the report public immediately.

Truth commission sources said earlier in the day that there had been "delicate negotiations" with government after some ministers suggested making use of legal provisions which allow the president to keep the report confidential for two months. Some commissioners were notified by the truth body's head office yesterday that there was some opposition to releasing the report immediately.

Presidential spokesman Parks Mankahlana said some had taken the view that Mandela should have time to study the report before releasing it. But Mandela, whose decision it was alone, had been adamant that he wanted it made public immediately.

Netshitenzhe said yesterday's cabinet meeting had confirmed a decision by Mandela to make the report available immediately.

None of the government or commission sources approached was able to say whether the opposition to immediate publication was substantive or merely about protocol. The law requires Mandela to forward the report to Parliament within 60 days.

Acting commission chairman Dumisa Ntebeza said he understood that some cabinet members felt "uncomfortable" with an immediate release, but he did not know "what they are after". He had gained the impression that "there may be reason for some cabinet members who want the report delayed". But delay was pointless. The report had been finalised and could no longer be changed.

Another commission source said Mandela had insisted on releasing the report immediately.

Hundreds of journalists from around the world are expected in Pretoria when the 3,500-page report is handed to Mandela by commission chairman Archbishop Desmond Tutu.

Meanwhile, Nomavenda Mathiane reports that Khulumani, the body representing victims of gross human rights violations, said yesterday that victims who had received interim reparation grants had complained that the amounts would not settle debts they had incurred over the years. The justice department had paid between R2,000 and R6,000 to 800 of the estimated 25,000 victims in terms of the act governing the truth commission.
Judging those who'd judge

Commission lifts the veil on the secrecy shrouding appointments to the Bench

CARMEL RICKARD

SOUTH Africa's judicial leaders - the members of the powerful Judicial Service Commission - have made an important gesture towards transparency this week when they allowed the media to attend their normal confidential discussions.

Their debate gives candidates important information about the criteria for selecting judges who would be appointed. Usually, all appointments by the commission's business is closed, except when meetings with candidates take place. But at the end of last week's session, members decided that the discussion on the composition of the commission's appointments would be open to the media.

Chief Justice Ismail Mahomed, who chairs the commission, said the constitution's demand for transformation must be balanced with technical competence requirements.

The last point was important, given that there were 194 full-time judges of the superior courts, sitting in 13 divisions, of whom 30 were black and 10 were women.

But this was not the only criterion. Other factors included the necessary energy, motivation, and whether the person was experienced in the values and needs of the community in which he or she would serve.

If candidates lacked technical experience, commissioners should be asked whether they had the potential to make up for it by intensive training. They should ask their own question of the symbolic value of any appointment.

Commissioners supported Judge Mahomed's distinction between 'technical competence' and 'intellectual transformation', merely replacing white judges with black judges and white women with black women, which involved looking at candidates' personal attributes, such as their leadership abilities, their background, and whether they are committed to the values of the Constitution.

The commission will want to know about the attitudes, their world views, their backgrounds, their intellectual commitment, and whether they are emotionally committed to the values of the Constitution.

But if the commission is being selective about black and women candidates, it is not necessarily great news for white male lawyers who feel they have the advantage of technical expertise.

With an emerging consensus that integrity and potential are the yardsticks, 'technical competence' is not the magic wand it used to be.
FW acts to block report

TRC set to publish finding on his role in covering up of bombings

RAY HARTLEY

FORMER President F W de Klerk has launched a last-ditch court bid to stop the Truth and Reconciliation Commission publishing a damning report implicating him in the covering up of state-sponsored terror bombings.

De Klerk is to ask the Cape High Court tomorrow to stop the commission publishing its finding that he was “an accessory after the fact” to the bombing in the ‘80s of Khotso House and Cosatu House.

If the commission goes ahead with the finding, it will pave the way for the prosecution of De Klerk, who has not sought amnesty in connection with the bombings of the buildings.

De Klerk’s spokesman, Dave Steward, said the decision to apply for an interdict was taken after his lawyers “exhausted all the alternative avenues.”

They met the commission’s lawyers in Cape Town this week in a bid to persuade the commission to excuse the damaging finding, but were unsuccessful. They were also denied a meeting with a member of the commission.

In its final report, to be released on Thursday, the truth commission is set to say that although De Klerk did not order the bombings, he subsequently came to know about the roles of former law and order minister Adriaan Vlok and former police commissioner Johan van der Merwe in the blasts, but failed to report this to the police.

His lawyers are expected to contend that when De Klerk came to know about the bombings, Vlok and Van der Merwe were already in the process of applying for amnesty, and he did not think it necessary to report the matter to the police.

However, the commission’s report is believed to include evidence that De Klerk made a statement before this which showed he knew of the roles of Vlok and Van der Merwe prior to their amnesty applications.

De Klerk’s lawyers are believed to have persuaded the commission to drop another claim from the report, to the effect that De Klerk was present when former state president P W Botha allegedly congratulated Vlok on the bombings.

The commission would not comment publicly on De Klerk yesterday.

De Klerk is among 200 high-profile figures who have been issued with a notice warning that the report contains damaging allegations against them.

Others are believed to include ANC Women’s League president, Winnie Madikizela-Mandela, former defence minister, Magnus Malan, and Deputy Defence Minister, Ronnie Kasrils.

John Allen, spokesman for commission head Archbishop Desmond Tutu, would not confirm these names, saying that to do so would be unfair to those who might still prove their innocence.

All have been offered an opportunity to submit a written response stating why they should be treated more leniently.

The report is believed to ask the ANC to take “collective responsibility” for the human rights violations committed by its members.
The commission's findings could pave the way for the prosecution of Mr De Klerk, who has not sought amnesty in this connection.
Mr Steward said Mr De Klerk's lawyers met their TRC counterparts in Cape Town last week in a bid to persuade it to exculpate the damaging finding, but were unsuccessful.
His lawyers are expected to contend that when Mr De Klerk came to know about the bombings, Mr Vlok and General Van der Merwe were already applying for amnesty, and he did not think it necessary to report the matter to the police.
In other developments, the Pan Africanist Congress commended the TRC for its sterling work.
But PAC secretary Mike Mienie-dane confirmed the PAC had also been sent a Section 39 notice that it was likely to be named as responsible for gross human rights violations.

High drama & developments ahead of Thursday's hand-over of the Truth Commission's final report to President Mandela, with parties and individuals implicated in the TRC's findings scrambling to meet the deadline set by the report on Friday.

In what appears to be another attempt to delay the TRC's final report and prevent it from being handed over to the President, the TRC's report's release was announced for September 29, which is tomorrow.

The commission's final report is expected to be released on that date, as was previously announced.

The report will include findings on the roles of various parties, including government officials, in human rights violations.

The TRC's final report is expected to have a significant impact on South Africa's political landscape, with many parties indicating that they will use the report's findings to shape their policies and strategies.

The release of the report is also expected to spark further debate and discussions on the country's history and the role of the TRC in addressing human rights violations.

The TRC was established in 1995 to investigate human rights violations during the apartheid era and to provide reparations to those affected.

The commission's findings are expected to shed light on the extent of human rights abuses that took place during the apartheid regime and provide closure for victims and their families.

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SPECIAL REPORT: THE TRC

Amnesty lies at the heart of the TRC ideal

President gets Final Report this week

INSIDE STORY

It was the philosopher George Santayana who remarked nearly a century ago: “Those who cannot remember the past are condemned to repeat it.” After more than two-and-a-half years of public hearings and private deliberations, the controversial Truth and Reconciliation Commission will this week present to President Mandela its Final Report, in which it outlines how South Africans should deal with their grim memories and avoid repeating the deeply painful and tragic mistakes of their past—mistakes that emerged during TRC hearings with brutal and shocking clarity. This is the first part of a four-part series on the TRC by senior writers ROBERT BRAND (left) and JOHN YELD.
How I7 South Africans set out on quest for truth about apartheid
ANC, expected to be accused of torture and other human rights abuses, joins FW de Klerk in trying to minimize damage.
It was philosopher George Santayana who remarked nearly a century ago: "Those who cannot remember the past are condemned to repeat it." After more than two-and-a-half years of public hearings and private deliberations, the Truth and Reconciliation Commission will this week present to President Mandela its final report, in which it outlines how South Africans should deal with their grim memories and avoid repeating the painful mistakes of their past — mistakes that emerged during TRC hearings with brutal and shocking clarity. This is the first of a four-part series on the TRC by senior writers Robert Brand and John Yeld.

A process to lay the past to rest

S

outh Africa's int

The solution committed during war had been embodied during the Nuremberg trials in Ger

daughter of World War II, but
during the post-war era, it be-
came clear that criminal prose-
duction was not always the best way of dealing with the past in countries experiencing a tran-
sition to democracy.

"The

The epilogue to that constitu-
tion, which laid the basis for the
first democratic elections in
the country's history, stated simply but powerfully: "The

committees deal with

rights abuses,

amnesty and

reparations

The TRC Act made provi-
sion for three com-
mmands of the process.

They are: the human rights violations commis-
sion, which would investigate human

rights abuses and hold public

hearings; the amnesty commit-
tee, which would grant am-
nesty according to criteria set

out in the act; and the repar-
ations and rehabilitation com-
mmittee, which would make rec-
ommendations to the Govern-
ment on compensating victims

and communities for wrongs

suffered in the past.

In April 1996, the com-
mmissions held their first public hear-
ing in East London under the

chairmanship of Archbishop

Desmond Tutu.

The hearings would set

the stage for more than two years of

harrowing work, many tears

and much bitterness, but also

many uplifting moments.

And again, people who

had suffered terribly displayed
what Tutu termed "a trum-
perousness of spirit" with an

almost unbelievable will-

ingness to forgive.
Doctor blames TRC for fuelling crime rate

Carol Campbell
Special Writer

A senior forensic psychiatrist at Valkenberg Hospital believes revelations at Truth and Reconciliation Commission hearings have contributed to violent crime.

And the commission has not done anything to help ordinary people understand why killers are being given amnesty, he said.

Sean Kaliski, head of forensic services at Valkenberg, said the commission had achieved a political miracle, but had done nothing to "heal the national psyche."

Dr Kaliski was invited by the Woodstock Trauma Centre to join a committee working on a "mental health response to the TRC", but the effort was scrapped when the commission refused to provide funding.

Now, he said, the consequences of the "horrific" stories coming out of the commission was that people were committing crimes because the message on television and in newspapers was that it was all right to murder if you had a good reason.

"The perception is that people who have committed the most heinous deeds are being let off simply because they have told their story and claimed a political motive. The TRC process was flawed, and at no stage was there any attempt to explain why it was.

From page 1

okay to commit a crime. And when somebody shows no remorse and makes no reparation, it sends a powerful message to ordinary people."

Dr Kaliski said he based his assumption about the commission's contribution to violent crime on the thousands of interviews he had conducted with criminals sent to him by the courts for psychiatric observation.

Only 30% of the 400-500 people he saw every year were mentally ill and stayed on at Valkenberg.

"The people I see are comparing themselves to TRC perpetrators and perhaps believe that, if one has a good reason (especially political) crime, especially violent crime, can be excused."

"What all their stories have in common is that none of them wake up in the morning thinking they are going to commit a crime. Most often the crime is one of opportunity - a door was left open so they stole, they got drunk at a party so they raped, they had a fight and they killed."

What worried him was that more and more the individual's "internal control" or moral values were falling. Thus, coupled with poor external control (policing), meant very little was standing between the nation and violent crime.

"The stories coming from the TRC are giving people whose internal control is not that good another reason to let go. They think it's okay provided they can explain what they did. The attitude is 'if the fat cats on TV can get away with it, why can't I?'." Dr Kaliski said.
The day Desmond Tutu broke down and wept

Inside Story

TRC has left an indelible mark on our history

We didn’t know the words SA can never use again.
TRC Plan, on Track

Commission hopes damaging report will see light of day
SA must face up to the TRC’s findings, says Tutu

CT 27/10/98

Front Page

The Truth and Reconciliation Commission’s findings continue to cause controversy in South Africa. The commission, established to investigate apartheid-era abuses, has concluded its work, but the process has been marred by allegations of bias and partiality.

The commission’s report details the experiences of thousands of South Africans who were subjected to various forms of violence and discrimination. It highlights the systemic nature of apartheid and the lasting impact it has had on society.

However, the report has been met with mixed reactions. Some call for reconciliation and healing, while others argue that justice has not been served.

The Truth and Reconciliation Commission’s findings continue to be debated, and the process of reconciliation remains a work in progress.

But the work has been arduous, he said. While some people argued that he would have got cancer anyway, others believed it could be related to the burden of his work.

Tutu was reading something saying that the head may sometimes be, but the body shows the effects,” said the active 67-year-old Tutu.

Times News Service reports from London that the commission’s final report will be rejected by all South African opposition parties in Parliament.

It was labelled on Sunday by Jacob Marais of the National Party as an “expensive disaster”, while Chief Mangosuthu Buthelezi, leader of the Zulu-based Inkatha Freedom Party described the whole process as “seriously flawed”.

Constable Viljoen of the Freedom Front said the commission had failed completely to bring about racial reconciliation.

In a lighter note, Tutu said he was enjoying himself immensely in the United States, where he recently started a new job as an associate professor at Emory University in Atlanta.

The fact that he was living in a “great house” down the road from his daughter and grandchildren — and was being “molly-coddled” by all and sundry — helped him to cope with the temporary separation from his beloved wife, Leah.

On the subject of his health (Tutu is fighting prostate cancer), he said Emory University had a first-class medical school and an excellent medical care system. “I’m fine,” he said, “as fine as can be.”

It had been an enormous privilege to be asked to head the TRC, but the work had been arduous, he said. While some people argued that he would have got cancer anyway, others believed it could be related to the burden of his work.

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Allow TRC to speak its mind, Omar urges

PRETORIA: The Truth and Reconciliation Commission (TRC) should be allowed to speak its mind boldly in its final report, even if those views might be incorrect, Justice Minister Dullah Omar said here yesterday.

"If the views are wrong, the wrong aspects will be exposed. The commission must be allowed to boldly, courageously and without interference speak its mind."

Omar said he did not expect the release of the final TRC report this week to be delayed by an urgent court application against the TRC by former president PW de Klerk.

De Klerk is seeking an interdict to stop the TRC from implicating him in state terrorism. The application is expected to be heard in the Cape High Court today.

Plans for TRC chairperson Archbishop Desmond Tutu to present the report to President Nelson Mandela in Pretoria on Thursday were going ahead, Omar said.

"We anticipate that nothing will stop that. However, if a court of law were to stop the handing over of the report, we will obviously abide by the ruling. We will regret that very much."

Omar said divergent responses to the TRC document were to be expected. This would result in a healthy debate and contribute to the process of reconciliation and nation-building.

"I am very proud of the fact that the commission is standing firm, and that it will not allow its report to be influenced by extraneous factors. That adds to the integrity of the process. I fully support the position of the commission in this regard," he said. — Sapa
Embezzlement at TRC:

NJC Report

Tuesday, October 27th, 1998

THE AUSTRALIAN TIMES

Embezzlement at TRC:

NJC Report

Tuesday, October 27th, 1998

THE AUSTRALIAN TIMES
The ANC’s submission to the TRC was supportive, the NP entirely negative.

The ANC urged the TRC to investigate the contributions of cabinet ministers, judges and magistrates to apartheid.

Above all, P W de Klerk has the responsibility to inform the nation about the activities of the covert repressive machinery that he headed when he took over from F W Botha.”

Mbeki said the “basic question” facing the TRC was the extent to which acts of gross violations of human rights had been sanctioned by the NP, Rantustan lackey, political leadership, cabinet or structures to which executive powers were delegated.

In his submission, delivered 24 hours earlier, De Klerk had called for a general amnesty and exonerated himself, his cabinet and the State Security Council from executions, assassinations, torture, rape and assault.

He acknowledged that his government had authorised the use of “unconventional counter-strategies”, but said these related only to “information-gathering, disinformation and assistance to outside organisations opposed to the revolutionary forces”.

He shifted the blame for human rights violations on to a few “rotten apples”, but denied that the NP was leaving in the lurch those who had served its interests. He was prepared to accept overall responsibility for events during his period in office, but he was unwilling to accept responsibility for specific incidents, deeds or transgressions.

He suggested that the TRC adopt a set of guidelines to attribute responsibility equitably: the cabinet and State Security Council should be held responsible for decisions they had taken and instructions they had issued, individual ministers should be held responsible for their decisions and orders; and security force commanders should be held responsible on the same basis.

De Klerk emphasised the importance of the TRC’s investigating all gross human rights violations, committed by all sides in the conflict. He said that abuses by apartheid government security forces were receiving “extensive attention”, while “insufficient attention” was being paid to necklacings, car bombs, attacks with landmine and limpet mines, and attacks on security force members and black South Africans who worked for apartheid government institutions.

Seven months later, in March 1997, when De Klerk released the NP’s response to follow-up questions from the TRC, it became clear that the NP’s perception of the TRC had become more negative. De Klerk said that the NP was “deeply concerned” about the process. Perceptions had arisen that the TRC was hopelessly one-sided and that its hearings were creating a skewed picture of the conflict.

De Klerk suggested that, although attention was being lavished on abuses by agents of the NP regime, most deaths had occurred in the conflict between revolutionary and non-revolutionary organisations opposed to apartheid.

He tried to justify apartheid, praising the achievements of the apartheid years and hammering the United Nations decision to declare it a crime against humanity as “little more than a mobilisation exercise by the ANC and its totallitaran and Third World supporters.”

In May last year, political parties made their second formal submissions.

