

# The State outside South Africa between 1960 and 1990

## ■ INTRODUCTION

*The security forces will hammer them, wherever they find them. What I am saying is the policy of the government. We will not sit here with hands folded waiting for them to cross the borders ... we shall settle the hash of those terrorists, their fellow-travellers and those who help them. (Minister of Defence, General Magnus Malan, Parliament, 4 February 1986.)*

- 1 The Promotion of National Unity and Reconciliation Act (the Act) charges the Commission with investigating and documenting gross human rights abuses committed “within or outside” South Africa in the period 1960–94. This chapter focuses on the “outside”, specifically the Southern African region and Western Europe. Evidence has been gathered of violations committed by South African security forces or their agents and/or surrogates in nine regional states – Botswana, Lesotho, Swaziland, Angola, Mozambique, Zimbabwe, Zambia, Tanzania, and the Seychelles – and in Western Europe – in the United Kingdom, France, Belgium, the Netherlands and Scandinavia.
- 2 The primary focus will be on killings and attempted killings (including targeted assassinations, cross-border raids and large-scale massacres such as that at Kassinga in Angola in 1978) and on abductions and infrastructural sabotage.
- 3 Another area of focus will be acts which, though they may not in and of themselves have constituted gross violations, were violations of state sovereignty and international law and invariably led to or created the conditions for the perpetration of gross violations of human rights. The reference here is to the wars in Angola and South West Africa (now Namibia), South African Police (SAP) operations in Rhodesia, surrogate-force campaigns in Angola, Mozambique, Lesotho, Zimbabwe and Zambia, and the attempted coup in the Seychelles.

- 4 Over three decades, the South African government's involvement in the region expanded from occasional cross-border interventions in the 1960s to a situation in the 1980s where the South African Defence Force (SADF) was involved in various levels of warfare in six Southern African states, while covert units conducted attacks particularly in Botswana, Lesotho and Swaziland (the BLS states). Additionally, in the early 1980s, South African security and intelligence operatives attempted to overthrow the Seychelles government and co-funded a mercenary force of Presidential Guards in the Comores, which became the *de facto* ruling authority of that territory.
- 5 This involvement in the region led to the conclusion that the majority of the victims of the South African government's attempts to maintain itself in power were outside of South Africa. Tens of thousands of people in the region died as a direct or indirect result of the South African government's aggressive intent towards its neighbours. The lives and livelihoods of hundreds of thousands of others were disrupted by the systematic targeting of infrastructure in some of the poorest nations in Africa.
- 6 The South African government's security strategy was shaped by the doctrines of pre-emptive interventionism and counter-revolutionary warfare. By the 1980s, the region had become an arena of cold war confrontation. For the leadership of the government and the SADF, the war in Angola and the other conflicts across the region were good and just wars, part of the West's resistance to a perceived Soviet global offensive.
- 7 It is the Commission's view that the destruction wrought on the region by South Africa's counter-revolutionary war, particularly in Angola and Mozambique, was disproportionate to the threat posed by their post-independence governments and the fact that they played host to groups engaged in armed conflict with the South African government. At the time of their independence in 1975, Angola and Mozambique were severely underdeveloped and posed no credible military threat to the Republic of South Africa. Centuries of colonial exploitation had left them with a legacy of poverty and without the skills to build and manage a modern economy.
- 8 The Commission is, therefore, of the view that factors of race and racism should not be dismissed when attempting to explain South Africa's conduct in the region. It finds it difficult to believe, for example, that *Koevoet* would have been allowed to operate on a bounty basis, or that the SADF would have killed over 600 people,

many of them children and women, in the Kassinga camp in Angola, had their targets been white. From the evidence before the Commission, it appears that, while some acts of regional destabilisation may have been a defence against Communism, the purpose of the war was also to preserve white minority rule in South Africa and was, therefore, a race war.

- 9 The perpetration of gross human rights violations outside South Africa will be discussed through an examination of the following types of security operations:
  - a conventional warfare;
  - b police and military counter-insurgency operations;
  - c surrogate-force insurgency operations;
  - d police and military cross-border operations, including special operations of a sensitive nature or by the Civilian Co-operation Bureau (CCB);
  - e unconventional military operations.

## ■ CONVENTIONAL WARFARE

### The war in Angola

*I was then in the military, you know in the paratroopers and the Special Forces, and I was decorated for a couple of operations in South West Africa. I don't know if I must apply for amnesty for Kassinga ... It was probably the most bloody exercise that we ever launched, according to me ... we were parachuted into that target ... It was a terrible thing ... I saw many things that happened there but I don't want to talk about it now because I always start crying about it. It's damaged my life. (Lieutenant Johan Frederich Verster, ex-SADF Special Forces officer, testimony to the Commission, 4 July 1997.)*

*It (Kassinga) was a jewel of military craftsmanship. (General J Geldenhuys, A General's Story: From an Era of War and Peace, 1995. p. 93.)*

- 10 The targets and objectives of the various security operations conducted in Angola by the security forces of the former South African state were two-fold.

- 11 First, the possibility of the Popular Movement for the Liberation of Angola (MPLA) taking power in Angola was regarded by the former government as a threat to South Africa's security, as the MPLA was viewed as a Soviet surrogate. The introduction of Cuban forces into Angola in support of the MPLA simply confirmed that view. The South African government's initial objective, therefore, was to prevent the MPLA from taking power at independence. When this failed, the goal became its overthrow and replacement by a 'friendly' anti-Communist government led by the National Union for the Total Independence of Angola (UNITA).
- 12 Second, the movement of the forces of the South West African People's Organisation (SWAPO) into bases in Angola was regarded as escalating the threat to South Africa's position in South West Africa. Aware that it would ultimately have to implement UN Resolution 435, the South African government was determined to weaken or cripple SWAPO's military capacity in preparation for the time when SWAPO would enter the electoral stakes inside South West Africa.
- 13 South Africa's active involvement in Angolan politics after the collapse of Portuguese colonial rule escalated with the SADF's invasion of Angola, through *Operation Savannah*, in the second half of 1975. Though the operation was undertaken with the covert support of the US State Department, this undeclared act of war did not receive the approval of the South African cabinet. Indeed, the issue was not even raised at cabinet level until the invasion was several months old and no longer a secret.
- 14 The invasion was also illegal in terms of the 1957 Defence Act, which made no provision for the deployment of non-voluntary forces (conscripts) beyond South Africa's borders. To override this legal difficulty, Parliament passed an amendment to the Act in January 1976, sanctioning the deployment of non-voluntary South African troops outside of the Republic's borders. It was made retroactive to August 1975, the month in which *Savannah* was launched.
- 15 The Commission was not able to access any files on *Operation Savannah* in the SADF archives, nor did it have access to any Angolan data. There is no doubt, however, that the human and economic cost of the operation, involving over 2 000 men in mobile columns, was immense. In three to four months, the SADF swept through vast areas of central and eastern Angola, capturing numerous towns, until it was halted on the outskirts of Luanda by stiff Cuban-led resistance.

- 16 Civilian and military casualties on the Angolan side were considerable, given the known extent of damage to the social infrastructure. Thousands of people were displaced internally.
- 17 Though the SADF's intervention failed to prevent the MPLA from taking power at independence in November 1975, and even though SADF forces were withdrawn in March 1976, South African military and political involvement in Angolan affairs continued for the next thirteen years, with human and other consequences of varying degrees of severity for all the parties involved – Angolan, South West African, South African, Cuban and Soviet. South Africa's forces were not entirely withdrawn; the SADF created an eighteen-kilometre-wide demilitarised zone (DMZ) along a 1 000 kilometre stretch of the border, which it retained after the termination of the invasion. By creating a 'free-fire' zone, the SADF effected further large-scale displacement of people, this time of residents from both sides of the border.
- 18 Between 1976 and 1978, the SADF's strategy in respect of Angola focused on establishing a string of bases along the border, on rearming and strengthening UNITA's fighting capacity through the launch of *Operation Silver* and on preventing SWAPO from moving south. This it did by deploying the 32 Battalion in frequent forays against SWAPO in the south of Angola.
- 19 Despite these efforts, by the end of 1977 the SADF believed that SWAPO had established a significant presence in the south and sought authorisation from Prime Minister Vorster for large-scale SADF operations. The concern of the SADF was shared by the administration in South West Africa, where there were plans to hold elections leading to the installation of an interim administration of which SWAPO was not to be a part. Were SWAPO to succeed in establishing a permanent foothold in the south of Angola, both the South African government and the administration in Windhoek feared that its capacity to disrupt the election would be enhanced.

### ***Operation Reindeer: the attacks on Kassinga and Chetequera camps***

- 20 In human rights terms, the SADF raid on Kassinga, which killed over 600 people, is possibly the single most controversial external operation of the Commission's mandate period.
- 21 The SADF's view on the situation in southern Angola was spelt out in a communication from the chief of staff operations (CSOPS) to the chief of the SADF on

27 February 1978<sup>1</sup>. CSOPS argued that, since the termination of *Operation Savannah*, SWAPO had been successful in building up its strength in Owambo and the Eastern Caprivi, whence it was able to conduct operations in the northern areas of South West Africa. In the opinion of CSOPS, it was now imperative to deploy the full strength of the SADF's air and land capability against SWAPO, instead of counting on a 'hearts and minds' programme. It was also important to counter the enemy's propaganda by demonstrating that South Africa had so far deployed in Angola only a small part of its military capability.

- 22 CSOPS calculated that, by the end of 1978, SWAPO would grow from a force of 3 700 to 5 000 guerrillas, though it estimated that only 1 000 of these could be operationally deployed in the short term. The current estimate was that between 250 and 300 guerrillas were currently active in Owambo. Of SWAPO's five principal bases in the region, CSOPS identified Kassinga as the largest, with an estimated 800 guerrillas in camp. It was, however, also the furthest from the South West African border (198 km north of the border) which made the logistics of an assault complicated.
- 23 In arguing for a raid, CSOPS noted that SWAPO was becoming better organised and that, as a result, the SADF's principal operating unit inside Angola, 32 Battalion, was finding it difficult to operate. UNITA was likewise under pressure. In short, SWAPO was benefiting from the fact that South Africa was not fighting to its full potential. If operations became effective, on the other hand, SWAPO would be forced to disperse its camps into smaller components, making the organisation less effective. This would also make it more difficult for Cuban instructors to work with and easier for UNITA to operate against SWAPO.
- 24 On 8 March 1978, the chief of the army, Lieutenant General Viljoen, sent a communiqué (H/LEER/309) to the chief of the defence force, in which he identified the camp at Kassinga as the planning headquarters of SWAPO's armed wing, the People's Liberation Army of Namibia (PLAN) – subordinate only to SWAPO's defence headquarters at Lubango. He also noted that the camp was the principal medical centre for the treatment of seriously injured guerrillas, as well as the concentration point for guerrilla recruits being dispatched to training centres in Lubango and Luanda and to operational bases in East and West Cunene. The camp also offered refresher courses in infantry warfare and mine-laying.
- 25 General Viljoen noted that the camp was not heavily defended and that the nearest Angolan army and Cuban forces were at Techumutete, fifteen kilometres to the south. The target lent itself to the maximum use of air power and the

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<sup>1</sup> File reference: HSOPS/310/4.

infliction of maximum casualties. Finally, he suggested that, given the presence in the camp of PLAN's commander, Dimo Amaambo, important documents could be captured. Other documents in the SADF files make it clear that it was also hoped that Amaambo and other senior PLAN officials would be captured or killed.

26 Approval for the Kassinga operation – which became part of *Operation Reindeer* – was received in about March 1978. The original operational orders included the following priorities and instructions:

- a Maximum losses were to be inflicted on the enemy but, where possible, leaders must be captured and brought out. Once the attack was completed, no prisoner-of-war was to be shot in cold blood.
- b Documents as well as useful weapons were to be removed.
- c Bases were to be destroyed.
- d Skirmishes with Cuban and Angolan Army forces were to be avoided if at all possible.
- e Photographs were to be taken after the attack to counter “enemy” allegations.
- f Where possible, women and children were not to be shot.

27 The details of the plan were as follows:

**phase one:** *from ten days prior to the operation (D-10): Low-profile coverage, with selected media references to Alpha (Kassinga);*

**phase two:** *beginning D-7: The key idea should be to create the impression of a resumption of SWAPO border violations and attacks on SADF patrols, especially against the local population. The intention would be after a relatively quiet period to refocus attention representing it as a seasonal trend. Shortly before D-1, information should be released on a SWAPO build-up. Thereafter, on D minus 1, a grave incident (real or imaginary) must take place. Either attempted assassination or cross-border attack on SADF patrol base. In the case of the latter, some casualties could be attributed to this attack;*

**phase three: D to D+4: Media operational:**

*C Army must ensure that media coverage of the operations (especially Alpha Camp) takes place. Credible coverage and immediate release are essential to counter probable hostile counter-claims of SADF operations and mass killings of civilians, especially women and children. Guidelines: Photo cover must feature: i) military features, for example, weapons, ammunition, communications, headquarter buildings; ii) any dead must have weapons alongside them; iii) any photography of civilians must reflect humane treatment, e.g. being provided with food. Civilians should, however, be avoided altogether; iv) documents captured must feature prominently to add credibility to subsequent disclosures.*

- 28 Accompanying this document in the file is an undated message from SWA Command to the chief of the army, which reads: "Contingency plans in progress to create own incidents that can be attributed to SWAPO should insufficient publicity or further SWAPO actions be forthcoming". The signal also emphasised the need to counter any enemy propaganda about attacking civilian targets.
- 29 On 25 April 1978, the SWA Command sent a signal for the attention of either General Viljoen or General Gleeson. It noted that the UN General Assembly was in session on the subject of SWA and that the debate would last until 3 May. D-day should, therefore, be delayed until the conclusion of the debate to avoid making life difficult for those countries favourable to South Africa. On 30 April, higher authority dictated a delay of at least forty-eight hours.
- 30 As the commanders of *Reindeer* waited for the go-ahead from the cabinet, a number of messages were passed on the changing situation. On 2 May 1978, the chief of the defence force signalled the chief of air staff that considerable extensions were being made to Kassinga's defensive installations. It was also now estimated that between 1 000 and 1 500 PLAN recruits were at Kassinga, including fifty to one hundred Cubans. Permission was given for two Mirages to be added to the air component.
- 31 It is clear that from the SADF's perspective, Kassinga was a military facility rather than essentially a refugee camp or refugee transit facility, as SWAPO has always claimed. The photographic evidence shown to the Commission at the SADF archives suggests a military dimension to the camp. This cannot, however, be taken as conclusive evidence that Kassinga was a military base. In the context of the ongoing war in Angola, some defensive fortification of any SWAPO facility, whether civilian or military, would have been standard practice.

- 32 What *is* evident is that human settlement in the Kassinga area had grown considerably in the period since Angola's independence. The site was allocated to SWAPO by the Angolan government in 1976, after an appeal for help to cope with an inflow of thousands of refugees. Under SWAPO's control, the abandoned homes in the village had been converted into offices, a kindergarten and primary school, a clinic, a sewing facility, and storage and vehicle repair workshops. New permanent structures had also been erected, plots cultivated and a set of defensive trenches dug. SWAPO had also installed two anti-aircraft guns in the centre of the village, and the camp contained a self-defence unit of approximately 300 male and female PLAN cadres.
- 33 The fact that Kassinga had a non-military dimension is reflected in a UNICEF report of a visit by a UNICEF delegation from its regional office in Brazzaville, published two days before the raid. Central to the report was the fact that, although well-run and well-organised, the facility was ill-equipped to cope with the rapid expansion in the size of the refugee population as a result of a steady inflow in early 1978. Kassinga was thus both a military base and a refugee camp. It housed a considerable number of combatants, including senior officers. It also housed considerable numbers of civilians. As a large facility, it was easily partitioned into military and non-military sections.

*As a result of the ominous build-up of SWAPO forces in southern Angola and the extensive campaign of intimidation of the local inhabitants and the murder of political leaders in SWA, as well as the large number of border violations during the past few weeks, a limited military operation against SWAPO forces has been carried out over the border ... I trust that the limited operation will leave those who wish to threaten us under no illusions ... I have in the past while repeatedly expressed the hope that military bases will not be made available to terrorists in southern Angola, but this apparently has fallen on deaf ears. (Minister of Defence, Mr PW Botha, press release, 4 May 1978)*

- 34 *Reindeer* began with an attack at 08h00 on 4 May 1978. Four Canberra jets dropped 300 Alpha bombs, followed one minute later by four Buccaneers which dropped seven 400kg fragmentation bombs. The initial target was the parade ground where between fifty to one hundred 'enemy' were seen immediately before the attack. At 08h04, 370 paratroopers were dropped on the camp, but many of them fell well away from the target area because of high winds. It took just over an hour for the paratroopers to group together, during which time many of

Kassinga's inhabitants were able to flee to safety. These included most of PLAN's senior officers, including Dimo Amaambo.

- 35 Several hundred occupants of the camp were not so fortunate, however. By 10h30, signals from the ground were reporting heavy 'enemy' casualties and the capture of large quantities of weapons. At noon, the first helicopter extractions of SADF personnel began. By this time the chief of the army, Lieutenant General Viljoen, had been taken into the battlefield area aboard a Puma helicopter. General Ian Gleeson (101 Task Force), Colonel 'Blackie' de Swardt (SAAF) and Colonel 'Giep' Booyesen (SA Medical Services) were in overall command of the actual operation and responsible for its planning. Fighting forces on the ground at Kassinga were led by Colonel Jan Breytenbach (32 Battalion), and Commandant Deon Ferreira, and at Chetequera by Major Frank Bestbier.
- 36 At 13h45 between twenty and thirty armoured cars were reported as being *en route* from the nearby Angolan military base at Techumutete, which also housed Cuban troops. Later, other troop carriers were spotted moving towards Kassinga. These convoys were attacked from the air and many were destroyed. According to information drawn from the Cuban archives, approximately 150 Cuban troops died in these attacks – the most serious casualty loss in their involvement in Angola.
- 37 By evening, the assault on Kassinga was complete and all SADF personnel, bar five missing troops, had been withdrawn from the site. The SADF's anxiety about external reaction is reflected in a signal from the chief of the defence force, sent at 19h30, enquiring whether any women and children had been killed. This took priority over a 20h50 signal enquiring whether any Cubans had been captured. In response to the earlier query, SWA Tactical Headquarters sent out a top-secret message that night (OPS/104/04) reporting that there were many women and children at Alpha and that large numbers had been killed. Among the dead women, the message reported, many had been in uniform and many in the trenches.
- 38 At 22h00, SWA Tactical HQ sent a further message which read as follows (translated):

### **Target Alpha**

*Enemy losses estimated at 500 (five hundred) dead.*

- i. No POWs taken because of the serious threat from the south from enemy tanks and armoured cars. Initially 75 POWs were captured and 15 ear-marked as POWs including women in uniform. Some were in civilian clothing. All looked like young recruits;*

- ii. *Air attack caused extensive casualties and damage. All the buildings within reach were set on fire. Three 14.7 machine guns were damaged but could not be destroyed. Explosions indicated that ammunition dumps had been destroyed. A large number of documents were seized in the OC's house. He could not be found;*
- iii. *After the bombardment considerable numbers of the enemy were noticed in the trenches. They offered reasonably strong resistance;*
- iv. *14.7 machine guns could not be silenced by the ground forces, so close air support was called in. The machine guns fired on the Buccaneers at every opportunity;*
- v. *The enemy resisted firmly and did not run away. Some made out they were dead but were then either killed or captured.*

39 The official death toll (according to an Angolan government White Paper) was 159 men, of whom only twelve were said to be soldiers, 167 women and 298 teenagers and children – a total of 624. In addition, 611 South West Africans were wounded in the attack. These were largely victims of the initial bombing attack. The dead were buried in two mass graves. Foreign journalists who saw the graves before they were covered confirmed that large numbers of the dead were women and young people wearing civilian clothes. This does not necessarily mean that they were all non-combatants. In a guerrilla camp, not all combatants would be wearing uniforms. Moreover, the figure of twelve soldiers cited by the Angolan White Paper is not credible, unless the reference to soldiers is limited to the twelve Angolan government soldiers killed during *Reindeer*. It is known too that PLAN forces contained women and it can be assumed that some of the women casualties were combatants.

40 The Kassinga raid formed only a part of the *Reindeer* operation. There were also attacks on a number of SWAPO facilities in and around Chetequera (an area known by SWAPO as "Vietnam") where over 300 South West Africans were killed and a large number captured. These prisoners – between 200 and 300 in all – were taken to the Oshakati military base where many were tortured. Nearly two years later, in January 1980, the International Red Cross reported that 118 of them were still being held at a detention centre near Mariental in the south of South West Africa (see further below).

- 41 Some 1 200 hundred people – South West African, Angolan, Cuban and South African – died; over 600 others, overwhelmingly South West African and Angolan, were wounded in the attacks on Kassinga and Chetequera that day. It is probable that some died later from their wounds. In addition, several hundred were captured at Chetequera. No prisoners, or perhaps at most a handful, were taken from Kassinga. Those reported in the early despatches as being held as prisoners were released when no room on the evacuation helicopters was available for them.
- 42 All the planning documentation, including aerial photographs, would indicate that the SADF command was convinced that Kassinga was the planning headquarters of PLAN, and thus a military target of key importance. Given the objective (expressed in the CSOPS communication to the Minister of Defence on 27 February 1978) of demonstrating South Africa's military superiority and inflicting major damage on SWAPO's military capacity, it would seem strange if a refugee camp had been chosen as a target. This does not, of course, obviate the possibility of mistaken target identification, though the aerial photographs and the detail of intelligence reports of what was going on at Kassinga obviously guided the SADF command to their conclusions. It is probable therefore, that the SADF could mount a plausible defence of its operation in terms of the doctrine of pre-emptive interventionism and the right of states to defend themselves.
- 43 This argument would, however, have to fail in this case for the simple reason that the state being defended by South Africa was South West Africa, which South Africa was occupying illegally. In terms of UN General Assembly Resolution 2145/66 and UN Security Council Resolution 385/76, South Africa's mandate in South West Africa was revoked and its occupation deemed illegal. Hence any justification of a retaliatory operation cannot be accepted.
- 44 Beyond the issue of the mandate, *Operation Reindeer* violated international humanitarian law on other counts, one of which was the failure to take adequate steps to protect the lives of civilians. International humanitarian law stipulates that the right of parties in a conflict to adopt means of injuring the enemy is not unlimited and that a distinction must at all times be made between persons taking part in hostilities and civilians, with the latter being spared as much as possible. There is little evidence that the SADF took sufficient precautions to spare those civilians whom they knew were resident at Kassinga in large numbers.
- 45 The fact that the operational orders for *Reindeer* included the instruction that "women and children must, where possible, not be shot" is evidence of the

SADF's prior knowledge of the presence of civilians. However, this apparent intention to spare their lives was rendered meaningless by the SADF's decision to use fragmentation bombs in the initial air assault, as such weapons kill and maim indiscriminately. Their use, therefore, in the face of the knowledge of the presence of civilians, amounts to an indiscriminate and illegitimate use of force and a violation of Protocol 1 to the Geneva Conventions of 1949. The foreseeable killing of civilians at Kassinga was therefore a breach of humanitarian law.

- 46 The treatment of civilians in this operation may have violated international legal covenants in another respect; in this case a provision of Protocol 11 regarding the treatment of the wounded. If press reports based on a press interview with an officer involved in the operation are accurate (see below), the SADF failed to protect and care for those wounded in the operation. According to this source, some of the wounded, irrespective of their status as combatants or civilians, men or women, were shot.

*We were in enemy territory and had to get the hell out of there as quickly as possible. There were just too many wounded. We could have left them on the battlefield to die in pain and agony. We couldn't. I was given an AK-47 and instructed to kill those who couldn't be saved. I had to decide who was not going to live. I was the company leader, so I had to take the lead. I don't know how many people I shot that that day. Some were conscious, some were not. We found this woman clutching her screaming baby. It was only when we saw the terrible wounds inflicted by an Air Force bomb. There was no hope for her. I had to shoot her. She looked at me. I can never describe what it did to me. It was too much. I later broke down. (Anonymous soldier, The Star, 8 May 1993.)*

- 47 The Commission has not been able to corroborate the information contained in this quote. It did, however, speak to retired General Chris Thirion who was present at Kassinga and who stated that he was standing next to General Viljoen when he heard him give a command that no wounded were to be killed. He concedes that this does not mean that none were killed but, if so, this would have been contrary to orders. The Commission accepts, therefore, that there were no orders to kill the wounded, but is not convinced that this did not happen. The Commission also has evidence from the war in South West Africa that, on occasion, badly wounded SWAPO fighters were shot and not given medical treatment.

48 The Commission, therefore, makes no finding on the treatment of the wounded. It does, however, make a finding on the choice of weaponry used in the attack and on the question as to whether adequate care was taken to protect the lives of civilians. In making a finding, the Commission has taken cognisance of the following international legal provisions: Principles III, IV, VI of the Principles of International Law Recognised in the Charter of the Nuremberg Tribunal and in the Judgement of the Tribunal 1950:

THE COMMISSION FINDS THAT OPERATION REINDEER WAS A VIOLATION OF THE TERRITORIAL SOVEREIGNTY OF THE REPUBLIC OF ANGOLA AND THAT IT RESULTED IN THE COMMISSION OF GROSS HUMAN RIGHTS VIOLATIONS AGAINST THE CIVILIAN OCCUPANTS OF THE KASSINGA CAMP WHICH ENTAILED DELIBERATE PLANNING ON THE PART OF THE FOLLOWING PERSONS WHO ARE HELD ACCOUNTABLE:

- PRIME MINISTER BJ VORSTER IN HIS CAPACITY AS HEAD OF STATE (PRINCIPLE III);
- MINISTER OF DEFENCE PW BOTHA IN HIS CAPACITY AS POLITICAL HEAD OF THE SADF;
- GENERAL MAGNUS MALAN IN HIS CAPACITY AS CHIEF OF THE SADF;
- LIEUTENANTS GENERAL CONSTAND VILJOEN AND RH ROGERS IN THEIR CAPACITIES AS CHIEFS OF THE ARMY AND AIR FORCE RESPECTIVELY.

### ***The State Security Council and Angola***

49 With the accession to power of Mr PW Botha in September 1978, the war against Angola became a government priority. In March 1979, the State Security Council (SSC) adopted two strategy documents pertaining to Angola. One was a total national strategy encapsulating a long-term view; the other was a short-term strategy document. In the former, the government spelt out its goals as being to use all means – political, diplomatic, psychological, economic and military – to neutralise the Angolan government's support for SWAPO as well as to bring down the MPLA government, if and when the assurance existed that a more friendly and stable government would replace it.

50 The short-term strategy document lists its objectives, stating that the political situation in Angola should be kept as unstable as possible, that support should be rendered to UNITA and other movements, and that clandestine operations should be launched against Angola with the aim of forcing the MPLA government into preventing SWAPO from operating in southern Angola.