The ANC gave the TRC a detailed list of about 550 operations it believed had been carried out by “legitimate” units of its armed wing, MK. It also listed about 100 armed actions that fell into a “grey area” of intended targets and which may or may not have been carried out by bona fide MK operatives.

The ANC said it had always been opposed to necklacings, though it refused to condemn “those who believed they were part of the struggle for liberation”. The extent to which the NP harped on necklacings in an attempt to damage the ANC...
TRC’s final report is bad news for most parties

STAFF REPORTERS AND SAPA

Tension is building up ahead of the release of the Truth and Reconciliation Commission final report, which is to hold the ANC and PAC “morally and politically accountable” for gross violations of human rights as well as endorse the international position that apartheid was a crime against humanity.

Spin doctors and political leaders yesterday started working feverishly to minimise the report’s damage to their parties following the leaking of the TRC’s preliminary findings.

Freedom Front leader General Constant Veljik said the leak was an attempt to give credibility to the final report, “which, by all expectations, would be nothing more than a witch hunt against Afrikamers.”

The 3,500-page report is to be handed to President Nelson Mandela on Thursday and will immediately be made public.

Former president F W de Klerk is to apply for an urgent interdict in the Cape High Court today to prevent the TRC from implicating him in state-sanctioned atrocities.

The report is understood to say de Klerk was aware that former law and order minister Adriaan Viljoen and former police commissioner Johann van der Merwe were involved in the bombings that destroyed Cosatu House and Khosa House in the late 1980s, but did not report this to the authorities, making him an accessory to the crimes.

Justice Minister Dullah Omar said the TRC should be allowed to “boldly, courageously and without fear” speak its mind even if its views were wrong. He said he believed de Klerk’s court action would delay the release of the report.

In its notice to the ANC last month, the commission said the movement’s military tribunal’s decision to execute enemy agents in exile was a gross human rights violation.

The TRC detailed various forms of torture used by the ANC, and the severe ill-treatment of a number of ANC cadres in its camps in exile.

The commission also found that the ANC was responsible for the killing of political opponents, including members of the Inkatha Freedom Party and the PAC, between 1990 and 1994.

It said the party must accept responsibility for the activities of its members, including Boipatla Boipatla, the ANC’s national president, and Thamsanqa Mqula, who is the ANC’s secretary general.

In its findings against the PAC, the commission said it had found a deliberate strategy on the part of the Azanian People’s Liberation Army to attack civilian targets. The TRC also blamed the PAC for gross human rights violations committed against its own members.

The report, however, acknowledged that both the ANC and PAC were liberation movements, conducting a legitimate struggle against apartheid.

Wound takes time to heal
**De Klerk’s High Court TRC affidavit disclosed**

**FW DE KLERK** says “unwarranted” conclusions to the effect that he was an accessory to the commission of gross violations of human rights would damage his “reputation and standing”. **ROGER FRIEDMAN** and **RONNIE MORRIS** report.

**FW DE KLERK** goes to the Cape High Court today in an effort to interdict the commission from making any of its intended findings against him, from including these findings in its final report, and from submitting the findings to President Nelson Mandela. The final report is due to be handed to Mandela at a ceremony in Pretoria tomorrow.

In papers, De Klerk stated he received a notice from TRC commissioner Mary Burton on September 2 informing him that he had been implicated during an investigation by the commission.

“I know of no fact or consideration which would justify any of the intended findings against me. I have been advised and verily believe that, as a matter of law, the intended findings cannot be made.”

De Klerk said, “At no stage did I deny or try to conceal that after I became president — and several years after the event — they (former Law and Order Minister Adrian Vlok and former police commissioner Johan van der Merwe) informed me of their intention to apply for amnesty for their involvement in the relevant bomb attacks.”

De Klerk and he was provided with this information only towards the end of his presidency, and the fact that he dealt openly and frankly with several written and oral questions from the commission relating to these issues proved that did not try to conceal his knowledge of these matters.

Said De Klerk, “I cannot conceivably be held morally accountable for matters which were brought to my attention long after they occurred. Moral accountability for concealing the truth is, in any event, not a gross violation of human rights and the commission has no statutory authority to make such a finding.”

“Similarly, a contribution to the creation of a culture of impunity does not fall within the ambit of the definition of gross violation of human rights.”

“In view of everything I did to uncover unlawful conduct by members of the security forces and to prevent it, I am particularly offended by this absurd suggestion.”

De Klerk said he had not been given a fair hearing because the serious allegations now made against him were at no stage canvassed or put to him during his appearances before the commission. He was not provided with documentation containing incriminating testimony, neither was he notified beforehand that certain witnesses would be presenting evidence that could incriminate him.

De Klerk said he had been advised and believed that his constitutional rights had already been infringed by the commission, and were about to be further infringed.

De Klerk stated that he had received international recognition for his efforts and the efforts of those who assisted and supported him in the constitutional and political transformation of the country.

This had a bearing on his current and intended future activities, he said. “Any findings by the commission, particularly to the effect that he was an accessory to the commission of gross violations of human rights, would have seriously detrimental consequences for him.”

“It will irreparably damage my reputation and standing as an elder statesman internationally regarded as a champion of the peaceful resolution of intractable disputes,” he said.

It would also negatively influence his participation in the activities of various international organizations and foundations, and would seriously undermine his efforts to save his, reputation.
De Klerk claims costs for TRC's "reckless vendetta"
WHAT REPORT IS LIKELY TO SAY

No document in recent South African history has attracted as much critical attention and speculation as the final Report of the Truth and Reconciliation Commission. The report, due to be handed to President Mandela tomorrow, is likely to have a profound effect on the lives of all South Africans.

Robert Brand and John Yeld consider its expected findings and recommendations.

The TRC's final report, due to be handed to President Mandela tomorrow, has been one of the most anticipated documents in South Africa's recent history. The reasons for such anticipation are sharply contradictory. Some are genuinely desirous of the de facto declassification of the TRC's last remaining secrets, while others are wary of the revelations that might be contained in its pages.

Another is the more cynical analysis of the report's potential impact. The TRC report will provide a useful " handy" with which to hold the government accountable. Politicians will be forced to confront the issue of their own involvement in the past. The report also has the potential to raise public awareness of the need for a "truth and reconciliation" process.

But the report contains far fewer names of perpetrators than was anticipated by both the TRC itself and by observers. The reason for this is an eloquent appeal to press and public awareness of the need for a "truth and reconciliation" process, and the inclusion of some of the top political figures in the country such as the ANC's Nelson Mandela and Winne Madikizela-Mandela, the National Party's PW Botha, F.W. de Klerk, Pik Botha and Magua, and the two Presidents of the African National Congress. The report also includes an appeal to the public to come forward and share their experiences.

The TRC's recommendations, however, are not without controversy. The commission has proposed a number of measures to deal with the legacy of apartheid, including the establishment of a Truth and Reconciliation Court, and the setting up of a fund to assist victims of apartheid.

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to a fixed time limit on such investigations/prosecutions was in response to criticism from those who reminded the TRC that its mandate was specifically to bring the whole issue of past human rights abuses in South Africa to a close.

If it were to recommend a series of criminal investigations, there would be prolonged interminable hearings, long and complex trials and possible appeals which could drag on for years, and the whole issue would be prolonged interminably, they argued.

Certain people are named in the report as having been involved in gross human rights abuses committed by South Africans outside the borders of the country.

However, the TRC has not made any particular recommendations in terms of what action should be taken in this regard.

This thorny issue – which includes the question of possible extradition and/or arrest when named perpetrators travel outside South Africa – has been left to the discretion of the police and/or to find an appropriate solution.

During the TRC’s lifespan it both asked for, and was offered unsolicited, possible recommendations for inclusion in its final report, and many responses contained suggestions as to how to deal with perpetrators. These included that those found to have committed gross human rights violations be barred from holding public office and/or serving in the civil service and the armed forces, and that any of them who were state employees, their pensions and other financial benefits should be withheld or reviewed.

The collective name for such sanctions is lustration, and this recommendation was partly because the TRC had become increasingly aware of the dangers of isolating individuals accused of gross human rights violations, rather than attempting to rehabilitate them into society.

The TRC was aware that, if it recommended lustration, it would be punishing people who had not been involved in the conflict or had not chosen to remain silent in all probability escape censure.

Also, because there were many more amnesty applicants from the liberation movements than from the apartheid security forces, one side of the conflict would bear the brunt of possible lustration, which would be unfair.

So the report does not recommend lustration, but it does suggest that when people are considered for appointment to public office in the future, any past involvement in gross human rights violations should be taken into account.

Among the TRC’s most significant recommendations are those relating to the issue of reparations and restitution.

The TRC recommends that R3-billion be paid over six years to declared victims of gross human rights violations, proved highly controversial when announced last year.
Angry ANC says the truth body’s ‘wilful’ report makes criminals of liberation movement veterans

SAPA AND STAFF REPORTER
Cape Town

The ANC has launched a blistering attack on the Truth and Reconciliation Commission, accusing it of criminalising the anti-apartheid struggle and “beamreaching” its heroes.

The attack is contained in a 25-page document the ANC has submitted to the TRC, protesting at what it said were “capricious and arbitrary” findings that the party was morally and politically responsible for gross human rights violations.

It said the TRC had “grossly misdirected itself”.

The ANC’s objection is among a range of 11th-hour protests at the expected contents of the report, due to be handed to President Nelson Mandela in Pretoria tomorrow.

The ANC and other parties have been told in Section 30 reports, issued in terms of the TRC’s founding act, that the report will implicate them in human rights violations.

The report has found that the ANC was implicated in, among other things, the torture and execution of suspected traitors, the killing of civilians in bomb and landmine attacks, and fomenting political violence.

The ANC’s attack follows the TRC’s refusal to meet the party’s leaders to discuss the report, a decision which ANC secretary-general Kgalema Motlanthe said had been taken for the “filmiest of reasons”.

“The response of the current acting chairperson, Duma Nkosiwu, and his failure to clarify the status of this document (the Section 30 notice) hardly inspires confidence that the TRC would have seriously taken the response of the ANC to the contemplated findings into account in preparing the final report to President Mandela,” Motlanthe said.

The ANC reserved the right to respond comprehensively to the contents of the final report.

The party said it was impossible to tell what the TRC understood by “gross violation of human rights”, as opposed to legitimate forms of struggle against apartheid.

The TRC has found that the ANC should be held responsible for the activities of Winnie Madikizela-Mandela and her Mandela United Football Club was “strange, wilful and arbitrary”, the ANC added.

“The fact that any individual might consider himself/herself as a member of an organisation does not necessarily mean the organisation is culpable with regard to activities of such an individual.”

The findings against the ANC were also contrary to fundamental principles of international law, the ANC said.

TRC chairperson Archbishop Desmond Tutu last month defended the report: “The ANC was given the opportunity of making a written submission, and it was firmly informed that no group or individual was being permitted oral representation. It is a great pity that the ANC should descend to the level of personal attacks on an outstanding commissioner (Nkosiwu).”

The Pan-Africanist Congress, former president FW de Klerk, the United Democratic Movement and the IFP have all responded to the report with angry statements.

De Klerk goes to the Cape High Court today to interdict the TRC from making its intended findings against him or including them in its final report.

Prayers answered: Civil Mokoosinyana (60) with permanent bail

Overjoyed grandmother

Pensioner Civil Mokoosinyana’s tears turned into smiles yesterday when Permanent Bank chief engineer presented her with the life savings she lost six years ago when a former pink agent swindled her.

The bank stepped in to refund the grandmother after reading of her plight in Starline.
ANC says findings, criminalise, the struggle
No more talk of war
Blowing of right and wrong
Challenge now is to heal our wounds
Political nightmare looms

TRC's final report poses major threat.

HUGH ROBERTSON

In an ironic twist of fate the Truth and Reconciliation Commission is turning into a political nightmare for the African National Congress. So threatening are some aspects of the report to the ANC's interests that it has now become one of the most high-profile cases of litigation in South Africa. The ANC and its leadership have declared their intention of challenging the decision of the TRC.

The ANC has taken action against the TRC in the Eastern Cape, where the commission has recommended the removal of the ANC's regional leadership. The ANC's decision to challenge the TRC's findings is a clear indication of its determination to prevent the commission from undermining its authority.

The ANC's decision to challenge the TRC's findings is based on the belief that the commission has exceeded its mandate and that its decisions are not in the best interests of the ANC. The ANC has also expressed concern that the TRC's recommendations could have negative implications for the ANC's future leadership.

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re looms for ANC

major threats to party

By JACOB ZUMA

ANC to announce 22 new箪

positions as a step towards

reconciliation.

By TERRY RAY

ANC’s National Working Commis-

sion to recommend the formation of a

new party and the dissolution of the

ANC.

By HENRY MOKHETI

ANC’s National Executive Com-

mittee to propose the formation of a

new party and the dissolution of the

ANC.

By NATHANIEL MZIMELA

ANC’s National Executive Com-

mittee to propose the formation of a

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'MAYBE THE WORST IS PAST'

Variety of reactions to TRC tells tale of a nation divided

THE TRUTH COMMISSION has been like a foul-tasting medicine that makes you feel sicker when you swallow it, but which could help alleviate some of the symptoms.

ROGER FRIEDMAN contemplates the healing process.

Apartheid was a brutal and shameful disease. It has been in remission for a few years, but the scars will take generations to heal.

Some people think it has been harmful to dwell on the writhing agony it caused, that it is in the past and we are in the present, that the Truth and Reconciliation Commission has merely served to open old wounds to re-terrorise us with them again.

Many of these people are members of the "blanket amnesty" brigade and believe individuals should not be held accountable for their contributions to the sickness.

Another category of people believes it was absolutely necessary to confront the past so that we could deal with the horror and put it behind us. Many among this group believe the commission's process of granting amnesty to victims and perpetrators that disclosed their deeds was fair — that it is right that perpetrators of gross human rights violations should be held accountable.

A third category of people comprises those who think the commission was a "sell-out", that apartheid criminals should have been tried in criminal courts.

Members of this group do not believe the amnesty process holds perpetrators accountable enough, that the guard dogs of the indefensible order are getting off scot-free. The commission process has been of little solace to them.

These three responses represent vastly divergent schools of thought. But the truth is that whether you whistle the rainbow tune and believe in miracles or you don't, South Africa is still a terribly divided country. It goes beyond rich and poor, beyond social and economic chasms, into our collective and individual psyche.

We need to build bridges. We need to understand what we have done, not just for the sake of knowing it, but for the sake of knowing ourselves and each other.

However, fair and impartial the commission has tried to be, there is no getting away from the fact that apartheid was wrong, that it created hatred and bitterness, that it destroyed the foundations on which democracy and respect for human dignity can flourish.

White South Africans need to come to terms with how wrong it was, how we benefited then and how we continue to benefit today. No less can be expected of us if we ever hope to be reconciled with the fellow citizens we oppressed.

However, many would argue that black South Africans are being asked to pay a substantially higher price — forgiveness.

Forgiveness can only follow from the satisfaction of (all) parties, particularly those victimised.

Black South Africans are being asked to love the neighbours who brutalised them.

Anyone who expected the commission to wave a magic wand so that we could all live happily ever after was either very naive, failed to recognise the scale of our divisions, or both.

The commission was never intended to effect reconciliation — it was intended to help the process.

It was created to investigate and establish as complete a picture as possible of the nature, causes and extent of gross violations of human rights, to establish and make known the fate and whereabouts of victims, to restore the human and civil dignity of these victims by giving them the opportunity to relate their own accounts of violations, to recommend reparations measures, to make recommendations aimed at the prevention of human rights violations in the future, and to facilitate the granting of amnesties.

The commission attracted 31 000 submissions and 7 000 amnesty applications from all corners of the country.

Today, barring eleventh-hour court interdicts, it releases its final report to President Nelson Mandela and the nation.

Archbishop Desmond Tutu, the commission chairperson, said this week that the contents of the report would prove painful to people on all sides of the liberation struggle. Judging from the unhappy reaction of all political parties this week, he was right.

It would not be pain for pain's sake, Tutu said, but the necessary pain of confronting the past in order to move forward.

He predicted there would soon come a time when South Africans would be grateful that we had dealt with these issues rather than pretended they did not exist.

As Justice Minister Dullah Omar put it: "There truly could not be peacefull reconciliation without justice, meaning at the very least a comprehensive exposé of what happened — how, why and what the sources of responsibility are.

"Forgiveness can only follow from the satisfaction of the parties, particularly those who have been victimised, after the truth has been established.

"In the long term it will help to mitigate the simmering effects of the hardships and hardened feelings resulting from the past, as well as dampen the spirits of revenge, thereby preventing further conflicts and future victimisation.

"Indeed, it has heralded the start of the much more extended task of democratising our society, entrenching a living culture of human rights and improving the well-being of our people," he said.

The handing over of the report today symbolises the completion of a major portion of the commission's work. Amnesty hearings will continue, and so must the reconciliation process.

The pain is not over — and the prosecution of those who committed atrocities but refused to ask for amnesty will temporarily inflame things again.

However, as Tutu has pointed out: "Maybe the worst is already past."
Ngcuka serves notice on crime

ANDRE KOOPMAN
PARLIAMENTARY BUREAU

DEPUTY PRESIDENT Thabo Mbeki yesterday announced high-level appointments — including those of two acting Cape High Court judges — to the office of Public Prosecutions national director Bulelani Ngcuka, as part of the government’s beefed-up fight against crime.

Ngcuka served notice on criminals and their “reign of terror” in South Africa, saying they will be “cleared out.”

Top priorities of the special anti-crime unit in his office will be gang activity in the Western Cape, political violence in KwaZulu-Natal and organised crime, such as car-jacking in Gauteng.

Gang-related violence in the Western Cape will receive special attention. “They are the ones we will target immediately,” he said.

Ngcuka, who was appointed in August, promised swift action, saying that the first criminals would be brought to the Cape High Court next month.

Fired up: Dullah Omar (left), Thabo Mbeki, Bulelani Ngcuka and Sisi Khampepe at a press conference yesterday

PICTURE: DENVIL MAREGELE

Ngcuka said the new appointees are among “the best in their fields” and had gained extensive experience in private practice.

“Criminals must know that there are now new, efficient and highly-motivated people, dedicated to putting them in jail for a very long time.”

“Criminals have had their way for far too long.”

“Experience elsewhere in the world has proved the way to get crime under control is to create an environment in which justice is swift and fair and criminals serve long jail terms. This sends a message to potential criminals that crime does not pay,” Ngcuka said.
ANC in 11th-hour bid to silence TRC

THE ANC has made a last-minute bid to prevent sections of the TRC report, due to be released today, from implicating the organisation in human rights abuses.

A 11th-hour interdict by the African National Congress to prevent the Truth and Reconciliation Commission from publishing its provisional report last night threatened the release of the body's long-awaited verdict on the country's past.

President Nelson Mandela's office conceded last night that, while preparations for the release were still on track, a postponement could not be ruled out, as the process was now "at the mercy of the courts".

At 1am this morning, ANC attorney Selwyn Hockey said he had spoken to the head of the TRC's legal department, Hanif Vally, and had arranged to serve papers on the advocate representing the commission in the matter at the Cape High Court.

The ANC yesterday said it had gained the impression that the report "would cast a dark cloud over the ANC's achievements".

ANC spokesman Smuts Ngonyama said a Johannesburg press conference that the ANC wanted a meeting with the commission before the release of the report to discuss the adverse findings against it.

He said the commission had given the impression that the meeting was possible until yesterday, when the commission said the meeting would not be taking place.

ANC chairperson Archbishop Desmond Tutu said the commission would proceed with its plan to release copies of its final report for publication today unless it was ordered not to so do by a judge.

"We obviously cannot make any comments because we have not received anything officially from the ANC. Until we do, we will carry on as if nothing has happened. We will go on until we are told in court order it's finished. For myself, I'm deeply saddened," he said.

Tutu was addressing a media conference convened to express the commission's gratitude to the media for the role it had played in bringing the process to life.

The ANC's High Court interdict to prevent those sections of the report implicating the organisation in gross human rights violations being relayed to the public follows former president F W de Klerk's successful bid to have parts that refer to him temporarily excised.

De Klerk's urgent application to the Cape High Court yesterday resulted in sections adversely reflecting on him being withheld from the final TRC report and the matter being postponed for argument with TRC legal counsel before a judge in March.

Dave Steward, spokesman for the former president, said De Klerk was "very satisfied with the order issued by the High Court".

"He's confident he has a very strong case and will be able to absolutely vindicate himself in an open court as opposed to the TRC," the ANC earlier this week gave

ANC tries to suppress sections of TRC report

the TRC a written submission in response to a notice from the TRC advising that it could be implicated to its detriment in the commission's final report.

The ANC has been implicated in, among other things, the torture and execution of suspected traitors, the killing of civilians in bomb and landmine attacks and fomenting political violence.

The submission objected to sections the ANC believed were inaccurate and distorted. The ANC's submission angrily denounced the commission for criminalising the fight against apartheid, saying the TRC was "grossly misdirecting itself".

The abuses for which the ANC and its structures were said to be politically and morally accountable were inseparable from the consequences of the legitimate struggle, the submission said.

Tutu said yesterday that in the light of De Klerk's court challenge, the body had decided to delete any criticisms of the former president from the final report.

He emphasised that the findings against De Klerk had not been removed permanently.

"It is something that will be contested in court. That is how strongly we feel about our contemplated finding," he said.

Presidential spokesman Parks Mankahlanala said he did not believe the situation was a crisis, as the "nation-building and reconciliation process are an ongoing one".

The NP and Freedom Front yesterday added their own blistering attacks on the final report as Tutu conceded that 15 names had been removed.

Tutu said it was "ludicrous" to claim that the report had been emasculated because of censorship because of threats of legal action by perpetrators.

Some of the names had been removed because the TRC was unsure whether these people had received proper notice of the TRC findings, while others had confirmed the TRC that its findings should be changed, he said.

Tutu said more than 400 notices had been sent to people or organisations in terms of Section 30 to inform them that the commission was contemplating naming them in a way they might regard as being to their detriment.

NP spokesman Jacko Maree said "Now it's a report that's so tarnished and its contents so compromised we don't know whether it's even worth publishing."

Maree said it was a "terrible waste to get to this moment and find this terrible mess up after an investment of over R200 million and three years."

Contrary to the NP's assertions, one party, the United Democratic Movement, did come out in support of the TRC final report.

UDM leader Bantu Holomisa called for a general amnesty for all those implicated and said the storm that had erupted indicated that the findings were balanced.

The Times will carry on-the-spot reports on the latest TRC developments in Pretoria by Special Assignment writer Roger Friedman. - Own Correspondent, Sapa
Report has little to say over deaths in jail

By Claire Keeton

Of the biggest gaps in the final report of the Truth and Reconciliation Commission (TRC) is on deaths in detention – since the policemen responsible did not apply for amnesty – and it proved virtually impossible to find independent information about these deaths.

"It is true that we have been unable to uncover a lot of new information or substantial material on this," said TRC commissioner Dr Wendy Orr.

A study by the human rights committee estimates that 73 people died in detention from 1963 to 1990 but it is likely there were many more deaths that went unrecorded.

"If you take a small area like Soweto and count the people killed at John Vorster Square, the number would be far higher than 73," said TRC commissioner Hlengwe Mkhuze.

The TRC has been able to shed light on only a few key cases, including Black Consciousness Movement leader Steve Biko's and Stanza Bopape's, and even these findings were not comprehensive.

"I worked on the Bopape case and we had some success throwing more light on it but not in understanding the big picture," said former TRC investigator Piers Pigou.

He added that the pervasiveness of torture extended far beyond the security branch to other units in the police such as the riot unit, the internal stability unit and the murder and robbery unit.

Deaths in detention

"The police were a law unto themselves and acted in secret. Most of them are running the risk that they will be prosecuted now," said TRC spokesman Phila Nqumaba.

Amnesty committee chairman Judge Hassen Mall said he personally had not heard of a single amnesty application for deaths in detention, though other amnesty panels may have.

Despite the absence of incriminating evidence, Orr said the TRC had cast doubt on the apartheid version that political detainees routinely died from suicide or accidents.

"The accumulation of far-fetched statements and the pattern of "no blame" from magistrates was obviously deeply suspicious. We were able to make informed opinions and cast doubt on the official version of a number of things over the 34-year period," she said.

Another key area which had been virtually impossible for the TRC to investigate was that of "disappearances." While the TRC has had some success in exhuming and identifying bodies, they have made limited progress compared to the number of victims.

Trans, violence, hostel violence, vigilante violence, the military, the role of police in the former homelands and the kraals are other painful areas which the TRC struggled to unravel.

"They had a foundation stone but not a comprehensive understanding. I hope the final report will show what hasn't been done (and needs to be done) as well as what has been done," said Pigou.

Commissioners indicated they would recommend ongoing investigations and prosecutions of those directly implicated in violations.
Reparations will help our healing

By Brenda Busles

One of the several recommendations that will emerge when the Truth and Reconciliation Commission hands over its report to President Nelson Mandela today will concern reparations. It will be an integral part of the process of healing and reconciliation which constitute the core work of the TRC over the last three years.

To many, this might sound as a poor and even insulting compensation for the pain that victims have had to endure.

But international best practices, based on sound research and practical experience, has shown that this can be feared.

Cynics might dismiss this as a gambit on the part of the process of healing through monetary payments.

But practice elsewhere has shown that while the process of healing is fundamentally psychological, the need for some form of material retributions goes a long way towards meeting victims' needs and their reintegration into the processes of life.

It is also an effective way of dealing with post-traumatic stress disorder from which many victims suffer.

Derek Warnockfield, a psychiatrist with the Medical Foundation in London, puts it thus: "Some victims want to seek psychological help but all of them want social justice. Failing to do this is the most important of all human rights crimes.

"Furthermore, even of long delayed, is reparative to assist both those individuals and institutions to focus on the fact that between psychological recovery and societal reparation and justice."}

The right to reparation is recognized in the International Law on human rights Reparations has to be understood to include re-employment, possession rights, medical and educational services, social security, housing, reparation and revelation of the truth.

Public range of victims stores seems to serve important psychological and therapeutic ends.

Psychological damage Compensation must include payments for physical and psychological damage improvement and lost working capacity.

Counterparts in Chile and El Salvador, which also had reparation mechanisms, made reforms on this basis.

The fact is that the lack of remedies is likely to be linked with impunity, where perpetrators of human rights violations escape justice, it will be very difficult to pursue legal proceedings aimed at obtaining reparations.

This form of reparation also assists in defining and post-traumatic stress disorders.

Experience shows that individuals' past trauma has been overcome by persons psychological and social problems.

The situation of Psychological local communities at risk of dealing with post psychological trauma.

In many cases persons difficulties are, in reality, symptoms of long-term transmission compounded by unexplored living conditions.

And at other times, the unexpressed living conditions of people, for example, over-coming, being forced to work away from home, living in areas where have heightened the effects of the primary trauma and have also in themselves caused a range of psychological difficulties.

It is for this reason that the TRC will be embedding a programme of reparations and rehabilitation provided for by the President himself. It will not be the last of the things the TRC does.

Healing is not a commodity that can be bought and sold. It is a long, drawn-out and painstaking process that will have many problems before it finds its resolution.

The proposals which are being put forward are quite comprehensive, and would go a long way to meeting the needs and dignity of those who were wronged or have been psychologically damaged, blighted and traumatised.

There will firstly be an interim reparations reaching out to those who are in urgent need of compensation. The Final Reparation Measures will be included in the report which go to the President once the Government has completed its work.

There will be an individual reparations grant for each victim of gross human rights violations. Information and advice will be given so that victims can obtain the help they need.

This will also facilitate easier access to services and facilities and will assist in the overall living costs which are based on the socio-economic circumstances of the applicant.

This will include the number of dependent relatives and the difference in the living costs of urban and rural areas.

Death certificates will be issued since many people who made statements said they did not have them for their relatives who had been killed.

There will be proper rest in cemeteries for those who were forced to be buried anonymously.

It is important that they be given a proper burial. Burial and commemorative services will be provided for these who found them.

People who disappeared will formally be declared dead.

Criminal records will be cleared since many who engaged in political activities were branded criminals.

A criminal record can have serious consequences.

It should not be allowed to treat the reparations of those who died for a noble cause.

Renaming of streets The renaming of streets and public buildings will help to remember victims and events that are important to a community.

The building of monuments and memorials will commemorate the victims and the conflict of the past.

The needs of the communities must be taken into account when commemorations are held.

National benefits will need to be implemented by the relevant ministries together with civil society structures.

These will help remind people of the things that happened in the past, and help make sure that abuses do not happen again.

A return to day of remembrance and reconciliation will remind people of the struggles and pain of the past, and help to bring about reconciliation, so that we are able to move forward from the past into the future.

(Brenda Eunice or the public relations officer for the Ministry of Human)
TRC plan in disarray

By Muzi Michwanazi, Claire Keeton and Pamela Dube

The African National Congress was in a tight spot last week, trying to block the Truth and Reconciliation Commission from publishing its final report, in a way that would endanger the party's prospects for reconciliation with the white-led government.

Mr. Muthama, the ANC's general-secretary, said the party's position was based on the TRC's failure to give a full hearing to the adverse findings of the preliminary report.

"We want to see reconciliation, the healing process and nation building. However, we cannot accept the misrepresentation of the process in which the activities of the liberation movements are criminalised," she said.

Muthama said that during the correspondence with the commission, expectations were created by the TRC that such a meeting would be held.

"We worked under this illusion until finally we were told that such a meeting was absolutely impossible," Muthama said.

She said the meeting was not possible but the TRC informed the ANC that its preliminary submissions, which were made in anticipation of the meeting, were out of time and would not be considered at all by the TRC.

The ANC regards the TRC's actions as totally unacceptable and, to say the least, such actions are not to be expected from such a body.

Given such circumstances the ANC would like to be given sufficient time to present a full response to the accusations made against it.

"It would therefore be wise for the TRC to postpone the publication of the report, until some certainty and equity is apparent in the process," Muthama said.

TRC chairman Archbishop Desmond Tutu said last night he could not comment on the TRC's last-minute attempt to stop the commission's report to President Nelson Mandela being published.

ANC's last-minute attempt to stop the publication of the commission's report has now been made public.

He said the TRC would go ahead with plans for the report's release today, after further developments.

But he said he was "deeply saddened" by the challenge.

Speaking in Pretoria at what was intended to be a celebration on the eve of the report's publication, Tutu said the ANC's decision had marred the event for many present.

Even Mr. Dlamini, the ANC's head of the TRC's investigation unit, sounded subdued as he spoke of his frustration.

The court application was expected to be lodged in Cape Town last night.

The ANC's move followed developments earlier in the day when the TRC temporarily postponed its meeting with former President F.W. de Klerk, whose High Court application for an interdict was postponed to March 4 next year at the TRC's request.

This was after the commission's lawyer had requested the postponement because the TRC had only been given 24 hours to study and respond to De Klerk's application.

The TRC's "compromising decision" meant any reference to De Klerk would be removed from the final report.

"We have been scrupulously fair to Mr. De Klerk and we regret the contention that we have been engaged in a vendetta against him.

Revolutionary machinery

Tutu, however, insisted that De Klerk was not being let off the hook as the TRC intended to defend itself "vigorously", and if it won, the accused sections would be removed.

But while round one has gone to De Klerk, deleting any references to him will not lessen the responsibility of the National Party government for systemic gross human rights violations, according to TRC investigator Peter Figuro.

"One of the TRC's most important achievements is that it has shown that assault and murder were part of the arsenal of counter-revolutionary machinery," Figuro said.

"The interpretation of security forces was to kill and the government never did anything to rectify this.

He said the TRC also proved that investigators set up under De Klerk's rule to investigate state-sponsored violence never did their job.

In contrast, TRC commissioner Mr. Bongani Finch said yesterday: "We have clearly established a consistent pattern of police detention and torture, which led to death in some cases."

See also page 2 and 12.
Calls for general amnesty as TRC is swiped from all sides

Political parties point out cost to country of lengthy criminal cases or civil suits

BY MARCO GRABELI
 Pretoria Correspondent

Calls for a general amnesty for apartheid-era human rights violations mounted last night, as political parties weighed up the possibility of lengthy criminal prosecutions and civil suits against individuals across the spectrum.

Opposition parties argued that a general amnesty, rejected by the ANC at the start of constitutional talks in the early 1990s, would finally close the book on the past.

The only party not in favour of such a move — and which urged the Truth and Reconciliation Commission not to delay the report's publication — was the Democratic Party, which will be largely unaffected by the report.

National Party leader Martinus van Schalkwyk said the last-minute changes to the report were only the latest in a string of mistakes made by the TRC that had undermined its credibility.

These mistakes included the appointment by the Government of commissioners sympathetic to the ANC, the attack on the NP and former president FW de Klerk, for which the TRC and its leaders were later compelled to apologise; and the granting of a blanket amnesty to 37 ANC leaders, which was overturned by the courts.

"The report is a mess," Van Schalkwyk said. "It has been compromised so many times, including the day before its release, that it has no credibility left."

Inkatha Freedom Party Gauteng leader Themba Khoza said the TRC's credibility had been in question from the start, and this was reflected in the controversy surrounding its report.

"Those who called it a circus are not far off the mark. We have always maintained that opening cured wounds is no way to heal a disease," he said.

Pan Africanist Congress leader Dr Stanley Mogoba said the excuse by the TRC of parts of the report showed it could have made a mistake, and said the report's release should be delayed.

Mogoba also said the report's release should signal an end to the TRC chapter of the country's history.

"We can't continue walking backwards into the future. There should be no prosecutions after the report," he said.

Freedom Front leader General Constand Viljoen, long an advocate of general amnesty, said the time had come to review the entire TRC process and to consider a blanket amnesty.

Viljoen said the IFP was the only party to vote against the establishment of the TRC, because it believed it would not bring reconciliation.

"What the party warned against is now becoming a reality with the entire TRC process collapsing and losing all credibility," Viljoen said.

United Democratic Movement leader Bantu Holomisa and his deputy Roelf Meyer both came out in support of a general amnesty.

They welcomed the TRC's stance on both the ANC and De Klerk challenges, saying the commission was displaying its independence.
Reach out and touch

Sharon Xane

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24

INSIDE
VICTORY FOR TRUTH!
I am desperately sad, says Tumie

STAFF REPORTERS

"We're not talking about the ANC now," he said. "We're talking about the national interest." Tumie said. "And the national interest is that we must not delay the implementation of the ANC's policies." Tumie, who is a close ally of President Mandela, said he was concerned that the ANC was taking too long to implement its policies.

ANC in trouble

The ANC's troubles are mounting. The party has been forced to delay the implementation of its policies, which has led to widespread criticism. Tumie said he was concerned that the ANC was not doing enough to address the needs of the people.

But he also said he was optimistic about the future. "I believe in the ANC," he said. "I believe in the ANC's policies and its commitment to the people." Tumie said he was confident that the ANC would come through its current difficulties.

ANC's policies

Tumie said he was particularly concerned about the ANC's policies on education. "The ANC's education policies are not working," he said. "We need to do more to improve the education system." Tumie said he was concerned that the ANC was not doing enough to address the needs of poor and rural communities.