- 51 In a section headed *Opdrag en Take* (Mission and Duties), four tasks are detailed:
- a to subject southern Angola to a national strategy for as long as it takes to pressurise the MPLA to abandon its support for SWAPO;
  - b to enlist UNITA and other movements as partners ("*bondgenote*") against the Marxist onslaught;
  - c to destroy SWAPO bases in Angola through co-ordinated actions;
  - d to make preparations for conventional operations against Angolan, Cuban and SWAPO forces.
- 52 With regard to the first two tasks above, the document talks of establishing a stable anti-Communist government in the south (a UNITA government) as soon as the political situation in the area has stabilised. All tasks and strategies in the short-term plan were to be directed to this end. In other words, the immediate objective of the SADF was to partition Angola and, in effect, to bring about the secession of the south of the country.
- 53 The importance of UNITA and its leader, Mr Jonas Savimbi, to South African strategy at this time was stressed in a letter from the chief of the SADF, General Malan, to CSOPS (chief of staff operations) Major General Earp, dated 6 March 1979, in which he states that "*Mario* [SADF codename for Savimbi] *se voortbestaan raak direk die toekoms van Suidelike Afrika. Hy het so belangrik geword dat ons sy veiligheid sal moet verseker*". (His continued existence directly influences the future of Southern Africa. He has become so important that we will have to ensure his safety.)
- 54 Under economic action guidelines, the following steps were listed:
- a to so disrupt the national infrastructure of Angola through clandestine operations, that an unstable situation in the country would be created;
  - b to disrupt, through clandestine operations, the main export harbours and railways leading to the south of Angola;
  - c to handle to the best advantage of South Africa all requests from the Angolan government in connection with electric power from Ruacana (the hydro-electric scheme on the Angola–Namibia border), as well as food supplies.

- 55 The document concludes by emphasising the urgency of the situation and the intensity of the Marxist onslaught in the region. It then goes on to argue that, owing to the abbreviated UN time-scale envisaged for South West Africa (a reference to the pending implementation of UN Resolution 435), the short-term strategy must be implemented as speedily as possible.
- 56 The implementation of this strategy was discussed at a series of meetings in March 1979. At a meeting between Savimbi, the chiefs of the defence force and the army and senior staff officer of special operations in the department of Military Intelligence (MI), it was agreed that UNITA's priority would be to clear the MPLA and SWAPO out of Cuanda-Cubango province and "*dele van die Cunene*" (parts of the Cunene province) so that the nucleus of a UNITA government could be established and so that "*die verbindingslyne tussen Angola en SWA weer daargestel kan word*" (the lines of communication between Angola and SWA could be restored). A *modus operandi* was agreed whereby the SADF would take the initiative in Cunene province (see discussion on *Operation Protea* below) with support from UNITA, while the reverse would apply in Cuanda-Cubango. It was also agreed that, from this point, 32 Battalion would be semi-permanently deployed in southern Angola.
- 57 The post-1979 military strategy in Angola therefore took the form of a series of large-scale conventional military operations against pre-selected SWAPO and Angolan Army targets, while 32 Battalion formed the vanguard of a low-intensity counter-insurgency campaign. The third prong was *Operation Silver* (see below), which provided ongoing logistical and other support to UNITA.
- 58 The Angolan war was an ongoing, thirteen-year-long occupation, enabling the SADF to achieve one of its aims, namely, the *de facto* secession of the south from central government control. This is certainly the view of former army and SADF chief, General Geldenhuys. Writing in his autobiography, he states:
- A few specific cross-border operations made headlines ... Each, in turn, had a positive influence on the course of the war ... in the end ... it was the overall effect of the almost unseen but incessant day-to-day general operations that brought us success.*
- 59 The first big operation in this post-1979 phase of the war was launched in June 1980. *Operation Sceptic* began as a lightning attack on a SWAPO base complex called 'Smokeshell', 120 kilometres into southern Angola and developed into an

extended operation which produced the first serious clashes between the SADF and the Angolan Army and mechanised elements of SWAPO. It ended by driving SWAPO from its forward bases; 380 guerrillas and seventeen members of the SADF were killed.

- 60 A year later, in August 1981, the SADF launched *Operation Protea*, the largest mechanised operation undertaken by the South African military since World War II. *Protea* was launched in implementation of the decision made in March 1979 to install UNITA as the *de facto* government of southern Angola. In the initial eighteen-day phase of the operation, the SADF occupied 50 000 square kilometres of Cunene province. Thereafter, parts of the province remained under SADF occupation until 1989, essentially as a support for UNITA which, from January 1982, took effective administrative control of most of the province.
- 61 The information below is drawn from a variety of sources including files in the collection "*Aanvullende Dokumente*" (Supplementary Documents) OD 1968 no. 20 held by the military archives.
- 62 According to this collection, the immediate military objectives of *Operation Protea* were the destruction of PLAN headquarters at Xangongo and Ngiva and the capture of the extensive caches of equipment held at Ngiva. During the initial 1981 phase of *Protea*, several towns in Cunene province such as Cahama, Chibemba, Xangongo, Mongua and the provincial capital Ngiva were extensively damaged by bombing and artillery attacks which also caused civilian casualties.
- 63 After two weeks, all the towns mentioned above, indeed most of the province, had been evacuated. According to the BBC, an estimated 160 000 Angolan civilians were rendered homeless and were forced to flee to sanctuary further north in Lubango. British press reports of the operation spoke of the SADF's use of heavy artillery for long-range bombardment of towns and villages in combination with SAAF carpet-bombing before ground troops moved in to take control. The result in Cahama was that only four out of forty to fifty buildings in the main street were left intact. Amongst the facilities reportedly destroyed were a hospital, a dispensary and a food distribution centre.<sup>2</sup>
- 64 According to press reports, more than 1 200 SWAPO and Angolan Army soldiers were killed in the operation, along with several Soviet advisers. One Russian warrant officer and seventy-nine Angolans were captured. The SADF files give a casualty toll of 746 Angolan Army and eighty-one SWAPO combatants, and four

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<sup>2</sup> *Focus* No. 38, January–February 1982, pp. 10–14.

Soviet advisers. The number of civilian deaths is not known to the Commission, but, given the systematic and sustained targeting of civilian centres, it must have been large. The SADF suffered fourteen dead and sixty-four wounded.

- 65 In terms of civilian casualties, the mass displacement of civilians and the creation of an internal refugee population, as well as the wholesale destruction of towns and socio-economic infrastructure, *Operation Protea* probably caused more human suffering and physical damage than any other operation in the thirteen-year-long Angola war, resulting in violations of human rights on a vast scale.
- 66 *Protea* was followed by Operations *Daisy* in 1981, *Super and Meebos* (1982), *Phoenix* and *Askari* (1983), *Boswilger* (1985), *Modulêr* and *Hooper* (1987–88), *Packer* and *Displace* (1988). Each of these was a smaller-scale version of *Sceptic* and *Protea* and resulted in large numbers of casualties. According to the military historian, Colonel CJ Nothling, writing in the 1989 *South African Defence Review*, over 8 000 ‘terrorists’ (SWAPO and Angolan Army forces) were killed in these campaigns. No figures are cited for civilian deaths. The SADF acknowledged 136 fatalities (three each in *Daisy* and *Super*, twenty-nine in *Meebos*, twenty-seven in *Phoenix*, twenty-one in *Askari* and fifty-three in *Hooper* and *Modulêr*).
- 67 The December 1983 *Operation Askari* was aimed at disrupting PLAN’s logistical infrastructure and its command and control systems through ground and air attacks. In its advance towards SWAPO headquarters near Cuvelai, a major battle developed between South African forces and Angolan Army units aided by two Cuban battalions. According to the SADF, this was the biggest encounter between South African and Angolan Army forces of the entire war: 324 Angolan and Cuban troops and twenty-one South Africans were killed. Another casualty was the town of Cuvelai, which was almost totally destroyed. In 1984, when there was a temporary withdrawal, Angolan authorities re-entered the ruined town and reported that facilities and most buildings had been destroyed while livestock had either been killed or taken to South West Africa. There had been extensive civilian casualties.
- 68 During *Operation Hooper*, SADF and Angolan Army forces clashed in a number of large land battles near the town of Cuito Cuanavale. The town was shelled by SADF 155mm artillery for several weeks, and largely destroyed. The SADF failed, however, to capture the town and the stalemate led eventually to negotiations and the signing of the New York Accords in December 1988. These agreements produced an SADF withdrawal from Angola (*Operation Displace*), the implementation of UN Resolution 435 and the independence of Namibia in March 1990.

69 The above operations all targeted either SWAPO or Angolan Army facilities. In another SADF raid, the South African Air Force (SAAF) attacked an African National Congress (ANC) camp at Nova Catengue on 14 March 1979. Essentially a transit facility, the camp housed large numbers of recent exiles (the 1976 Soweto outflow). While the facility was severely damaged in the raid, casualties amounted to three dead (including one Cuban) and fourteen wounded. Casualties were comparatively low because advance intelligence had been received and the camp had been evacuated.

### ***The economic and human costs of the Angolan War***

70 In addition to destroying Angolan towns in the south of the country, the SADF targeted economic installations in Angola, especially its petroleum facilities. These included attacks on the Luanda oil refinery on 30 November 1981, the storage tanks in the port of Namibia in June 1988 and those at Huambo in 1987. On 21 May 1985, a Recce 4 commando unit was intercepted attempting to sabotage the Cabinda Gulf Oil complex and the commander, Captain Wynand du Toit, was captured. Road bridges and the Benguela railway were also frequently sabotaged.

71 The effects of the war on Angolan civilians were devastating. UNICEF has estimated that, between 1980 and 1985, at least 100 000 Angolans died, mainly as a result of war-related famine. The cumulative effect of the battering of the economy and social infrastructure in the 1980–85 period produced an even greater escalation in the death rate after 1985. Between 1981 and 1988, again according to UNICEF, 333 000 Angolan children died of unnatural causes. The Angolan government estimated the economic cost of war damage to be US\$12 billion in 1987 alone.

72 The environmental effects of the war on the south (and in the Caprivi) were devastating. Both forest lands and wildlife were destroyed. This rape of the environment was sanctioned by the SADF. In the early 1980s, covert front companies were established to facilitate trading in rare woods like teak and kiaat, and in ivory, skins and diamonds. A safari company was also set up through which the hunting of big game was regulated. Ostensibly, these activities were undertaken to raise secret funds for UNITA, but they led quickly to widespread and high-level corruption.

**THE COMMISSION FINDS THAT THE SOUTH AFRICAN GOVERNMENT'S MILITARY CAMPAIGN IN ANGOLA BETWEEN 1977 AND 1988 LED TO GROSS VIOLATIONS OF HUMAN RIGHTS ON A VAST SCALE. THE COMMISSION FINDS FURTHER THAT THE CAMPAIGN CONSTITUTED A SYSTEMATIC**

PATTERN OF ABUSE, WHICH ENTAILED DELIBERATE PLANNING ON THE PART OF THE FORMER CABINET, THE STATE SECURITY COUNCIL AND THE LEADERSHIP OF THE SOUTH AFRICAN DEFENCE FORCE. THE COMMISSION FINDS THESE INSTITUTIONS AND THEIR MEMBERS ACCOUNTABLE FOR THE AFORESAID GROSS VIOLATIONS OF HUMAN RIGHTS.

## ■ POLICE AND MILITARY COUNTER-INSURGENCY OPERATIONS IN SOUTH WEST AFRICA

*The third specific incident that I remember is chasing a SWAPO unit commander or political commissar. We picked up his spoor and chased him for two days ... this was typical of the style of contacts that I was involved in. Five Casspirs, fifty men chasing one or two people running on foot. We finally did catch him, hiding in a kraal. The unit commander ... lined up a bunch of Koevoet people next to the hut he was in and drove over the hut with the Casspir. Everyone then fired into the rubble ... The SWAPO commissar was pulled out of the rubble and given to me to keep alive. He had been shot in the arm and the leg and had been driven over ... because he was a commissar, he would have been carrying a handgun. John Deegan [acting unit commander] started to interrogate him while I was putting up a drip. The purpose of this interrogation was to find the handgun ... We never found the handgun because John shot him in the head out of frustration while I was still attending to him. The incident and the face of this SWAPO commissar haunted me in dreams for years. (Lance Corporal Sean Callaghan, amnesty application, December 1996.)*

*[The SWAPO commissar] was a veteran ... he would have been an excellent source of information but he was so fucked ... each team had an army medic and Sean started patching up this guy while I was busy interrogating him ... and he was just going "kandi shishi", even at this stage he was denying everything ... and I just started going into this uncontrollable fucking rage and he started going floppy and I remember thinking "how dare you, I'm talking to you, how dare you ignore me...why don't you answer me" and then this is what I was told afterwards. I had my 9mm in my hand and I was just pushing my way through the team ... and apparently what happened was I started ripping ... Sean had put a drip into the guy's arm and started plugging the bullet hole to get him together ... he would have pulled through ... I ripped all the bandages, the drip off the guy, pulled out my 9mm, put the barrel between his eyes and fucking boom I executed him ... and they told me afterwards I was just screaming, I was raging ... (Warrant Officer John Deegan's account of this incident to the Commission's conscript hearing, Cape Town, June 1997.)*

- 73 Three factors are central to the human rights situation in South West Africa (Namibia) in the Commission's mandate period. The first is the fact that the South African presence in the territory was a violation of international law, and that the South African administration and its courts and security forces had no right in international law to carry out any actions affecting the South West African people. If this did not apply for the full Commission mandate period, it certainly applied from October 1966 when the UN General Assembly terminated South Africa's mandate over South West Africa, a decision affirmed by the Security Council in 1969. In June 1971, the International Court of Justice in The Hague declared South Africa's presence in South West Africa illegal and demanded its withdrawal. It further declared invalid all South Africa's acts on behalf of or concerning South West Africa. The Commission's analysis of the situation in South West Africa is informed by this position in international law, from which it follows that all security-related actions initiated by the South African and South West African administrations and their security forces were those of illegal and illegitimate authorities.
- 74 The second factor relates to the fact that, for twenty-three years, these authorities were engaged in a guerrilla war against an indigenous liberation movement whose armed struggle was legitimated both in terms of international law and by the overwhelming moral support of the international community.
- 75 The third factor relates to the sheer enormity of the topic. South Africa's occupation of South West Africa would merit a separate truth commission of its own.
- 76 In the account that follows, emphasis will be laid on two particular factors – torture and extra-judicial killings. In regard to the latter, the focus will be on the bounty or 'cash-for-corpses' policy employed by the police counter-insurgency unit, *Koevoet* (crowbar). Where possible, reference will be made to those human rights violations and amnesty applications pertaining to South West Africa that were submitted to the Commission. These were, however, relatively few: only one human rights violations submission and thirteen amnesty applications were received.

## **Changes in human rights violations over time**

- 77 The pattern of human rights violations in South West Africa varied over time, in accordance with the level and nature of resistance to the South African occupation. This pattern may be periodised as follows:

## **1960–1966**

78 During this period, there was little organised resistance to South Africa's occupation and no armed struggle. Even so, the apartheid system was enforced with even more rigidity in South West Africa than in South Africa itself and the human rights of the people of South West Africa were constantly and systematically violated, in particular through the system of contract migrant labour. During the 1960s and 1970s, up to two-thirds of South West African workers were subjected to this form of labour control and coercion. Contract workers were required to leave their families in the 'homelands' and to sign contracts that rendered them powerless to choose their employer or to negotiate a wage. Those who resigned from their jobs or broke their contracts were liable to deportation back to the 'homeland'. This was a systematic violation of basic human rights which established a system of quasi-slavery. It also served to depress wages and prevent labour organisation. While modifications were made to the system after the 1971–72 contract workers' strike, the system remained in place until 1977.

## **1966–1971**

79 The second period falls between 1966 and 1971. In 1966, SWAPO launched an armed struggle, although only a few incidents took place in this period, mainly in the Caprivi Strip. In this period, the SAP were in direct control of the counter-insurgency effort. A number of leading members of SWAPO involved in this early phase of the armed struggle were captured and put on trial in Pretoria (see below).

## **1971–1974**

80 The third period falls between 1971 and 1974. The Advisory Opinion of the International Court of Justice in 1971, that South Africa's presence in South West Africa was illegal, triggered a contract workers' strike which involved between 13 000 and 20 000 workers. Subsequent political tensions in Owamboland in the north, where most South West Africans live, resulted in considerable police activity and public floggings carried out by bantustan officials (see below).

## **1974–1980**

81 The fourth period falls between 1974 and 1980. This was a period of militarisation. SWAPO established camps and bases in the south of Angola after Angola became independent in 1975 and began operations along the Angola–South West Africa

border. In the same year, the SADF took over counter-insurgency responsibility from the SAP and established an infrastructure of bases throughout the 'operational areas' of Owamboland, Kavango and Caprivi. Human rights abuses by South African troops during this period escalated considerably. One consequence was a dramatic increase in the outflow of refugees, particularly from Owamboland.

### **1980–1988**

82 The fifth period falls between 1980 and 1988. From around 1980, the nature of the war began to change. South Africa increasingly relied on *Koevoet*, a newly-formed special police counter-insurgency unit, which became notorious for its human rights abuses during its pursuit operations. A process of indigenising the war effort began and South West Africans were recruited and conscripted into a South West Africa Territory Force (SWATF), a largely locally-staffed military force which took on much of the burden of the war, although it remained under firm South African control at the senior officer level. A South West African Police force (SWAPOL) was established in a similar manner.

### **1989 onwards**

83 In 1989, elections were held under UN supervision. South West Africa became independent (as Namibia) the following year and all South African police and military forces were withdrawn.

## **Categories of abuses**

84 Human rights abuses in South West Africa fell into the following categories.

### ***Political repression and imprisonment***

85 While SWAPO was never banned in South West Africa, many of its leaders were harassed, put on trial and imprisoned, either in South Africa or in South West Africa, despite the illegality of South Africa's presence and actions in the territory. South African legislation, including the Terrorism Act of 1967 (introduced specifically to try SWAPO leaders), the Internal Security Act (extended to South West Africa in 1976) and the Riotous Assemblies Act, were employed for these purposes.

86 Following the launch of the armed struggle in 1966, thirty-seven SWAPO activists and leaders were arrested and taken to Pretoria where they were held under the

Suppression of Communism Act until the Terrorism Act was passed. This legislation was made retrospective and the SWAPO activists were then tried under its terms. All of the accused reported being tortured, mainly through beatings and electric shocks. All thirty-seven were convicted. Twenty were sentenced to life imprisonment – nine, including Mr Andimba Toivo ya Toivo, to twenty years, while the others received lesser sentences. The trial was condemned as illegal by the UN Security Council. The long-term prisoners were sent to Robben Island to join South Africa's political prisoners.

- 87 After the Pretoria trial, most SWAPO political trials were held in South West Africa. However, until 1984, many of those convicted continued to be sent to Robben Island, where they were kept in the same dehumanising conditions as the South Africans, and sometimes subjected to additional abuses and beatings. By 1984, all South West African political prisoners on Robben Island had been released or transferred to gaols in South West Africa.
- 88 In contrast to the South African situation, no death sentence or judicial execution of a South West African was ever carried out for offences of a political nature. Death sentences were occasionally imposed but were always set aside for fear of incurring the further wrath of the international community.
- 89 Political repression in South West Africa was acute. The 1980 Ida Jimmy case, for example, provides a particular example of severe ill treatment. In 1980, the chairperson of SWAPO Women's Council in South West Africa, Ms Ida Jimmy, was sentenced to seven years in prison (subsequently reduced to five) for calling for support for SWAPO guerrillas at a public meeting. Although seven months pregnant, she was kept in solitary confinement in Windhoek Central Prison. Her baby boy was taken away from her at the age eighteen months, and given to the care of relatives. The boy died a year later. Ms Jimmy was refused permission to attend the funeral.
- 90 As in South Africa, the authorities restricted the movements of opponents through bannings or house arrest. One such victim was the acting president of SWAPO inside South West Africa, Mr Nathaniel Maxuillili, who was banned to Kuisebmond township in Walvis Bay for a seventeen-year period between 1968 and 1985, and prohibited from speaking at meetings or from being quoted by others.

## ***Detention and torture***

- 91 Detention without trial was widely used by the South African authorities in South West Africa, mainly for purposes of interrogation, which almost invariably and routinely involved torture. Much of this was carried out under emergency proclamations, notably Proclamation AG26 of 1978 (which provided for indefinite detention) and AG9 of 1977, which became more and more severe and allowed police and soldiers to detain people for up to thirty days without reference to any higher authority. In 1983, the SADF revealed that it had detained a total of 2 883 people during the 1977–83 period, while the security police disclosed that they had detained 2 624 people during the same period.
- 92 Mass detentions in the 'operational areas' were common. Many detainees were held secretly and without access to lawyers or relatives for long periods, sometimes years. Such conditions provided opportunities for prolonged abuse and torture. Torture was also used as a method of intimidation by police and soldiers in the war zone, and as a way of extracting 'operational' information quickly. Torture methods reported in the South West African press, in affidavits by South West Africans and as a result of international human rights investigations included beatings, sleep deprivation, drowning, strangling and suffocation, suspension from ropes or poles, burnings (sometimes over open fires), electric shocks and being held against the hot exhausts of military vehicles.
- 93 SWAPO's Administrative Secretary in South West Africa, Mr Axel Johannes, was a victim of repeated detentions, torture and arrests. He was detained in 1964, 1966, 1973, 1974, 1975 (twice), 1977, 1978 (twice) and 1979 (twice). During these periods, he reported being repeatedly tortured and was often held *incommunicado* and in solitary confinement. After his final detention in 1979, restrictions were placed on his movements and he was prohibited from leaving the township of Katutura. He went into exile in 1980.
- 94 Captain Pat King of the South African Security Branch was charged in 1987 with the murder of detainee Mr Johannes Kakuva, who had been killed seven years previously. The trial followed international protests as a result of an official enquiry held in 1983, which had accepted the evidence of seven men detained with Kakuva that they had been assaulted and tortured. The men said that they and Kakuva had been beaten with sticks and subjected to electric shocks on King's orders, resulting in Kakuva's death. The trial ended with the acquittal of Captain King.

## **The case of the Chetequera/Mariental detainees**

*An estimated 200 to 300 South West African refugees in Angola were captured by the SADF during the raid on Chetequera in 1978 and taken to Oshakati military base, where many were tortured. A year later, UN officials published the names of 130 people whom they said were still being detained, but this was met with a denial by the South African authorities. The position of these detainees was discussed at an SSC meeting on 23 April 1979 where it was noted that 119 of them were still being held at a camp (Keikanachab) near Mariental, a small town south of Windhoek. Of these, three were Angolan citizens while the rest were described as "Wambo's uit Suidwes-Afrika" (Owambos from South West Africa). Six were said to be members of MPLA, while the rest were described as "SWAPO-lede en geharde terroriste" (SWAPO members and hardened terrorists).*

*The problem the SSC faced was what to do with them. They could not, in the SSC's view, be regarded as prisoners-of-war "omdat daar nie 'n staat van oorlog bestaan nie" (because a state of war did not exist). It was also noted that they were no longer providing any useful information and could not, due to their circumstances, be used as witnesses. In short, the document concluded "hulle het geen verdere nut vir die owerhede nie" (they were of no further use to the government). Even so, the meeting decided not to release the detainees, largely for fear of the propaganda SWAPO would make out of the incident and because the six MPLA members could be used "vir moontlike onderhandelings en ander diplomatieke doeleindes" (for possible negotiations and other diplomatic purposes).*

*The plight of these detainees was raised by the International Red Cross in 1980 which resulted a short while later in the release of a few of the prisoners – a full two years after their forcible abduction. However, in the case of the other 124, the status quo persisted for another five and a half years. Eventually, in 1984, three South West African bishops, supported by relatives of the detainees, brought an urgent application in the Windhoek Supreme Court for the detainees to be released. The court hearing was prohibited by the South African State President PW Botha, using powers under the Defence Act (section 103 ter (4)). They were, nonetheless, released in two batches in May and October 1984. They reported having being tortured and assaulted and forced to carry out hard labour. For close on seven years, they had been denied family visits and access to lawyers.*

THE ABDUCTION OF ANGOLAN CITIZENS AND SOUTH WEST AFRICAN REFUGEES FROM ANGOLAN SOIL, THEIR TORTURE AT THE OSHAKATI MILITARY BASE AND THEIR FORCIBLE DETENTION AT MARIENTAL WHERE THEY WERE DENIED BASIC RIGHTS AND FORCED TO UNDERTAKE HARD LABOUR AMOUNT, IN THE COMMISSION'S VIEW, TO ILL TREATMENT AND DEPORTATION TO SLAVE LABOUR AND, AS SUCH, TO GROSS VIOLATIONS OF HUMAN RIGHTS. FOR THIS, THE COMMISSION FINDS PRIME MINISTER BJ VORSTER, MINISTER OF DEFENCE, PW BOTHA, AND THE CHIEF OF THE SADF, GENERAL MAGNUS MALAN, TO BE RESPONSIBLE FOR THE PERPETRATION OF GROSS HUMAN RIGHTS VIOLATIONS IN THE CASE OF THE MARIENTAL DETAINEES. IT ALSO REGARDS AS INDIRECTLY RESPONSIBLE (*DOLUS EVENTUALIS*) ALL THOSE PRESENT AT THE SSC MEETING OF 23 APRIL 1979.

- 95 The extent of the torture of detainees and civilians caught up in military operations has been documented by numerous bodies:
- a In 1981, a delegation from the British Council visited South West Africa and conducted extensive interviews with church and community representatives. They reported that torture and intimidation were widespread. Their documentation of more than twenty individual cases included incidents where corpses of alleged guerrillas were dragged through villages behind military vehicles.
  - b A 1982 visit by a delegation led by Archbishop Hurley from the Southern African Catholic Bishops' Conference (Bishops' Conference) detailed further cases of torture, based on interviews with 180 South West Africans. The Archbishop was subsequently charged under the Police Act for making this report and South African and South West African newspapers were threatened with prosecution if they published his statements. The charges were dropped after international protests.
  - c After 1982, the South West African Bar Council began to speak out about torture and assaults. It expressed shock and concern about the abuse of detainees, rapes and deaths in detention and the immunity and secrecy under which 'security force' members operated. It noted that detainees were often kept in makeshift corrugated-iron detention cells in the blazing sun and that, despite the many reported cases of torture, very few incidents were ever brought to court.
  - d In 1989 a Dutch group, acting on behalf of the inter-denominational faith group Kairos, undertook a mission to South West Africa to investigate torture allegations specifically relating to the activities of *Koevoet*.
- 96 The systematic pattern of torture, which was institutionalised as an operational military and policing technique, resulted in few prosecutions or official efforts to

eradicate the practice. Indeed, where military and police officials were found guilty, they were often given derisory sentences. In a 1984 case, two SWATF members were each fined R50 after being found guilty of assaulting sixty-three-year-old Mr Ndara Kapitango, whom they roasted over an open fire, causing extensive injuries. In another case in 1983, two *Koevoet* members were given similarly small fines after the death of a detainee, Mr Kadmimu Katanga, whom they had beaten with an ox yoke.

- 97 In general, police and soldiers could escape prosecution under section 103 of the Defence Act, which granted immunity to members of the security forces for any acts carried out under operational conditions, providing they were done “in good faith”. South African State President PW Botha invoked this clause twice; first in 1986 to stop the trial of four soldiers accused of beating a detainee, Mr Frans Uapota, to death; and again in 1988 to stop the trial of six South African soldiers charged with the murder of SWAPO leader Mr Immanuel Shifidi, who was assassinated at a public meeting.

### ***Extra-judicial executions and killings***

- 98 The powers granted to security force personnel, and the secrecy in which they operated, created conditions for summary executions and killings for which they did not have to account. Usually, inquests into deaths were not held in operational areas. When they were, they were usually brief and inadequate, and responsibility was commonly attributed to “persons unknown”. It was common practice for the security forces to leave bodies where they lay or to bury them in shallow graves at the place of death.
- 99 *Koevoet* in particular kept no proper or official records of the identities, numbers or whereabouts of people it killed. It seems that the unit was only really interested in keeping scorecards of those it killed for bounty. These practices were confirmed by journalists who were allowed to travel with security force units, as well as by court testimonies by security force members. At the height of the war, in the early to mid-1980s, *Koevoet* alone claimed a kill rate of around 300 to 500 people a year, for which its members were paid a bounty per corpse. Rough ‘body counts’ were periodically issued by military headquarters, but there was never any independent confirmation as to whether these figures were accurate or whether the victims were civilians or SWAPO fighters.