ANC's future

Tumie said he was concerned that the ANC was facing a crisis of confidence. "The ANC is a party that has been in power for a long time," he said. "And it is time for a change." Tumie said he was concerned that the ANC was not able to address the needs of the people.

ANC's leadership

Tumie said he was also concerned about the ANC's leadership. "The ANC's leadership is not strong," he said. "And it is not able to lead the party." Tumie said he was concerned that the ANC was not able to address the needs of the people.

ANC's future

Tumie said he was hopeful about the future of the ANC. "I believe in the ANC," he said. "I believe in the ANC's policies and its commitment to the people." Tumie said he was confident that the ANC would come through its current difficulties.
Debate on SA's past will not end soon

ANC in court bid to block truth report

Stephén Lafer, Dustin Chick and Wyndham Hartley

IN A further threat to the handover of the truth commission’s final report today, the African National Congress last night sought to block publication of the section of the report dealing with it.

It said it would apply to the Cape Town High Court for an urgent interdict to prevent its publication.

This follows the commission’s agreement yesterday to exclude from the report the section dealing with former president FW de Klerk. De Klerk, allegedly linked in the report to human rights violations, had also applied for an interdict.

The commission, whose report is secret until it is handed to President Nelson Mandela at midday today, is understood to have found that the ANC and several of its members were guilty of gross human rights violations.

The commission seemed at a loss as to how to respond to the ANC move. Commission chairman Desmond Tutu said the commission could not comment. “We have not received anything official from the ANC yet. We go on until told to do otherwise by court order.”

“For myself, I am deeply saddened.”

ANC deputy secretary-general Thamsanqa Montsi told a Johannesburg media conference last night that the ANC had no intention of silencing a body they gave birth to, and did not want to damage the commission’s reputation. However, the ANC had received what it believed were assurances that its objections to the commission’s draft findings would be discussed with the party. Then, in a letter sent to the ANC yesterday, acting commission chairman Dumisa Ntsebeza said that except for the correction of a few factual errors, the final report contained nothing new. The commission had warned the ANC on October 21 that time was running out for its response.

Montsi said the commission also told the ANC that its response had arrived too late to be considered fully. She said the ANC wanted an urgent meeting with the commission.

One solution would be to delay the release of the whole report. However, this appears unlikely as the law requires the report to be handed to Mandela by October 31.

Failing release of the whole report, the ANC would seek to delay the release of sections dealing with it. Sources said this would allow the ANC and the commission to negotiate on the final version of the findings.

Samungo Nyapayama, head of the ANC presidency, said that any delays in releasing the report “might only be a matter of days”.

“Other sources said a further option would be to publish the report in its current form, but with the ANC’s objections included as an addendum.”

Justice Minister Dullah Omar said he knew nothing of the planned ANC interdict. Omar said he was preparing for the handover of the report today, and as far as he was concerned it would go ahead.

Meanwhile, Cape Judge President Edwin King yesterday approved an agreement between the commission and De Klerk that the section of the report dealing with De Klerk should be excised and the matter set down for hearing on March 4 next year.

Tutu said he had taken the decision on the advice of senior counsel who had said that to defend the commission’s position adequately more time was needed. He denied this was a capitulation. The instruction to the legal team was to defend De Klerk’s court challenge “vigorously.”

“It is with very great reluctance that I have agreed to request a postponement and to the resultant decisions to finalise our findings in relation to Mr de Klerk at this stage. It upsets me deeply. We have been scrupulously fair to Mr De Klerk and we reject the contention that we have engaged in a vendetta against him.”

De Klerk’s spokesman Dave Stewart said he welcomed the removal of the findings implicating De Klerk because they were “shocking.”
Party held accountable for the actions of its members
TRC facing ‘a feeding frenzy’ of challenges

ANC and NP in accord on report

Hugh Robertson
Political Editor

The Truth and Reconciliation Commission is about to be savaged in a feeding frenzy of legal challenges — in addition to those already launched by the African National Congress and former president F W de Klerk.

And the effect could be the end of South Africa’s bold and controversial attempt to bring about national reconciliation and unity.

Instead, the old political fault lines — race, ideology and class — which have been the cause of decades of struggle, could be revived.

This is because the TRC, for all its drawbacks, is South Africa’s only major instrument of national reconciliation. It is being savaged just as the country is about to enter next year’s election campaign. Even before the TRC controversy erupted, there were signs the campaign would focus on the old fault lines.

Now the TRC, and thus the country’s attempt at reconciliation, will itself become part of the election discord as the two major parties squabble over its findings.

The further legal challenges to the TRC are likely to come from at least seven individuals, who have already indicated they believe the TRC report is unjust and defamatory and who probably have no recourse but to go to court as Mr De Klerk and the ANC have done.

But worse is in the pipeline. Because the TRC report has been so damning of the ANC and the National Party, there are already informal discussions between the two major parties about rewriting the TRC’s enabling legislation, with retrospective effect, in order to open the way for a general amnesty.

This would let prominent ANC and NP members, named in the report, escape possible lawsuits for damages by people, who were victims of human rights abuses, on both sides of the liberation struggle.

As the legislation now stands, they cannot be granted amnesty by the TRC because they did not apply for it before the deadline.

Among them are the 37 ANC members, including Deputy President Thabo Mbeki, who were originally granted amnesty, but whose amnesties were overturned by the High Court.

And they include apartheid-era generals, NP government ministers and ANC Women’s League president Mrs Winnie Madikizela-Mandela.

The problem with a general amnesty is it would terminally discredit the whole TRC process.

It would make a mockery of those who faced public humiliation to make confessions to the TRC and apply for amnesty. And it would reward those who spurned the TRC.

There is also growing fear among smaller parties that the TRC process has been vastly discredited already by the ANC and Mr De Klerk’s court applications.

Party officials argue that in the eyes of ANC and NP supporters — possibly two-thirds of the adult population — the TRC report is fatally flawed, rejected by respected party leaders.
President Mandela from doing his statutory duty," he said.

There was also nothing improper about the commission deciding that the ANC's submissions had been

handed in too late.

"The question here is whether the

ANC has a clear right to seek the

interdict that it does and whether

they received the opportunity to sub-

mit submissions.

"The fact is that they had a right to

which they had to adhere in a specif-

ied time," said Mr Newdigate.

The ANC was at fault because it
did not file its submissions in time.

"It must be borne in mind that the

ANC was not the only party the com-

mission had to deal with, so it cannot

be said that the ANC was treated

unfairly. In fact, the contrary is true,"
said Mr Newdigate.

Roelof van Riet, for the ANC,
argued that although the organisa-
tion had filed submissions late, it had

a legal expectation that these would be

considered.

When the ANC filed its submis-
sions on Monday last week there had

been no reaction from the commis-
sion. "They did not say it was too late

or that they were not dealing with it,

"Thus Monday the ANC received a

letter which stated: "Your report

reaches us a little bit too late for the

purposes of the notice. However, cops
were quickly dispatched to all

commissioners and your input is

being considered by them."
Opponents targeted for death, torture and murder, report recounts a litany of bombings. Pac prises TIC but wants chapter closed.

ON THE RUN:

JOHN VEIDT

DP welcomes on final report court ruling

NEWS 3

Cape Argus, Thursday, October 29, 1998
At last - the truth is out

ANC loses its bid to block findings

Triumph as TRC's JUST THE TRUTH IS OUT

hands over report

NGC 3/10/99 (29)
FW’s court battle to stop report finding set for March

The Cape High Court application by FW de Klerk, for an interdict to prevent the Truth and Reconciliation Commission from handing him his final report in connection with state-sponsored bombings, has been adjourned until March.

Yesterday, lawyers for the commission told Mr Justice Edwin King they intended opposing the application and needed time to file answering affidavits. They also needed time to study Mr De Klerk’s 250-page submission.

If the commission makes public its report today, it will be without the reference to which Mr De Klerk has objected.

Judge King adjourned the case until March 4.

Henk du Toit and Jan Henmis appeared for the commission and Andrew Beskenbach and David Sogget for Mr De Klerk.

Mandela says he accepts final report, warts and all

Pretoria – President Mandela said today he accepted the Truth Commission’s final report “as it is, with all its imperfections” as an aid to help reconcile the nation.

He was speaking at a formal handing over ceremony in Pretoria, which marked the balance of the last 12 years since a court challenge by the African National Congress.

Mr Mandela said the TRC report contained material that could sustain endless finger pointing and finger pointing at the disadvantage of opponents when the TRC was established to fight for the victims.

And in the broad and the pictures of media reports, the fundamental principles it runs may change, creating an impression that the powerful thing to do would have been to reconcile.

But it should not claim to have delivered these either. Success in any case depends on how far all of us cooperate with it,” said Mr Mandela.

He was confident the commission had contributed to the work of laying the foundation for reconciliation.

“I therefore take this opportunity to say that I accept the report as it is, with all its imperfections, as an aid to the TRC’s work to help reconcile and build our nation,” he said.

Reconciliation required that South Africans work together to defend democracy and the humanity proclaimed by the constitution.

“It demands that we join hands, as with the job summit tomorrow, to eradicate the poverty spawned by a system that denied the deprivation of the majority,” he said.

Reconciliation required that South Africans needed volunteering, homelessness and ignorance, and that they put shoulders to the wheel to end crime and corruption.

“More particularly, we will start consultations with all sectors of society on how to contribute to the variety of programmes required to restore the dignity of those who suffered and to give due recognition to those who paid the supreme sacrifice so that our nation could be free.” - Sapa.

Report ‘road map into archive for the nation’

The Truth Commission could have produced a virtual “Encyclopedia Britannica” with the huge volume of information it had collected. Instead, its final report would be more like a “road map” for people researching this material.

So says the Truth Commission’s director of research, Charles Vickers, who is deeply concerned about unrealistic expectations of the report.

Professor Vickers, who was responsible for co-ordinating the huge effort that went into producing the 3,950-page document, said there were “enormous limitations” to what the commission had been able to achieve in completing its report.

“The commission decided fairly early on to produce a broad and wide-ranging report, rather than a narrow and very specific report,” he said.

From the outset, the commission had recognized that there was an inherent contradiction or tension in the requirements in its founding Act.

On the other hand, it was required to focus on a narrow range of gross human rights abuses – murder, torture, abduction and severe ill-treatment. But at the same time, it was required “to provide, as complete a picture as possible of the nature, cause and extent of gross violations of human rights committed from March 1, 1960, to the cut-off date (May 21, 1990)”. The commission had decided it would interpret the mandate in the wider sense and aimed to produce a broad report.

“We have so much material that we could have written the Encyclopedia Britannica, but we’ve had to edit this down severely. So what we’ve achieved is a kind of road map into that archive.”
ANC loses its bid to block findings

LENORE OLIVER
High Court Reporter

Just hours before the final Truth and Reconciliation Commission was due to hand its final report to President Mandela, the African National Congress lost its Cape High Court application to block the release of the report.

Mr Justice Wilfred Thring today rejected the ANC's argument that the report should be delayed because the commission had not adequately addressed the party's objections to being named as an abuser of human rights.

The application was dismissed with costs.

The party said afterwards it would appeal against the decision, although by that time the report had already been released.

The ANC was informed on August 24 by a Section 90 notice that it was implicated in gross human rights abuses in the report. It had 15 days to respond.

Its response came more than a month later and appears to have been disregarded by the commission.

The ANC received the notice on August 24, but filed rebuttal submissions only on October 19.

Arguing for the commission, John Newdigate told a packed courtroom that the matter involved a political party (the ANC) which had levelled serious allegations against a statutory body, the TRC.

Mr Newdigate said it was the statutory duty of both the commission and President Mandela to publish the report.

"One can hardly suggest that an order be made which would preclude President Mandela from doing his statutory duty," he said.

There was also nothing improper about the commission deciding that the ANC's submissions had been handed in too late.

"The question here is whether the ANC has a clear right to seek the interdict that it does and whether they received the opportunity to submit submissions," Mr Newdigate said.

"The fact is that they had a right to which they had to adhere in a specified time," said Mr Newdigate.

The ANC was at fault because it did not file its submissions in time.

"It must be borne in mind that the ANC was not the only party the commission had to deal with, so it cannot be said that the ANC was treated unfairly. In fact, the contrary is true," said Mr Newdigate.

Boelof van Riebeek, for the ANC, argued that although the organisation had filed submissions late, it had a legal expectation that these would be considered.

"When the ANC filed its submissions on Monday last week they had been no reaction from the commission. 'They did not say it was too late or that they were not dealing with it.'

This Monday the ANC received a letter which stated: Your report reaches us a little bit too late for the purposes of the notice. However, copies were quickly dispatched to all commissioners and your input is being considered by them."
ANC rejects linking of IFP to apartheid

TRC sets off furore

POLITICAL STAFF AND SAPA

Johannesburg - The African National Congress has virtually repudiated compelling evidence, given to the Truth Commission, of the Inkatha Freedom Party's collaboration with the apartheid regime.

In its written response to the TRC's final report, the ANC says that it rejects the finding that the IFP collaborated with military intelligence under the former government to train cadres who went on to fight against the liberation movements.

It acknowledges that it once viewed the IFP as a party that was in cahoots with the former government during the liberation struggle. But it adds bluntly that this no longer fits its vision of unity with the IFP.

The TRC has named top IFP figures, including party leader Mangosuthu Buthelezi, as individuals who supported efforts of the apartheid government in its battle against the ANC and Pan Africanist Congress.

There has been feverish activity among political leaders to minimise the damage of the TRC's report to their parties.

This follows the leaking of the TRC's preliminary findings, sent to political parties last month.

The 3,500-page report is to be handed to President Mandela on Thursday and will be made public immediately.

FW de Klerk will apply for an urgent interdict in the Cape High Court tomorrow to stop the TRC from implicating him in state-sanctioned atrocities.

The report is understood to say that Mr de Klerk was aware that his law and order minister, Adriaan Viljoen, and police commissioner, Collin van der Merwe, were involved in the bombings of Cosatu House and Khonto House in the late 1980s, but did not report this to the authorities.

The commission said it had found a deliberate strategy by the Pan Africanist Congress military wing, the Azanian People's Liberation Army, to attack civilian targets.
PINOCCHET'S LONG SHADOW

Last-minute recriminations

The arrest of former Chilean dictator Augusto Pinochet in Britain, on the authority of an extradition warrant filed by Spain, means that South Africans who may have been involved in crimes against foreign nationals or foreign property could suffer a similar fate, even if they have been granted amnesty by the Truth & Reconciliation Commission (TRC).

The octogenarian Pinochet must have thought himself well protected when he travelled to Britain for surgery. His diplomatic passport aside, he had been granted amnesty in Chile for suspected complicity in the torture, murder and disappearance of thousands of political opponents during his rule from 1973 to 1990.

The question of his fate coincides with this week's scheduled release of the TRC report on human rights abuses between roughly, the Sharpeville massacre of March 1960 and the inauguration of Nelson Mandela as SA's first democratically elected President in May 1994.

As the TRC went to press, controversy swirled around the report, generated in large measure by special notices informing a wide spectrum of SA political notables of adverse findings against them. These included former President F W de Klerk, ANC Women's League president Winnie Madikizela-Mandela and Inkatha Freedom Party leader Mangosuthu Buthelezi.

De Klerk sought an urgent interdict to prevent the TRC from finding him "an accessory after the fact" to the bombing in the late Eighties of the headquarters of the SA Council of Churches and Congress of SA Trade Unions by security forces — an allegation he fiercely denies.

De Klerk, like Buthelezi and Madikizela-Mandela, has not applied for amnesty. But even if he had, Pinochet's arrest in London shows that the granting of amnesty by the TRC does not provide absolute protection against arrest outside SA.

The case of former police agent Craig Williamson is instructive. Before applying for amnesty, he sought — without success — assurances from the authorities that amnesty would also protect him from extradition to face charges abroad. His amnesty application includes admission of involvement in the Eighties-era bombing of the ANC headquarters in London and the sending of letter bombs that killed ANC activist Jeanette Schoon and her daughter Katryn in Angola and Ruth First, wife of Communist Party leader Joe Slovo, in Mozambique.

Even if Williamson is granted amnesty — the TRC amnesty committee has not yet made a decision — he would be unwise to travel to Britain, Angola or Mozambique.

On the eve of the handing of the TRC report to Mandela, the controversy heightened as the ANC and the Pan Africanist Congress sought to counter TRC findings against them for the killing of innocent civilians and summary execution of suspected spies of the former government. It was hardly auspicious for the reconciliation the TRC is meant to promote.

Patrick Lawrence

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Business unresponsive as TRC suggests tax for apartheid debt

Johannesburg — A cold "no comment" was the stupid, unprincipled reaction of most business leaders yesterday after the Truth and Reconciliation Commission proposed a series of taxing on big business to offset apartheid's legacy of poverty.

Private sector, several said they thought the idea was a non-starter. In its 5,500-page report, the statutory Truth and Reconciliation Commission said the government should consider a wealth tax and a one-off levy on personal and corporate income.

It also proposed "each company listed on the JSE make a contribution," donation of 1 percent of its market capitalisation, and "a retrospective surcharge on corporate profits".

"Leading South African businesses recently agreed to create a R1 billion fund to help boost employment and foster economic growth, a move welcomed by the government," the South African Chamber of Commerce and Industry said.

The policy targets outlined in the GEAR programme would also be thrown into jeopardy, "GEAR stipulates that the tax burden should not increase, so this would be contrary to GEAR," said Peter Leibacher of the Bureau for Economic Research.

The commission also suggested the government should consider reviewing the commitment to repay "odious debt" incurred under apartheid rule.

"Foreigners will probably wait and see what to make of it," said Els. "Local financial markets showed little initial reaction."

Reuters
Visit to Disneyland
Donor Funds Paid For
escape damning report

THE Truth and Reconciliation Commission of South Africa Report is more than a catalogue of the apartheid era nightmare — it incorporates a blueprint for a model society based on fundamental principles of human rights ROGER FRIEDMAN reports.

Gross human rights violations exposed

- While no evidence of a centrally directed "third force" was found, a network of serving and former security force members encouraged violence during the 1990s.
- There was no evidence that the leaders of the Communist Party were involved.
- The Government failed to collect evidence of abuse.
- Certain members of the State Security Council did not order the use of weapons such as tear gas, rubber bullets, and live fire.

- The ANC was responsible for killings, assaults, and attacks on political opponents and the police.
- The World Anti-South Africa movement formed part of the systematic pattern of abuse which entailed alternative planning on the part of the organisation.
- General Constand Viljoen, General Pieter Groenewald, and Eugene Terreblanche, by virtue of their leadership positions in the right-wing movements, must be held accountable for the violations of their supporters.

- The ANC was responsible for killings, assaults, and attacks on political opponents and the police.
- The World Anti-South African movement formed part of the systematic pattern of abuse which entailed alternative planning on the part of the organisation.
- The ANC was responsible for killings, assaults, and attacks on political opponents and the police.

- A total of 80,000 South Africans were detained between 1960 and 1994, of which about 80% were released without being charged.
- About 7,000 amnesty applications have been received, of which about 10% were granted.

- Winnie Madikizela-Mandela has a chapter to herself.
- The commission finds that Winnie Madikizela-Mandela was politically and morally accountable for the gross violations of human rights committed by the Mandela United Football Club.
- The commission finds that Madikizela-Mandela was responsible, by omission, for the commission of gross violations of human rights.

- The commission invites South Africans to accept our own need for healing to reach out to fellow South Africans in a spirit of tolerance and understanding (not to address the reality of ongoing racial discrimination).

The full report can be found on the TCR's website at www.truth.org.za
Corporate surcharge proposal hits a nerve

CHRIS BATEMAN

THE retrospective surcharge on corporate profits suggested by the TRC in its final report would “entirely undermine” trust in the income tax system and be an “unqualified disaster”, Anglo American’s tax chief Marlus van Blerk said yesterday.

Van Blerk was responding to the 17-member TRC panel’s recommendation of a once-off levy on corporate and private income plus a once-off donation of one percent of their market capitalisation for companies listed on the Johannesburg Stock Exchange.

He said the retrospective surcharge would be the first step on a “very slippery path downwards”, adding, “I cannot think of a perspective from which it would be fine.”

Expressing doubt as to how the recommendations fit into the TRC’s mandate, Van Blerk said the government “collected quite a few bob”, with its Transition Levy in 1995 and 1996.

However Christo Wiese, chairman of Pepkor and the Industrial Development Corporation, IDC, believed the recommendations were, “very much part of the TRC’s mandate to further reconciliation”.

“In principle, I have no difficulty with attempting in some way to perfect reconciliation by a one-off donation or contribution. But here’s my qualification: All South Africans must agree that once such an action is taken, that’s it — we close the book on the past.”

Wiese said those who continually blamed the past for current shortcomings or failings were condemned to forfeit the opportunities of the future. Business had already shown its willingness to go the extra mile both through the National Business Initiative (NBI) and black economic empowerment.

“Four years ago, blacks controlled four percent of the JSE and now they control seven to 10% — something unrivalled anywhere in the world,” he said.

Van Blerk said the 1995/6 levy for individuals was spread over two years and amounted to five percent of taxable income in excess of R50 000 in each year, with 3.33% in 1995 and the balance the following year.

The corporate levy was charged in 1995 and was a flat five percent of taxable income in excess of R50 000.

Van Blerk said ad hoc wealth tax measures attacked the health of the tax and economic systems and were always best done in a growing economy.

“Economic growth is the very best way to beat poverty and the tax system also benefits from growth,” Van Blerk added.

Deputy chairman of Pick n Pay Rene de Wet said the NBI was already “knocking on doors” asking companies for 15% of market capital and that the NBI also had a formula for non-listed companies.

De Wet said he doubted that companies would be able to afford the TRC-recommended measures on their current cash flows.

- The TRC did not propose a date to which the retrospective surcharge would be levied nor detail the rates at which levies should be imposed.
POLITICAL parties went on the offensive yesterday after the Truth and Reconciliation Commission (TRC) report on the country's past left none unscathed, but community groups begged leaders to rise above the fray.

While Deputy President Thabo Mbeki attacked the commission for finding the African National Congress guilty of human rights abuses, the National Party boycotted the ceremony in Pretoria where Archbishop Desmond Tutu handed his main report to President Nelson Mandela.

"They are wrong, wrong and misguided," Mbeki said as he arrived to open an international oil conference.

In its reaction, the ANC also condemned the report for criticising the party's actions during the struggle against white rule.

"We are not really concerned that this report will tarnish the image of the ANC at all. On the contrary, we are more concerned about its (the report's) stature being diminished," ANC secretary-general Kgalema Motlanthe said.

"We think it is a real pity that the report was presented in a manner that calls it into question. We would have preferred a situation where the report was accepted by all parties that indeed it represents a true reflection of our immediate history.

The Inkatha Freedom Party angrily rejected the finding that Mangosuthu Buthelezi was also responsible for abuses.

"The implication of IFP president Dr Buthelezi in the TRC report is preposterous and flies in the face of reconciliation and nation-building," IFP spokesman Albert Mncwango said, adding that the party would take legal action to defend its leader and any other party members implicated.

Both the IFP and the NP said Tutu's commission was biased in favour of the ANC.

NP parliamentarian Jacko Maree said most of the 17 truth commissioners were ANC sympathisers and said the commission had failed to address white South Africans' fears of communist expansion and failed to acknowledge the role of the white minority government in dismantling apartheid.

Former president and NP leader FW de Klerk, who this week went to court to force the commission to erase accusations that he concealed knowledge of apartheid-era bombings, said he was pleased his case had succeeded.

"There was no factual or legal basis for the findings and I am satisfied with what has been achieved," he said as he arrived back in Cape Town from London.

The United Democratic Movement welcomed the final report as a "balanced" document which could contribute to reconciliation.

However, the wounds of the past could not be healed through the report, UDM leaders Bantu Holomisa and Roelf Meyer said.

"We should never forget the lessons learnt from our past. We must use it as a firm foundation for our future. The report provides us with the first pages on which we can start writing our future," said Holomisa.

Political analysts said the response of the parties was predictable.

"Given that next year is election year, political parties don't want to be criticised," said Sampie Terblanche, Stellenbosch University politics professor. — Reuter, Sapa
Liberation movements also feel
Proposals for a new orde...
Gang of six were torture kingpins

A GROUP of six law enforcement officers was central to the torture of Western Cape political detainees from 1960 to 1978, the TRC has found. ROGER FRIEDMAN reports.

The death in detention of Imam Abdullah Haron in May 1969 was caused directly or indirectly by his experiences at the hands of the security police, the commission finds in the chapter of its report dealing with the Western Cape.

The commission finds that a group of individuals was consistently responsible for different forms of torture of political detainees between 1960 and 1976, including Syker van Wyk, a Sergeant Greff, a Sergeant Van Ruysew, Andy Vosloo, a Sergeant Ferret and a Mr Van der Maure.

In this context, the commission finds that there were highly likely that those who died in custody experienced torture prior to their deaths, and that their deaths were a direct or indirect result of such torture.

The commission found that torture and assault continued to be used against detainees after the 1976 insurrection, dished out by ordinary police personnel and members of the security branch.

In particular, detainees held at Caledon Square police station experienced torture. The perpetrators most frequently mentioned in this regard are individuals known as Swart, Van Wyk, Coetzee and Greff.

Moving into the 1980s, the commission said that units deployed in public order policing, namely the riot unit and the SA Railways Police task team, used methods that were characterized by brutality, racism and a lack of concern.

The commission finds that in the Afrikaner townships of Cape Town, Warrant Officer H.C. Berard in particular created a climate of terror with impunity and was associated with a very high number of violations.

In the Athlone Trojan Horse Incident in October 1983, police folding in large wooden crates on the back of a railway truck fired directly into a crowd of about 100 people, killing three and injuring others.

Colonel Peter van Heerden (head of Western Province riot squad), Major Christian Loodt (gang) and Commandant Salomon Fienaier (SADF) were amongst those who directed on and tasked the 10 members of the SA Railways Police (under Lieutenant Douw van Zyls) to obtain a railway vehicle and conduct the first Trojan Horse operation.

In March 1986, seven young men were shot dead in Gugulethu Mandla Mntowa, Godfrey Jablani, Miya, Christopher Piet, Zola Alfred Swelani, Themba Mlifi, Thokoza John Ndlovu and Zanele Mpho. All seven were shot in the head. In addition to numerous other gunshot wounds.

Police officers at the scene were Warrant Officer Barnard and McMaster, Majors Johan Kiey, Dolf Oostendorp and Stephonie Booys, Captains Charles Buenszie, Sergeants John Kriel, André Grobler, Pieter Fourie and Isaac Rattenberg, and Constables Thobello Khoza, Mabutho and Zola Phale. "Jinnah" Maseke applied for amnesty for these killings.

"The commission was not able to make a finding as to whether the security forces were responsible for these killings."

The commission was not able to determine conclusively whether the grenade that killed MK soldier Anton Frank in Athlone in November 1989 was self-detoned or thrown by the police.

And it makes no finding in respect of the death of Bantu姆 activist Ashley Kriel in July 1987. In the event of applying for amnesty in connection with Kriel's death, notorious police torturer Jeff Rensel has continued to maintain that the death was an accident. The amnesty committee has yet to reach a decision on this case.

Turning to the komide mine deaths in July 1989 of Collie Williams and Robbie Waterworth, the commission was unable to make a conclusive finding.

However, the commission obtained evidence that security forces had agents in or very close to Ashley Kriel's unit, of which Williams and Waterworth were members.

The commission found that Godfrey Brown, a close friend of Waterworth's, who was also involved in MK, was an informant for the National Intelligence Service.

Brown was handled by Johan Hattings of the NSS, from whom he received money for writing political analyses.

Secondly, it found that Kriel's unit had been infiltrated by military intelligence.

Arstistes Spannents of the Directorate Counter Collection confirmed to the commission that he was the handler of a source, Shane Oliver alias Percy alias Iaie, bridge Kriel's group.

On the subject of the Witlocke violence in Crossroads and KTC in 1986, the commission finds evidence that the conflict was encouraged and supported by the security branch, defence force and joint anti-apartheid camp.

"The commission recommends that the cases of Captains Paul Lock and Warrant Officer Barnard in the conflict, and the relationships between Johnson Ngelebeng and Waterworth, the state and the security forces be further investigated."
No changing the truth

No number of interdicts will stop the details that are contained in the TRC’s final report from being revealed, writes Claire Keeton (252)

Sentiment ran high when PW Botha appeared before the TRC.

1980s: Now the TRC has shown that there were indeed sinister chemical and biological projects under the control of the apartheid government.

The commission has also heard many disturbing accounts of abduction, torture and assassination, which combine to form a picture of systematic violence against the opponents of apartheid by the security police.

"Although relatively few named perpetrators came forward, out of our investigations and amnesty applications, we were able to draw conclusions from consistent patterns," commissioner Richard Lyster said.

The TRC, however, found it difficult to investigate particular types of violations like political deaths in police detention.

Firstly, tons of records were destroyed by the police, and, secondly, assault and murder in police cells took place behind locked doors.

"It is an unfortunate part of our records that we thought would unfold, but nobody came forward (to apply for amnesty)," said commissioner Hiengwe Mkhize.

The TRC’s findings of gross human rights violations by the African National Congress covered several categories.

Those committed against civilians during the armed struggle, violations committed in exile, those committed after the unbanning of the ANC against its political opponents.

The TRC found that the ANC blursed the line between military and civilian targets during its armed attack.

The ANC’s armed wing MKKhoento wIsizwe was also accused of laying anti-tank landmines in the rural areas of the Northern and Eastern Transvaal, resulting in civilian deaths.

The killing of informers and defectors was condemned by the TRC as a gross violation of human rights.

In the second category — abuses committed in exile — the TRC listed the ANC as guilty of violations against suspected enemy agents and journalists, as well as for torture and severe ill-treatment in its interrogation camps.

"The commission finds that the inmates and detainees in the camps had their rights violated and in a number of incidents, individuals were executed," it said.

Recognising that the apartheid government “deliberately manipulated social cleansings and drownings”, the TRC nevertheless condemned the ANC for violent campaigns against the Inkatha Freedom Party, Azanian Peoples Organisation and the Pan Africanist Congress.

The ANC was accused of killing members of these organisations and of killing policemen.

The TRC found that the organisation had to take responsibility for violations committed by self-defence units aligned to it.

Significantly, the TRC said: "The ANC must accept responsibility for the activities of Mrs Winnie Madikizela-Mandela and the Mandela United Football Club".

The commission found that the ANC failed to inform the TRC of the inquiry into her affairs, nor did it give the commission the results of the inquiry.

The TRC recommends ongoing investigations and possibly prosecution, to be supervised by the office of the newly appointed national director of prosecutions.
We reap what we sowed – Mandela

President Nelson Mandela delivers his speech after receiving the TRC’s final report

"After receiving the Truth and Reconciliation Commission’s final report in Pretoria yesterday, President Nelson Mandela responded:

'The TRC, which was established in terms of the Truth and Reconciliation Act of 1995, has...'

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Azapo criticises ANC over TRC report

"A GREATER JOHANNESBURG"
Please RSVP with Boni or Pam at 407-3753

SA must now look ahead - PAC

The National Standards Body (NSB) 07: Human and Social Studies, Standards Generating Bodies (SSB) General Information Sessions

SSC liable for abuses - TRC

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SA must now look ahead - PAC

The Truth and Reconciliation Commission had revealed the painful truth of apartheid structures but had not succeeded in bringing about reconciliation, PAC member Thembekile imposters complained yesterday.

But Mogoba appealed to South Africans to close the book on the country's past and to concentrate on the challenges of the future.

"Mogoba's remarks came before the controversial "the-wounded-200-page" TRC final report was released yesterday after being handed to President Nelson Mandela by TRC chairman Archbishop Desmond Tutu in Pretoria. "We cannot, however, remain silent to the fact that the post-apartheid era is still a long way to come. We have great challenges ahead of us," said Mogoba.

"We owe it to ourselves and to posterity to make a clear and determined break with the past. Opening up regime wounds is the first stage towards healing," he said.

The PAC has criticized the report, along with the African National Congress, for being "morally and politically" responsible for gross human rights abuses during apartheid.
The news last night

THREE women missiles were hit by mortar fire in Dungwe village of Mount Fletcher in the Eastern Cape on Wednesday.

Police and soldiers for the night, women and third who worked on the fire were women who were on their way to work. The women were hit by mortar fire from a house in the village.

Mandela headed for Nigeria

PRESIDENT Nelson Mandela left for Nigeria yesterday to hold talks with General Abbé Abubakar and to attend the Economic Community of West African States summit in Abidjan.

On Wednesday, President Mandela announced that he would be in Nigeria to meet with President Abubakar and to attend the summit.

MacNally wants to meet Mandela

KWSOJOI Anigueli, mother of Jali MacNally, announced today that her son had been released from prison.

No body helps are Stagg

CAPE Town's three daily newspapers, The Cape Argus, Cape Times and Cape Courier, have released statements in support of the MacNally family.

Commonwealth meeting still on

SPUTNIK Press Release and Jabez Kennedy's appointments were well received by the Commonwealth Secretariat.

Cape mussel warning

The Public was warned by the Ministry of Safety and Security yesterday not to eat mussels and black mussels, which have been found to contain high levels of mussels.

How to reach Soweto. . .

Johannesburg: (011) 470-9400

Pretoria: (012) 231-5707

Cape Town: (021) 403-2275

Winnie 'can't be distanced from reign of terror'

By Claire Keeton

WINNER Mandela could not be distanced from the reign of terror conducted by the Women's United Football Club (WUFIC) against opposition activists in the late 1980s, the Truth and Reconciliation Commission said yesterday.

Club members were involved in at least 18 killings, and many of the operations which resulted in the deaths were broadcast on television.

The commission found that the WUFIC was a private group operating under a pseudonym, and that its members were involved in number of criminal activities.

The commission said that the WUFIC's activities were not covered by the Amnesty Act because they were committed in furtherance of a political aim.

The commission's final report is expected to be released in the coming weeks.

SA must accept final report - Mandela

By Joe Mphela

PRESIDENT Nelson Mandela praised the Truth and Reconciliation Commission, which recently released its final report on the Nelson Mandela Foundation.

Mandela said the report was an important step towards reconciliation and healing.

By Claire Keeton

Most gross human rights violations were committed by the apartheid state through an intelligence agency, the Truth and Reconciliation Commission's final report found.

The report concluded that the apartheid state's intelligence agency, the Security Police, was responsible for the bulk of human rights violations.

By Joe Mphela

Nelson Mandela
‘Donor funds paid for Boesak junket’

Former assistant says auditors were asked to hide details of former activist's expenses

Allan Boesak took his family on a R45 000 trip to Disneyland on donor funding, it was claimed in the Cape High Court yesterday.

He also wanted the books of the Foundation for Peace and Justice, of which he was the director, to conceal the fact that his travelling expenses exceeded amounts intended for the disadvantaged.

This was testimony by former FPJ assistant Thelma Sacco at Boesak's trial on theft and fraud charges involving R9 million, of which he allegedly stole R1.1 million for himself.

He has pleaded not guilty before Mr Justice John Foxcroft.