- 100 The South African authorities refused to accord prisoner-of-war status to captured SWAPO combatants, despite the 1977 Protocol 1 to the Geneva Conventions, which extended the provisions of the Conventions to anti-colonial struggles and wars of national liberation and self-determination.
- 101 While combatants were initially put on trial and imprisoned (see above), there is considerable evidence that, as the war progressed, South African security forces, especially *Koevoet*, resorted increasingly to summary executions of captured combatants. The payment of bounty served as an incentive for the extra-judicial murder of captives. The representative of the International Committee of the Red Cross in South West Africa said in 1981 that “it simply does not happen in any conflict or battle that you have a clash with 200 people and forty-five killed and no prisoners or wounded are taken”<sup>3</sup>.
- 102 In other cases, captured combatants were kept in makeshift detention centres, such as the camp at Osiri, 160 kilometres north of Windhoek, where they were interrogated and often tortured. Reporters found that Osiri detainees were held in tiny corrugated-iron cages and were always blindfolded in the presence of their interrogators. Though periods of detention were limited to thirty days, detention orders could be renewed indefinitely, running into months and even years.
- 103 After the formation of *Koevoet*, it became standard practice to ‘persuade’ captured guerrillas to ‘turn’ and become *askaris* assisting *Koevoet* in the conflict against their former comrades. This was a practice pioneered by the Rhodesian Selous Scouts, the archetypal model for *Koevoet* and the unit within which most of *Koevoet’s* founding members had learnt their counter-insurgency skills. There is considerable evidence that the process of ‘turning’ was accompanied by torture and that the price of non-compliance was summary execution. Once ‘turned’, these *askaris* and other *Koevoet* members are said to have carried out atrocities while disguised as SWAPO fighters in order to discredit the liberation movement, as the Selous Scouts had done during the Rhodesian war.
- 104 One such incident occurred at the village of Oshipanda near Oshikuku in June 1983. A group of armed black men in camouflage uniforms raided the kraal of Mr Hubertus Mateus Neporo, a modestly prosperous shop-owner who was suspected of giving financial backing to SWAPO. They ransacked the kraal, stealing cash, clothes and a radio, and smashing the family vehicle. Neporo was away that night, but the rest of his family and other occupants of the kraal were lined up against a wall and shot. Neporo lost his wife, children, mother, brother and

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3 *The Star*, 18 August 1981.

friends – in all, eight civilians were murdered. The official line from the police, media and magistracy was that they were killed by ‘terrorists’. However, one kraal resident survived and identified the attacker as a certain Nakale from the *Koevoet* base at Okalongo. Within months of this incident, *Koevoet* members were reported to be boasting of this successful false-flag operation.

- 105 In an amnesty application, SADF conscript Mr Kevin Hall [AM1383/96] provides an insight into the brutal nature of the conflict with SWAPO as well as the routine use of torture. In May/June 1975, he was stationed at the Mapungeerela base in northern South West Africa. He recounts an incident where he was sent out on a seven-day patrol with instructions “to eliminate or arrest any terrorists”. On the first night of the patrol, the group was “attacked by unknown forces and came under heavy gunfire”. A lengthy gunfight ensued. In the morning, several bodies were discovered, as well as three badly wounded combatants. According to Hall:

*I realised that none of them could survive and to save them any further suffering I shot and killed the three of them. When I shot them, I turned my head away as I could not bear their suffering any more.*

- 106 Hall’s action in killing the three was a gross violation of human rights for which he applied for amnesty. His commanding officer, whom he names but whom the Commission cannot identify as he has not applied for amnesty, is likewise accountable. So too is the command structure of the SADF at the time.

- 107 A day or two later, while on the same patrol, the group came across four unarmed “terrorists” and arrested them. On their return to base, the four were placed in a hole in the centre of the base “approximately eight foot square by about seven foot deep” which served “as a place of safekeeping of all arrested terrorists”. Hall continued:

*They were the only ones in the hole. Whilst I was guarding them some of the troops poured boiling water over their heads; another troop of whom I cannot remember the name jumped into the hole and cut off the left ear and centre finger of the right hand of one of the [still living] prisoners.*

- 108 Amnesty applicant Captain Eugene Fourie [AM3767/96] was a member of the Security Branch of the SAP stationed in Oshakati between June 1980 and January 1982. His application covers the death of a “SWAPO terrorist” whom he was interrogating. Fourie describes how, after administering electric shocks,

the victim "*het op 'n stadium inmekaar gesak en sy bewysun verloor en hy is toe agterna oorlede*" (collapsed at one stage and lost consciousness and later died).

109 Former security policeman Warrant Officer Paul Francis Erasmus [AM3690/96] served in Owamboland in 1981. He applied for amnesty for the murder of a suspected SWAPO medical officer and for "suspects who were tortured on a regular basis by myself and other SB [Security Branch] members with the full knowledge and consent of commanding officers".

110 Another former member of the Security Branch based at Oshakati, Warrant Officer John Deegan, gave a lengthy statement to the Commission on his experiences with the SAP and *Koevoet* in South West Africa and Angola. He describes visiting the Security Branch offices in Oshakati in January 1981 where a round-the-clock interrogation session had been underway for about a week.

*We would work in shifts and the prisoners were kept awake, beaten, shouted at, deprived of food and water and toilet facilities and electric shocks were applied ...*

111 He describes how, during this particular session, the base came under rocket attack. The interrogators reacted by severely assaulting the teacher they were questioning at the time. Deegan joined the assault. Later that night the victim died.

*When I was told about his death I was scared and realised that I was a murderer now, but the official lack of response to the incident made me realise that this had happened in reality before; no charges were brought against us and no official inquiry was ever held. Since then even to this day I have vivid nightmares about this man.*

### ***Killings, intimidation and harassment of civilians***

112 Civilians were routinely harassed, intimidated and beaten by security forces in the operational areas, especially by *Koevoet* members in pursuit of SWAPO guerrillas. Many were killed during such operations, either by accident (caught in crossfire) or deliberately. Sometimes the human rights abuses involved detention under emergency proclamations, although it was often difficult to determine when the emergency regulations had been invoked as, under their provisions, any member of the security forces could summarily detain any South West African. Often intimidation happened as a result of a belief that the local population were

assisting guerrillas and knew their whereabouts, although retribution against suspected SWAPO supporters was also a factor. The Bishops' Conference reported in 1982:

*The Security Forces stop at nothing to force information out of people. They break into homes, beat up residents, shoot people, steal and kill cattle and often pillage stores and tea rooms. When the tracks of SWAPO guerrillas are discovered by the Security Forces, the local people are in danger. Harsh measures are intensified. People are blindfolded, taken from their homes and left beaten up and even dead by the roadside. Women are often raped ... There is no redress because reporting irregularities or atrocities to commanders is considered a dangerous or fruitless exercise<sup>4</sup>.*

- 113 In 1986, in a 'false-flag operation' that went awry, a group of recces placed a bomb near a bank in Oshakati and detonated it. The intention was to make it look like a SWAPO operation in order to justify harsh measures planned against the organisation. The bomb killed one bank employee who turned out to be the wife of a member of the same Recce detachment. No charges were ever brought.
- 114 During 1973, following mass detentions in Owamboland, the SAP began to hand over alleged SWAPO supporters to the bantustan authorities. After cursory hearings, the victims were publicly flogged with *epokolos*, the central ribs of *makalani* palms. Both women and men were subjected to these 'traditional' punishments, which resulted in extensive cuts and bruising, as well as public humiliation.
- 115 Dusk-to-dawn curfews were imposed on much of northern South West Africa for most of the duration of the war, although the application varied from time to time and from place to place. This was a major grievance of the local population, as the curfews caused considerable disruption of day-to-day life, and also gave rise to many killings and assaults as troops and police tried to enforce restrictions on movement. In some areas, security force members were under orders to shoot on sight during curfew hours, and there are many reported incidents of civilians being shot while going to the toilet, seeking medical attention or looking for livestock after dark.

## **Special Operations K Unit of the South African security police (Koevoet)**

*The crowbar which prises terrorists out of the bushveld like nails from rotten wood. (Minister of Law and Order, Louis le Grange.)*

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<sup>4</sup> Kairos report on Namibia.

*We were basically automatons. We would just kill. That's how we got our kicks. We were adrenaline junkies. (John Deegan, 1997.)*

- 116 The police unit *Koevoet*, as noted above, was responsible for many human rights abuses in South West Africa. The unit was set up by Brigadier Hans Dreyer of the SAP Security Branch in June 1979. While its officers were mainly white South African policemen, the unit recruited mostly from the local black South West African population and eventually numbered about 1 000. Cast in the mould of the Portuguese *Flechas* and Rhodesian Selous Scouts, *Koevoet* was established as a mobile unit, using specially designed Casspirs (armoured personnel carriers) to gather intelligence, track guerrillas and then kill them.
- 117 *Koevoet* was established as a consequence of a failed attempt to create a South West African surrogate force along the lines of RENAMO (the Mozambique National Resistance). This project, known as *Operation Vanguard*, involved the training of local Owambos at Fort Doppies in the Caprivi but failed when it could make no inroads in Owamboland because of overwhelming local support for SWAPO. Once *Vanguard* was abandoned, a small group of locals, many 'turned' ex-SWAPO fighters (known locally as *makakunyanas* which means literally blood suckers) and former members of the Front for the National Liberation of Angola (FNLA), were selected and trained as the nucleus of *Koevoet*. Over time, other groups were established, each made up of ten to fifteen *makakunyanas* under a white officer with considerable counter-insurgency experience. At its largest, *Koevoet* comprised approximately 250 white officers and 750–800 Owambos.
- 118 Speaking in Parliament in Cape Town in 1984, in the only public debate ever permitted on the activities of this unit, Minister le Grange explained the reasons for its formation:

*As ... the ordinary conventional methods of warfare appeared to be ineffective in combating terrorism in Owambo and the rest of South West Africa, it was decided after consultation between the SADF ... and the SAP to form a special unit to gather information and make it possible for the security police to track down and wipe out terrorist gangs ... [W]ith the passage of time it became clear that the initial basis on which the unit had come into existence, and according to which it would transmit all information it obtained about terrorist movements to the combat units of the security forces while the latter would carry out the pursuit operations, gave rise to problems in practice ... the unit in due course began to operate as a combat unit<sup>5</sup>.*

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<sup>5</sup> *Hansard*, 2 May 1984.

119 *Koevoet* was in many respects an archetypal counter-revolutionary unit, a means of fighting fire with fire. Its top echelon comprised battle-hardened veterans of the Rhodesian war. Amongst these were Dreyer, Colonels Eugene de Kock and Eric Winter, Captains Sakkie van Zyl and 'Beachball' Vorster, Lieutenant Frans Conradie and Warrant Officer 'Snakes' Greyling. *Koevoet* soon gained a reputation for brutality, largely because of its methods of interrogating local people, which invariably involved torture, and for the way its members careered around the operational areas in Casspirs, laying down heavy fire, flattening fences, driving straight through fields of crops, and even people's homes, whenever they suspected a guerrilla contact.

120 In his amnesty application, Lance Corporal Sean Callaghan [AM4026/96] described his experiences on attachment to *Koevoet*:

*A Koevoet team spent a week in the bush and a week back in camp. I think I was in a contact every week. There was a scoreboard and a map in the operations room in the Koevoet base and on the weeks that we were not in the bush, we were checking the scores of the teams that were in the bush. Koevoet was much more effective than SADF units because of its bounty policy.*

121 *Koevoet's* operational mode involved monetary rewards for killings, captures and the discovery of arms on a graduated scale which rated and rewarded killings most highly. Corpses were also used for purposes of spreading terror and intimidating villagers. Callaghan described another incident:

*I can remember ... loading bodies onto and off Casspirs. After a contact bodies were tied onto spare tyres, bumpers, mudguards and were left there until we got back to the base camp, until they could be unloaded. This could be days of driving through thick bush, and the skin could be worn right off the bodies.*

122 Space does not permit a detailed description of the violence and torture used by *Koevoet*. However, the Kairos report contains extensive documentation on physical beatings, the destruction of property, sexual assault and various forms of torture (such as solitary confinement, hooding, electric shock, submersion in water, mock burials, mock executions, roasting over fire, and sleep, food and water deprivation) as a means of coercion, intimidation and the extraction of information. Rape was common, and women and girls of all ages were victims. In the Kairos documentation is an account of the rape of an eighty-year-old woman by a *Koevoet* member, and one referring to the rape of a four-year-old girl.

## The case of Jona Hamukwaya

*Mr Jona Hamukwaya was a thirty-year-old teacher in western Kavango province when he was detained by Koevoet on 18 November 1982. He died the same day.*

*Hamukwaya was arrested by a Koevoet team headed by Sergeant Norman Abrahams. Abrahams claimed that Hamukwaya was initially taken to a river close to the school from which he had been taken, and briefly interrogated. He was then taken to a police station at Nkurenkuru where, according to Koevoet members, he slipped on the top step of a seven-step stairway and hit the concrete floor with his head. Though he appeared initially to be unhurt, some twenty minutes later, according to Abrahams, he started "making gurgling sounds ... I tried to give him chest massage. I was under the impression that he was having a heart attack ... then I found that he had already expired."<sup>6</sup>*

*Hamukwaya's wife and other villagers gave a different version. They claimed that, while washing clothes in the river, they heard sounds of beating and screams which Mrs Hamukwaya recognised as coming from her husband. When she and others tried to go to his assistance, they were prevented from doing so by three Koevoet members.*

*Hamukwaya was a prominent community member and his case received considerable prominence and was taken up by a number of groups. The services of pathologists from Groote Schuur hospital in Cape Town were acquired and the Catholic Archbishop of Durban, Denis Hurley, criticised Koevoet for atrocities committed against the civilian population of northern South West Africa, specifically citing this case. For this he was charged with the offence of "falsely accusing the police".*

*At the inquest, the pathologists testified that Hamukwaya's injuries "were incompatible with the story of the fall"<sup>7</sup> and that he had been "subjected to massive trauma on his back, probably inflicted by a blunt instrument"<sup>8</sup>. This evidence was accepted by the magistrate who ruled that the death "was caused by "an act or omission that must be seen as a crime on the part of members of the unit known as Koevoet".*

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<sup>6</sup> Denis Herbstein and John Evenson, *The Devils are among us: The war for Namibia*, London: Zed Books, 1989, p. 91.

<sup>7</sup> Kairos report, pp. 26–7.

<sup>8</sup> Herbstein and Evenson, p. 91.

*Despite this ruling, no charges were ever brought. Ms Hamukwaya sued the security forces for compensation and was paid R58 000 in an out-of-court settlement. The charges against Archbishop Hurley were dropped.*

- 123 In operational terms, *Koevoet* was a highly effective unit. It is said to have achieved a killing ratio of some one to twenty-five. According to an article by Mr Helmoed Heitman in *Armed Forces* (December/January 1984), in its first year of operations *Koevoet* lost twenty-three members and killed 511 “insurgents” – a killing ratio of one to forty-two.
- 124 A document supplied to the Commission by a one-time *Koevoet* member gives details of 1 666 “contacts” over a ten-year period by some 250 white former officers and is positive proof that the bounty system encouraged the killing of opponents and discouraged the taking of prisoners. Of these *Koevoet* members, fourteen were involved in more than one hundred contacts. One member, Warrant Officer L Killino, notched up 221 contacts in which 346 people were killed and only twenty-three captured. For an unknown reason, this document did not include Eugene de Kock, who put his number of contacts at about 400.<sup>9</sup> He gives no details of his killing rate but popular legend has it that it was the highest of all *Koevoet* operatives.
- 125 *In toto*, these fourteen officers were involved in 1 754 contacts in which 3 323 individuals were killed (an average of nearly two per contact) and only 104 prisoners were taken. The ratio of prisoners to fatalities was thus in the region of 1:32. Heitman describes as *Koevoet*'s “most successful single contact” an encounter in which “34 out of 34 insurgents”<sup>10</sup> were killed.

THE COMMISSION FINDS THAT THE *KOEVOET* UNIT WAS RESPONSIBLE FOR THE PERPETRATION OF GROSS HUMAN RIGHTS VIOLATIONS IN SOUTH WEST AFRICA AND ANGOLA. THESE VIOLATIONS AMOUNTED TO A SYSTEMATIC PATTERN OF ABUSE WHICH ENTAILED DELIBERATE PLANNING BY THE LEADERSHIP OF THE SAP. THE COMMISSION FINDS THE SOUTH AFRICAN GOVERNMENT, THE SAP AND THE MINISTER OF LAW AND ORDER ACCOUNTABLE. THE COMMISSION FINDS FURTHER THAT THE BOUNTY POLICY OF THE SAP, BY WHICH MEMBERS OF *KOEVOET* WERE MONETARILY REWARDED FOR CERTAIN OF THEIR ACTIONS, SERVED AS A POSITIVE INDUCEMENT FOR THE COMMISSION OF GROSS VIOLATIONS OF HUMAN RIGHTS, INCLUDING KILLING.

## **Pre-election events in 1989 and the assassination of Anton Lubowski**

- 126 The New York Accords signed on 22 December 1988 set in motion the implementation of UN Resolution 435 adopted ten years earlier. Actual implementation by

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<sup>9</sup> In his book, *A Long Night's Damage*.

<sup>10</sup> Heitman, p. 12.

a United Nations Transitional Assistance Group (UNTAG) was set to commence on 1 April 1989, culminating in an election seven months later. The agreement also provided for a cease-fire, a phased withdrawal of Cuban and South African troops from Angola and South West Africa/Namibia respectively (to be completed only after the election), the dissolution of *Koevoet* and the deployment of both SWAPO guerrillas and South African forces to designated assembly points or bases.

- 127 With its acceptance of 435 and the end of the armed phase of the conflict, the South African government reverted to other methods – developing a multi-faceted effort to weaken and damage SWAPO and disrupt its electoral campaign. This took a number of forms.

### ***Breach of the cease-fire agreement***

- 128 The first of these was the breach of the cease-fire agreement. On 1 April, UN forces moved into South West Africa/Namibia to oversee the transition process. From that day on, both SWAPO and the South African forces were expected to abide by the cease-fire and be confined to base. Instead, the launch of this new era was marred by a series of military battles across a 320-kilometre front in Owamboland. The fighting was prompted by what the South African government referred to as a large-scale SWAPO incursion from Angola. The new UN administration conceded to pressure from British Prime Minister Margaret Thatcher and South African Foreign Minister Pik Botha and permitted the redeployment of *Koevoet* and other military units into northern South West Africa/Namibia.
- 129 SWAPO denied the allegations of an incursion and claimed its guerrillas had crossed the border to link up with UNTAG elements who, in turn, were to deploy them to the bases in terms of the New York agreement.
- 130 Whatever the cause of the fighting, the consequence was the death of more than 300 South West Africans. While the South African authorities argued these were all SWAPO combatants, local residents claimed that some of the dead were civilians. There is *prima facie* evidence that some of the dead may have been summarily executed as many of the victims had single bullet holes to the back of the head. It is possible that some or many of these were SWAPO prisoners shot on the day they were scheduled for release. This suspicion is expressed in the statement of Sean Callaghan:

*One of the real questions I have in my mind is what happened to these people when Koevoet pulled out. My suspicion is that they were assassinated ... I further suspect that when Koevoet went on their last killing rampage, breaking*

*the UN cease-fire in April 1989, that these prisoners were killed at the same time. The reason I think this is because it was their last opportunity to get rid of them. I can't believe they let them all go free.*

131 The Commission has not been able to verify this suspicion.

### ***Operations Heyday and Victor***

132 A second dimension to the South African government's manipulation of the election took the form of covert disinformation campaigns. Secret funds amounting to R185,5 million were made available and used both to promote the electoral chances of the Democratic Turnhalle Alliance (DTA) and to damage those of SWAPO. This was a multi-departmental effort involving the SADF, security police, National Intelligence Agency, Department of Foreign Affairs and Department of Information.

133 *Operation Heyday* was the SADF's contribution to the campaign, and was allocated R125 million – 70 per cent of the total. Run by Brigadier Ferdi van Wyk, it involved gathering intelligence on SWAPO members and supporters for use in disinformation campaigns, intimidating SWAPO's supporters, disrupting SWAPO's election meetings and so on.

134 Another component of the SADF's contribution was a sophisticated media centre run by Major Nico Basson of the South African Army Troop Information Unit. Set up on the authority of the then chiefs of the SADF and army, Generals Geldenhuys and Liebenberg, it operated in civilian guise from an up-market Windhoek hotel. Basson's Africa Communications Project became the first point of reference for the foreign media and UNTAG officials.

135 *Operation Victor* was the security police's contribution, to which R36,5 million was allocated. Run by Brigadier Hein Oliver, it involved the setting up of two front companies through which vehicles and vast amounts of office equipment were purchased. In order to make it appear as if one of these companies, the Namib Foundation, was supported by public contributions, a member of the security police was sent from Pretoria to Durban depositing amounts ranging from R1 to R10 000 in every bank *en route*.

136 A large proportion of the 450 vehicles purchased for the campaign were used by ex-*Koevoet* members to transport residents of Owamboland to the election meetings of parties opposed to SWAPO.

## **Aksie Kontra 435**

- 137 There is also evidence that these funds were used to mobilise the white right wing, which formed an organisation called *Aksie Kontra 435*. One of its members, Mr Horst Klenz, applied for amnesty [AM0316/96] for his involvement, with two others, (Mr Leonard Veneendal and Mr Darryl Stopforth) in a grenade attack on an UNTAG regional office at Outjo in northern South West Africa during which a security guard was killed. Arrested soon afterwards, the three escaped back to South Africa when the police van in which they were travelling was ambushed by two white men (known to the Commission only by the pseudonyms of 'Archer' and 'Barker') who killed one of the police escorts<sup>11</sup>.
- 138 All five were arrested in South Africa and held *incommunicado* under section 29 of the Terrorism Act. No charges were ever laid and they were all eventually released. During their detention the five were never interviewed by South West African authorities.

## **CCB covert operations**

- 139 Another dimension involved the deployment of CCB members to South West Africa. Testimony in regard to the CCB operation was given to the Commission by the CCB's intelligence head, Colonel Christoffel Nel. He told the Commission:

*Prior to the election in Namibia all the regions [of the CCB] were told to do something there. No matter where you worked. And this was a recipe for disaster. Because people who used to work in Europe now had all of a sudden to do covert work in Namibia. Where it normally takes about five years to get a covert system set up, these guys had to do this overnight. And it was not surprising when a kitbag full of limpet mines was found in northern Namibia with a Special Forces' golf membership card in it. It was not surprising to see [people] roaming the blocks around Anton Lubowski's house and still the confusion today about who shot him. Because it could have been anybody from any of these other regions. I was in region one [Botswana] and region four [Angola, Zambia and Tanzania] primarily, we were doing a job in northern Namibia. We had no interest, we had no knowledge of the area but we had to do it. Because we were told double up your production and you will get a production bonus.' (Section 29 hearing, 18 May 1998.)*

- 140 There is evidence in the Commission's possession that the task of attacking the UNTAG facility was assigned to a senior CCB member. Captain Pieter Botes.

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<sup>11</sup> The amnesty application of Klenz had not been heard at the time of writing.

whose area of CCB responsibility was Swaziland and Mozambique. He was assigned five operatives for the mission. As noted above, five detainees were held in South Africa in connection with the UNTAG case.

### ***The killing of Anton Lubowski***

- 141 On 12 September 1989, Advocate Anton Lubowski was shot dead outside his home in Windhoek. At the time, he was the secretary general of SWAPO and the highest-ranking white person in the organisation. One human rights violation submission and two amnesty applications were made to the Commission on this case. The human rights violation submission was made by Ms Molly Lubowski, the deceased's mother. She appealed to the Commission to identify her son's killers and to clear him of allegations that he was a South African MI agent.
- 142 Considerable attention was given to this case, including a trip to Namibia and meetings with the judicial authorities there. A vast amount of documentation was supplied to the Commission by various parties.
- 143 Neither of the amnesty applications – by Mr Derrick Nielsen [AM 4792/97] and Mr Horst Klenz [AM0316/96] – provided any evidence of substance. Nielsen originally applied for amnesty for the murders of both Lubowski and David Webster but supplied no details. Later he sent letters to the Commission. In one of these, dated 4 December 1996, he alleges that he supplied an AK-47 to Mr Ferdie Barnard for “a hit” and that three days later Barnard “bragged that they had got rid of a *kafferboetie*”. He said that the name Lubowski was mentioned. The Commission paid several visits to Pollsmoor prison where Nielsen was serving a sentence for a traffic offence in 1997, but he refused to discuss his application and divulged no further details. His main interest seemed to be to bargain information for a speedy release. Given these facts and the developments pertaining to the Webster murder, the Commission is of the view that little credence can be given to this application.
- 144 Horst Klenz's application contained only some hearsay information to the effect that SWAPO had killed Lubowski but contained no corroborating evidence.
- 145 In an amnesty application [AM1909/96] not directly related to this murder, Mr Kevin Trytsman, an associate of Ferdi Barnard, claimed that Barnard had told him that the CCB had committed the murder. This is also the view of Christoffel Nel as expressed in the quote cited earlier. Elsewhere in his hearing, Nel described the

Lubowski murder, along with the killings of Ms Dulcie September and Mr David Webster, as one of the CCB's "successes".

- 146 This was also the conclusion of Judge J Levy of the Namibian Supreme Court, who conducted a lengthy inquest into the case. In a 144-page judgement, Levy named Irish mercenary Donald Acheson as the assassin and, as accomplices, CCB members Joe Verster, Staal Burger, Abraham 'Slang' van Zyl, Calla Botha, Leon 'Chappies' Maree, Johan Niemoller jr, Captain Wouter Basson (aka Christo Britz), Ferdi Barnard, and Charles Wildschudt (formerly Neelse).

**THE COMMISSION BELIEVES THERE ARE NO GROUNDS TO CONTRADICT JUDGE LEVY'S GENERAL FINDING PERTAINING TO THE INVOLVEMENT OF THE CCB AND ITS RESPONSIBILITY FOR THE CONSPIRACY THAT LED TO THIS KILLING.**

- 147 The evidence of the CCB's intelligence head, Christoffel Nel, is regarded by the Commission as important corroborating evidence of the CCB's role.
- 148 It is well established that the CCB was set up as a covert grouping with the purpose, among others, of killing political opponents. So, too, is the fact that prior to Lubowski's killing, such opponents were subject to extensive 'target identification' or intelligence-gathering operations. It has been established that Lubowski was the subject of such an exercise, an operation conducted by the West Front (South West Africa and Angola) section of the Directorate of Covert Collection (DCC) then headed by Brigadier Koos Louw. His deputy, Major Geoffrey Burton Price (aka Arthur Wilshire), was in charge of the South West African arena.
- 149 The actual eavesdropping operation was undertaken by Lieutenant Johan Frederich Verster, who provided this information to the Commission<sup>12</sup>. Verster was still running the surveillance/eavesdropping exercise at the time Lubowski was shot. He told the Commission that he was shocked by the killing "because we were busy recruiting him and it was the wrong person ever to have shot". He was instructed to return to South Africa immediately after the shooting.

*When I got into Pretoria I was summonsed to go and see Koos Louw ... and also Tolletjie Botha [head of DCC]. I explained to them what had happened ... They went to an office with me ... he [Botha] picked up the telephone and he phoned South West Africa, the head of the Prison Department and also the Police and he said we'll have to use the old boys network ... they phoned up the Brigadier in South West Africa and asked what happened, have they got Acheson? They said yes, they have ...*

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<sup>12</sup> Transcript, interview 4 July 1997, pp. 29-37.