Sacco told the court Boesak travelled abroad extensively to lobby against-apartheid. She said FPJ rules required her to obtain authority from Boesak - or in his absence, from any of the FPJ trustees - to expend large sums. On Boesak's return from a trip, she had to present him with details of all financial transactions that had occurred.

Sacco said the FPJ also obtained funding from Archbishop Makulu of Botswana. She once had to represent the FPJ at a meeting with Makulu when Boesak was in custody. The purpose of this meeting had been to explain the FPJ's operations.

Because the FPJ was considered an extended ministry of the Dutch Reformed Mission Church, Boesak was remunerated by the church itself and funding obtained for the FPJ was not for Boesak's personal use, she told the court.

She said staff salaries were paid from the FPJ account and, before the launch of the FPJ, from a World Alliance account.

Sacco said Boesak decided about the allocation of funds himself, and funds were used to finance funerals, to support advice offices, to finance student bursaries, and to support released detainees and their families.

When auditors questioned the fact that Boesak's travelling expenses exceeded funds allocated for the needy, Boesak asked them to conceal this.

Sacco also told the court that Dutch donors demanded strict accounting procedures, and that Boesak's attitude was that if the Dutch did not trust him, he would rather seek funding elsewhere.

She managed to persuade Boesak of the folly of his attitude towards the donors, whereupon he accepted and complied with conditions for Dutch funding.

The hearing continues on Monday.
Findings emerge one-time opponents of apartheid

Organisations that fought against white rule slamm the commissions report with only the WDM approving

Say 30/10/94
Trials, civil claims could be instituted

BY RYAN CRESSWELL and MARCO GRANELL

A flood of civil claims and criminal prosecutions could follow in the wake of the TRC report.

Lawyers and legal experts said yesterday that perpetrators who had not applied for amnesty, and those whose applications had failed, could face civil claims from victims and children of victims of gross human rights violations.

The TRC itself strongly rebufed the idea of a general amnesty and recommended legal action against those who had not sought amnesty. A general amnesty the TRC said, would "create a culture of impunity" in the country.

A copy of the report would be handed to the National Director of Public Prosecutions Bulelani Ngcuka today with a view to possible prosecution or further investigation.

Where amnesty had not been sought or had been denied, prosecution should be considered where evidence existed that an individual had committed a gross human rights violation, the TRC urged.

The commission said it would make all information in its possession - excluding privileged information contained in amnesty applications - concerning serious allegations against individuals available to the appropriate authorities to assist in bringing perpetrators to justice.

"It called on prosecutors to pay rigorous attention to bringing to book members of the former South African Police found to have assaulted, tortured or killed people," Moloi said.

The report also recommended that a time limit be given to time limit on prosecutions.

J活性 Moloi, president of the Black Lawyers' Association, said that while there was a three-year time limit for the lodging of civil claims, for minors and mentally disturbed people this limit was extended until they were over 21 or understood their situation.

Thus could leave a distinct opening for the children of victims, or those who were hurt when they were young.

People who were themselves victims or whose parents were killed during the apartheid conflict would be able to file claims.

"Those implicated who did not opt for amnesty or did not get it have left themselves open for criminal prosecution or civil claims by victims," Moloi said.

Johannesburg Bar Council president Peter Hodes said the time limit would also be waived if victims had not been aware of what happened or who were responsible for certain atrocities before it was uncovered by the TRC.

In such cases, victims would be able to institute civil or criminal proceedings.

Moloi said if the State decided to go ahead with some criminal prosecutions, it would have to gather evidence and witnesses, and this was not easy.

The report recommended that criminal prosecutions against everybody implicated would be "unfeasible". It also recommended that no "special units" be formed to carry out prosecutions.

Civil claims were not mentioned in the TRC report.
'I didn't struggle against tyranny to substitute it'

PRETORIA CORRESPONDENT

Before the release of the report yesterday, Archbishop Desmond Tutu vowed to fight the ANC's bid to halt its release "with every fibre of my being."

Tutu said he was devastated by Wednesday night's application for an urgent court interdict by the ANC.

"I am desperately sad as a person and I know my colleagues are too. Here we are, wanting to hand over a report where we have done this work with integrity, conscientiousness, with passion.

"We've made mistakes - we are not infallible - but we believe we have done a good job. And it is desperately, desperately distressing that this should happen.

"I have struggled against tyranny I didn't do that in order to substitute it with another and if there is a tyranny and abuse of power, let them know that I will oppose it with every fibre of my being. That is who I am."

Jesmn Sooka, deputy chairperson of the human rights violations committee, reacted angrily.

"We believe in the work we have done and believe that what the ANC has done has actually created a turning point in the history of our country, and we think this blow is not against us."

"We interpreted the mandate that was given us. We didn't create the mandate. The political parties got together and created the law. "This is not about us, this is about the people who died, the people who disappeared, the people we will never know about."

"We don't owe a duty to politicians - we owe a duty to the victims who suffered."

Tutu said it was ultimately President Mandela who would have to worry about the report.

"The problem is really going to be in his court, not ours. Our work ends when we hand over the report to the president."

Report a 'road map' into massive archive

Cape Town - The TRC could have produced an "Encyclopaedia Britannica" with the huge volume of information collected in its two-and-a-half year lifespan, Professor Charles Villa-Vicencio, the body's director of research, said.

The final report was only be a "road map" into this massive archive, he said.

Villa-Vicencio, responsible for coordinating the 8500-page, five-volume document, said there were "desirable limitations" to what the report could achieve.

The report was required to focus on narrowly defined gross human rights abuses, but also to provide a complete picture of the context of the violations.

The TRC had therefore decided to produce a broad report rather than a narrow and specific report in the tradition of government commissions.

Because the vast archive material had to be edited down severely, "the final report is limited and may not meet everyone's expectations", Villa-Vicencio said.

- Own Correspondent
Two giants reflect on the healing document

This is the full text of the speech by Archbishop Desmond Tutu at the handover of the report in Pretoria yesterday by the Truth and Reconciliation Commission.

The report is a monumental achievement, reflecting the courage and commitment of the Truth and Reconciliation Commission. The report provides a comprehensive account of human rights violations and the psychosocial impact of apartheid. It is a testament to the resilience of the human spirit in the face of adversity.

The report will be received by President Mandela, who will then hand it over to the government. It is hoped that the report will serve as a catalyst for reconciliation and healing.

The report is a significant step towards healing the wounds of the past. It is a reminder of the importance of truth, justice, and reconciliation in building a better future.

The report is a call to action for all South Africans to unite in the spirit of reconciliation and healing. It is a reminder of the importance of unity and national reconciliation.

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The report is a call to action for all South Africans to unite in the spirit of reconciliation and healing. It is a reminder of the importance of unity and national reconciliation.
TRC, ANC ‘part’ in divorce court

By Jeremy Lloyd

See story on page 3.

The commission of inquiry into the arms deal, chaired by Judge Grieser, is due to hear evidence from the ANC’s former national executive committee (NEC) members. The commission has been set up to investigate allegations of corruption and mismanagement in the arms deal, which took place in the 1990s.

The ANC’s NEC members are expected to testify at the commission, which is due to begin hearings early next year.

The commission is expected to probe allegations of corruption and mismanagement in the arms deal, which is said to have cost South Africa billions of dollars.

The arms deal, which was signed in 1999, involved the purchase of 124 fighter aircraft and 100 tanks from France.

The commission is expected to hear evidence from former ANC leaders, including President Jacob Zuma, who was the country’s deputy president at the time the deal was signed.

The arms deal has been a source of controversy in South Africa, with allegations of corruption and mismanagement leading to calls for an inquiry.

The commission is expected to investigate whether the government, including the ANC, knew about the arms deal and whether it was involved in any wrongdoing.

The arms deal is said to have cost South Africa billions of dollars, with estimates ranging from $6.7 billion to $9.3 billion.

The commission is expected to be completed by 2024.
Victims and families condemn suggestion of blanket amnesty

1998

The IRA have made no progress on demilitarisation or decommissioning.
Proposal for Accrual Accounting to Cover 1% of the Capital

And Levy to Help Victims

Call for Wealth Tax

OECD Watch

TNC & THE FINAL REPORT

Mixed economy

The other method of dealing with the Core Group funds is the "mixed economy" method, which involves the use of both market and non-market mechanisms to achieve economic and social objectives. In the mixed economy approach, the government plays a role in regulating and overseeing the operations of the Core Group, ensuring that its activities are aligned with the national economic and social goals. This method is often used in countries with a market-oriented economic system, where the government seeks to balance the benefits of market forces with the need for social welfare programs.
Final Report

If all here on Wine, took part in assaults.

Summary of the major TRC findings

Today, an answer about – greater and helping, can and as trials of

The TRC and the TRC hearings
Margo findings on Helderberg crash 'questionable'

Stephane Botha

PRETORIA — The findings of the official inquiries into the 1986 death of Mozambican president Samora Machel and the crash of SA Airways' Helderberg aircraft a year later have been labelled as highly questionable in the truth commission's final report released yesterday.

Both disasters required further investigation by an appropriate structure, the truth commission said.

The Helderberg, a Boeing 747 carrying 159 passengers and crew, crashed into the sea off Mauritius on October 28, 1987. There were no survivors.

The official finding by judge Cecil Margo was that a fire, whose cause was not determined, was to blame for the disaster. The truth commission's probe into the matter indicated that the investigators of the Margo inquiry had not followed correct procedures.

This commission's investigation into the Helderberg crash raised significant questions about the incident itself as well as the subsequent investigations that were conducted," the report says.

"Detailing a number of questions and concerns, the truth commission said it was clear that further investigation into the disaster was necessary before the matter could be laid to rest. These included the failure of the Civil Aviation Directorate to secure all documentation and recordings as required by aviation regulations. The truth commission said the cargo manifests were missing, as was a tape recording of contacts between the aircraft and the control tower.

The truth commission questioned the fact that eye witnesses of the crash were not called to testify before Margo and that members of Armscor, which at the time was SA's sole arms procurement company, were not called as witnesses.

"Jimmy Mouton, of the Flight Engineers' Association, also told the commission that his organisation was requested by the lawyer acting for the aviation entrepreneur, as well as by Margo himself at a later stage to withdraw its submission indicating that there may have been two fires on board the Helderberg," the report says.

During its investigation, the commission established that Armscor may have had a goods consignment on the Helderberg that could have been responsible for the fire.

Machel and 24 others died on October 19, 1986 when his Tupolev aircraft crashed into the mountainous terrain near Komatipoort. Margo blamed pilot error, while a Soviet team which conducted its own investigation concluded that a decoy beacon had caused the plane to stray off course and crash.

"The truth commission's investigation did not find conclusive evidence to support either of these conclusions," the report says.

Victims left with scars of a violent past

Nomayenda Mathiane

PHOENIX Quin was a year old when her parents were killed by a squad of security police led by Eugene de Kock during a raid into Leopold in 1985.

Now almost 14, she said she harboured no bitterness about what happened to her parents.

"I would be willing to forgive De Kock if he took the responsibility for what he did," she said.

Jonathan Jeffers bears scars on his face, arms and chest from the bomb that exploded at the Magos' Bar in Durban. Like the other victims, Jeffers commended government "for creating the (truth commission) which gave us understanding of our past. I am not bitter," he said.

Although most of the victims said they were happy with the commission and the process of reconciliation, there were some who were obviously in pain.

Thabo Mosebenzi from Kuruman, a former member of the African National Congress's military wing Umkhonto we Sizwe, was captured and tortured by the security forces. He suffers from mental disorder and severe headaches. "Although it hurts to see perpetrators not being with us, let bygones be bygones," he said.

Palesa Mabalaniso, said her 15-year-old daughter had been killed by United Democratic Front 'boys' in Vryburg.

She felt awful because she knew who her daughters' killers were and how they seemed to be above the law."
Medical fraternity allowed abuse

THROUGH apathy, acceptance of the status quo and acts of omission, the health sector allowed the creation of an environment in which the health of millions of South Africans was neglected and at times actively compromised. The truth commission has found after a three-year investigation into human rights violations committed under the former government.

The commission found that although there had been frequent disregard of moral and ethical codes of practice, it found “little evidence of the direct involvement of health professionals in gross human rights violations.”

The health department failed to provide adequate health care facilities to black South Africans.

The SA Defence Force and the SA Police did not provide adequate training, support or ethical guidance to health care professionals in their employ and thereby subjugated the interests of their patients to those of the government.

The commission said sectors of civil society which were represented at the commission’s hearings, including the health sector, were not directly involved in gross violations of human rights, but were structurally “part of an overall system designed to protect the privileges of a racial minority.”

It was found that professional medical bodies had not fulfilled their professional duty to protect the health of their patients by “neglecting to draw attention to the effects of socioeconomic consequences of apartheid on the health of black South Africans.”

Segregated health care and unequal budgetary allocations resulted in “gross inequalities in terms of facilities, resources and training.”

Statutory councils and medical bodies representing “almost exclusively the white male mindset” had ignored the needs and interests of millions of South Africans.

They had failed to conduct proper investigations into allegations of misconduct by doctors and nurses against political prisoners, the findings say.

Most district surgeons had not recorded or reported complaints of torture or abuse of political prisoners.

Tertiary institutions were also criticized for not ensuring that students learnt issues of ethics and human rights in health care.
**Winnie found accountable for killings**

Nomavenda Mathiane

WINNIE Madikizela-Mandela was politically and morally accountable for the gross violations of human rights committed by the Mandela United Football Club, the truth commission found.

It said the club was involved in criminal activities, including killing, torture, assaults and arson. The Mass Democratic Movement and the African National Congress had to accept responsibility for not bringing Madikizela-Mandela into the fold or disciplining her when things started to go wrong, the report said.

The report includes the abduction and killing of Lolo Sono and Anthony Shubasce Tshabalala and the abductions and assaults on Pelo Mekele, Thabano Mono, Kenny Kgase and Stompie Sepe. The commission concluded there was no doubt that Madikizela-Mandela was central to the establishment of the football club, and that its members were involved in at least 18 murders.

Many of the operations which led to the murders were launched from her home, the report said.

**Media 'helped sustain divisions'**

Nomavenda Mathiane

THE truth commission has found that state restrictions on the media played an important role in facilitating gross violations of human rights, and that more than 100 laws were introduced between 1950 and 1990 controlling the right to publish and broadcast.

Although the restrictions were not themselves a gross violation of human rights, they violated the right to a free flow of information and ideas, the commission’s final report said.

At their worst, particularly during the successive states of emergency after 1985, the restrictions amounted to pre-publication censorship of information on state abuses.

The report said the management of the mainstream English language media often adopted a policy of appeasement towards the state, ensuring that a large measure of self-censorship occurred. The mainstream media’s failure to affirm its independence from the state was evidenced in the “agreements” between the Newspaper Press Union and the former government.

The Afrikaans media chose to provide direct support for apartheid and the activities of the security forces, of which many led directly to gross human rights violations.

The SABC violated the Broadcast Act of 1976, which required it to “disseminate information to all national communities, unambiguously, factually, impartially and without distortion”.

With a few exceptions, the mainstream newspapers and the SABC failed to report adequately on gross human rights violations. In so doing, they helped sustain and prolong apartheid.

Newspaper management failed to provide sufficient moral, institutional and legal support for journalists who chose not to submit to the media restrictions imposed or expected by the state.

The report also found that Christianity promoted the ideology of apartheid and that some churches taught overt biblical and theological teaching in support of apartheid.

**Apartheid judged a crime against humanity**

Stephen Laufer

IN a key finding, the truth commission has judged apartheid — as a form of systematic racial discrimination and separation — a crime against humanity.

This brings the commission down on the side of international opinion as expressed in United Nations resolutions in the apartheid years. It endorsed the current international law position on the issue, dashing hopes in some quarters that the issue might be fudged.

The commission said the state had sought to protect the power and privilege of a racial minority from 1960 to 1990. Racism “constituted the motivating core of the SA political order, leading whites in general to adopt a dehumanising position towards blacks”.

The finding could have a bearing on the amnesty applications of many security force members. They have consistently claimed that they committed gross human rights violations in the context of the fight against communism, not in support of a racial order.

Torture, cross-border raids, judicially sanctioned executions as well as covert training, arming and funding of paramilitary units and hit-squad operations flowed from the state’s attempt to stay in power.
THE ROAD TO RECONCILIATION
 Rafic Khoury

TRUTH.

aptly captured for most

apatheid atrocities

The National Press

Bayeux

September 1998

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The apartheid state ‘the primary violator of human rights’

Stephen Leur

PRETORIA — The apartheid state was the primary violator of human rights in SA through its security and law enforcement agencies, and in conjunction with other elements such as the Inkatha Freedom Party (IFP), the truth commission has found in its chapters titled The State and its Allies.

From the late 1970s to the early 1990s, the state became involved in criminal activities when it ‘planned, undertook, conspired and covered up the commission of unlawful acts’, including the extrajudicial killings of political opponents and others inside and outside of SA. The period covers the tenure of FW de Klerk as head of government.

The finding firmly rejects a contention by several former senior Nationalist Party politicians and security force chiefs that the killings had been aberrations based on repressive understandings or that they were the work of rogue elements.

The state’s president, the ministers of defense and law and order, and the chiefs of the security forces ‘did foresee that the use of words such as “take out”, “wipe out”, “exterminate” and “eliminate” would result in the killing of political opponents’.

The report is unequivocal in its findings that from the late 1970s onward politicians and leaders of the intelligence services, police and defense force had developed a strategy to deal with opposition through murder. It says, however, that certain former State Security Council (SSC) members, particularly those put in direct charge of security portfolios, put pressure on the use of such means that would result in killings.

The state’s police commissioner and the defense force played an increasing role in the country, the pressure of resistance had become militarized.