- 150 This would seem to lend credence to the view expressed by Judge Levy that Acheson was the assassin. The Commission had some reservations about this view. Its investigation suggested that, although Acheson may have been the intended killer and was certainly in the vehicle used for the operation (probably the driver as he had hired the vehicle, a red Toyota Conquest), the fatal shots may have been fired by a passenger, who was probably his CCB handler for this operation. The Commission has been given the handler's name but lacks the corroborative evidence to name him as the killer.
- 151 In a statement to the police which is in the possession of the Commission, Acheson denied that he killed Lubowski. He confirmed that he had been recruited by Chappies Maree and Ferdi Barnard into an organisation which he later learnt was the CCB, and deployed to South West Africa, where he said that one of his tasks was to kill Ms Gwen Lister, the editor of *The Namibian* newspaper, regarded by South African security as a pro-SWAPO organ. He was to use "slow acting poison which could be injected into her toothpaste, placed on her Tampax or put into anything she would eat or drink ... she would keel over in forty-eight hours". Although he tried to fulfil his assignment, he said he was unable to access her household. After his release and return to South Africa, Acheson said he was paid R20 000 and US\$ 4 000 and sent to a hideout in the Greek islands where he remained for several months.
- 152 The allegation that Lubowski was a paid informer for MI was first voiced by General Magnus Malan in 1990 – in Parliament, where he enjoyed the protection of parliamentary privilege. Appearing before the Commission in 1997, he repeated the statement. One of Malan's sources for this allegation may have been Brigadier Koos Louw, the head of the West Front of DCC. When Louw was interviewed by investigators from the Commission, he claimed to be Lubowski's handler. He refused, however, to divulge the names of any other handlers and stated that all the documents pertaining to Lubowski had been destroyed.
- 153 Louw also stated that he paid a sum of R100 000 into Lubowski's account in June 1989 through Global Investments, an MI front company. Despite the alleged destruction of the Lubowski documents, Louw was able to produce the original microfiche of the bank clearing house that processed the payment. Further, Lubowski never used this money. This would seem strange given the claim put out by MI that he was in financial difficulties, a factor which they claim was used to recruit him.

- 154 The allegation is not universally accepted, even by some MI members themselves. Verster, who worked in Louw's DCC section, claims that the documentation was forged:

*Signatures were made by Anton and that was carefully changed by artists inside Military Intelligence to make it look like Anton was an agent of ours. But the reports that I had given in, also the tapes and the conversations that I had listened to, was never (sic) that Anton was an agent. Because why, if Anton was an agent, why would Bleny (nickname for Army Intelligence, GS2), the heart of it, want all the tapes and information about him, and the inside stuff.*

- 155 Verster's doubts were echoed by Major Nico Basson, who was running a disinformation campaign at the time of the killing. Basson's view is based on the fact that Lubowski had rejected his offer of R250 000 to leave SWAPO and join the DTA. Operative Clive Brink, who operated in South West Africa in the pre-election period, also expressed scepticism and stated that the paying of money into bank accounts to compromise recipients at a later date was a not unusual intelligence practice.
- 156 This latter view is shared by Mr Julian Knight, the Lubowski family lawyer, who argued that the payment was made either as an anticipatory cover-up, a pre-arranged alibi for the planned assassination, or fraudulently as part of a post-killing cover-up.
- 157 Finally, the Commission took note of two factors. The first is the lack of consensus on this issue among those connected to MI structures in South West Africa. The second is a question as to why the agency would have paid a considerable sum of money to someone they were on the point of killing.

**THE COMMISSION FINDS THAT THE ALLEGATION THAT MR ANTON LUBOWSKI WAS A PAID INFORMER OF SOUTH AFRICAN MILITARY INTELLIGENCE IS UNPROVEN AND THAT HE IS CLEARED OF THE ALLEGATION.**

**THE COMMISSION FURTHER FINDS THAT THE ACTIVITIES OF THE SADF AND THE SAP IN THE FORMER SOUTH WEST AFRICA BETWEEN 1966 AND 1989 LED TO GROSS VIOLATIONS OF HUMAN RIGHTS ON A VAST SCALE. THE COMMISSION FINDS THAT SUCH ACTIVITIES CONSTITUTED A SYSTEMATIC PATTERN OF ABUSE WHICH ENTAILED DELIBERATE PLANNING ON THE PART OF THE FORMER CABINET, THE SSC AND THE LEADERSHIP OF THE SAP AND SADF. THE COMMISSION FINDS THAT THESE INSTITUTIONS AND THEIR MEMBERS ARE ACCOUNTABLE FOR THE AFORESAID GROSS VIOLATIONS OF HUMAN RIGHTS.**

## ■ POLICE AND MILITARY COUNTER-INSURGENCY OPERATIONS IN ZAMBIA

- 158 *Operation Plathond* involved training by the SADF of a surrogate force for operations in Zambia in the early 1970s. At the Commonwealth heads of state meeting in 1981, the Zambian Foreign Minister claimed that between 500 and 600 Zambians were being trained in the Caprivi for operations inside Zambia. There is no evidence to support the claim. While there certainly were foreign nationals being trained in the Caprivi for military operations in the region, they are more likely to have been Mozambican members of RENAMO than large numbers of Zambian dissidents.
- 159 Zambia was a target of South African aggression. Between 1978 and 1980, the SADF undertook several conventional military operations inside Zambia, aimed largely at SWAPO installations in the Western Province. The first occurred after a SWAPO rocket and mortar attack on the SADF headquarters base at Katimo Mulilo in the eastern Caprivi in which ten servicemen were killed. The SADF responded by sending combat units 250 kilometres inside Zambia to attack SWAPO camps.
- 160 During the SADF's *Operations Saffran* and *Rekstok* in 1979, SWAPO bases in Western Zambia were again attacked. The recurring nature of these attacks in 1979/80, and the civilian casualties they caused, as well as the disruption to rural life (burning of crops, poisoning of local water supplies, killing of cattle, mining of roads) led SWAPO to abandon its camps adjacent to the Caprivi and move further north. However, with Western Zambia under virtual occupation by two SADF battalions for nine months after Zimbabwe's independence in April 1980, and with malnutrition and starvation rife, the Zambian government eventually banned SWAPO from operating any military bases in the country – an early success for the strategy of counter-revolutionary warfare. What was also significant, and a lesson the SADF noted, was that this success owed more to the disruption to civilian life than to the damage inflicted on the military capacity of the 'enemy'.
- 161 With SWAPO now concentrating its military facilities in Angola, large-scale SADF operations inside Zambia largely ceased. One exception was the SAAF raid near Lusaka in May 1986.
- 162 Further information supplied to the Commission by the NIA revealed that, as of June 1985, four people were being held in Zambian prisons for spying for South Africa. Two were current members of the SADF, one a former SADF member and

the fourth a Caprivian working for South African MI. One of the SADF members was Sergeant Isaiah Moyo, a former member of the Rhodesian African Rifles, who had joined the SADF after 1980 and who was placed in Zambia by MI in about 1984/5. He was sentenced to twenty-five years for spying but released in 1991.

## ■ POLICE AND MILITARY COUNTER-INSURGENCY OPERATIONS IN PRE-INDEPENDENCE RHODESIA AND IN ZIMBABWE

- 163 From the time of the unilateral declaration of independence in Rhodesia in November 1965, the security situation in that country was a major concern of the South African government. With the launch of joint ANC/ZAPU<sup>13</sup> military operations in areas of north-west Rhodesia in August 1967, South African police units were deployed inside Rhodesia where they stayed for the next eight years. As a gesture of support for the 1975 Kissinger diplomatic initiative over Rhodesia, South Africa withdrew its police units but left behind all its equipment, which included helicopters, Dakotas, small arms and ammunition. In addition, the South African government met the costs of 50 per cent of the Rhodesian defence budget for 1975–76. This was followed by *Operation Polo*, a secret agreement in terms of which the SADF assisted in the construction of five new military air-fields in Rhodesia.
- 164 By 1978 the SADF was supplying sophisticated Mirage III fighters and Impala strike planes, as well as Alouette and 'Huey' helicopters. It was also secretly deploying troops into southern Rhodesia from bases inside South Africa and sending conscripts to Rhodesia to fight in local uniforms as 'members' of Rhodesian army units.
- 165 Colonel Craig Williamson told the Commission (3 February 1998) that the South African Security Branch also funded out of its secret account the police counter-insurgency unit, the Selous Scouts, in which numerous SAP members also served.
- 166 At its meeting on 26 March 1979, the SSC approved both the setting-up of a Rhodesian Joint Management Centre (JMC) to operate from the South African diplomatic mission in Salisbury, as well as a short-term strategy for Rhodesia. This recommended, *inter alia*, clandestine support (logistic as well as special forces) for the Rhodesian security forces. In July 1979, the SSC approved a stepping-up of military assistance, including covert air support for offensive measures against

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<sup>13</sup> Zimbabwean African People's Union.

'terrorist' and other targets in their host states (*"gasheerlande"*); unspecified military support with electronic warfare; aerial reconnaissance and support of special operations undertaken by the Rhodesian forces.

- 167 Six weeks later, at an SSC meeting on 27 August 1979, General Malan reported that the situation in Rhodesia had reached a watershed and that it needed further military help. As a result, the SSC authorised special clandestine actions, ordering that these be mounted within the context of a co-ordinated strategy. To this end, it established a Mozambican JMC comprised of representatives of the SADF, the Department of Foreign Affairs (DFA), South African Railways (SAR), the National Intelligence Service (NIS), the South African Broadcasting Corporation (SABC), the SAP and the Departments of Finance, Trade and Industry and the Information Service. The presence of the SABC should be noted.
- 168 Special Forces operative Johan Verster told the Commission that, in 1979, he participated in parabat attacks on guerrillas moving into the cease-fire assembly points in the Tshipise Tribal Trust area. His group operated from a camp "on the side of the river at Gumbu Mine" in Botswana. The attacks, Verster claimed, were ordered by "military headquarters" using intelligence provided by the Selous Scouts.
- 169 These attacks may have been prompted by the fact that ANC/MK guerrillas were infiltrating Zimbabwe along with returning ZIPRA<sup>14</sup> fighters. A list of ANC members who died in exile was supplied to the Commission and includes the names of fourteen "comrades killed in Rhodesia in 1979". It is possible they were victims of these attacks.
- 170 Most of the ANC infiltrators were eventually returned to Zambia by the new government, but it was largely in response to this MK inflow that the SADF moved a unit of its troops through the Beit Bridge border post towards the end of 1979. According to Mr Pik Botha's statement to the Commission, the movement of troops across the bridge was done with the concurrence of the Muzorewa Government.
- 171 In the run-up to the March 1980 pre-independence election, Rhodesia remained at the top of the SSC agenda. Excerpts from the minutes of the SSC meeting of 28 January 1980 provide an insight into the state's strategic thinking at the time. General Malan asked what would be done if Rhodesia "*verkeerd gaan*" (goes wrong) and argued that Rhodesia and South West Africa were key to South Africa's defence. Arguing for a proactive defence strategy, he asserted that the country's first line of defence had to be beyond the Republic – "*ons*

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14 Zimbabwe People's Revolutionary Army.

*moet die tyd en die plek kan kies*" (we must be able to choose the time and place). Mr PW Botha assured the General that the meeting shared his views, arguing that *"as ons op die Limpopo en die Oranje veg, kan die vyand ons hartland aanval"* (if we fight on the Limpopo and the Orange rivers, the enemy can attack our country).

- 172 Early in February 1980, the SSC dispatched a special task team to review the situation in Rhodesia. The most significant of its ten recommendations read: *"Die implikasie van eliminasië van politieke figure in Rhodesie moet voortdurend onder oë gehou word"* (The implication of the elimination of political figures in Rhodesia must be constantly kept in mind.) There is an ambiguity about this statement in that the reference could be to other countries' attempts to assassinate Mr Robert Mugabe. This was the interpretation that both Mr Pik Botha and Dr Niel Barnard gave in their appearances before the Commission and there is no evidence to suggest that South African security forces ever attempted to assassinate Mugabe in the period prior to the election.
- 173 The South African government raised in excess of R12 million in support of Bishop Muzorewa's United African National Council (UANC) in the March 1980 election, approximately half of which came from state coffers, while the rest was raised from the private sector by Foreign Minister Pik Botha. At independence in April 1980, the government of Zimbabwe inherited a total debt over R4 000 million which South Africa was to insist be repaid. Moreover, the long tradition of direct South African involvement in the country's security affairs did not end at independence; it merely changed its form.

## Surrogate-force insurgency operations

- 174 The SADF's surrogate-force operations in the 1980s fell under the Directorate of Special Tasks (DST) in the office of the chief of staff intelligence (CSI). (These bodies are discussed in more detail elsewhere in this volume).
- 175 The DST had its origins in the 1976 decision to channel assistance to UNITA (*Operation Silver*) and a special office was set up in Rundu headed by Colonel (later Major General) Marius Oelschig. In the early 1980s, DST was set up and located as a secret project in Pretoria. Its first head was Colonel (later Brigadier) 'Cor' van Niekerk, who was also responsible for managing the RENAMO project in the early 1980s. By the mid-1980s, DST had been incorporated into the Operational Intelligence Directorate headed by General Niels van Tonder. In the mid-1980s, DST developed an internal dimension in the form of Operations *Marion* (assistance to Inkatha) and *Katzen* (targeted at the Transkei and Ciskei).

## **Zimbabwe: Operation Drama**

- 176 The outcome of the independence election was not quite the worst-case scenario feared by South Africa. That would have been a ZAPU victory. Nonetheless, the failure of Muzorewa's UANC to secure a place in the ZANU/ZAPU coalition was a setback. Its initial public response was diplomatically correct; its covert response was counter-revolutionary. At its first post-election meeting on 10 March 1980, the SSC declared Messina an "SADF operational area". This was in order to give the SADF "*meer beweergruimte*" (more room to manoeuvre) to facilitate the clandestine transfer of RENAMO to South Africa which, according to the SANDF's second submission to the Commission, began in March 1980.
- 177 The deployment of RENAMO was part of a much larger exercise involving the transfer to South Africa of various parts of Rhodesia's pre-independence security apparatus. This included several hundred black members of Bishop Muzorewa's Security Force Auxiliaries who were deployed to a farm near Pretoria. Simultaneously, the SADF launched *Operation Winter* to recruit mainly white members of Rhodesia's various counter-insurgency units. The operation was directed by Major General FW Loots, then general officer commanding of Special Forces, who personally travelled to Rhodesia in the last days of the Smith regime to screen potential recruits.
- 178 In all, it is estimated that about 5 000 Rhodesian military personnel were recruited into the SADF in this period. Apart from skilled counter-insurgency specialists, other security personnel who joined this southern exodus at independence or soon afterwards included some Special Branch police officers and intelligence personnel from the Central Intelligence Organisation (CIO). Amongst these was Mr Gray Branfield, who was assigned to Daisy farm adjacent to Vlakplaas, to run a Zimbabwe Special Operations Unit. Branfield ran a string of agents inside Zimbabwe, the most important of whom were Mr Christopher 'Kit' Bawden, his cousin Mr Barry Bawden, and Mr Michael Smith.
- 179 Other security and intelligence personnel who moved south and were integrated into MI were Mr Pat Keyser, Mr Eric May, Mr Bob Wishart, Mr Peter Stanton and former Selous Scout Peter Grant. They were integrated either into Special Forces, DST, which ran the surrogate forces, or the DCC. Stanton later became a member of the CCB.

- 180 Their departure notwithstanding, a fifth column of South African agents remained intact inside Zimbabwe, strategically located within the military, the police and the CIO. Possibly the most sensitive of these was CIO operative Geoffrey Burton Price, retained by President Mugabe as his head of close security after independence. Others who have been named as agents working from inside in the immediate post-independence period are CIO members Colin Evans and Philip Hartlebury, and security police officials Alan Trowsdale, Alec West and the CIO head in Bulawayo, Matthew 'Matt' Calloway. Another CIO member who admits to having assisted some of these operatives was Mr Kevin Woods.
- 181 With the above infrastructure in place and large numbers of ex-Rhodesian soldiers in camps in the northern Transvaal, the SADF was well placed to launch *Operation Drama* – a militarily-driven project aimed at destabilising the new independent government of Zimbabwe. Its objective was, *inter alia*, to ensure that the government did not provide concrete support to the ANC and PAC in their armed struggles. To this end, it recruited and trained Zimbabweans, primarily for sabotage operations designed to destroy infrastructure, damage the economy and undermine the military capacity of Zimbabwe's armed forces.
- 182 In a statement to the Commission, Lieutenant Kenneth Gwenzi, who joined the Rhodesian army in 1978, tells how he was recruited into the SADF by members of MI soon after independence. He claims that he and a group of black former Rhodesian soldiers worked under four white former Rhodesian military officers from a camp in Venda. Their brief was to follow ANC cadres leaving South Africa as well as to conduct sabotage operations inside Zimbabwe and Mozambique. Railway lines were the primary targets.

*In 1981, four former Rhodesians were killed forty miles inside Matabeleland in a contact with the Zimbabwean army. They were Sergeants Robert Trevor Beech, Peter David Berry, and John Andrew Wessels and a black serviceman known to the Commission only as 'Private Khiwa'. (While the SADF acknowledged the death of the three whites, it has never admitted to the death of Khiwa.)*

*In the 1970s, prior to Zimbabwe's independence, both Beech and Wessels had been members of the Rhodesian Light Infantry while Berry had served in the Special Air Service (SAS). Berry joined the SADF at Messina in March 1980, two weeks prior to Zimbabwe's independence. Beech and Wessels joined in 1980 when they moved to South Africa after Zimbabwe's independence.*

*At the time of their deaths, the four were in a party of eighteen SADF members ambushed by the Zimbabwean army. 'Private Khiwa', as well as those who survived the attack and made their way back to South Africa, were black former members of the Rhodesian armed forces based in Venda. At the time, Rhodesian-based diplomats and journalists speculated that the group was on a sabotage mission close to the Mozambique border. This would have been consistent with the objectives of Operation Drama. However, the Chief of the SADF, General Constand Viljoen, denied this and claimed that the group was on an unauthorised mission to rescue political detainees held in a camp in Matabeleland.*

*Ms Mary Beech – the mother of Robert Beech – appeared before the Commission in 1996. In her written submission, she stated that "we as a family find the circumstances surrounding Robert's death strange. We do not believe that he was on a private mission".*

- 183 The SADF personnel files of the three white victims reveal that false death certificates were supplied to the victims' families. The official documentation in those files states that the deaths occurred in the "*operasionele gebied*" (operational area) as a result of "*kontak met die vyand*" (contact with the enemy). The certificates issued to the families stated, however, that they died from "multiple injuries" in "Pretoria".
- 184 A reading of the files reveals that the three whites were all active members of Special Forces. Given their short tenure in the SADF, they had considerable experience of SADF special and clandestine operations. There is nothing in these records to suggest that these three soldiers were in any way rogue operators engaged in an unauthorised mission.
- 185 In an interview with journalist Ms Peta Thorneycroft in July 1998, Colonel Jannie Breytenbach – at that time attached to DST, which controlled *Operation Drama* – confirmed the existence of *Drama* and that this mission was authorised by a Major Darrel Watt, one of the white officers based in the Venda camp. However, he added that Watt's action was *ultra vires*, so to speak, in that he had no authority to send troops across the border without approval from his superiors. After the mission, Watt was disciplined and left the army soon thereafter. However, the fact that Watt acted improperly does not alter the fact that members of this mission were acting under orders from their superior officer and believed that they were on an authorised mission.

186 It would seem that the SADF recognised this fact, as it paid compensation in terms of the Workmen's Compensation Act to the widow of John Wessels; the significance of this is that only those killed or injured in the line of duty are eligible for such payments. In addition, after the incident, Ms Beech received the *Pro Patria* medal through the mail, awarded posthumously to her son. The accompanying letter from the chief of the army wrote that it was for "the part he played in the defence of our country against the onslaught of terrorism". It seems improbable that anyone killed in an unauthorised mission which caused considerable embarrassment to the SADF and the government would have received such a decoration.

THE COMMISSION FINDS THAT THE SADF'S PUBLIC DESCRIPTION OF THE MISSION AS UNAUTHORISED WAS MISLEADING AND NOT A FULL AND PROPER DESCRIPTION. IT WAS UNFAIR TO THOSE WHO PARTICIPATED IN IT AND INSENSITIVE PARTICULARLY TO THE FAMILIES OF THOSE WHO DIED IN IT.

THE COMMISSION RECOMMENDS, THEREFORE, THAT THE SANDF ISSUE AN OFFICIAL ACKNOWLEDGEMENT THAT ALL THOSE WHO PARTICIPATED IN THIS OPERATION DID SO IN THE BELIEF THAT THEY WERE ACTING IN TERMS OF PROPERLY AUTHORISED COMMANDS AND THAT THOSE WHO DIED DID SO IN WHAT THEY BELIEVED TO BE THEIR LINE OF DUTY. SUCH A STATEMENT SHOULD BE MADE PUBLIC AND PLACED IN THE PERSONNEL FILES OF ALL THE PARTICIPANTS.

IT IS ALSO RECOMMENDED THAT CORRECT DEATH CERTIFICATES BE ISSUED TO THE NEXT OF KIN OF THE DECEASED AND PLACED IN THEIR PERSONNEL FILES.

187 The Commission was informed by the SADF 'nodal' (liaison) point that all the files on surrogate operations were destroyed by DST when it was closed in the early 1990s. The military archives held only one file on *Drama* [HSOPS/309/4/DRAMA] containing only a letter dated 25 February 1983 from the then chief of staff intelligence, Lieutenant General PW van der Westhuizen, to the chief of the SADF. It was a query from the Department of Foreign Affairs about the whereabouts of some Zimbabweans said to have entered South Africa after April 1980. His reply provides some corroborative evidence on *Drama's modus operandi*. It states that sixteen ZIPRA members were infiltrated back into Zimbabwe on 20 February 1983 and that eighteen married members were to be sent to the SADF base Duku-Duku (in northern Zululand) at the end of February 1983, while the unmarried members would be relocated to 32 Battalion in the Caprivi.

188 After the debacle of the 1981 ambush, *Drama* seems mainly to have taken the form of arming, training and infiltrating Zimbabweans for operations primarily in Matabeleland.

## ■ POLICE AND MILITARY COUNTER-INSURGENCY OPERATIONS IN MOZAMBIQUE AND ANGOLA: OPERATIONS ALTER/MILA AND SILWER/DISA

- 189 Details of the SADF's military strategies in Angola and Mozambique were discussed above. These surrogate operations were launched in implementation of these strategies, although it must be recalled that *Silwer* formed only a part of the overall strategy for Angola.
- 190 In summary, the goal in respect of both Mozambique and Angola was the establishment of sympathetic, or at the very least, neutral governments which would ultimately form part of a Southern African community of nations. However, the possible overthrow of the Angolan government was not discounted.
- 191 Few specific details are available on *Silwer* and *Mila*, due to the paucity of the archival holdings on these operations. Most of what is known by the Commission on the RENAMO project was supplied by Mr Roland Hunter who, in the early 1980s, was in the SADF, attached to DST as an aide to van Niekerk. He was at the same time supplying information to the ANC, for which he was ultimately arrested and gaoled. The information he gave to the Commission is included in the discussion on DST elsewhere in this volume. It contains details on the staffing and funding of DST head office, the operating heads of the different projects and of the training and other camps of RENAMO in the Transvaal.
- 192 South Africa took over responsibility for RENAMO in March 1980 and the redeployment of RENAMO forces occurred in March and April of that year. They were dispersed over three main bases in the Northern Transvaal, with operational headquarters at Sawong near Phalaborwa. The leader of RENAMO, Mr Alphonso Dlakama, and six senior officers and their families were placed on Vofal, a farm north of Pretoria. The then secretary general of RENAMO, Mr Orlando Christina, who also lived near Pretoria, worked in the DST secretariat in Pretoria and, like Dlakama, was on the SADF payroll.
- 193 Training took place at these bases and at Camp Hippo in the Caprivi. However, the largest element of the assistance comprised material, weaponry, uniforms, clothing, food and agricultural implements. This was supplied not only to the local camps, but in monthly drops by the SAAF into RENAMO-held territory inside Mozambique.

- 194 There was also some deployment of Special Forces troops inside Mozambique. In 1981, Captain Alan Gingles, a former member of the British SAS and Rhodesian military then attached to 5 Recce, was killed in a sabotage mission near Beira. He was attempting to blow up a railway line when the device exploded prematurely.
- 195 In the military archives file on Mila [HSOPS/309/4], there are entries which also confirm the use of Special Forces' troops inside Mozambique. 'Special Op' instruction 10/83 (11 March 1983) states that "a small team presently deployed in the Inhambane province on *Operation Bristol* is to be extracted prior to this exercise" (the monthly drop). A month later on 8 April 1983, 'Special Op' instruction 12/83 reads "there are at present no Special Forces teams deployed with the RNM [RENAMO] ... monthly resupply to be provided to RNM in line with approved objectives". On 25 May 1983, a drop involving four C130 planes included five RNM leaders who were parachuted in, along with sixty palettes containing, *inter alia*, 450 AK-47s, six RPG rocket launchers, 894 888 rounds of bullets of one kind and 40 000 of another, 800 hand grenades, 600 40mm RPG-7s and 180 anti-personnel rockets, along with such provisions as 200 kilograms of soap, forty kilograms of tobacco, 1 656 torch batteries, 240 kilograms of salt, 175 kilograms of sugar, 420 litres of diesel fuel and so on.
- 196 The file indicates that drops on this scale continued monthly throughout 1983. No file is available for 1984, the year in which the Nkomati Accord was signed and when all aid to RENAMO was supposed to cease. In fact, support for RENAMO never ceased; it simply changed its form. As Craig Williamson told the Commission, what had been an official project became a covert one. Evidence before the Commission shows that a two-year stockpile of weaponry was delivered to RENAMO in the two months preceding the signing of the Accord. The Gorongosa diaries found in 1985 also provided firm evidence of continuing SADF involvement with RENAMO in violation of the Accord, including secret visits to the organisation's headquarters by at least one cabinet minister, the Deputy Minister of Foreign Affairs. In evidence to the Commission, Pik Botha confirmed the authenticity of the diaries and that they had been a major embarrassment to the government. He was unable to offer a convincing explanation for his deputy's visits, but claimed to have had no foreknowledge of them.
- 197 It appears that both the cabinet and the SSC, including even State President PW Botha, were kept in ignorance of ongoing involvement with RENAMO. Then chief of the SADF, General Viljoen, may have authorised the continuing assistance to RENAMO.

- 198 In the case of aid to UNITA, files from the military archives reveal frequent joint planning meetings between SADF and UNITA military officials. On 2 December 1981, a plan was agreed for a joint operation in Cunene province in order to “help UNITA regain control of its traditional area of strength in north-east Cunene”. Silwer’s goals for 1982 are detailed as “protection of Cunene province, extension of UNITA influence in Cunene and Moxico provinces ... elimination of SWAPO as a realistic threat to South West Africa”.
- 199 The file for 1982 (the only one made available) contains numerous references to supply drops such as those in Mozambique, as well as to several limited military operations to enable UNITA to move into new areas. It is clear that the level of SADF military involvement with UNITA on the ground was far greater than in Mozambique. The presence of MK camps in the country was certainly not an insignificant determining factor in that regard. The list of ANC members killed in exile reveals that considerably more MK combatants were killed in what are termed “UNITA ambushes” than by the SADF in combat. This was, indeed, the single largest cause of unnatural deaths amongst ANC members in exile.

## ■ POLICE AND MILITARY COUNTER-INSURGENCY OPERATIONS IN LESOTHO: *OPERATION LATSA*

- 200 The Lesotho Liberation Army (LLA) – the object of the SADF’s support in terms of *Operation Latsa* – had its origins in events in Lesotho in the 1970s. In 1970, the then pro-South African Basotho National Party (BNP) refused to accept the results of the country’s first post-independence general election, which it lost. With covert South African government support, it held on to power and declared a state of emergency. In 1974, the Basutholand Congress Party (BCP) – the 1970 election winner – attempted an armed seizure of power, which failed. Hundreds of BCP supporters, including its leader Mr Ntsu Mokhehle, fled the country. Initially they found refuge in Botswana and Zambia.
- 201 In the course of the 1970s, the BNP’s stance towards the South African government and the ANC changed radically and large numbers of ANC members and MK combatants found sanctuary in the country. The BNP’s foreign policy shifted as well, to the point that the Soviet Union opened an embassy in Maseru in the 1970s, a move that antagonised the South African government. By the mid-1970s, as far as the South African government was concerned, Lesotho had moved into the camp of the ANC.

- 202 In this context, the South African government and the BCP found common ground in their hostility to the BNP government. By this time, the BCP had developed an armed wing, the LLA, whose major logistical problem was getting its guerrillas through South Africa into Lesotho. Its initial attempts to infiltrate guerrillas into Lesotho in 1978 were disastrous. The first two sets of infiltrators were all captured by the SAP, as was the entire LLA High Command, with the exception of its leader Ntsu Mokhehle, *en route* to a meeting in Welkom. By 1979, however, the LLA had managed to establish a clandestine presence in the Transkei from where it launched operations inside Lesotho in August 1979.
- 203 The Basotho government responded with a major crackdown on the BCP, and by January 1980 over 700 BCP supporters had fled to the Orange Free State. By this time, Mokhehle was in touch with the South African government. By mid-1980, the LLA was receiving weapons and training from the SADF. The LLA was now able to move the bulk of its fighters from the Transkei to Dithotaheng camp in QwaQwa and another camp on a farm called Ferndale, near Bergville in Natal, where the Special Tasks personnel assigned to the LLA project were also based. These were at various times Special Forces members Colonel Hennie Blaauw, Major GC (Dan) Griesel (who was base commander at Ferndale for a period), Captain C 'Pine' Pienaar, Lieutenant Erasmus Steyl (aka Trevor), Colonel MA van den Bergh and Major Johan Opperman.
- 204 Although officially heading the BCP in exile in Botswana, Mokhehle seems to have spent a good deal of time in South Africa in the early 1980s. He is known to have stayed at Port St Johns in the Transkei in about 1983, where he developed close ties with the former Rhodesian military officers then running the Transkei Defence Force. At other times, he is known to have been given accommodation at the secret SAP farms Vlakplaas and Kochfontein. This latter was near Zeerust and was frequently used by the SADF's Special Forces as a base for attacks into Botswana.
- 205 Operations inside Lesotho focused primarily on the sabotaging of infrastructural facilities and the killing of BNP supporters and officials. There is little evidence of LLA operations against ANC/MK targets, with the exception of an attack in February 1981 on the home of a South African refugee, Mr Khelaki Sello, a prominent lawyer who often defended ANC members. He survived the attack.
- 206 The LLA was used by the South African government primarily as an instrument for applying pressure to the BNP government – pressure which was relaxed when the BNP was negotiating or talking with South Africa and intensified when it was

not. It was most active in the 1981–83 period, during which the LLA undertook at least thirty-four operations against targets inside Lesotho, including a number of assassinations of politicians and one pro-government newspaper editor. It was not, however, the LLA which toppled the Basotho government in January 1986, but the Lesotho military with covert assistance from the SADF. With the overthrow of Chief Jonathan's government in 1986 – the fulfilment of the decision adopted at the 1983 special SSC meeting in the operational area – LLA operations inside Lesotho ceased. Many members returned home and some were integrated into the national army. There is evidence that some of those who did not return home became involved in hit squad operations in the Transkei in the late 1980s.

## ■ POLICE AND MILITARY CROSS-BORDER OPERATIONS

### Assassinations, ambushes and abductions

*Not even South Africa's borders stopped them ... Nobody had been safe anywhere in the world. (Former Vlakplaas Commander Eugene de Kock's trial evidence in mitigation, 8 October 1996.)*

- 207 The cases examined below do not reflect all the incidents known to the Commission. Moreover, the cases dealt with here were not all directly referred to the Commission; some are cases about which the Commission acquired information in the course of its work. The attempt to kill Mr Bafana Duma is included because it represents the first case known to the Commission of an attempted assassination of an ANC chief representative.
- 208 In their forays into foreign territories, the SADF and the security police did not operate alone. Aiding and abetting them was a formidable intelligence and operational infrastructure. This was comprised of five main elements:
- a Sympathetic governments like those of Swaziland and Malawi, as well as Lesotho after the military coup of 1986, when a joint security task force (*veiligheidswerkgroep*) was set up with representatives of the SAP security police and MI, and the Basotho Police and Defence Force. A similar level of co-operation existed with Swazi security.

In his testimony to the Commission, Colonel Christo Nel, the one-time head of the DCC's target-development section, stated that from 1986/7 MI had "a

permanent presence in Swaziland and we had a permanent interrogation centre outside Mbabane ... captured or arrested MK soldiers were taken there by the Swazis and we were given the opportunity to interrogate them".<sup>15</sup>

- b Sympathetic security officials of governments less inclined to co-operation than those above. A prominent example here is the one-time commissioner of police in Botswana, Mr Simon Hirshfeldt, who, though not an agent, is said to have worked closely with the security police in Zeerust.
- c Sympathisers amongst the residents of neighbouring states who were prepared to share information with and otherwise assist South African security. This applied, for example, to some white expatriates. A number of amnesty applicants from the South African security police have talked of help in the form of free accommodation at hotels and free meals at restaurants. They have told, too, of farmers whose properties abutted South African territory and who allowed security operatives through their fences. In an amnesty hearing, an eastern Cape security policeman, Colonel Barend du Plessis [AM4384/96] testified how their work in relation to Lesotho was facilitated by an informer network in the Maseru office of the United Nations High Commission for Refugees (UNHCR). Further, there were police members in the BLS states who worked with South African security operatives for payment.

The extent of the above support should not be generalised. Firstly, a significant minority of whites aided the liberation movements. Similarly, while many Swazi, Basotho and Batswana citizens aided South African security, many citizens of those countries helped members of the liberation movements, often at considerable personal cost.

- d Agents and informers operating from within the ranks of the liberation movements. The vast majority of these were coerced in some way into 'turning'. Others were deployed to penetrate the liberation movements from outside.
- e Professional spies operating under cover in the region and internationally. Craig Williamson, Section G deputy head in the early to mid-1980s, ran an extensive African and international spy network. Its African base was in Malawi and was headed by amnesty applicant Captain 'Vic' McPherson [AM7040/97]. Its focus was Zambia and Tanzania.

Amongst the amnesty applicants for the London ANC bombing are two operatives

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<sup>15</sup> Transcript, section 29 hearing, 15 April 1998, p. 85.

who at various times ran Williamson's European operation out of Brussels and London respectively. Recruited into that network were South African students studying abroad, a ranking Dutch police officer, some European journalists and a journalist working for the BBC World Service. Not only was the head of the Spanish anti-apartheid movement in the 1980s an apartheid agent, but the organisation was set up at Williamson's suggestion and funded by his section. As head of a European anti-apartheid national group, the Spanish head became part of the broader European anti-apartheid family, thereby allowing for the penetration of South African intelligence.

Zimbabwe was also extensively penetrated by both NIS agents and double agents operating from within Zimbabwe's security service. In a particularly notable case, South African MI infiltrated a DCC operative, Mr Nigel Barnett (aka Henry William Bacon, Nicho Esslin and HW Otto) into Mozambique in 1983. He was still operating there under cover fourteen years later. Other networks were developed in Zambia and South West Africa by DCC operative Geoffrey Burton Price.

209 Despite this array of intelligence resources, a striking feature of the cases presented below is the high number of instances in which the victim or target of the violation turned out to have been the wrong one. The Bheki Mlangeni case is perhaps the best known.

210 Before moving to the individual cases, it should finally be noted that findings are not made on those cases where there were amnesty applications or decisions pending at the time of reporting, or where there was no corroborated evidence to support a finding.

## **Assassinations and attempted assassinations**

### **1960–1973**

211 The Commission has no corroborated evidence of any external assassinations during the 1960 to 1973 period for which South African security operatives can be said to have been responsible.

### **1974–1979**

212 The first known cross-border assassinations in the 1974–79 period occurred in

February 1974, when, within two weeks of each other, MK founder member John Dube (aka 'Boy' Mvemve) and former SASO founder member Abraham Onkgopotse Tiro were killed by letter bombs in Zambia and Botswana respectively.

- 213 The Commission received no amnesty applications for these two killings. Former BOSS agent, Mr Gordon Winter, alleges<sup>16</sup> that the killings were the work of BOSS's recently formed covert unit, the Z-squad. At a Commission briefing, a former BOSS and later senior NIS and NIA member confirmed the existence of the Z-squad and named amongst its small band of original members Mr Phil Freeman, an explosives expert, and Mr Dries Verwey.
- 214 Another former BOSS agent, Mr Martin Dolincheck, also confirmed Z's existence. In an interview published in the *New Nation* (9 August 1991), he named Kuhn and Verwey as "among those responsible for his [Tiro's] death". In an interview with the Commission, Dolincheck stated that Tiro was killed by the insertion of an explosive device into a package addressed to him from the Geneva-based International University Exchange Fund (IUEF). At that time, all mail destined for Southern Africa (including the BLS states, Zimbabwe, Zambia, Mozambique and the Seychelles) passed through the airmail sorting office in Germiston near the then Jan Smuts airport. The actual running of that office was contracted out by the Post Office and, according to Dolincheck, South African Airways (then a state corporation) deliberately bid low to gain the contract so that the security police could have easy access to the millions of pieces of mail, including diplomatic traffic, that flowed through it annually.
- 215 According to Dolincheck, in the 1970s and 1980s some 400 police, mostly retired officers, worked in the facility, amongst them Security Branch officers. Dolincheck claims that Tiro's package from the IUEF was "doctored" at this facility. That particular item of mail would have been a strategic choice as the IUEF, an international anti-apartheid non-governmental organisation (NGO), worked closely with SASO and was channelling funds to the organisation. Tiro was in regular contact with the IUEF and a package would not have aroused suspicion.
- 216 In the case of the Mvemve letter bomb, it seems the postal service was not used as, according to Winter, the parcel bomb was posted in Lusaka. It must then have been prepared in South Africa and carried to Lusaka. This is similar to the method used in the letter/parcel bomb killings of Ms Ruth First and Ms Jeanette and Katryn Schoon (see below).

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<sup>16</sup> In his book *Inside BOSS*.

**WHILE THE COMMISSION IS UNABLE TO MAKE A CONCLUSIVE FINDING IN RESPECT OF THE MURDERS OF MR ONKGOPOTSE TIRO AND MR JOHN DUBE, THE PROBABILITY BASED ON THE EVIDENCE AVAILABLE TO IT IS THAT THEY WERE THE WORK OF BOSS'S Z-SQUAD.**

217 According to information contained in Captain Dirk Coetzee's 1989 confession on hit squad activities and in his amnesty application [AM0063/96], in January 1977, an attempt was made to kill the ANC's chief representative in Swaziland, Mr Bafana Duma. The method involved attaching an explosive device to the inside of the post office box of Duma's employer in Manzini. As a messenger, Duma's tasks including collecting the post. Duma lost an arm but survived.

218 According to Coetzee, this operation was undertaken by the Ermelo security police with the aid of the security police's technical division, where the device was prepared by then Lieutenant (later Lieutenant Colonel) WAL du Toit. Major Nic van Rensburg was in charge of the operation, assisted by Colonel Christo Deetlefs and Sergeant Chris Rorich.

**THE COMMISSION FINDS THAT THE ATTEMPT TO KILL MR BAFANA DUMA WAS AUTHORISED BY MAJOR NIC VAN RENSBURG OF THE ERMELO SECURITY POLICE AND UNDERTAKEN BY THOSE OF ITS MEMBERS NAMED ABOVE, WITH THE ASSISTANCE OF LIEUTENANT WAL DU TOIT OF THE TECHNICAL DIVISION OF THE SECURITY POLICE.**

219 On 28 February 1978, MK member Kehla Nkutha was abducted from Swaziland. He died soon after his forcible return to South Africa.

220 Undercover intelligence operatives from the Pietermaritzburg division of the Security Branch had identified Nkutha as a regular traveller between Maputo and Mbabane for the purposes of transporting MK members.

221 Late in 1977, members of the Pietermaritzburg and Eastern Transvaal divisions of the security police mounted a joint operation to ambush the vehicle in which Nkutha was travelling and to abduct him. A first attempt failed when the vehicle did a U-turn and avoided the ambush. A second attempt some weeks later succeeded. There was a shoot-out, and the elderly passenger, Mr John Majola, and two of the operatives, Eugene 'Jerry' Fourie and Sergeant André 'Basie' Erwee, were seriously wounded. They survived, and Majola managed to escape from his attackers. Nkutha was also wounded, captured and taken across the border, where he died or was killed. The circumstances of his death are not clear.

- 222 On both occasions, the ambush group used the facilities of a farm just inside the Swazi border owned by a South African named by Dirk Coetzee as an agent. The farm also had a helicopter pad for use by South African security forces.
- 223 The operation was jointly commanded by Colonel (later Brigadier) Hans Dreyer and Colonel Johannes van der Hoven of the Pietermaritzburg and Eastern Transvaal security police divisions respectively. Other participants included Security Branch operatives from the Eastern Transvaal and Pietermaritzburg, such as Major Nic van Rensburg and Sakkie van Zyl. The Commission received an amnesty application from a Pietermaritzburg security policeman, Warrant Officer Don Gold [AM3683/96], for his participation in the first ambush. He did not participate in the second operation.
- 224 This raid occurred two years before the SSC adopted regulations authorising cross-border incursions and it is not known what authorisation procedures were followed in this case.

**THE COMMISSION FINDS THAT MR KEHLA NKUTHA WAS ABDUCTED FROM SWAZILAND IN AN OPERATION CONDUCTED BY MEMBERS OF THE PIETERMARITZBURG AND EASTERN TRANSVAAL DIVISIONS OF THE SOUTH AFRICAN SECURITY BRANCH. HE DIED THEREAFTER IN SOUTH AFRICA.**

- 225 On 6 July 1979, six ANC members in exile in Lesotho were injured in a parcel bomb attack in Maseru. One of them, Father John Osmers, had his hand and part of his groin blown away by the bomb which was concealed in a package containing copies of the ANC journal, *Sechaba*. The other victims were a former SASO organiser, Mr Silumko Sokupa, Ms Phyllis Naidoo, Mr Mbuyisela Madaka, Mr Siphwe Sithole and Mr Wandile Kallipa. No amnesty applications were received for this incident and no information on it was uncovered.

**OWING TO A LACK OF CORROBORATED EVIDENCE, THE COMMISSION IS UNABLE TO MAKE A FINDING ON THE PARCEL BOMB ATTACK ON FATHER JOHN OSMERS, MR SILUMKO SOKUPA, MS PHYLLIS NAIDOO, MR MBUYISELA MADAKA, MR SIPHIWE SITHOLE AND MR WANDILE KALLIPA.**

## **1980–1985**

- 226 During the 1980–85 period, MK member Patrick Makau and a seven-year-old child, Patrick Nkosi, son of an active ANC member, Mr Mawick Nkosi, were killed in bomb attacks on two houses in Manzini, Swaziland, both on 4 June 1980. These attacks were undertaken by Eastern Transvaal security police in retaliation for the ANC's sabotage of the Sasol oil refinery at Secunda a few days earlier.

- 227 The mission was ordered by Colonel (later General) JJ Viktor, then C section head, who instructed Dirk Coetzee to consult with the head of the Ermelo Security Branch with a view to organising a retaliatory operation. Involved in the actual operation were Warrant Officer Paul van Dyk, Sergeant Wynand Hattingh, Sergeant Chris Rorich and Coetzee, all of whom submitted amnesty applications. Viktor also applied for amnesty. The head of the Ermelo security police did not.
- 228 The two houses targeted were thought to be ANC transit facilities and it was believed that the Sasol squad had stayed in one of them. The bombs exploded within a minute of each other, causing extensive damage. In addition to the two killed, three other persons were hurt. One of these was a Swazi, Ms Eunice Dlamini, one of whose hands was mutilated and her hearing badly impaired. After several months of hospitalisation, she committed suicide by locking herself in her home, dousing herself with petrol and setting herself on fire.
- 229 Vlakplaas Commander Dirk Coetzee [AM0063/96], Corporal Almond Nofemela [AM0064/96] and Constable David Tshikilange [AM0065/96] applied for amnesty for the abduction and murder of a Basotho citizen, Mr George Nkali, on 17 February 1981. It is not clear that there was a political motivation for this killing. Nkali was a diamond dealer with whom the applicants, as well as police agents Mr Ernest Ramatlala and Sergeant Joe Mamasela, had dealings. He was lured across the border and killed by *askaris* after he had apparently sold the South Africans a worthless consignment of diamonds and refused to refund their monies. His body was dumped on the Swazi border.

**THOUGH THE AMNESTY HEARING ON THIS INCIDENT HAD BEEN HEARD AT THE TIME OF REPORTING, NO DECISION HAD YET BEEN MADE PUBLIC. THE COMMISSION'S FINDING AWAITS THE RULING OF THE AMNESTY COMMITTEE.**

- 230 In mid-1981, Dirk Coetzee was requested by the head of the Ladybrand Security Branch to kill a senior MK member in Lesotho, Mr Lehlonohono Christopher Moloji. He arranged for *askari* Almond Nofemela and a member of the Ladybrand Security Branch, Sergeant Michael Jantjies, to undertake the mission. The plan involved shooting Moloji as he opened his front door and then throwing a grenade into the house. The plan failed, in part because Moloji failed to answer knocks on his front door. Instead, shots were fired at Moloji through a window, but missed him. All those named applied for amnesty for this attempted killing.
- 231 On 31 July 1981, Mr Joe Gqabi [JB00502/01GTSOW], the ANC's chief representative in Zimbabwe as well as its chief of intelligence and an NEC member, was

shot dead in the driveway of his home in Harare. Six months earlier, on 24 February 1981, Gqabi had survived a car bombing attempt on his life.

- 232 Both Gqabi's widow and his close comrade, Mr Shadrack Ganda [JB/00781/01GTSOW], made submissions to the Commission on the murder. The Commission's investigation of the case was hampered by the fact that it did not conduct enquiries in Zimbabwe. Although the ANC was asked to provide the Commission with the statement it received from Ms Geraldine Fraser-Moleketi, who was resident in Mr Gqabi's house at the time of his death, the request met with no response.
- 233 The evidence available suggests that Mr Gqabi was killed by a South African hit squad acting on the basis of intelligence supplied by agents of South African MI operating from inside Zimbabwe's CIO. Sometime after the murder, Mr Colin Evans and Mr Philip Hartlebury, two of these alleged agents, were arrested and charged with spying for South Africa.
- 234 Under interrogation, Evans and Hartlebury admitted to spying for South Africa and to supplying intelligence on Joe Gqabi to a contact code-named 'Erasmus', whom the Commission knows to be a long-serving South African Special Forces operative. In their espionage trial, Evans' and Hartlebury's confessions were deemed to be inadmissible owing to the torture to which they had been subjected and they were acquitted. Prior to that, South Africa had admitted that they were agents and had offered to exchange them for a Russian and several Angolan prisoners. After their release from prison, both moved to South Africa.
- 235 The ANC has reports of two alleged agents who confessed to participating in the actual killing of Mr Gqabi. One, Mr Ivan Davids, wrote in his statement: "... when he opened the door, I ran towards him; when he looked up I was already next to him and the trigger already pulled. I kept on pulling the trigger until my magazine was empty. Piet came up and fired a few shots on him". The Commission was unable to follow up this statement as Mr Davids was executed by the ANC in Angola in 1984. However, Mr Ganda, who lived in Mr Gqabi's house and who discovered the body, provides details in his statement to the Commission consistent with the above description.

**ON THE BASIS OF THE EVIDENCE AVAILABLE TO IT, THE COMMISSION FINDS THAT MR JOE GOABI WAS ASSASSINATED BY SOUTH AFRICAN AGENTS OPERATING IN COLLUSION WITH A GROUP OF ZIMBABWEAN AGENTS.**

- 236 By the late 1970s, South African security had identified Mr Chris Hani as the most important MK operative in the immediate region. A former high-ranking MI officer told the Commission that he had attended at least one meeting of senior SADF generals where a senior MI officer presented a plan for Hani's killing. The meeting was chaired by General Viljoen. The plan was vetoed as the safety of Hani's family could not be guaranteed.
- 237 Clearly, other plans were approved as, in the early 1980s, a number of attempts were made by the security police and the SADF to kill Hani in Lesotho. In addition to the major SADF incursion of December 1982, at least two other attempts were made on his life. The first was in early 1980, when his house was bombed. Later in August of the same year, Mr Ernest Ramatlala, a police informer who had been given training in the handling of explosives by the SAP, attempted to attach a bomb to Hani's car which was parked in the driveway of his house. The bomb exploded prematurely and Ramatlala was seriously hurt. Ramatlala was granted bail but fled back to South Africa where he was given sanctuary at Vlakplaas. He later joined the SAP.
- 238 Two years later, on 2 August 1982, Hani's home was damaged in a bomb blast. Hani was absent but one person was hurt in the attack. This incident coincided with another attack on the house of a South African exile where a Mr T Banzi was seriously injured. No amnesty applications were received for these operations.

**THE COMMISSION FINDS THAT MR CHRIS HANI WAS TARGETED FOR ELIMINATION BY SOUTH AFRICAN SECURITY FORCES AND THAT THEY WERE RESPONSIBLE FOR SEVERAL ATTEMPTS TO KILL HIM IN LESOTHO IN THE EARLY 1980S.**

- 239 On 26 November 1981, Dirk Coetzee led a team in an attack on a house in Gaborone, Botswana occupied by two ANC activists, Ms Joyce Dipale and Mr Tieho Masinga (aka Rola). The house was believed by the security police to be an ANC transit house. In his original hit squad confession document, Coetzee states that he was ordered to kill the occupants by the head of C section and to link up with the heads of the Zeerust and West Rand Security Branches. The base from which the attack was launched was an abandoned farm house close to the Kopfontein border post.
- 240 Amnesty applicants Almond Nofemela and Mr David Tshikilange as well as Vlakplaas members Captain Paul van Dyk and Mr Joe Mamasela were the operatives who performed the mission; others at the farm briefed the team on details such as the layout of the house.

241 From the police perspective, the operation was not a success in that Masinga (Rola) was out of the country on the night of the attack, while both the occupants of the house, Joyce Dipale and Lilian Keagle, a Batswana colleague, survived despite being badly wounded.

**THOUGH THE AMNESTY APPLICATION IN RESPECT OF THIS INCIDENT HAS BEEN HEARD, NO DECISION HAD BEEN ANNOUNCED AT THE TIME OF REPORTING. THE COMMISSION'S FINDING ON THIS ATTACK AWAITS THAT DECISION.**

242 On 4 June 1982, acting ANC chief representative in Swaziland, Mr Petros Nyawose (aka Nzima) and his wife, SACTU<sup>17</sup> representative Ms Jabulile Nyawose, were killed in a car bomb explosion outside their flat in Matsapha near Manzini, Swaziland. Two passengers in the car, Mr Thokozane Mkhize and Mr Sipiwe Mngomezulu, were seriously injured. The explosion and murder of their parents was witnessed by the Nyawose's three children. One of them, Nonzamo Nyawose, submitted a statement to the Commission [KZN/NNN/011/DN] and appeared at a public hearing.

243 Intelligence-gathering and surveillance for the assassination was done by Dirk Coetsee [AM0063/96], Almond Nofemela and David Tshikilange [AM0065/96] for which they have applied for amnesty. According to a statement to the Commission by Eugene de Kock, and further oral evidence at a Commission amnesty hearing, the murder of the couple was authorised by Brigadier Willem Schoon, then head of C section. The operation was performed by the then commander of Vlakplaas, Captain Jan Coetsee, assisted by Colonel Paul Hattingh of the SAP Explosives Department and Captain Paul van Dyk of the Ermelo Security Branch. For this operation, the three perpetrators received the SOE medal, a high police decoration.

**THE COMMISSION FINDS THAT THE MURDER OF MR PETROS AND MS JABULILE NYAWOSE WAS SANCTIONED BY THE SOUTH AFRICAN GOVERNMENT, AUTHORISED AT SENIOR MANAGEMENT LEVEL OF THE SECURITY POLICE AND CARRIED OUT BY THE OPERATIVES NAMED ABOVE.**

244 Following the spate of sabotage and other covert operations in Zimbabwe, a CID Inspector Mr Eric Roberts was appointed in late 1982 by the Zimbabwean government to investigate these attacks and South Africa's possible involvement in them. In December 1982, Roberts was shot and killed at his home in Bulawayo when he answered a late-night knock on his front door. No arrests were made for this killing. but South African agents are suspected of having been involved.

**IN THE ABSENCE OF CORROBORATED EVIDENCE, THE COMMISSION IS UNABLE TO MAKE A FINDING ON THIS CASE.**

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<sup>17</sup> South African Congress of Trade Unions

- 245 On 17 August 1982, Ms Ruth First, then Director of the Centre for African Studies at Eduardo Mondlane University in Maputo, was killed in her office by a parcel bomb. On 28 June 1984, ANC official Ms Jeanette Curtis Schoon and her eight-year-old daughter, Katryn, were killed by a similar device in their home in Lubango, Angola.
- 246 Craig Williamson [AM 5181/97] applied for amnesty for all three killings. Then a member of the Security Branch's G (foreign intelligence) section, Williamson states in his application that he received instructions from his section head, Captain Piet 'Biko' Goosen, to arrange for the preparation of the bombs and that he assigned the task to Warrant Officer Jerry Raven of the police technical section. Raven's involvement in the manufacturing of the two explosive devices is corroborated by his amnesty application. A third member of the Security Branch, Sergeant Steve Bosch, also applied for amnesty for his role in the preparation of the device.
- 247 In a separate incident in 1981, according to the amnesty application of Brigadier Schoon, he supplied Dirk Coetzee with a revolver and ammunition and instructed him to kill Mr Marius Schoon in Botswana. Coetzee apparently passed the weapon on to an operative who, however, failed in the mission.
- 248 On 22 November 1983, Mr Zwelibanzi 'Zweli' Nyanda, MK commander for Swaziland and head of the ANC's Natal military machinery, and a fellow MK combatant, Mr Keith McFadden, were killed in Manzini, Swaziland. The operation was authorised by the head of the Security Branch and Willem Schoon, [AM4396/96] who applied for amnesty for it. The operation was led by Vlakplaas commander Brigadier Jack Cronjé, while his raiding party included De Kock, Almond Nofemela, Jeff Bosigo, and a number of Eastern Transvaal security police including Sergeant Chris Rorich, Captain Paul van Dyk, and Warrant Officer 'Freek' Pienaar.
- 249 A third person in the house was the second-in-command of the MK's Natal machinery, Mr Edward Lawrence (aka 'Fear', Ralph McGina and Cyril Raymonds). He escaped by jumping out of a window. It later turned out that this was by pre-arrangement as he had, for ten years, been a Security Branch agent or source. 'Fear' supplied the information on Zweli's house and gave the attackers a signal when the occupants were asleep. Nyanda was shot by De Kock and McFadden by Cronje. Those involved in this operation received the Police Star for Outstanding Service (SOE medal) from the then Minister of Police, Louis le Grange.