This approach had been the expressed policy of the SSA — perhaps the most untried body in the state”, all key departments and security force members had been at the SSC and the defense force had been almost always approved by ministers.

The increasingly brutal language used by them in documents and public statements of apartheid engaged in military operations at odds of terrorism and those using peaceful or political means.

Activists, suspects and their associates were lumped together as “a single category of persons to be killed”, blurring the distinction in the minds of the security forces between those who posed a real danger to public safety and those who did not.

The specific dates mentioned in the key finding did not suggest that the state had not killed in opposition prior to 1975.

Beginning with the Sharpeville massacre of 1960 and excluding the killings during the 1976 Soweto uprising, the SA Police’s public order policing policy was an “unmistakable use of deadly force”.

The 30 years after Sharpeville saw the steady erosion of any remnants of the rule of law, and the purging of the remaining democratic substance from the public administration.

Most ANC atrocities ‘after 1990’

Stephan Botha

PRETORIA — The African National Congress (ANC) and its armed wing, Umkhonto we Sizwe, bore political and moral accountability for gross human rights violations committed during the armed struggle against apartheid, the truth commission said in its final report released yesterday.

The findings were based in part on the commission’s accountability extended to all the prominent political figures, bodies, including the national executive committee, the national working committee, the revolutionary council and secretariats.

The commission found, however, that the greatest number of violations committed by the ANC was the early 1990s after the armed struggle was suspended. The ANC was responsible for the murders of, among others, on political opponents during the 1990s.

The commission’s investigation found that the ANC had committed gross human rights violations.

Chemical warfare ‘cost SA millions’

Stephan Botha

PRETORIA — SA’s former military command and former senior General NeilCreates were grossly negligent in approving the country’s chemical and biological warfare programme, which they did not understand and which achieved little of value despite a probable cost of hundreds of millions of rand.

In its findings in the military command’s role in the truth commission and the report of its investigation into the commission’s role, the commission said the programme, headed and controlled by General Riekert van der Klok, provided a basis for further investigations of the crimes and the apparent unaccountability and criminal activities.

The programme deployed thousands of tonnes of chemical and biological warfare agents and the large-scale manufacture of drugs of abuse, allegedly for purposes of crowd control, among other purposes, even though assistance and technical advice in manufacturing were produced for use against indigent and murder weapons developed for the commission’s investigation.

The programme deployed massive scale of secrecy in violation of policy, management and support, and the effective research that was undertaken was posthumous, counterproductive, unaccountable and unproductive.

Overall control of the programme was vested in the hands of Kassait, even at a time when the commission’s findings existed that he might not be trustworthy.

The programme used the self-stabilization methods of technological assistance, even though the commission’s findings existed that he might not be trustworthy.

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Mixed reactions to report as 
ANC fails to suppress it

Business Day Reporters

MIXED reactions have greeted the final report of the truth commis
sion, with the African National Congress (ANC) saying that al-
though it rejected some of the find-
ings it accepted the fact that the
commission was established to lay
the foundation for reconciliation and nation-building.

The organisation defended its
failed urgent court application
yesterday to stop the commission
from releasing the report. It said
the move was not an attempt to
censor the commission but to seek
relief. The ANC had attempted to
interdict the commission from in-
specting findings that said the or-
ganisation had committed gross hu-
man rights violations.

United Democratic Movement leader
Bantu Holomisa said it was clear
that everybody was "in one way or
another" implicated in human
rights violations and that it was
futile to put anyone on trial.

He called for a general amnesty
and said victims of human rights
violations should be compensated.

Constand Viljoen and Tenic
Greenewald, the former SADF
military generals who have now
become Freedom Front MPs, re-
jected the way in which they were
named as being responsible for
human rights offences committed
by their followers.

Viljoen, accused for his role in
the invasion of Cassinga, Angola,
in the 1980s, said it was a legiti-
mate military operation by a legal
military force in a war situation.

Greenewald, a former head of
military intelligence named for
his role in the Voortrekker's in-
vasion of Mmabatho in the former
Bophuthatswana in 1994, de-
scribed the findings against him
as "nonsensical".

National Party spokesman
Jacko Maree said the credibility of
the report had been compromised
by the fact that names were taken
out at the last minute.

Health department official Tim
Wilson said the commission's find-
ings on human rights violations in
the medical field, were "reason-
able" and exposed the failure of
bodies such as the then SA Med-
ical and Dental Council to inves-
tigate breaches of medical ethics.

Wilson was part of a group that
took the council to court 19 years
ago over its failure to investigate
doctors who mistreated Steve
Biko. Wilson was speaking in his
personal capacity.

Meanwhile, lawyers for former
state president PW Botha yester-
day remained tight-lipped about
comments in the report that
Botha was directly responsible for
gross human rights abuses. The
report said Botha personally or-
dered the bombing of two build-
ings in Johannesburg.

Business said the commission's
findings on the sector were
"broad" and "weeping" and had
been made without business being
given the right of reply.

The report said business was
central to the economy that sus-
tained the apartheid state.

'Cassinga raid violated sovereignty'

Stephané Bothma

PRETORIA — The 1978 SA De-
defence Force (SADF) raid on
Cassinga, Angola, in which 800
people died, was a violation of An-
gha's territorial sovereignty and
resulted in the commission of
gross human rights violations
against civilian occupants of the
military camp, the truth commis-
sion has found.

Code-named Operation Reindeer,
the raid was possibly the SA
state's most controversial exter-
nal operation during the commis-
sion's mandate period, the final
commission report states.

The commission holds the late
prime minister John Vorster, then
defence minister PW Botha, then
SADF chief Gen Magnus Malan
and generals Constand Viljoen
and KJ Rodgers, in their capac-
ities as chiefs of the army and air
force respectively, responsible.

The SADF's perspective at the
time was that Cassinga was a mil-
itary facility, housing about 1,500
military recruits and about 100
Cuban soldiers, rather than a
refugee camp or refugee transit fa-
cility as claimed by Swapo, the
commission commented.

But evidence showed that
abandoned homes in the village of
Cassinga had been converted into
offices, a kindergarten and prima-
ry school, a clinic, a sewing facility
and storage and vehicle repair
workshops.

The fact that Cassinga had a
nonmilitary dimension is reflect-
ed in a United Nations Interna-
tional Children's Fund report pub-
lished two days before the SADF
raid on the village. Although it
housed a considerable number of
combatants, including senior offi-
cers, it also housed considerable
numbers of civilians.

After the attack, which lasted
almost an entire day and saw the
dropping of 300 Alpha bombs, sev-
en 400kg fragmentation bombs
and 370 paratroopers, 169 men
and 265 children were dead.

The controversial SA Police
unit Koevoet, founded in 1979 to
operate on the border areas of
then South West Africa, was re-
sponsible for gross human rights
violations.

The unit, which in operational
terms was highly effective,
achieved a kill ratio of about one
to 25. About 260 white former police
officers were involved in about
1,666 "contacts" with the enemy
over 10 years. About 3,320 indi-
viduals were killed and only 164
prisoners taken in this period.

The violations committed by
Koevoet amounted to a systematic
pattern of abuse which entailed
deliberate planning by the leader-
ship of the police, the report said.
Court battle divides ANC

Top officials hit out as grassroots anger erupts

The African National Congress is being condemned by many of its own supporters for going to court in an attempt to suppress criticism of the ANC in the Truth and Reconciliation Commission's final report.

A surge of grassroots anger has been expressed on radio phone-in programmes and in the media. And some senior members of the party plan to make known their strong opposition to the court action at an emergency meeting of the national working committee, called in the wake of the court ruling against the ANC.

Although they do not wish to be quoted, it seems that they were taken by surprise, claiming that this was an "internal matter," and that they were not aware of the ANC's decision to go to court. They acknowledged that criticism in ANC ranks against the last-minute court action was "surprisingly strong and hostile."

Two main areas of criticism have emerged. One is that the decision to go to court was politically unwise, because it merely served to draw renewed attention to ANC mistakes which had already emerged publicly during the TRC hearings.

"If the report had simply been leaked without challenge, the emphasis would have been on the gross human rights abuses of the apartheid regime, which outweighed by far anything the ANC did in its two decades in power," an ANC member of the provincial legislature said.

"Also, there is nothing I can find in the report which was not already in the public domain from the TRC hearings. So why are we trying to suppress something new and terrible? I just can't understand the decision to go to court."

The other area of criticism is based on the perception that the ANC has ignored the TRC's findings that the preponderance of human rights abuses came from the apartheid government.

"But we've gone and messed it up by going to court, because what we are saying to our people is that this report really isn't worth believing. That is a tragedy, it is a huge tragedy, and we are having a branch meeting urgently to discuss this," a Western Cape ANC member said today.

In a statement today, the ANC's department of information and publicity said the party was "disappointed" by the High Court judgment against it.

"The ANC finds it very unfortunate that the report of the TRC is now being handed to the president and the nation without our having a chance to comment on it," the party said.

Meanwhile, the Western Cape director-general, Noël Barnard, issued a statement today rejecting TRC findings against him.

"I have never been a member of a political party," Barnard said.

"I have always been a private citizen."
We, as South Africans, have chosen to see and to hear.
We have placed building blocks of rule of law and accountability.

...and over is just a new beginning.
Reconciling the nation: ‘impossible’

Protestors - Reconciliation - half of the TRC’s mandate, and, as many experts, by far the most difficult of the two.

This is acknowledged by the TRC in its Final Report, which states that the TRC could have resulted in making people angrier and race relations worse.

It would be naive to expect that the process of reconciliation would necessarily result in perfect justice. As the TRC has acknowledged: “Reconciliation will not be perfect. It will not resolve all the wounds of the past. It will not bring about instant peace or justice. But it will be a step forward towards a more just society.”

Armed with this understanding, we can begin to ask what steps need to be taken to achieve reconciliation.

Protestors - The prosecution of perpetrators of gross human rights violations who did not apply for amnesty or were denied amnesty should be considered, the TRC Commissioner says.

In particular, the Attorney General should give “rigorous” attention to those found to have committed crimes.

The TRC also says that it will make available to the authorities all the information it has gathered. It is not required to provide allegations that are not proven.

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Barnard evidence rejected

Protestors - Evidence to the Truth and Reconciliation Commission by Niel Barnard, former National Intelligence Service chief, on his agency’s links to the state’s killing of political opponents that were under his responsibility.

He told the TRC: “We are making the agency responsible for the selection of informants and the providing of them with information. The agency’s responsibility is to provide the information to the State and the State is responsible for the actions that follow.”

The former NIS chief is now director general of the Western Cape government.

Human rights culture needed

Protestors - ‘Prosecute the perpetrators’ call.

The TRC sets out sins of struggle

Findings ‘wrong and misguided’, says Mbeki

The Truth and Reconciliation Commission has ended its final report, which states that the struggle against apartheid was a legitimate struggle.

But it draws a distinction between a “just war” and “just means” while advocating for the use of appropriate means.

The TRC has found that, in terms of international conventions, the ANC and its allies - the national executive council, national working committee, Umkhonto we Sizwe, the liberation movement and the ANC's military wing - were not in violation of any human rights.

Mbeki expressed dismay at the findings, saying they were “wrong and misguided.” He said many elements in the report were not consistent with the Constitution.

On the Truth Commission

The commission found that the ANC was not responsible for the deaths of innocent civilians, and that the ANC's military wing was not responsible for the deaths of innocent civilians.

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On a wing and a prayer:

With its staff drawn from such diverse backgrounds, there was as much tension within the TRC as at the public hearings, writes Gaye Davis.

For Nomonde Calata, the truth is not enough.

Guy Oliver

Weber Nomonde Calata speaks of the devastating moment of her life—the death of her husband, activist Fort Calata, in 1990—13 years disappear as if they had never been.

The moment has not been shared by the grand design of the Truth and Reconciliation Commission. In many ways, it has made the pain more keenly felt, and the family has a very veiled sense of abandonment and betrayal by the commission, the African National Congress and President Nelson Mandela.

It was a Sunday. The clubbed, beaten, shot and mutilated bodies of Shosho Misakile and Sparrow Mhlonolo had been found on the previous Saturday on the outskirts of Fort Calata's home in Newhaven Water Bay, Fort Calata and Matthew Githiri, who were travelling with them, were still missing.

Nomonde Calata—a month pregnant with Thamela, her two children Dorothy and Lubambo by her side—went to her mother-in-law’s house.

The Anglican priest Reverend Chris Dera was there—tongues—out of his normal bearings. He had been making the daily rounds since her husband had disappeared five days before.

When the reverend greeted her and said she should pray Calata bowed her head, still full of hope that Fort had been detained by the security police, as he had the countless times before.

But in her prayer, the reverend said: "We should thank God that the bodies of Fort and Matthew have been found. Hearing those words Lubambo’s three-year-old body shuddered and he began to wail. Everyone had been striving to continue praying. The 10 year old then broke into a howl before being consumed by his little brother.

"And then I cried and I was just nobody," Calata says.

When Calata recounted her loss to the truth commissions, the tears ran freely, providing a brief respite for the grief that had plagued her. "The TRC panel of listeners was good to me—very good."

But soon after giving her testimony, her anger returned and with it a sense of being "left behind and discarded by the commissioners."

She says she has been told that "there are no files that they have done their job, the world has seen we can heal the wound.

"The truth has been told by one side. I don’t know about the other side."

Last year she was related by Mzilikazi Khumalo, of the truth commission’s Eastern Cape human rights violations department, after a meeting with other relatives of the "Craddock Four."

She was told that her request for a meeting had not been granted.

Before the meeting Xumdu and his colleagues wrote to Themelo Makhubu, the editor of the Christian Monitor, complaining of the commission’s refusal to meet. The letter was never published.

Khumalo said that his department was unable to meet the demand because it had not received permission from the commission's legal department, which is responsible for the publication of the commission's records.

The commission’s refusal to meet with the group of relatives of the "Craddock Four" has been a source of frustration and anger for many of them. "We have been told that the commission is not going to meet with us," one relative said. "But we want to know the truth about what happened to our loved ones."
Buthelezi roasted for KZN atrocities

Mengo BUTHELEZI held accountable for all gross human rights violations committed under his leadership

TRC FINAL REPORT

Buthelezi roasted for KZN atrocities

Ann Erellech

The TRC has documented 27 cases of gross human rights violations committed by the Inkatha Freedom Party in KwaZulu-Natal province during the Apartheid period. These cases include murder, torture, and disappearance.

The TRC found that Buthelezi, as the leader of the IFP, was responsible for these violations. The TRC also found that Buthelezi had failed to investigate and take steps to prevent these abuses.

The TRC recommended that Buthelezi be held accountable for his role in the gross human rights violations committed by the IFP.

The TRC's findings have been widely criticized by Buthelezi and his supporters, who argue that the TRC's decisions are politically motivated.

Buthelezi has also faced criticism for his role in the 1992-1994 political violence in KwaZulu-Natal, which claimed the lives of thousands of people.

Buthelezi has denied responsibility for the violence, saying that it was not under his control.

However, the TRC's findings have been widely accepted by human rights organizations and the South African government.

The TRC's report has been a significant step in addressing the legacy of apartheid and promoting reconciliation in South Africa.
McNally banished to Pretoria

In the two months since his appointment, Bulelani Ngcuka has effected dramatic changes in South Africa's criminal justice system.

Chiara Carter, Wonder Hlongwa and Mungo Soggot report

The new "super attorney general" whose post was created and fast-tracked through Parliament in July — will personally head a division to prosecute those implicated in the Truth and Reconciliation Commission.

Bulelani Ngcuka, national director of public prosecutions, said in an interview that his division would be responsible for bringing charges against all those implicated who had failed to apply for amnesty. This decision formed part of the divisive steps taken this week to transform the criminal justice system, which included the removal of controversial KwaZulu-Natal Attorney General Tim McNally.

McNally, who has been criticised for his apparent reluctance to prosecute alleged Inkatha Freedom Party assassins and police accomplices, will be transferred to Pretoria as special director of public prosecutions in Ngcuka's office.

McNally had no option but to remove McNally from his post. He could not remain in a position where "one of my representatives has completely lost his credibility. We are prosecuting on behalf of the people. Everywhere I go people say there are problems with that office."

McNally's removal could clear the decks for high-profile political prosecutions in KwaZulu-Natal, although it is more likely the African National Congress, the National Party and the IFP will agree on a general amnesty. Such political prosecutions would test Ngcuka's independence. "The creation of his post and its swift passage through Parliament prompted accusations from the opposition and lawyers' organisations that the incumbent would not be independent," New Age — a lawyer who was formerly deputy chair of the national council of provinces — has earned widespread support in the justice system for his speedy efforts to plug the scores of vacancies that plague the courts. He has appointed about 30 senior officials — many of them at deputy attorney general level — since starting in the new job three months ago.

Ngcuka said this week he had not yet found a replacement for McNally.

One of McNally's most controversial omissions during his six-year stint in KwaZulu-Natal was his reluctance to prosecute alleged perpetrators of the Shabalaza massacre in 1989. McNally also presided over the unsuccessful prosecution of the former minister of defence, Magnus Malan. McNally failed to call the leading state witness, Daluzo Luthuli, the commander of the IFP's notorious Caprivi battalion.

McNally has also adopted unusual strategies in more recent cases implicating police and IFP officials. The Mail & Guardian reported last month his postponement of charges that he was pulling off the witness protection programme of a businessman who had implicated IFP officials in a scheme to transfer money from provincial government coffers to the IFP.

McNally publicly questioned the integrity of the businessman, Sateesh Isser, in a statement, despite the fact that Isser remains a chief witness in a police probe into provincial government corruption.

McNally also said at the time he had not seen documents from a civil trial launched by Isser against the provincial government, which the court had ordered senior bureaucrats to hand over to Isser. The IFP met McNally's decision as a "victory for justice" and issued summons against the ANC for R500,000. The IFP is likely to launch McNally's removal from his post.