- 250 Ms EC Majola informed the Commission of the death in exile of her brother Mr Eulogius Trusty Ndlovu (aka George Matlala) [KZN/FS/373/DN]. Ndlovu joined the ANC in 1976 and left the country. The last communication the family had with him was a letter in 1983 in which he stated that he was in Mozambique.
- 251 The Commission has been able to establish that, in December 1977, Ndlovu went from Swaziland to Zambia for military training with ZAPU. In late 1978, he obtained a scholarship to study in Bulgaria for a year. Thereafter, he returned to Angola for further military training. In 1984, he served as secretary to the head of MK's Natal machinery, Mr Thami Zulu.
- 252 On an unknown date in 1984, Ndlovu died in unclear circumstances in Swaziland. He is listed under the name of Matlala on the list of ANC members killed in exile. The fact of his death is confirmed in a statement to the Commission by an MK intelligence official then in Swaziland. This states that he died in a hand grenade attack.
- THE COMMISSION FINDS THAT MR EULOGIUS TRUSTY NDLOVU WAS KILLED BY UNKNOWN PERSONS IN SWAZILAND ON AN UNKNOWN DATE IN 1984.**
- 253 In early 1985, the house of a South African exile, Mr Nat Serache, in Gaborone, Botswana was attacked in an assassination attempt. General Albertus Steyn, Brigadiers W Loots [AM4149/96/] and Willem Schoon and Colonel Philip Rudolf Crause [AM4124/96] applied for amnesty for this operation. In his application, Steyn stated that Serache was suspected of facilitating the infiltration of MK guerrillas into South Africa and that he briefed General Kat Liebenberg of Special Forces and a senior SAP officer. Serache was not in his house at the time of the attack. According to Crause, it was destroyed.
- 254 On 14 May 1985, Mr Rogers Nkadimeng, a senior ANC/SACTU official, was killed in a car bomb explosion in Gaborone, Botswana. This operation was authorised by General Albertus Steyn, then head of the Western Transvaal Security Branch, who applied for amnesty, and carried out by SADF Special Forces personnel. Zeerust Security Branch member, Colonel Philip Rudolf Crause, also applied for amnesty for this operation but gives no details as to his role. According to Krause, the operation had a second target, Mr Jackie Molefe, but it failed in that regard.
- 255 In May 1985, Mr Japie Maponya [JB0290/03WR], brother of an MK activist, was abducted by a team of Vlakplaas operatives led by Eugene de Kock, taken to Swaziland and killed. De Kock acted under the orders of Colonel Johan le Roux,

head of the Krugersdorp Security Branch, where Maponya had previously been detained. This case is discussed more fully elsewhere in this volume.

- 256 On 19 December 1985, a seventeen-strong team of Vlakplaas operatives led by Eugene de Kock attacked two houses in Maseru and killed six South Africans and three Basotho citizens. This incident occurred at a time of severely strained relations between the governments of Lesotho and South Africa. The day after the raid, the SSC authorised intensified measures against Lesotho, including the use of force. At the time, a Special Forces team under Captain Sakkie van Zyl was assembled at the QwaQwa Sun hotel for a cross-border raid. According to De Kock, discussions between the two groups resulted in an agreement that the SAP unit, on the basis of its superior on-the-ground intelligence, should undertake the operation.
- 257 According to a statement given to the Commission by Mr Elvis Macaskill, much of this intelligence was supplied by himself. He was at the time a South African agent resident in Lesotho. Macaskill was instructed by his handlers to organise a Christmas party to which ANC members were invited. The host house was attacked and seven people were killed. They were Mr Vivian Stanley Matthee [CT00431/WIN & CT00692/WIN], Mr Joseph Monwabisi (aka Mayoli), Ms Nomkhosi Mini [EC2098/77PLZ], Mr Mankahelang Mohatle, Mr Morris Seabelo, Ms Midian Zulu and one other Basotho citizen whose name is not known to the Commission. By prior arrangement, Macaskill's sister was not killed. Two of those killed at the party were high-ranking MK members, namely Morris Seabelo, MK commander in Angola, and his chief of staff, Joseph Monwabisi.
- 258 Those in or at the party house were shot by Warrant Officer Willie Nortjé and Eugene de Kock. MK commander Mr Leon Meyer [EC0117/96ELN] had left the party before the attack with his wife Ms Jacqui Quin [KZN/SELF/1161/DN]. De Kock instructed Macaskill to lead Mr Anton Adamson and one other operative to their home, where both were killed. Their infant daughter, Phoenix, was unharmed.
- 259 De Kock was instructed to undertake this operation by C section head, Willem Schoon, who in turn indicated that his orders came from "*heelbo*" (the very top). In his amnesty application, General Johan Coetzee [AM4116/96] confirms that the raid was discussed and approved at the level of the SSC.
- 260 A number of the operatives involved in the raid applied for amnesty for it. They include De Kock and Willie Nortjé [AM3764/96]. Anton Adamson is deceased

and the fourth killer did not apply. Johan Coetzee and Willem Schoon applied for this operation, but others in the chain of command did not.

### **1986-1989**

261 On 4 June 1986, a senior MK operative, Mr Philip Nwanematsu (aka Pansu Smith), and two other ANC members, Mr Busi 'Mzala' Majola and Mr Siphso Dlamini, were killed in a raid on a house in the Dalraich section of Mbabane, Swaziland. Pansu was believed by the security police to be running an ANC cell involved in the movement of weapons and giving short courses on the use of limpet mines. Members of the Soweto Intelligence Unit (SIU) had succeeded in infiltrating the cell.

262 After the raid its leader, Eugene de Kock, drove through the night to report directly to police commissioner Johan Coetzee. At a 05h30 meeting at Coetzee's home, at which Willem Schoon and Colonels Schalk Jan Visser (head of the Eastern Transvaal Security Branch) and Tiekie de Jager of the SIU were also present, a report was given to Coetzee<sup>18</sup>. The then head of the security police, General van der Merwe [AM4157/96], applied for amnesty for this operation, although he gives no details of his precise role in it. Mr Chris Hlongwane gave the Commission a statement on his role as an informer in this operation. He states that he was paid R7 000.

263 The attacking party comprised a combination of Vlakplaas, the SIU and Eastern Transvaal Security Branch members. They included Captains Willem 'Timol' Coetzee and Anton Pretorius, along with De Jager from the SIU, Colonel Deetlefs and Captain Paul van Dyk from Ermelo and Sergeant Douw Willemse from Vlakplaas.

264 On 14 June 1986, Special Forces commandos attacked a house in Gaborone and killed an ANC member, Mr Matsela Pokolela, and injured two other Batswana citizens. Few details are available on this operation other than that, in 1990, a Special Forces member named Mr Willie van Deventer claimed to have participated in the raid as a member of the CCB.

**THE COMMISSION HAS BEEN UNABLE TO VERIFY THIS CLAIM AND MAKES NO FINDING ON THIS ATTACK.**

265 Willem Schoon's amnesty application contains details of an operation he authorised in Ramoutswa, Botswana late in 1986. The targets of the operation were two MK members Mr Aubrey Mkhwanazi (aka 'Take Five') and his wife, Ms Sadi Pule. Both were believed by the security police to be members of MK's Special Operations

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<sup>18</sup> E De Kock, *A Long Night's Damage*, p. 136

Unit. The raid, for which the head of the Western Transvaal Security Branch, Brigadier Wickus Loots, has applied for amnesty, was undertaken by members of the Zeerust Security Branch. Aubrey Mkhwanazi and Sadi Pule were out at the time of the raid, but a seventy-two-year-old Botswana citizen, Ms Thero Segopa, was killed.

- 266 On 12 December 1986, a sixteen-strong team of Special Forces operatives conducted an operation in Swaziland in which the head of the ANC's Natal Regional-Political Military Council, Mr Shadrack Maphumulo [KZN/NNN/632/DN], and a thirteen-year-old Swazi national, Danger Nyoni, were killed. Four other foreign nationals were abducted. They were Danger's father, Mr Welcome Nyoni, a Swiss couple, Ms Corrine Bischoff and Mr Daniel Schneider, and Ms Grace Cele, the Swazi representative of a Canadian NGO. After protests from the Swazi and Swiss governments, all the foreigners were released and returned to Swaziland. Cele was, however, held for over two months and intensely interrogated and tortured before being released.
- 267 In the attempts to capture Maphumulo, his house was blown up and destroyed. Resisting arrest, he was shot and wounded. He died *en route* to South Africa. Eugene de Kock said that Commandant Corrie Meerholtz, who commanded the operation, shot Danger Nyoni while the boy was trying to protect his father. This information has not been corroborated.
- 268 Information on this raid was supplied to the Commission by three sources, Eugene de Kock, Christoffel Nel and one of the participants in the operation, Mr Felix Ndimene (aka Rob Dickson and Bob Dixon).
- 269 The latter was a Mozambican who was himself a victim of a cross-border operation on 23 August 1982. On this occasion, South African Special Forces commandos wearing FRELIMO (Mozambique Liberation Front) uniforms abducted him and another Mozambican by the name of 'Fernando' (who, according to Ndimene, was later poisoned and killed at Phalaborwa) from the Mozambican/Swazi border village of Namaacha. In this raid, two Mozambican civilians (Mr Arnaldo Mahanjane and Mr Aurelio Duzentos Manjate) who, according to Ndimene, "happened to be in the way" were killed. In addition, a Portuguese citizen, Mr Antonio di Figueredo, was shot and killed in one of the houses entered during the raid. After a year of detention, Ndimene was 'turned' and became one of the first black members of Special Forces.

270 In testimony to the Commission, Christoffel Nel stated that he was present in the operations room at Special Forces headquarters on the night of this planned attack. As a mission involving more than one arm of service, Nel claims, "the President would know about it and sanction it"<sup>19</sup>. He stated that one of the co-ordinators of the operation was then Brigadier (later General) Chris Serfontein. He further states that a number of other senior military officers, including three generals, were present in the room during the operation.

271 Defending the Swazi raid, the South African government revealed it had been undertaken to pre-empt operations planned to commemorate the twenty-fifth anniversary of the launch of MK's armed struggle four days later. When Foreign Minister Pik Botha was asked if he regretted what had happened, he replied: "I do not regret it. If the decision were to be made again, I would make the same decision".

272 This Swazi raid was one part of a two-pronged operation, the other part of which was a planned seaborne raid by Recce 4 members on Maputo, where twelve ANC targets (including Mr Albie Sachs, Mr Indres Naidoo and Ms Sue Rabkin) were targeted for elimination in attacks on ANC houses. The operation was called off when the submarine party stationed at the entrance to Maputo harbour failed to make contact with Mr Dave Tippet, the Special Forces agent in Maputo, who was to guide the operatives to their target.

**THE COMMISSION FINDS THAT THE OPERATION OF 12 DECEMBER 1986 IN SWAZILAND WAS AUTHORISED BY THE SOUTH AFRICAN GOVERNMENT AT THE HIGHEST LEVEL AND CARRIED OUT BY OPERATIVES OF THE SOUTH AFRICAN DEFENCE FORCE'S SPECIAL FORCES WHO ARE ACCOUNTABLE FOR THE UNLAWFUL KILLINGS AND ABDUCTIONS.**

**IN THE CASE OF THE ABDUCTIONS OF MR FELIX NDIMENE AND A CIVILIAN KNOWN AS 'FERNANDO' AND THE MURDER OF TWO MOZAMBICAN CITIZENS AND ONE PORTUGUESE CITIZEN IN MOZAMBIQUE IN AUGUST 1982, THE COMMISSION FINDS THAT UNKNOWN SADF SPECIAL FORCES' OPERATIVES WERE RESPONSIBLE.**

273 Over the Easter weekend in 1987, an operation to assassinate a senior member of MK's Special Operations Unit, Mr Johannes Mnisi, failed. Instead, three Batswana citizens were killed and seven injured. Mnisi was believed by the security police to have been involved in the Church Street bombing in 1983. The plan to kill him was developed at a meeting attended by amnesty applicants Brigadiers Loots and Jack Cronje, as well as Colonel PR Crause, an agent by the name of McKenzie and a senior Special Forces commander who has not applied for amnesty. It was then presented to senior management of the security police

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<sup>19</sup> Section 29 hearing, transcript, 18 May 1998, p. 170

and approved at that level. The security police's regional co-ordinator for the Western Transvaal, General Albertus Steyn, applied for amnesty for his role in this operation. The then head of the security police was named at the amnesty hearing of Brigadier Cronje as having approved the plan, but did not apply for amnesty.

- 274 The plan involved Mr Keith Charles McKenzie, and agent from Eersterus in the Transvaal, who had successfully infiltrated MK in Botswana. He was to drive a minibus he regularly used to transport MK weaponry, into which a bomb would be built. The vehicle, which had a tracking device, was to be delivered to Mnisi and detonated by remote control once he was in the vehicle.
- 275 Unbeknown to the planners, McKenzie was under suspicion. On his arrival in Botswana, McKenzie was persuaded by MK members to travel to Francistown, where he was arrested by MK security and taken to Lusaka.
- 276 Unaware that the vehicle was carrying a bomb, MK returned it to Gaborone where it was parked outside the home of a Batswana family sympathetic to the ANC. That night it exploded. According to both the ANC and the Botswana government, the bomb was deliberately detonated by the security police once it was realised that the plan had gone awry. A Batswana woman and two of her children, a seven-year-old and an infant, were killed while seven others were hurt.
- 277 The incident caused a considerable rift in relations between the governments of South Africa and Botswana. On 24 June 1987, The DFA issued a formal note in which it denied any South African government involvement in the operation and alleged that McKenzie was an active member of MK. In the light of the information available to the Commission, the DFA either deliberately put out a false statement or unwittingly reproduced falsehoods supplied to it by other agencies.
- 278 On 22 May 1987, the head of MK's Natal machinery, Mr Theophilus Dlodlo (aka Viva) [JB00165/990VE] and two passengers in his car, Ms Mildred Msomi and Mr Tutu Nkwanyane, were shot and killed in Mbabane, Swaziland. Two other passengers, MK member Mr Shezi Msimang and Ms Lungie Zwane, were wounded in the attack. Ms Zwane lost an eye as a result. Although all in the car were South Africans, only Viva and Msimang were ANC activists.
- 279 Six weeks later, on 9 July 1987, Mr Cassius Make, ANC NEC member and senior MK commander, Mr Paul Dikaledi, another senior MK operative, and Mr

Augusto Elizah Tsinini, a Mozambican national and ANC supporter, were killed in an ambush at Lobamba, Swaziland. Make and Tsinini had been collected from Matsapha airport by Dikaledi and were travelling in a taxi driven by a Swazi citizen, Mr 'Boy' Gamedze. He survived the ambush.

- 280 In both of these assassinations, security police informers played important roles. Evidence before the Commission shows that Gamedze was an informer and that he stopped his taxi at a prearranged isolated spot. This view of Gamedze as an informer has been disputed by one of those involved in the operation, Warrant Officer 'Lappies' Labuschagne of the Middelburg security police. He ran a network of sources in Swaziland and is adamant that Gamedze was neither one of them nor an agent of any other operative. Gamedze died sometime after this incident in a car accident.
- 281 Eugene de Kock has linked an informer code-named 'Rasta' to Viva's killing. Moreover, in its second submission to the Commission, the ANC included the confession of Ms Nompumelelo Zakade as one of its case studies of confessions by agents. She is said to have provided information for the killings of Viva and Dikaledi and others, as well as on the house in Dalraich where Pantsu Smith and others were killed in June 1986. For this latter operation another agent, Mr Chris Hlongwane, was paid R7 000. For the Viva and Dikaledi/Make killings, Zakade is said to have been paid R8 500.
- 282 Colonel Johan Botha was involved in these two operations with Labuschagne. Both applied for amnesty.
- 283 Two days after the murder of Viva and his companions, Labuschagne and Botha, authorised by Schalk Visser, head of the Eastern Transvaal Security Branch, abducted Ms Sheila Nyanda from Mbabane, Swaziland. An activist in her own right, Nyanda was also the wife of the head of MK's Transvaal machinery, Mr Sipiwe Nyanda (aka Comrade Gebuza). They took her to Piet Retief where they unsuccessfully tried to persuade her to become an informer, then placed her in detention. Nyanda's car was retained – in effect stolen – by Botha and Labuschagne and used by them in their ambush of Make, Dikaledi and Tsizini.
- 284 In testimony to the Commission, Labuschagne stated that Sheila Nyanda was abducted in an attempt to draw out her husband.

- 285 The Eastern Transvaal branch of Trewits had identified Dlodlo as a target and there was a general authorisation for the killing of Make in his capacity as an ANC NEC member. Labuschagne told the Commission that he had received a letter of thanks in connection with the latter's death from Law and Order Minister, Mr Adriaan Vlok.
- 286 On 11 May 1987, Ms Tsitsi Chiliza [JB05088/02PS], a Zimbabwean citizen and the wife of an ANC member, a Mr Masondo (aka Mhlope) , was killed when a booby-trapped television set exploded. Two young children present in the room survived the explosion. Ms Chiliza was not the intended target of what was a South African MI /Special Forces operation for which their agent, Mr Leslie Lesia was arrested in Mozambique and handed over to the police in Zimbabwe. There he made a confession and was charged with murder. He was never tried, possibly because of the severity of the torture to which he was subjected and the fact that his confession could have been ruled inadmissible. He was, however, kept in detention until July 1990.
- 287 On Lesia's return to South Africa, he voluntarily gave a statement to a human rights organisation in which he confirmed his role as an operative handled by MI agents known to him only as Becker and Brown. He confirmed that he had taken to Mozambique a booby-trapped television supplied to him by Becker.
- 288 Lesia was also used in at least two assassination attempts by poisoning. On a trip to Botswana, he was instructed by Becker to supply a crate of Castle Lager, which had been spiked with poison, to the Soviet embassy in Botswana. The Commission is not aware of any deaths or illnesses as a result of this delivery.
- 289 In 1987, he delivered a consignment of liquor, including beer containing poison, to an ANC contact in Mozambique. Soon thereafter, an ANC member died after drinking beer at a party. An amnesty application has been received from Captain Henri van der Westhuizen [AM4388/96] for supplying the liquor to an agent for use in Mozambique. Van der Westhuizen was at that time responsible for developing DCC target dossiers on Swaziland and Mozambique. Van der Westhuizen refers to the victim as Mr Gibson Mondlane while Lesia refers to him as Gibson Ncube.
- 290 Another MK member killed in similar circumstances in 1988 or 1989 was Mr Knox Dlamini. Based in Swaziland, he died after an agent had been instructed by his handler, DCC operative Commandant Jan Anton Nieuwoudt, to supply Dlamini with poisoned beer. Soon thereafter, Dlamini died in an Mbabane clinic after

developing hepatitis, the intended outcome of the administration of this drug. Nieuwoudt applied for amnesty for this operation. He names his superior officer as instructing him to undertake this task. He cannot be named as he has not applied for amnesty. Nieuwoudt also states that the agent who gave the beer to Dlamini was paid R8 000 for this.

**THE COMMISSION FINDS THAT MS TSITSI CHILIZA AND AN ANC MEMBER IN MOZAMBIQUE WERE KILLED AS A RESULT OF AN OPERATION MANAGED BY MEMBERS OF MILITARY INTELLIGENCE. IT IS UNABLE TO MAKE A CONCLUSIVE FINDING ON THE KILLINGS OF MR GIBSON MONDLANE/ NCUBE AND MR KNOX DLAMINI AS THE AMNESTY APPLICATIONS PERTAINING TO THEIR KILLINGS WERE PENDING AT THE TIME OF REPORTING.**

- 291 In September 1987, an attempt was made in Harare on the life of Ms Connie Braam, the head of the Dutch Anti-Apartheid Movement. Checking into the Bronte Hotel after a conference, Ms Braam found two jackets hanging in a cupboard in her room.
- 292 Later that evening, Ms Braam wore one of the jackets for about an hour while she wrote a report. She awoke in the early hours with severe abdominal pains and was seriously ill for several days, but recovered. It was only after she heard of the attempt to kill the Reverend Frank Chikane through the contamination of his clothes that Ms Braam began to suspect she had been a victim of a similar poisoning attempt.
- 293 The Commission has been unable to corroborate that Ms Braam was subject to an assassination attempt, but accepts that she could well have been a target for elimination by poisoning. This view is based on evidence before the Commission on the use of poisons as a method of elimination by South Africa's security services and on the testimony to the Commission by Christo Nel that he was twice asked to arrange for the supply of poisons to the NIS for use in Zimbabwe. Further, the Commission has considered evidence from Mr Leslie Lesia that, whilst in Chikurubi prison, he was held with South African agents imprisoned who told him that "they took their apparatus into Zimbabwe by plane. This apparatus included poison, bombs ..."<sup>20</sup>. Court papers filed by Mr Guy Bawden in support of a damages suit against the Minister of Defence, General Magnus Malan, included a statement to the effect that in December 1987 he was asked by his cousin, Mr Barry Bawden, to collect materials parachuted onto his farm by the SADF. What he found was grenades, firearms, clothing and chemicals. This pick-up occurred three months after Ms Braam was 'targeted', but is indicative of the use of contaminated clothing.

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<sup>20</sup> Statement 8 November 1990, p. 52

294 Questioned about the Braam case, Nel stated that:

*It sounded or resembles the typical type of chemical operation where a substance could have been sprayed onto such items of clothing. It was known to me that such capabilities existed due to a planning cycle that we went through to explore the possibilities of contaminating a consignment of clothes destined for Dar es Salaam.*

295 On 10 January 1988, Mr Obed Amon Mwanza, a Zimbabwean, was killed and six ANC members injured when the truck Mwanza was driving exploded outside an ANC transit house in Bulawayo. This was a South African security operation undertaken by agents located in Zimbabwe. One of those agents, Mr Philip Masiza Conjwayo, a former member of Zimbabwe's Special Branch, made a statement to the ANC in which he said that he was handled by Captain Mary Baker of the South African security police.

296 According to the ANC document, another South African agent, Mr Henry Thompson, gave Conjwayo Z\$8000 for this operation, to acquire a vehicle and to find a driver. Mwanza was hired at the Bulawayo Employment Exchange and was paid Z\$20.00 to drive the truck. Before he took possession of the truck, it was booby-trapped by Mr Kit Bawden and Mr Michael Smith. They then followed Mwanza as he drove the vehicle to a designated address. As he parked the vehicle, Bawden detonated it by remote control.

297 According to information given to the Commission by one of those involved in the operation, this was a CCB project. The orders were given by a member of the CCB's inner circle, a senior Special Forces operator who did not apply for amnesty and so cannot be named. The orders were passed on to the Zimbabwean agents via Mr Gray Branfield and Mr Alan Trowsdale.

298 Conjwayo, Michael Smith, Barry Bawden and the head of the Bulawayo CIO, Kevin Woods, were arrested for this operation and sentenced to death for murder. The sentences were commuted to life imprisonment after five years. Kit Bawden managed to evade the net by fleeing to South Africa at the time of the first arrests. Woods was not directly involved in the operation and was not even in Zimbabwe at the time of the attack. He also denied being formally recruited but admitted that "he gave a hand" when asked to do so – largely in the form of intelligence. For this, he was paid a retainer, reimbursed for expenses and given 'perks' like a holiday in Durban.

299 Woods applied for amnesty for his role in this and other operations. He claimed that his role in operations inside Zimbabwe was limited to providing intelligence and logistic and surveillance (photographic) assistance for sabotage attacks on ANC facilities in Harare and Bulawayo. He passed his information on to his runners, whom he names as Mr Alec West (NIS) and Mr Alan Trowsdale (DMI).

300 All attempts by the Commission to gain access to Woods and other agents gaoled in Zimbabwe were blocked by the Zimbabwe government.

**IN REGARD TO THE MURDER OF MR AMON MWANZA, THE COMMISSION ACCEPTS THE VERDICT OF THE COURTS IN ZIMBABWE.**

301 On 13 January 1988, the body of ANC member Mr Jacob Molokwane was found in a car on the road between Francistown, Botswana, and the Zimbabwe border. He had been shot several times. His name appears on the ANC's list of members killed in exile. No amnesty applications were received for this killing and the Commission was unable to uncover any conclusive information on it, or to make a finding.

302 Mr Mazizi 'Mpilo' Maqeqeza and Mr Mbulelo Ngona (aka Khaya Kasibe or KK) were underground MK operatives in the Transkei in the mid-1980s. In January 1988, Ngona fled to Lesotho. Sometime thereafter he was joined by Maqeqeza.

303 On 25 February 1988, Maqeqeza and Ngona, along with a University of Lesotho student, Mr Thandwehika Radebe, were stopped at a roadblock in Lesotho by a group described in different press statements as "Basotho police" and "a group of armed men". After being searched, the three were apparently told by the group they had orders to shoot them. Ngona managed to escaped but Radebe was killed and Maqeqeza left for dead on the side of the road. On 15 March 1988, Maqeqeza, recovering from his wounds, was shot and killed in his hospital bed. The shooting occurred shortly after his bed had been swapped with another patient and he had been moved under an open window. Uncorroborated information given to the Commission has attributed the shooting to a member of the Ladybrand security police.

304 The fate of Ngona is unknown to the Commission. His mother appeared before the Commission in Port Elizabeth and said that, within days of the shooting, he was seized from his hiding place in Roma, Lesotho, by four men, placed in a vehicle and "tied like a dog between the seats". He has never been seen again.

**THE COMMISSION FINDS THAT MR MPILO MAQEKEZA AND MR THANDWEFIKA RADEBE WERE KILLED BY UNKNOWN PERSONS, ACTING ON THE INSTRUCTIONS OF UNKNOWN PERSONS AND**

**THAT MR MBULELO NGONA WAS ABDUCTED AND IN ALL LIKELIHOOD KILLED BY UNKNOWN PERSONS.**

- 305 Between 1980 and 1988, Mr Godfrey Motsepe [JB00606/02PS] was based in Brussels as the ANC's diplomatic representative to the BENELUX countries. In a submission to the Commission, Mr Motsepe alleged that he had twice been the target of assassination attempts in 1988. In the first, on 2 February 1988, two shots were fired through the window of the office in which he was working, but missed him. In the second, on 27 March 1988, a seventeen-kilogram bomb was discovered in his office. This occurred two days before the killing of Ms Dulcie September in Paris.
- 306 In the course of the Belgian police investigation, Motsepe allegedly recognised Warrant Officer Joseph Klue from photographs as the perpetrator of the shooting. A former military attaché to London in the early 1980s, Klue had been expelled from Britain for his involvement in the sabotage of the ANC mission in London. The Belgian police issued an international warrant of arrest for him, but it was never executed.
- 307 The Commission's investigation led it to doubt Klue's involvement. It believes that the greater possibility is that the attacks on Motsepe and September (see below) formed part of a CCB operation undertaken in collusion with covert French right-wing elements.
- 308 On 29 March 1988, Ms Dulcie September, the ANC chief representative in France, was assassinated in Paris. She died instantly when hit by a volley of five bullets fired at close range. Though no submission was made to the Commission on the murder, it was identified as a priority case for investigation. A delegation travelled to Paris and elicited the co-operation of the French police, who made available to the Commission the files of the investigating judge, Ms Claudine Forkel.
- 309 In her summary document dated 17 July 1992, Ms Forkel stated that she was unable to identify the assassins. However, the document makes clear that it was her view that September was killed in the context of a plan by the South African state to eliminate senior ANC figures in Europe. She noted that September's assassination had followed closely on attempts on the life of Mr Godfrey Motsepe, the ANC chief representative to the BENELUX countries, in Brussels on 4 February and 27 March 1988.

- 310 Ms Forkel's interest focused on Mr Francois Richard Rouget. A former member of the French army, Rouget was said by Ms Forkel to be the leader of a group collecting information on ANC members in Europe. Another member of this group was Ms Antonia Soton, one-time companion of Rouget, who confirmed to a French journalist investigating the murder that she spied on ANC targets.
- 311 In 1985, Rouget joined the Presidential Guard in the Comores, an outfit funded by South Africa. At the time, the Comores was used by South African security as a listening post tracking ANC communications (mainly telex) traffic and as a conduit for sanctions-busting in general and the supply of weapons to RENAMO in particular.
- 312 In January 1987, Rouget left the Comores and moved to South Africa where he worked as a representative of the Europe-Africa Export company. This position required him to visit Europe frequently. Ms Forkel accepted that Rouget was not one of the killers as his looks did not correspond with the description of the two killers, but her conclusion in regard to him was that his character, history, relationship to the world of mercenaries, stay in South Africa and frequent travelling to Europe amounted to "grounds for suspicion".
- 313 In an interview with the Commission in April 1998, Eugene de Kock described the September assassination as a CCB operation managed by Commandant Dawid Fourie, its deputy head, in which the two who pulled the trigger were members of the Comorien Presidential Guard. He named one of these as Mr Jean-Paul Guerrier (aka Captain Siam) who, he claimed, was also involved in the 1989 assassination of President Abdallah. The Commission cannot, however, corroborate the identity of Guerrier as one of the two assassins.
- 314 The Commission was able to corroborate two aspects of this information. One, that Dawid Fourie (aka Heine Muller) was responsible for the CCB's external operations. This information was supplied to the Commission by Christoffel Nel, the CCB's head of intelligence. Two, that in 1996 Guerrier was arrested by the French police and charged along with Mr Bob Denard and another former member of the Presidential Guard, Ms Dominique Malacrino, with the murder of Abdallah.
- 315 Testifying before the Commission on 18 May 1998, Christoffel Nel described the murder of Dulcie September as one of the CCBs "successes". Pressed on this, he stated that " ... from the general atmosphere at the CCB head office whenever

reference was made to Dulcie September's death, I had never any doubt in my mind that it was a CCB operation"<sup>21</sup>.

- 316 Asked whether the trigger-pullers could have been hired from the Comorien Presidential Guard, Nel said: "I would say it would be ludicrous for any South African group to use a South African to kill Dulcie September. I always expected that if this case is exposed that we will find that it's a French Foreign Legion person or something in that order"<sup>22</sup>

WHILE IT IS NOT ABLE TO MAKE A DEFINITIVE FINDING ON THE ASSASSINATION OF MS DULCIE SEPTEMBER, THE COMMISSION BELIEVES ON THE BASIS OF THE EVIDENCE AVAILABLE TO IT THAT SHE WAS A VICTIM OF A CCB OPERATION INVOLVING THE CONTRACTING OF A PRIVATE INTELLIGENCE ORGANISATION WHICH, IN TURN, CONTRACTED OUT THE KILLING.

- 317 On 7 April and 13 October 1988 respectively, Mr Albie Sachs [KZN/JD/001/AM] and Ms Joan and Mr Jeremy Brickhill [KZN/JD/001/AM] were severely injured in separate car bomb explosions in Maputo and Harare. Both of these operations were undertaken by Special Forces covert operatives. Based on its investigations and the amnesty application of Henri van der Westhuizen, the Commission believes the attack on Mr Sachs to have been the work of a covert unit under the control of a senior Special Forces operative. However, Van der Westhuizen suggests that the target of the operation was not Sachs but Mr Indres Naidoo, ANC diplomat in Maputo. The bomb was placed in Naidoo's car which, unbeknown to the operatives, Sachs had borrowed on this particular day. Nonetheless, as Sachs was a high-profile ANC member and target, the operation was regarded as a success. The operative who placed the bomb was paid R4 000 for his work.
- 318 The Brickhill bombing was carried out by South African covert agents in Zimbabwe. Mr Christopher 'Kit' Bawden and his brother, Mr Guy Bawden, are known to have been involved in this particular operation. Kit was the leader of a covert unit linked to South African Special Forces, which had operated since Zimbabwe's independence in 1980. Guy only became peripherally linked to the group when he moved to Zimbabwe in November 1986. Surveillance of the Brickhills was done by Mr Philip Conjwayo.
- 319 According to press reports, Kit was promised R75 000 for a successful operation. In a filmed television interview in November 1991, Jeremy Brickhill and Guy Bawden met and the latter apologised for his involvement in the attempted killing.

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<sup>21</sup> Transcript, p. 90; p. 131

<sup>22</sup> Transcript, p. 134-5

320 No amnesty applications were received for direct involvement in these attempted assassinations.

**THE COMMISSION FINDS THAT SOUTH AFRICAN SPECIAL FORCES AGENTS WERE RESPONSIBLE FOR THE ATTEMPTS TO KILL MS JOAN AND MR JEREMY BRICKHILL AND MR ALBIE SACHS. THEY WERE ALSO RESPONSIBLE FOR THE INJURIES SUFFERED BY CIVILIANS IN THE VICINITY OF THE EXPLOSIONS. THE GROUP RESPONSIBLE FOR THE ASSASSINATION ATTEMPT ON THE BRICK-HILLS WAS LED BY MR CHRISTOPHER BAWDEN.**

321 In March/April 1989, a joint Vlakplaas-SADF Special Forces group attacked an ANC transit facility at Ramathlabama, approximately ten kilometres inside Botswana. According to De Kock, information on this facility was passed to South Africa by Botswana's intelligence service. After keeping the facility under surveillance for a week, Brigadier Loots, head of the security police in the Western Transvaal, authorised the assault. It was led by Captain Martiens Ras [AM2735/96] and included De Kock [AM0066/96] and Willie Nortjé, all of whom have applied for amnesty, and three Special Forces members who cannot be named as they did not submit amnesty applications.

322 The house was blown up in the attack and, according to the amnesty applicants, three unnamed ANC members were killed in the operation along with one security guard. The ANC list of members killed in operations outside the country contains no names of members killed in Botswana at this time.

323 On 15 April 1989, nearly ten years after a parcel bomb attack on Ms Phyllis Naidoo and others (see earlier), her son Mr Sadhan Naidoo and a fellow ANC member, Mr Moss Mthunzi, were killed in Lusaka, Zambia. They were shot while watching television on an ANC farm outside Lusaka where Naidoo was the manager and Mthunzi a labourer.

324 According to information supplied by Eugene de Kock and Sergeant Daniel Izak Bosch, a Zimbabwean and former member of the Selous Scouts, Chris Kentane, was contracted for this operation. He was recruited by De Kock and was handled by Bosch. He was, according to De Kock, paid an unspecified amount for this killing and for that of an unnamed and unknown ANC member he claimed to have killed "on a road between Plumtree in Zimbabwe and Gaborone in Botswana".

**THE COMMISSION CAN MAKE NO FINDING ON THE KILLING OF MR SADHAN NAIDOO AND MR MOSS MTHUNZI DUE TO THE FACT THAT THE AMNESTY APPLICATIONS RELATING TO THE KILLING WERE PENDING AT THE TIME OF REPORTING.**

- 325 In 1989, the Secretary General of the South African Council of Churches, the Reverend Frank Chikane [JB03725/01GTSOW], became seriously ill while on a visit to the United States. When he was admitted to hospital, it was discovered that he had been poisoned by a chemical substance sprayed onto his underwear. According to Eugene de Kock,<sup>23</sup> members of the SADF had gained access to Chikane's suitcase at an airport and applied the toxic substance. Other information has attributed this operation to the CCB. No amnesty applications were received for this incident.
- 326 A statement given to the Commission under oath by a former member of the security police, Mr Manuel Oliphant, confirms that Chikane was a target for possible elimination. Oliphant states that he was instructed by a member of the SIU and two members of MI to undertake photographic reconnaissance on Chikane's house, as an instruction had been received from security police headquarters in Pretoria that Chikane "should be assassinated". The reconnaissance was done but, while Oliphant was waiting for "a go-ahead" on the operation, he read of Chikane's attempted poisoning. In the absence of corroborated evidence, the Commission could make no definitive finding on this case.

## Abductions

- 327 Reference has already been made in the above section to a number of cross-border abductions. The perpetrators in each case were either security police or SADF Special Forces members. There were eight victims. Two were killed. One was 'turned' and became a Special Forces member until he was able, following the 1990 change in the South African situation, to return to his home country. The four foreigners taken from Swaziland in 1986 were released. One, Ms Sheila Nyanda, was held in lengthy detention before being released – again after the political situation had changed in 1990.
- 328 The fate of these abductees was not, however, typical. The evidence available to the Commission suggests that the more likely fate of an abductee was to be either 'persuaded' to become security a force operative or *askari* or to be killed.

## 1960–1969

- 329 The earliest cases of cross-border abductions in this period date from the early 1960s when a number of opposition activists who had taken refuge in some of South Africa's neighbouring states were kidnapped and forcibly returned to

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<sup>23</sup> A Long Night's Damage, pp. 175–6.

South Africa. In each instance, the sovereignty of the British government in respect of its colonial possessions was violated by South African security agents. In 1961, security agents kidnapped from Basutoland three fugitives from the Pondoland uprising, namely, Mr Anderson Ganyile, Mr Ignatius Ganyile and Mr Mohlova Matseko. In 1962, four SWAPO sympathisers including Mr Kenneth Abrahams and Mr Hannes Beukes were kidnapped from Bechuanaland. In 1964, two alleged African Resistance Movement (ARM) members, Ms Rosemary Wentzel and Mr Dennis Higgs, were kidnapped from Swaziland and Northern Rhodesia respectively. All except Wentzel appealed to the courts for relief from an illegal abduction from foreign soil and were successful.

- 330 While there is no evidence that the British authorities collaborated with the abductors in the above cases, there are other cases where they did. For example, Mr Russel Maphanga [KZN/FS/142/DN], Mr Ndoda Anthony Xaba [KZN/PMB/002/PM] and thirty-six other ANC members were arrested by the Northern Rhodesian police in 1963 while attempting to cross from Southern into Northern Rhodesia. Handed back to the Southern Rhodesian authorities, they were then taken to the Beit Bridge border post and given over to the SAP. All were detained and severely tortured before being tried and convicted of leaving South Africa illegally. On the expiry of their sentences, they were re-arrested, tried and convicted of leaving the country with the intention of undergoing military training. In 1965, they were sentenced to seven years' imprisonment.
- 331 In July 1965, a South African refugee, Mr Michael Dingake, was arrested by Southern Rhodesian police *en route* from Botswana (where he had asylum status) to Zambia and handed over to the South African security police. After severe torture at the hands of Major 'Rooi Rus' Swanepoel and others, he was tried and sentenced to fifteen years' imprisonment.

### **1970-1979**

- 332 A South African refugee in Lesotho, Mr Herbert Fanele Mbale, was abducted in 1972 and handed over to the Bloemfontein Security Branch. Mbale had studied in the Soviet Union and was an active member of the ANC in Lesotho. His abduction was witnessed by a staff member of the UNHCR, which resulted in considerable publicity and an official protest by the Lesotho government. Mbale was returned to Lesotho with an official apology from the South African government. Willem Schoon applied for amnesty.

- 333 Two years later, another refugee, Mr Sydwell Phiri [JB00143/010GTSOW] was abducted from Maseru by the South African Police and taken to Bloemfontein in the boot of a car. He was thereafter moved to Barberton, where he was so severely tortured that he suffered permanent brain damage and was left semi-paralysed. The Commission was not able to corroborate the facts alleged in the statement.
- 334 On 20 March 1976, two ANC members, Mr Cleopas Ndhlovu and Mr Joseph Nduli, were abducted from Swaziland. According to the amnesty application of the late Colonel ARC 'Andy' Taylor [AM 4077196], the abduction was carried out by a Special Task Force (STF) formed in 1976 and headed by Captain (later General) JJ 'Blackie' de Swardt. Eight members of the STF were involved in the operation. The abductees were taken initially to a police camp called 'Island Rock' near Sodwana Bay, where they were tortured.
- 335 In July 1976, Nduli, Ndhlovu and eight others (including Mr William Khanyile, who was to die later in the 1981 Matolo raid in Mozambique) were tried on charges under the Terrorism Act. All except Khanyile were convicted. Five were sentenced to life imprisonment, while Nduli and Ndhlovu were given eighteen and fifteen-year sentences respectively. A separate application to the Supreme Court for their release on the grounds of their kidnapping from foreign soil failed when the Court ruled that it had jurisdiction to try them even if they had been abducted.
- 336 In the same month as the Nduli and Ndhlovu abductions, three members of the PAC – Mr Nogaga Morgan Gxekwa, Mr Isaac Mhlekwa and Mr Stanley Thabo Pule – were also abducted from Swaziland and taken to South Africa. After being held in detention for more than a year, they were charged in terms of the Terrorism Act with training guerrillas in northern Natal and in Swaziland. Gxekwa, a founder member of Poqo and APLA, and Pule were acquitted but immediately re-arrested on other charges. Mhlekwa was sentenced to seven years' imprisonment. As in the Nduli case, defence counsel's argument that the court had no right to try the three on the grounds of their extra-territorial abduction was rejected.
- 337 In January 1978, the Swazi press reported that members of the SAP had forcibly removed two men from a car travelling near Big Bend in Swaziland and taken them to South Africa. They were a South African refugee, Mr Victor Mayisela [JB05926/01GTSOW], and a Swazi sugar worker, Mr Caiphus Mamba. The Commission failed to uncover any information on their fate.

- 338 In another incident, the plane carrying a South African refugee, Mr Zingiva Winston Nkondo (aka Victor Matlou), to Lesotho in December 1979 landed in Bloemfontein due to engine trouble. The passengers were then transported to Lesotho by bus. At the border post, Nkondo was arrested by the SAP and detained for five months. Charged under the Terrorism Act, he appeared in court where an application that his detention was unlawful and a violation of Lesotho's territorial integrity was dismissed. The charges were dropped and Nkondo was released in May 1980 and allowed to proceed to Lesotho.
- 339 In 1978, Mr Peter Nkosinathi Dlamini [KZN/NM/100/NQ] was abducted from Swaziland by unknown members of the security police and forced to become an *askari*.

### **1980-1989**

- 340 By 1981, Dlamini's loyalty as an *askari* was in doubt. So too was that of Mr Vuyani Mavuso, an ANC guerrilla who had been abducted during the Special Forces raid on Matola in Mozambique on 30 January 1981. He and another ANC member, Mr Motidi Ntshakang (aka 'Ghost') and Mr David Ntombela, a Mozambican security guard, were forcibly taken to South Africa. The Mozambican was detained for over two years before being released and returned to Mozambique. Ntshakang became an *askari* but was later imprisoned for murdering his girlfriend.
- 341 Mavuso refused to co-operate. In September 1982, Colonel Schoon, head of C section, ordered that Dlamini and Mavuso be held *incommunicado* in a 'safe house' in Komatipoort. The intention was to change their attitudes. This failed and their elimination was ordered. They were killed by a Vlakplaas squad led by Dirk Coetzee. Brigadier Schoon applied for amnesty for this operation.
- 342 On 19 February 1981, Dirk Coetzee was linked to the abduction from Swaziland of Mr Dayan 'Joe' Pillay, a refugee in Swaziland working as a schoolteacher. Joe Pillay was a relative of a senior MK intelligence operative, Mr Ivan Pillay. It seems that this abduction was a case of mistaken identity. The operation also misfired in that one of the abductors dropped his identity card at the scene and was traced to Manzini where he and three of his fellow abductors were arrested. Portuguese citizens living in Swaziland were contracted for this operation. Others involved in the abduction, and who actually took Pillay into South Africa were Vlakplaas-based *askaris* Petros Kgodi and Jeff Bosigo.

- 343 The four arrested in Swaziland were charged. On the day of their bail hearing, the public prosecutor assigned to the case was instructed by his superior (whose instructions came from the Swazi Prime Minister) not to oppose bail. He refused and was replaced on the case. Granted bail, the four 'disappeared' into South Africa and were housed at Vlakplaas for some time.
- 344 Pillay was held in Pretoria for a period, during which he was tortured as well as having a so-called truth serum administered to him. Following a protest from the Swaziland government, Pillay was eventually returned to Swaziland. Dirk Coetzee [AM0063/97] applied for amnesty for this incident. So too did Brigadier Schoon, although he claims that Coetzee acted on his own without any authorisation. The hearing was pending at the time of reporting.
- 345 In May 1982, Mr Peter Lengene, a student leader who fled South Africa in 1976, was abducted from Gaborone, Botswana. During the course of his exile, he became active in the South African Students Revolutionary Council. His abduction was carried out by members of the SIU. Lured to a house by an informer, he was forced into the boot of a car and taken to Rustenburg where he was held for a period during which he was assaulted and tortured. He finally agreed to join the security police. Amongst those involved in the abduction, for which they have applied for amnesty, were SIU members Captain Willem 'Timol' Coetzee, Captain Anton Pretorius and Lieutenant Colonel Antonie Heystek, who was in charge of the operation.
- 346 On 14 April 1984, four Swaziland-based members of MK's 'Special Operations' unit were abducted from a low-security police station in Bhunya, a small town close to the South African border. They were Mr Chris Gaboutlwelwe Mosiane, Mr Vikelisizwe Collin Khumalo, Mr Michael Dauwanga Matikinca and Mr Ernest Nonjawangu, the last three being referred to in various amnesty applications as 'James', 'Tebogo' and 'Bhuye'. The four were held in a widespread crackdown on the ANC by the Swaziland government in the weeks following the signing of the Nkomati Accord.
- 347 In the months following the Accord, at least five other ANC/MK members were killed in shoot-outs with the Swazi police and there is evidence that South African security personnel assisted in some of the operations. Those killed were Mr Jabulani Ngcobo, Mr Popo Molefe, Mr Sydney Moropa, Mr Elias Khuzwayo (a pseudonym) and Mr Mthunzi Luxomo.

- 348 Ngcobo was killed in December 1984 after, according to the Swazi police, having shot dead Superintendent Petros Shiba, deputy head of the Swazi security police and an alleged South African agent. Eventually the majority of those held in prisons were deported to other African countries, but a few, like the Bhunya four, were handed over to South Africa.
- 349 The Bhunya abduction was undertaken by members of the Eastern Transvaal Security Branch. Schalk Visser ordered and participated in the raid, for which he applied for amnesty, as did Christo Deetlefs and Warrant Officer James van Zweel. A fourth policeman – from Piet Retief – also participated but did not apply for amnesty. There is evidence too, of collaboration with certain Swazi police officers, who were paid for their role.
- 350 The four abductees were held in detention for six months and subjected to intensive interrogation. Their choice was, as Mr Chris Mosiane [AM3768/96] put it in his amnesty application, to “co-operate or simply disappear”; the four eventually agreed to become *askaris* and were moved to Vlakplaas.
- 351 On 1 June 1985, three members of the Mngomezulu refugee community in southern Swaziland, Mr Jameson Ngoloyi Mngomezulu, Mr David Mkethwa Mngomezulu and Mr Leonard Loghudu Mngomezulu, were abducted and forcibly taken to South Africa. The latter two were detained and tortured for information. After six weeks, they were released and returned to Swaziland.
- 352 Jameson Mngomezulu was not so fortunate. An experienced MK commander who had been trained in North Africa in the 1960s, the security police believed he was involved in infiltrating MK guerrillas into South Africa. He died as a result of being severely tortured.
- 353 The abductions were authorised by Eugene de Kock and undertaken by Vlakplaas operatives or *askaris* (including Douw Willemse [AM3721/96], Warrant Officer Gerhardus C Beeslaar [AM5640/97], Almond Nofemela and Corporal Thapelo Mbelo [AM3785/96]) and Captain Paul van Dyk [AM5013/97] and Detective Warrant Officer Johannes Koole [AM3748/96] of the Security Branch. All these applied for amnesty.
- 354 Warrant Officers ‘Freek’ Pienaar [AM5014/97] and Gerhardus Schoon [AM5006/97] and Gerhardus Beeslaar, all amnesty applicants, were involved in the torture of Jameson Mngomezulu and the blowing up of his body.

- 355 In June 1986, Mr Sydney Msibi (aka Twala), a former bodyguard of Mr Oliver Tambo and a senior MK intelligence officer, was abducted from a bus stop in Mbabane, Swaziland, and taken to South Africa. Msibi was the handler of an ANC member, Warrant Officer Vincent 'Speedy' Malaza, who had infiltrated the Eastern Transvaal security police. Under detention in Pretoria, Malaza apparently revealed details of his work for the ANC.
- 356 Msibi's abduction was authorised by amnesty applicant Brigadier Willem Schoon and planned jointly with Schalk Visser. Malaza was taken into Swaziland where he met Msibi under the surveillance of a team led by Eugene de Kock along with amnesty applicants Willie Nortjé, Colonel Daniel Greyling, Captain Joe Coetzer, Steve Bosch, Captain Paul van Dyk, Warrant Officer 'Snor' Vermeulen and Captain Frank McCarter. According to De Kock, Msibi was taken to Vlakplaas and handed over to MI for interrogation. According to the amnesty applications of Greyling and Colonel Gert Visser, he was persuaded to work for the police as a source. De Kock, however, insists he did not reveal any information and did not become an *askari*. What is known is that, in early July 1988, Msibi was shot dead by persons unknown in Soweto.
- 357 Mr Glory Sedibe (aka Comrade September and Lucas Seme) was abducted from the Mankayane prison in Swaziland and taken to South Africa. According to press reports in Swaziland, three Swazi police officers were paid a total of R150 000 for their assistance in abductions from Swaziland, including those from Bhunya and Mankayane. Sedibe was abducted by a raiding party led by Eugene de Kock and including C section members Steve Bosch, Douw Willemse and Almond Nofemela, as well as Christo Deetlefs and Paul van Dyk of Ermelo and 'Freek' Pienaar and Johannes Koole of Piet Retief – all amnesty applicants. The abduction was authorised by amnesty applicants Willem Schoon and Schalk Visser.
- 358 Sedibe was an important MK intelligence officer and a senior member of the Transvaal machinery. He strenuously resisted capture but was eventually overpowered and taken to Piet Retief where he was held in detention for some five months before he agreed to co-operate with the police. Assigned initially to Vlakplaas, he was eventually transferred to MI, where he and fellow kidnap victim Chris Mosiane became members of DCC. Sedibe died in mysterious circumstances in 1992, probably by poisoning.
- 359 On 22 July 1986, an ANC member, Mr Joseph Mothopeng, was abducted from his home in Lesotho by unknown South African Security Branch members from

Ladybrand and killed. Few details are available and no amnesty applications were received for this operation. It is possible Mothopeng may also have been known as Simon Moghetla. This is suggested by DCC member Henri van der Westhuizen in his application for amnesty for an operation in mid-1986 in Lesotho in which an ANC member named by the applicant as Simon Moghetla was abducted and three other unnamed ANC members killed. Van der Westhuizen was at that time engaged in developing targets amongst ANC members in Lesotho. He was attached to the Ladybrand security police. He states that he undertook the target identification for this mission. The attack itself was undertaken by a combined Vlakplaas and Ladybrand security police team. Van der Westhuizen claims he was told the day after the mission that Moghetla had been abducted but that three other ANC members had been killed in a shoot-out.

- 360 The Commission was unable to identify the three or to corroborate Van der Westhuizen's information. Press reports from mid-1986 refer only to an incident in July 1986 in which two Basotho described as ANC sympathisers were killed. One is identified as a medical technologist, Mpho Makete.
- 361 On 15 December 1986, a senior ANC intelligence official, Mr Ismael Ebrahim [CT00940/OUT], was abducted from his home near Mbabane, Swaziland. This operation occurred three days after the abduction from Swaziland of four foreign nationals by Special Forces (see above).
- 362 A member of MK's Natal High Command in the 1960s, Ebrahim had served a lengthy prison sentence for sabotage. On his release, he went into exile and resumed underground activity. No amnesty applications were received for this operation, but information supplied to the Commission by two witnesses suggested that the abduction was carried out by NIS operatives. According to Ebrahim, his abductors were two black men.
- 363 Ebrahim was taken to South Africa and handed over to the Security Branch. He was held for several months, during which time he was interrogated by a team of questioners. In a statement to a hearing in the Netherlands, Ebrahim identified one of his questioners as Major Martin Naudé, head of C2, the intelligence division. He was also subjected to months of solitary confinement.
- 364 Thirteen months after his detention, Ebrahim was brought to trial on a charge of high treason. The presiding judge refused his application for the dismissal of the charges on the grounds of his illegal abduction. Ebrahim was convicted and

sentenced to twenty years. Ebrahim appealed against the right of the South African courts to try him. His appeal was upheld by the Appellate Division in mid-1990, and he was released.

- 365 In December 1987, three members of the ANC based in Lesotho were abducted and taken to South Africa. They were Ms Joyce Keokanyetswe (Betty) Boom [KZN/JRW/051/BL], Ms Nomasonto Mashiya (along with her child), and Mr Tax Sejamane. Three amnesty applications were submitted to the Commission in regard to these abductions. They are from Colonel Colin Anthony Pakenham Robertshaw [AM7163/97] who was attached at the time to the Security Branch at Ladybrand, and two of his colleagues, Sergeant Antonie Jagga [AM7106/97] and Lesizi Michael Jantjies [AM7107/97]. The identical statements allege that contact was made with Boom in Maseru in 1987, and that she agreed to become a source. A little later, when they learnt that Boom was under suspicion, the group agreed that she should be brought to South Africa in an operation which would be made to seem an abduction.
- 366 Boom was thus taken to a farm in the Ladybrand district where she allegedly suggested that contact be made with Mashiya, a fellow cell member, with a proposal that she join Boom. Mashiya allegedly agreed, but insisted that she be accompanied by her one-year-old child. Once she had joined Boom, Mashiya agreed to become an informer and asked the police to deliver her child (with an explanatory letter) to her parents in the Vereeniging area. This was done. Soon afterwards, Tax Sejamane allegedly agreed to become an informer. Having established a network of agents, the three were returned to Maseru where they disappeared soon after.
- 367 This version of events is not accepted either by relatives who gave statements to the Commission or by the ANC. Their view is that the three were forcibly abducted by members of the Ladybrand security police and taken to South Africa, where they were killed and their bodies buried. What is certain is that none of the three has been seen or heard of since they disappeared from Lesotho in 1988.
- 368 In July and October 1988, two MK operatives in Swaziland, Mr Emmanuel Mzimela (aka Deon Cele) and Ms Phila Portia Ndwandwe (aka MK Zandile and Zandi) were abducted, taken to South Africa and killed when they refused to co-operate with the Security Branch. Their bodies were exhumed by the Commission in 1997. The abduction of Ndwandwe was authorised by then Brigadier (later Major-General) Johannes Albertus Steyn of the Durban Security Branch at the request of Colonels Andy Taylor and Hentie Botha, both of whom participated in the

operation along with Lieutenant Colonels Jacobus Vorster and Sam du Preez, Warrant Officer Laurie Wasserman and some others. All those named have applied for amnesty for this operation.

- 369 Cele was persuaded by a colleague, Mr Goodwill Sikhakane, to enter a minibus after leaving night classes in Manzini. Unbeknown to him, Sikhakane was at that time negotiating with the Durban Security Branch to return to South Africa as an agent. The Cele abduction was used by the security police to test Sikhakane. Durban Security Branch members Warrant Officer Laurie Wasserman [AM4508/96] and Colonel Hentie Botha were hiding in the minibus. They subsequently overpowered Cele and drove him to a house belonging to the Pietermaritzburg Security Branch, where they allegedly left him. According to Botha's amnesty application, he was eliminated the following day after refusing to become an informant. Both Wasserman and Botha applied for amnesty for this abduction. Sikhakane became an *askari* but was himself eliminated by his Vlakplaas superiors in 1991.