The party organised a march in support of the attorney general after the ANC had organised a march calling for his dismissal.

In another intriguing case investigated by the M&G this week, a senior Durban policeman is facing disciplinary action for questioning a decision by McNally not to prosecute another senior policeman charged with five counts of fraud and unauthorised use of police vehicles.

Senior Superintendent Bobby Ndeso wrote McNally a letter expressing his disappointment at the decision not to prosecute Director Johan Stoltz. KwaZulu-Natal's controversial police Provincial Commissioner, Chris Serfontein, then charged Ndeso for "failing to comply with the instruction to inform him about the contents of the letter." Ndeso was tried without legal representation last month and his hearing was postponed until November 30. McNally maintained that he had not prosecuted Stoltz since the senior policeman had been ignorant of the regulations on the use of police vehicles.

Some police sources suspect a cover-up — "How can a police station commissioner be ignorant of the regulations?" — said a police source. Stoltz is the only white policeman in charge of more than 700 black and Indian police officers. McNally recommended the matter be settled internally. Stoltz was fined R650 and suspended for 12 months. But the police watchdog, the Independent Complaints Directorate (ICD), probed the case and came to a different conclusion.

"The ICD felt that the evidence was of such prima facie nature that a prosecution would have been a formality," said Sithi Mdhlala, the unit's director in Durban. "The matter was discussed at length with a member from the attorney general's office who dealt with the matter and he stood by his decision."

The docket has since been taken by South African Police Service members from the national office in Pretoria for further investigation.

The other personnel announcement this week is that Transvaal Attorney General Jan d'Olivera will become deputy national director responsible for prosecuting organised crime. d'Olivera has also headed a special team to probe third force activities and quello unfinished work with him to his new job.

Ngcuka said he had had a frantic opening this week in his new office and suffered from a lack of resources. He said he had few permanent staff and had yet to be given a budget by the Department of State Expenditure.
TRC FINAL REPORT

What FW did not want you to see

Howard Barrett

The Truth and Reconciliation Commission (TRC) was ready to declare FW de Klerk "an accessory to gross human rights violations" before the former president brought an urgent court application to stop this conclusion being carried out in the TRC's final report, released on Monday.

The commission had provisionally decided that de Klerk's failure to take legal action against senior government officials who, it alleged, had been involved in unlawful acts, had "contributed to creating a culture of impunity with which gross human rights violations were committed."

The TRC also intended finding that De Klerk had "lacked candour" in his dealings with it. Moreover, the commission intended finding de Klerk "morally accountable for the commission of the truth from the country when he, as representative of government, was under an obligation not to do so."

The harsh preliminary judgment reached by the commission was sent to De Klerk on September 1 for his response, as required by law.

De Klerk rejected the intended findings in his reply and on Wednesday brought an urgent legal action asking the Cape High Court to forbid the commission from making the intended findings against him. From including those findings in its report and from submitting the findings to the President Nelson Mandela.

In terms of an agreement between the parties on Wednesday afternoon, which Judge M. King made on order of the court, the TRC made no finding on De Klerk in the final report. The dispute about the TRC's intended findings will be heard in the Cape High Court on March 4 next year.

The commission found that, despite telling the TRC that he "neither nor his colleagues in Cabinet nor the state security council authorized or instructed the commission of unlawful acts," De Klerk "knew and had been informed by the former minister of law and order (Afrifood Viljoen) and the former commissioner of police (General Johan van der Merwe) that the former state president, FW Botha and the former minister of law and order had authorized the commission of police to bomb Khotso House", the head quarters of the South African Council of Churches.

"The commission finds that the former state president De Klerk failed and looked away to the extent that he failed to take the commission into his confidence and to reform the commission of which he knew despite being under a duty to do so."

The TRC found that de Klerk failed to do so on a commission of a material non disclosure, thus rendering him an accessory to the commission of gross human rights violations "the police added."

"The commission finds that De Klerk was present at a meeting of the state security council where former state president FW Botha congratulated Viljoen for the successful bombings of Khotso House."

"The commission finds that the failure of FW de Klerk to take legal action against minister Viljoen and General Johan van der Merwe for the commission of unlawful acts when he was under a duty to do so contributed to creating a culture of impunity within which gross human rights violations were committed.

Winnie at centre of football murders

Wally Mbhele

In his judgment on the football club, the Truth and Reconciliation Commission's (TRC) final report said that the Mandela United Operations were launched from her home, with Mandela knowing about these matters, or having participated actively in these matters, satisfied in covering them up or obstructing the course of justice.

"What is tragic about such a brave woman is that she had no idea that her family, her former political associates, were complicit in murder....

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Winnie's death was an act of murder, the commission said. The TRC said that she was a member of the group that planned and executed the murder.

"Our hearts go out to the family of Winnie Mandela, the TRC said in its report.

Interdict a blunder, say ANC leaders

Harshly judged Winnie

Mail & Guardian

From PAGE 3

The ANC's action against the TRC included a 25-page affidavit containing a vicious attack on the commission.

The TRC's findings implicated the liberation movement in gross human rights abuses, including the killings of civilians in its military operations, torture in its military camps and the deaths of civilians in its landmine campaigns in the former Eastern Transvaal.

The TRC was also accused of the ANC's strategy to informers and state witnesses, where the move was seen as a legitimate response to the commission's findings.

It described the TRC's findings as "misrepresented," "unfairly," and "capriciously", adding they bore no relation to the purposes for which the truth commission was established.

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"Inherently any attempt to place on purgatory former ANC members, the commission says, will be seen as a mistake.
ANC plausible with TRC indictment

ANC President Thabo Mbeki on Thursday said there was an "unbelievable" rush by the Democratic Party (DP) to form a "graymail" group to remove him from power.

On Wednesday, DP leader Patricia de Lille referred to Mbeki's possible removal, saying she and other members who are concerned about the TRC and its recommendation of government action against Mbeki would form a new party.

The DP's action was seen as a move to weaken Mbeki's government, which is facing a series of corruption and fraud allegations.

Mbeki said the DP's actions were "unbelievable" and "absolutely stupid." He added that the DP's timing was "absolutely predictable."
Interdict a blunder

ANC leaders were accused of assisting the South African government in suppressing the Truth and Reconciliation Commission (TRC) and preventing it from investigating and exposing human rights abuses during the apartheid era. The TRC was established to investigate violations of human rights and to ascertain facts to prevent such violations from recurring. The ANC, through its leadership, was accused of obstructing the commission's work by intimidating and harassing witnesses, as well as by influencing the selection of commissioners.

The TRC had the authority to investigate and report on human rights violations committed under apartheid. Its findings were aimed at promoting reconciliation and healing. The ANC's actions were seen as a blunder because it undermined the efforts of the TRC to achieve its goals. The ANC's interference was considered a violation of the commission's mandate and was seen as a setback for the cause of human rights and democracy in South Africa.

The ANC's actions were also criticized for not aligning with the principles of reconciliation and truth. The commission's findings revealed a pattern of atrocities and human rights abuses that were widely known but had not been publicly acknowledged or addressed. By obstructing the commission, the ANC was seen as protecting its own interests and the interests of those who committed such crimes. The ANC's actions were seen as a blunder because they contradicted its own rhetoric of truth and reconciliation.

Overall, the ANC's interference in the TRC's work was considered a blunder because it undermined the commission's ability to fulfill its mandate and contributed to the persistence of human rights violations in South Africa. The ANC's actions were seen as a setback for the cause of democracy and human rights, and they cast doubt on the ANC's commitment to the ideals of truth and reconciliation.
Madiba had ‘no problem’ with report; many ANC officials apologise

Mbeki ‘overruled’
Mandela on TRC

with report; many ANC officials apologise

Not all in the NPC agreed with the decision. and one NPC member said: “This decision has damaged us. We should have acted.”

Although the ANC’s national executive committee had taken the matter to court, it had been defeated in the Constitutional Court. The court said the matter was for the country’s judiciary to decide. It was the ANC’s turn to try and suppress sections of a public inquiry report regarded as too damaging to the party. The report was based on evidence the ANC had sought to prevent from being heard.

One of the committee members, a former deputy chief justice, said: “We have been given the task of keeping the TRC report confidential.”

On Thursday Madiba’s friends and family, who had lost loved ones in the struggle, gathered at the TRC to remember their loved ones. And they were told by several former TRC commissioners that they would be handed over the final report, which included evidence of apartheid abuses.

On Saturday the TRC’s final report was released. It included evidence of state-sponsored violence, including attacks on black communities, and the use of black armed units to counter the ANC’s military. The report was expected to be a major blow to the ANC’s prospects in the upcoming elections.
The execution of a camp commander

CHRIS Hani was once seen as a symbol of hope for black liberation when he was assassinated in his car outside the Johannesburg Funk Bar. His death was a shock to many, especially those who had known him personally or were part of his political movement. Hani's assassination took place on 10 July 1993, and it marked the beginning of a new phase in South Africa's struggle for democracy.

The ANC has always been known for its strict adherence to non-violent tactics. However, in the face of continued violence and repression by the government, some members of the ANC felt that violent action was necessary. This led to the rise of a new group within the ANC called Umkhonto we Sizwe (Mandela's military wing), which is responsible for many of the attacks against the government during this period.

The execution of a camp commander occurred in ANC camps in exile. Some of those targeted were killed as a result of bad leadership, jealousies and paranoid, writes CHARLES SMITH.

The TRC found that torture and executions occurred in ANC camps in exile. Some of those targeted were killed as a result of bad leadership, jealousies and paranoia, writes CHARLES SMITH.
How the staff survived

when some commissioners were seen not to be carrying their share of the load.

Mahlia Mabhida — better known as "Milly" — joined the TRC as a researcher in April 1998. He was a survivor as a youth and student activist, he had been beared, detained and tortured by security police. Like many staff, he joined the TRC because he wanted to make an impact on South Africa's future. Like many, his ideals coarsened during his time at the TRC, a experience that would further his career.

And, like many, he was unprepared for the emotions the TRC would unleash in him: "You met all sorts of people who could break you. I underestimated the impact it would have on me". He had been through it, he thought, he was a victor, just like the person testifying. He had been dealt with, and the trauma of the work itself. "There were no arrangements for support, for the emotional toll it took on staff," he said. Working under an oath of secrecy was an added burden. TRC media liaison officer Chris-

tsville Terreblanche, a white African speaker, described its effect on her: "You worked with people who you couldn't tell anything about, nor could you be friendly with. It was stressful emotionally and the work was hard but in the beginning it got easier once you knew how to do it and then after the first year. There was a lot of stress, but they were the first round. We would work from 9 to 5 and then go out and party." When Mabhida joined the commission, the late South African activist breaks down.He "thought" of the TRC as a "knee-jerk" and "a sort of mental gymnastics." The TRC was set up by the government to investigate and make recommendations on the human rights abuses committed during the apartheid era. However, it was soon realised that the commission was struggling to deal with the overwhelming number of cases and the emotional toll it was taking on the staff.

At the time of the TRC's closure in 1999, the commission had received more than 60,000 testimonies and had made over 900 recommendations. The commission had been accused of being too slow and ineffective, and was often criticized for not doing enough to address the issues it was set up to investigate.

In memory: Matthias Mandela's brother Alex and Sam at the grave of the Cradock Four. Photograph: Jonathan Anker.

was bogged down in financial troubles. In des-

perate need of a source of income, he decided to start his own business. He established the "Cradock Four" business under the name "The Shop." He sold clothing and other items to the local community and also provided a service where he would repair and maintain household appliances.

He was not able to complete his degree due to financial constraints, but he never gave up. He continued to work hard and eventually became successful in his business. His family was very proud of his accomplishments and supported him throughout his journey.

His father, the late Nelson Mandela, had a significant influence on his life. He often talked about the importance of education and the need to always strive for improvement. He instilled in him the values of integrity, hard work, and dedication.

Mandela was also known for his love of music. He was an accomplished guitarist and sang in several bands throughout his career. His music often reflected his political beliefs, and he was known for his powerful voice and ENGAGEMENT.

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TRC FINAL REPORT

How the staff survived the stress

(TFR) 10/01/98

There will be enough evidence to succeed in them. "It was to be expected that a lot of fish, including big fish, would go through," says Ntshemba. "You can't expect in 18 months to investigate 24 years of history."

Yet the TRC was a powerful instrument to deal with the past. It uncovered volumes of portions of it, disentangling decades of secrecy and suppression. Voices long silenced were heard, bodies found and rightfully buried. White South Africans can no longer say "we didn't know" about the apartheid and biological warfare programmes, the bodies burned, the policemen barbecued, the myriad tragedies carried out in the name of moral crusades against ideologies.

The TRC's final report was seriously contained within the TRC. It will not be subject to rigorous scrutiny by the public, not to mention public objections from parties that turned their backs on the process, but that is paradoxically itself to be a process for the country's "healing". Political distrust over the TRC is inevitable. It should not be held at its doors. The astonishing thing about the TRC is that it achieved so much so fast.

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Ntsebeza rides the storm in

secrets of SAS's past. Charnie Smith tells to the TRC's investigators chief

Despite Ntsebeza doesn't care who he upsets - his job is to unlock the car
ANC's failed indictment highlights divisions within party that has fallen from pedestal

TRC lays bare a tale of terror

ANC pursued truth despite vendetta accusations

By CHARLES SMITH

The TRC's findings have laid bare a tale of terror within the ANC, which has fallen from its pedestal as a result. The TRC report, published in 1996, revealed the extent of human rights abuses committed by the ANC during its rule in South Africa. The report, compiled by the Truth and Reconciliation Commission (TRC), was established by the government of South Africa to investigate human rights violations committed during the apartheid era.

The TRC's findings have highlighted the divisions within the ANC, which has been accused of pursuing vendetta against its political opponents. The ANC has been accused of using the TRC as a tool to silence its political critics and to exact revenge against those who opposed its rule.

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ANC spokesman Thabo Mbeki and other leading ANC officials said this was because the TRC had taken the "Strummun- funded Douglas report" into human rights abuses in its camps. The official ANC excuse was flimsy. TRC also took to account the ANC's four commissions of inquiry into those abuses, as well as the results of its own investigations and accusations from those matters.

Although the ANC's national working committee had taken an agreement in principle on human rights on Monday to go the matter to court if necessary, many of the ANC's top executives were informed only late on Tuesday. Not all agreed with the decision. One national executive committee member said: "That decision has damaged us; we should have rather held a conference and strongly made our point."

By midnight on Wednesday the court had been filed, Cape Town's High Court began hearing the matter at dawn on Thursday. Deputy commissioner in charge of the Human Rights Violations Yasmin Sooka, a lawyer, who, with investigative chairperson Duma Ncube, worked through the night on court papers opposing the ANC motion, barely had her anger. "The commission has been stopped in these matters for two-and-a-half years linked to the stories of victims and people who died. There is a list of 400 names of people and organisations who committed gross human rights violations, under his leadership, did not act more aggressively to uncover more about the involvement of the military in human rights violations."

"Tens of records were destroyed. There is a belief that the entire record of the National Intelligence Service was destroyed by the NIS and was commissioned by De Klerk in 1999 to give him a comprehensive overview of the military situation in South Africa." He, especially until there was tension between the armed forces, the police and the army. "We also had an agreement with the NIS and released Nelson Mandela, the NIS had given them a very clear picture of the situation."

nfluence and power. Nelson Mandela was arrested on suspicion of murder, murder and treason, in the form of a separate group, but of people in the military and security police who did specific things as maverick activists. But why did he fail to act, particularly as the situation became worse and worse?"

Sheza also said that according all records were supposed to have been destroyed, many emerged and were destroyed, often during amnesty hearings, and polls were found in trunks boarded by chemical and biological weapons stockpiles. "Wouter Basson, a former leader of the National Defence of the country and his associates, one of the people from Vlak- plaat showed us documents we thought had been destroyed."

"They told us in detail about the capture of guerrillas, how they were being tortured, their life as a kidnap, and how on their first mission they were already ready to die. They had details of weapons,在哪里 they have been received." Ncube continued: "Our break-through came when we were told an investigation. Van Malope, who had been mentioned to the ANC for a list of all those people who had disappeared."

They were quite precise about the disappearances of their fate, dates presumed to have fallen and area. Malope found most people who disappeared appeared to close borders. He went to all police stations in border areas and recorded them."

"Inquest dockets showed a pattern of use of certain state-owned land, and by a comparison of the records of those funeral parades with dockets and orders for burial. One found a consistent, pattern of people who were burnt as paupers or unknown people. Yet the inquest dockets showed the police knew those people, who were their names on them as well as the word 'terrorists', and photographs, often in colour of their deaths."

Ncube rhymes eyes and hues back in his total chair. "There was always the illusion of whether we were getting the truth. We were told by hot-shot operatives that in the case of Simphiwe Mntuli and Topsy Madisa, as an example, they were killed, then their bodies were burnt to ashes and thrown into the Fath River."

Now that his work is done, they did the same thing three years later with the Pepe Theres, but we were told by hot-shot operative Jos Mamsela that Sipho Hadi was beaten to death with a pickaxe, until he died from wounds. But Gideon Nieuwoudt and his colleagues denied this. They did not know of the affidavits confirming it."

Depravity

Ncube said his work with the TRC has made him wonder at the depravity of people, and how political leaders can still claim they were unaware of what was happening. He added. "While investigating crime and disappearances in KwaZulu Natal there was always awareness of disappearances, in the secret service and intelligence. There were dozens of Vlakplaat throughout the country and now we find those same CCB operatives and e-robot people active in the security industry or involved in the business."

We will go back to being a lawyer in private practice.