**FULLER DETAILS ON THESE THREE KILLINGS ARE CONTAINED ELSEWHERE IN THIS REPORT. BECAUSE THE AMNESTY APPLICATIONS FOR MOST OF THE ABOVE ABDUCTIONS WERE PENDING AT THE TIME OF REPORTING, THE COMMISSION WAS UNABLE TO MAKE FINDINGS ON THEM BEYOND THE FACT THAT EACH INVOLVED A VIOLATION OF THE TERRITORIAL SOVEREIGNTY OF THE COUNTRIES INVOLVED.**

## **Border/entrapment killings**

- 370 Included here are two cases where the actual killings happened either on the border but not actually in South African territory or where individuals were lured out of South Africa into foreign territory to be killed by South African security forces.
- 371 According to the amnesty applications of Eastern Transvaal security police officers Gert Visser [AM50002/97] and Schalk Jan Visser [AM 5000/97], an MK member was arrested late in 1981 at the Oshoek border post with Swaziland and taken into South Africa for questioning. Under interrogation, he reportedly revealed the names of his commanders and of planned operations inside South Africa. A plan was then made to abduct these commanders 'George' and 'Brown' (real names George Ndlovu [JB00470/01ERKWA] and Kenneth Nungu), and to bring them to South Africa for questioning. In the course of the attempted abduction, there was a shoot-out a few hundred yards inside Swaziland. The vehicle in which the two were travelling caught fire and the two burnt to death.
- 372 This operation was undertaken by the SAP's Special Task Force under the command of General AJ Wandrag [AM4363/96], who applied for amnesty for it. Between

eight and twelve members of the Task Force participated in the ambush, including amnesty applicants FJP Nel, Captain Marthinus Strydom, Gert Visser, Schalk Visser, Captain DJ Steenberg and JJ Viktor snr.

- 373 A member of the ANC machinery who worked under Ndlovu was Ms Nokhuthula Aurelia Dlamini. She operated as a runner-cum-courier between the Swaziland ANC cadres and those in Johannesburg. Dlamini was abducted by the security police outside the Carlton Centre in Johannesburg in 1983 and has never been seen again. Uncorroborated information in the hands of the Commission suggests that Ms Dlamini was held by the security police on a farm near Krugersdorp where she was severely tortured and eventually killed (for more details, see elsewhere in this volume).
- 374 On 12 February 1989, student activists Portia Shabangu [JB03397/02NPLTM], Thabo Mohale [JB03397/02NPLTM] and Derrick Mashobane (aka Mpho Mashoeng) [JB03397/02NPLTM] were killed by a Vlakplaas squad commanded by Eugene de Kock in an ambush in a forested area near Bhunya in Swaziland. The three were allegedly going to Swaziland, *inter alia* to undergo arms training and to smuggle arms back into the country. The three were told to meet their contact in the Swazi Plaza in Mbabane. The contact turned out to be an *askari* who lured the three to an ambush point in a secluded forest area where they were shot and killed. Approximately ten operatives participated in the ambush, including two *askaris*. Of the operatives, those who applied for amnesty were Sergeant Leon Flores [AM4361/96], De Kock and Captains Riaan Bellingan [AM5283/97] and Petrus Snyders [AM5286/97].
- 375 According to De Kock, the operation was planned at a meeting attended by himself and C section commander Willem Schoon, General Gerrit Erasmus from Security Branch head office, Colonel Alfred Oosthuizen of the Intelligence Branch (section D) of the security police, who reported directly to General Erasmus, and Captain Willem 'Timol' Coetzee of the SIU, who was charged with monitoring the three until they crossed the border. De Kock, General Erasmus [AM4134/96] and Colonel Oosthuizen [AM4385/96] applied for amnesty for this incident.
- 376 According to amnesty applicant Leon Flores, this operation was code-named *Cobra* and, according to de Kock, involved the elimination of fifteen to sixteen student leaders of the Congress of South African Students (COSAS) and the South African National Students' Congress (SANSCO).

**GIVEN THE FACT THAT THE AMNESTY APPLICATIONS IN REGARD TO ALL OF THESE SO-CALLED ENTRAPMENT KILLINGS WERE PENDING AT THE TIME OF REPORTING, THE COMMISSION WAS**

## UNABLE TO MAKE FINDINGS IN TERMS OF INDIVIDUAL ACCOUNTABILITY.

THE COMMISSION FINDS THAT, DURING THE PERIOD 1963–89, THE SADF AND THE SAP PLANNED AND ENGAGED IN A NUMBER OF UNCONVENTIONAL MILITARY OPERATIONS, CROSS-BORDER RAIDS, ABDUCTIONS, ASSASSINATIONS AND ATTACKS ON PEOPLE AND PROPERTY BEYOND THE BORDERS OF SOUTH AFRICA. SUCH ACTIVITIES OF THE SAP AND THE SADF LED TO GROSS VIOLATIONS OF HUMAN RIGHTS ON A WIDE SCALE. THE COMMISSION FINDS THAT SUCH ACTIVITIES OF THE SAP AND SADF CONSTITUTED A SYSTEMATIC PATTERN OF ABUSE WHICH ENTAILED DELIBERATE PLANNING ON THE PART OF THE FORMER CABINET, THE SSC AND THE LEADERSHIP OF THE SAP AND SADF. THE COMMISSION FINDS THESE INSTITUTIONS AND THEIR MEMBERS ACCOUNTABLE FOR THE AFORESAID GROSS VIOLATIONS OF HUMAN RIGHTS.

## ■ SPECIAL OPERATIONS OF A SENSITIVE OR COVERT NATURE: THE CCB

Die CCB is die benaming soos ons vanoggend hier sit, van 'n bordjie op 'n tafel, in plaas van om daar te sê Spesiale Operasies van covert aard, staan daar Burgerlike Samewerkingsburo op 'n gewone oggendkonferensie van spesiale magte. Die CCB het net binne spesiale magte gefunksioneer. *The CCB is a designation (developed) at a regular morning conference of Special Forces, just as we sitting here today. Like a sideplate on a table; instead of Special Operations of a covert nature, there emerged the CCB. The CCB functioned only within Special Forces. (Colonel Pieter Johan (Joe) Verster, testimony to the Commission, 18 August 1997.)*

- 377 The Commission's investigations of the CCB were hampered by the fact that no applications for amnesty were received from CCB members in regard to the organisation's external operations. CCB operatives summonsed to appear before the Commission all, with one exception, refused to discuss its external activities. Another difficulty was the fact that the one state commission (Harms) set up to investigate the CCB was worthless. The Harms Commission focused only on internal operations while the CCB was primarily an externally-oriented organisation. Only the surface of CCB activities was, therefore, scratched.
- 378 Details have been given elsewhere in this chapter of the SADF's development of specialised units. The earliest was formed in 1961. Later in the 1960s, reconnaissance commandos were established specialising in air, sea and land operations that could not be undertaken by conventional forces. In the 1970s, these developed into reconnaissance (Recce) regiments of which there were eventually four, operating under the rubric of the general officer commanding (GOC) Special Forces, a post formally established in October 1974.

- 379 The four Recce regiments were numbered 1, 2, 4 and 5. For a brief period there was also a Recce 3 but that name seems to have given way to Delta 40 or D40. This unit was formed in response to the independence of Zimbabwe and the large numbers of experienced Rhodesian counter-insurgency personnel who were recruited into the South African security network through *Operation Winter*. This project was headed by the then GOC Special Forces, Major General FW Loots. The other development was a perceived need on the part of South Africa's military strategists for Special Forces to develop a covert arm.
- 380 D40 was headed by ex-Rhodesian Mr Garth Barrett and was comprised almost exclusively of other ex-compatriots. It was members of this unit that undertook the Matola Raid in 1981, in which they lost three members. In 1981, D40's name changed to Barnacle. In about 1983, it appears that many Rhodesians, including Barrett, left the SADF. Nonetheless, a component of Barnacle continued to operate within Zimbabwe right up until the late 1980s.
- 381 In his amnesty application, Colonel PJ 'Joe' Verster stated that, in 1986, certain structures within the security system were reorganised. The impetus came from the retiring chief of the SADF, General Constand Viljoen. From 1975–81, Verster had been officer commanding of 1 Recce. In 1981, he was assigned to Special Forces' headquarters ('*Speskop*') initially as staff officer (later senior staff officer) for Special Operations – effectively staff officer to the GOC of Special Forces. In 1986, a new post of senior staff officer: Covert Operations was created and assumed by Verster. He still remained directly accountable to the GOC but now for a different kind of special operation. In his testimony, Verster described his new assignment as “developing a covert force to counter the covert operations of the ANC”.<sup>24</sup>
- 382 The above details are corroborated in the amnesty application of the GOC Special Forces (November 1985–January 1989), General AJM 'Joep' Joubert, where he states that:

*In the mid- to late eighties, one of the major goals of national security policy and strategy was to bring the revolutionary organisation and mobilisation by the liberation movements, particularly the ANC, to a halt ... by this time it was also clear that the ANC was not going to be stopped by normal conventional methods and that revolutionary methods would have to be used. As the institution for external operations, Special Forces would also have to intensify its external operations ... since the necessity for unconventional and revolution-*

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<sup>24</sup> Translation of section 29 hearing transcript, p. 13.

ary action was already clear, it was also clear that clandestine and covert operations would have to take place internally, for which Special Forces members would be used. It was more or less then that the name CCB was adopted as a replacement for D40 or Barnacle. The revolutionary and covert nature of the plan, amongst other things, involved:

- a) that ANC leaders and people who substantially contributed to the struggle would be eliminated;
- b) that ANC facilities and support services would be destroyed;
- c) activists, sympathisers, fighters and people who supported them would also be eliminated;

383 The CCB was not therefore planned as an organisation separate from the SADF's institutional framework. Nor was it any kind of 'third force' in the sense of a separate and autonomous entity. What it represented was an additional capacity on the part of Special Forces in its war against 'the enemy'. With the established Special Forces operating as they had for some years – largely in a cross-border capacity with, where necessary, the public backing and acknowledgement of the SADF hierarchy and government – they were now to be supplemented by a secret, apparently civilian strike force, which neither the government nor the SADF would acknowledge publicly.

384 Thus the CCB represented a new method of state-directed warfare in the South African context, part of Special Forces but structured and functioning in a way intended to make it seem it was not.

385 Those who were recruited into the CCB from the ranks of the SADF or police never regarded themselves as operating from outside the rubric of the state security system; nor did most probably know that they were members of an entity called the CCB. It was not a term used outside of the planning and senior administrative level. It was a "*posbenaming*", as Verster put it in his amnesty application. He stated "*omdat die BG Spesiale Magte om sy konferensietafel nie wou praat van die Koverte Operasionele Staf Offisier nie is die benaming Burgerlike Samewerkings Buro geskep*" (because the above-mentioned special forces did not want to speak about the covert operations around the conference table, the name Civil Co-operation Bureau was adopted). The quote at the head of this section reflects that arrangement.

- 386 Though a part of the Special Forces' family, the CCB represented a radically different direction on the part of the SADF. It was in that sense something new, although not unique in an international context. It was an application to the Southern Africa theatre of a form of operational intelligence with a precedent in the wider world of espionage and covert operations.
- 387 In testimony to the Commission, Mr Christoffel Nel, who was the CCB's head of intelligence, explained that the CCB was a long-term project which required at least a ten-year gestation period in which to develop an effective covert capacity. The goal was to create a global subterranean network of companies that would be both legitimate businesses as well as fronts for operational intelligence. The companies would be headed by businessmen who were well integrated into their communities but remained skilled covert operatives able both to run successful firms and to collect intelligence and act on it where instructed.
- 388 In a discussion with a Commission official, Joe Verster confirmed the long-term nature of the CCB project. He described the goal as setting up a "first line of defence" outside the country. He gave the example of ships carrying weapons to South Africa's enemies and argued that it was counter-productive to wait for those weapons to reach their destination rather than develop a capacity to sink those ships before they left for those destinations. For that, an operational intelligence capacity was required.
- 389 The intention was that the CCB would be fully functional sometime in the mid-1990s. Based on the experience of other intelligence agencies, it was recognised that it would take that long for a skilled soldier to transform her/himself into a career businessperson, well integrated into a new working environment. Thus it was that the priorities of those selected for membership of the CCB included training in business practice and the development of what was known as their 'blue-line cover', that is, a proper business which would provide them with civilian cover. The escalating nature of internal unrest in the late 1980s, the needs generated by the declarations of the states of emergency, and the desire to prevent a SWAPO victory in South West Africa derailed the timetable, and the CCB was pulled into the counter-insurgency effort before it was properly ready and set up.
- 390 As stated above, the decision to develop the civilian component of Special Forces was made in 1986. As part of their cover and the plausible deniability framework, Verster and those selected to constitute the 'aware' strata of the organisation were required formally to resign their commissions in the SADF.

Verster did so in late 1986 but was immediately re-hired in terms of a contract with all pension and other benefits. Commandant Charl Naudé did the same, as no doubt did the other core members of the CCB, such as Wouter Basson (aka Christo Britz), Major Lafras Luitingh, Dawid Fourie (aka Heine Muller) and Mr Theuns Kruger (aka Jaco Black). As a CCB operative, Verster assumed the administrative names of Rick van Staden and Dave Martin.

- 391 Despite the 'resignations' of the CCB's top leadership, they were still able to call on the resources of both Special Forces and MI. These included:
- a The chemical and biological warfare (CBW) capacity of the South African Medical Services (SAMS). Christo Nel testified that on a number of occasions he, in his capacity as the CCB and MI link to the CBW programme, submitted requests for various toxic substances.
  - b The explosive and other technological resources of the Electronic Magnetic Logistical Component (EMLC). This was a division of the SADF which developed specialised weapons in the form of letter, car and briefcase bombs, as well as explosive gadgets like umbrellas and radios. Colonel 'Hekkie' van Heerden was the technical specialist at Special Forces' headquarters, and the link to the EMLC.
  - c The intelligence collected by the DCC and particularly its projects section. This latter was, in actuality, its target-development programme. It was started in 1986 by Christo Nel, who moved across to the CCB in 1988.
- 392 Though inaugurated in 1986, it was not until 1988 that the organisation became fully functional. While the CCB had originally been conceived of as a structure for external operations, by 1988 an internal component had been added. This development, according to one witness before the Commission, was imposed upon a reluctant Joe Verster. However, in a discussion with a Commission official, Verster did not express such a view about the internal section (region 6), although he did state that some members were forced on him. He stated that region 6, which did not become fully functional until January 1989, was set up as an extension of the external regions so that if, for example, an MK member was being tracked through the region, the target could be handed over to another section of the organisation once s/he crossed the border into South Africa. Verster explained that the membership of this region was drawn from the police (in contrast to the military background of the members of other regions) because the internal

situation was the primary responsibility of the police. The SADF functioned only in a support capacity.

- 393 Those who were recruited into the CCB from the ranks of the SADF or police did not regard themselves as operating outside the rubric of the state security system. As mentioned, they were probably unaware that they were members of an entity called the CCB, as it was not a term used outside of the planning and senior administrative level.
- 394 The CCB was structured along regional lines. There were ten regions in all, eight geographic and two organisational. These were Botswana (1); Mozambique and Swaziland (2); Lesotho (3); Angola, Zambia and Tanzania (4); International/Europe (5); South Africa (6); Zimbabwe (7); South West Africa (8); Intelligence (9); and Finance and Administration (10).
- 395 Heading this structure was a management board chaired by the GOC Special Forces – Major General Joep Joubert (1985–89) followed by Major General Eddie Webb from the beginning of 1989. Other board members were the managing director (Verster), his deputy (Dawid Fourie), a regional co-ordinator (Wouter Basson), finance (Theuns Kruger) and administrative or production manager (Lafras Luitingh). Others named as members of the CCB's inner core were its intelligence chief, Christoffel Nel, and ex-Special Forces operatives Commandants Charl Naudé and Corrie Meerholtz.
- 396 While this board may have supervised the CCB's operations, it had no policy autonomy separate from the overall command structure of the SADF. Verster stressed that the Board chair "could make certain decisions on his own within his written mandate from the chief of the defence force, but he had to clear it in terms of the hierarchy above him ... He had no mandate to do as he pleased." He confirmed that this liaison with the chief of the SADF included consultation with the SADF's general staff.
- 397 The Commission endeavoured, with limited success, to uncover the identity of those involved at the regional level. It can report that in region 1 (Botswana) the regional manager up to 1988 was Commandant Charl Naudé and thereafter Dawid Fourie, while Christo Nel (aka Derek Louw) handled the intelligence function. In region 2 (Mozambique and Swaziland) the manager was Commandant Corrie Meerholtz (aka Kerneels Koekemoer) until the end of 1988, when he left to take charge of 5 Recce. He was replaced by the operational co-ordinator, Captain Pieter Botes. Fourie was also the manager in region 3 (Lesotho), while the intelligence

function was performed by Peter Stanton, one of the few remaining ex-Rhodesians from the D40 and Barnacle eras.

- 398 Dawid Fourie was also responsible for region 4 (Angola, Zambia and Tanzania), taking it over in 1988 from Meerholtz. Christo Nel handled the intelligence function while Ian Strange (aka Rodney) was also involved in this region. In terms of region 5 (European and International), Joseph Niemoller jr. appears to have been co-ordinator until 1987, when he was suddenly withdrawn following the arrest of a number of individuals living in England on charges of plotting to kill ANC leaders. The intelligence function was performed by Eeben Barlow. Various CCB members co-ordinated region 7 (Zimbabwe) including Wouter Basson and Lafras Luitingh. Others involved in sub-management were Ferdi Barnard (for a brief period) and Alan Trowsdale. Region 8 (South West Africa) was headed by Roelf van Heerden (aka Roelf van der Westhuizen).
- 399 Joe Verster estimated that the CCB undertook between 170 and 200 projects. These included administrative arrangements like the setting up of a blue-line company or a pension plan. As there were some one hundred 'aware' members and therefore approximately one hundred businesses, at least half of all projects were not directly linked to offensive operations.
- 400 There were two types of members in the CCB – aware (*'die bewustelike buitekring'*) and unaware (*'die onbewustelik buitekring'*). The former were recruited from within the ranks of the security organs, mainly the SADF, and were required to set up blue-line covers. They were all required formally to resign from the SADF, or whoever their employer was, and sign a contract of employment with what was known as *'Die Organisasie'*. They operated from a part of Special Forces headquarters known as *'die Gat'*.
- 401 These aware members in turn hired 'employees' to work for them. These were the unaware members. In his appearance before the Commission, Joe Verster estimated that there were about one hundred aware members and some 150 unaware members.
- 402 Christo Nel described the second group as consisting of two types – those who thought they were connected to the government but were unsure of which part, and others who were totally ignorant. He went on, however, to suggest that there was still a third category – "international criminals ... people who were usable for the type of work that was planned"<sup>25</sup>. Donald Acheson (see the Lubowski

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<sup>25</sup> Transcript of section 29 hearing, 18 May 1998, p. 28.

case above), Peaches Gordon and Isgak Hardien, internal region 6 unaware operatives, were perhaps some of those he had in mind.

- 403 Region 6 was headed by the one-time head of the Brixton Murder and Robbery Unit (BMRU), Brigadier Daniel 'Staal' Burger. It became fully operational on 1 January 1989. Its inner circle was comprised of other former BMRU members who were assigned to various sub-regions of South Africa. They were Abram 'Slang' van Zyl (western Cape), Calla Botha (Transvaal) and 'Chappies' Maree (Natal). Another region 6 member, after his re-deployment from Zimbabwe, was Ferdi Barnard. Region 6 operated under the designation of *Project Choice*.
- 404 The objective of the CCB was "the maximal disruption of the enemy". A CCB planning document described disruption as having five dimensions: death, infiltration, bribery, compromise or blackmail, and destruction. In his testimony to the Commission, Christo Nel stated that, when he underwent induction training into the CCB in 1988, this was not the order of priorities. Killing was a goal, but the emphasis, he argued, was on bringing about the death of an opponent by indirect means rather by the organisation's assassins themselves.
- 405 Nonetheless, the CCB did kill some opponents of the government and tried to kill others. There is evidence that the CCB was involved in the killings of Mr David Webster [JB00218/01GTSOW], Mr Anton Lubowski, Ms Dulcie September [CT03027/OUT], Mr Jacob 'Boy' Molekwane and Mr Matsela Polokela in Botswana, and Ms Tsitsi Chiliza [JBO5088/02PS] in Harare. (This last was an operation that went wrong: the intended target was Mr Jacob Zuma in Maputo.)
- 406 It also attempted, or conspired, to kill others. Amnesty applications have been filed by CCB operatives Joe Verster, Wouter Basson, 'Staal' Burger and 'Slang' van Zyl for the plots to kill Mr Dullah Omar and Mr Gavin Evans.
- 407 Other information available to the Commission has linked the CCB to the killings of Ms Florence Ribeiro, Dr Fabian Ribeiro [JB03488/02PS] and Mr Piet Ntuli [JB02306/01MPMOU], the attempted killings of Mr Godfrey Motsepe [JB00606/02/PS] in Brussels, Mr Jeremy Brickhill in Harare, Mr Albie Sachs in Maputo [KZN/JD/001/AM], Comrade Che Ogara (MK *nom-de-guerre*) in Botswana and Mr Frank Chikane [JB03725/01GTSOW]; the plans to kill Mr Joe Slovo in London in the mid-1980s, Mr Oliver Tambo in Harare in 1987, Ms Gwen Lister, Mr Daniel Tjongarero and Mr Hidipo Hamutenya in South West Africa, as well as Mr Jay Naidoo, Mr Roland White and Mr Kwenza Mhlaba in South Africa.

- 408 The CCB also participated in elimination missions with other security force elements, such as the security police and the more overt wing of Special Forces. One such joint mission was the attack on the ANC transit house in Phiring, Botswana in 1988 in which MK regional commander Patrick Vundla was killed.
- 409 Another operation in Botswana in 1988 went badly wrong. On 21 June 1988, a CCB group inside Botswana was intercepted by a Botswana police patrol and a shoot-out ensued. Two CCB members, Mr Johannes Basson and Mr Theodore Hermansen, were captured, and sentenced to ten years' imprisonment in December 1988.
- 410 A major CCB operation was undertaken in South West Africa in 1989. As part of the South African government's campaign against SWAPO in the run-up to the December 1989 election in South West Africa, every aware member was transferred from their region to shore up the work of the existing South West African CCB set-up. According to Christo Nel, "we were told, 'Double up your production and you will get a production bonus'<sup>26</sup>". It was in this context that Mr Anton Lubowski was killed.
- 411 As is evident from the above, one aspect of the CCB's *modus operandi* was the use of cash as an incentive to 'produce'. Thus, like other hit-squad or counter-insurgency units such as *Koevoet* and C10, CCB members were provided with a positive inducement to undertake actions which could, and often did, result in a gross violation of another individual's rights.
- 412 As stated above, however, killing was not the sum of the CCB's activities. A great deal of time and effort were expended on disinformation campaigns designed to discredit opposition figures and sow confusion in the ranks. At the time that the CCB was being planned, the SADF also launched its Stratcom (Strategic Communications) programme as a vehicle for the deliberate spreading of disinformation about targets in the hope that this would at least create a sense of suspicion about them, if not result in their elimination.
- 413 The CCB was also heavily involved in campaigns of infrastructural disruption through sabotage. Targets of such operations were bridges, railway lines, oil containers, strategic military targets, offices and houses, especially those used to accommodate guerrillas in neighbouring states. Christo Nel told the Commission of one such operation in Botswana, in which Colonel Hekkies van Heerden of the ELMC placed a car bomb in a minibus and parked it in front of the house it was intended to destroy. The bomb was so powerful that it demolished three homes.

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<sup>26</sup> *Ibid.*, pp. 30–1.

- 414 Another core activity was intelligence collection for operational purposes. There seem to have been only three experienced intelligence operatives amongst the aware members – Nel, Pete Stanton and Eeben Barlow. The CCB could only collect intelligence for specific operational purposes. Again according to Nel, one of its successful projects in this regard was a communications company set up in Maseru by the CCB and staffed by some black Special Forces operators. This firm sold and installed communications (telephone, fax, telex etc.) equipment in offices. One such contract was to a facility used by the ANC, which meant that all calls to and from this office were monitored by the CCB. The information so collected was used against MK structures particularly in the western Cape.
- 415 Another CCB concern was sanctions busting with a view to acquiring arms and technology. According to testimony in a court trial in Johannesburg in 1990, region 6 member Leon ‘Chappies’ Maree conceded that part of his CCB brief was to operate as a covert agent for the import of high-tech military equipment. He testified that he had undertaken a four-month trip to six European countries in early 1990, brokering ‘business’ deals for the acquisition of war materials for the SADF. Other information available to the Commission indicates that sanctions-busting activities formed an important component of some members’ activities.
- 416 The CCB engaged in a range of other miscellaneous activities, one of which was *Project Apie*, involving the nailing of a monkey foetus to a tree in the garden of Archbishop Tutu’s residence. Another was *Project Crawler*, involving the purchase of a so-called spy ship, the *Margit Rye*, from Denmark for use in information-gathering activities on South Africa’s enemies. It was purchased through a company headed by a CCB member, André Groenewald (aka Kobus Pienaar).
- 417 *Project Direksie* was an attempt to free South African agents Michael Smith, Kevin Woods, Barry Bawden, Philip Conjwayo and Rory Macquire from Chikarubi prison in Harare on the day they were due to appear in court. The plan was aborted at the last minute when the South Africans became aware that the Zimbabweans had advance information on the attempt. One of those involved in the escape attempt, Mr Denis Beahan, failed to get the message and was arrested and later sentenced to a long term of imprisonment.
- 418 *Projects Imperial, Maagd and Maxi* each involved the collection of information in other African countries.

THE COMMISSION FINDS THAT THE CCB WAS A CREATION OF THE SADF AND AN INTEGRAL PART OF SOUTH AFRICA’S COUNTER-INSURGENCY SYSTEM WHICH, IN THE COURSE OF ITS OPERA-

TIONS, PERPETRATED GROSS VIOLATIONS OF HUMAN RIGHTS, INCLUDING KILLINGS, AGAINST BOTH SOUTH AFRICAN AND NON-SOUTH AFRICAN CITIZENS. THE COMMISSION FINDS THAT THE ACTIVITIES OF THE CCB CONSTITUTED A SYSTEMATIC PATTERN OF ABUSE WHICH ENTAILED DELIBERATE PLANNING ON THE PART OF THE LEADERSHIP OF THE CCB AND THE SADF. THE COMMISSION FINDS THESE INSTITUTIONS AND THEIR MEMBERS ACCOUNTABLE FOR THE AFORESAID GROSS VIOLATIONS OF HUMAN RIGHTS.

## ■ CROSS-BORDER MILITARY OPERATIONS/RAIDS

- 419 Several cross-border operations undertaken by the SADF were publicly acknowledged at the time by the South African government.
- 420 In its first submission to the Commission, the SANDF provided information on external operations targeted at what it described as “ANC and PAC bases and facilities”. This list is by no means comprehensive in that it does not include operations undertaken in Angola or against SWAPO facilities in Zambia. The SANDF does not explain these omissions. Those it lists are the following:
- a *Operation Beanbag*: an attack on the Matola area of Maputo, Mozambique on 30 January 1981;
  - b an attack on “ANC facilities” in Maseru, Lesotho on 9 December 1982;
  - c *Operation Skerwe* (fragments, shrapnel): an attack on “ANC facilities” in the Matola suburb of Mozambique on 23 May 1983;
  - d an attack on an “ANC planning facility” in Maputo, Mozambique, on 17 October 1983;
  - e *Operation Plecksy*: an attack on alleged ANC residences and offices in Gaborone, Botswana on 14 June 1985;
  - f *Operation Leo*: co-ordinated SAAF and Special Forces attacks on alleged ANC facilities in Botswana, Zimbabwe and Zambia on 19 May 1986;
  - g an attack on an “ANC transit facility” in Phiring, near Gaborone, Botswana on 28 March 1988.
- 421 Also listed is an attack on a ‘PAC transit facility’ in Umtata, Transkei on 17 October 1993. This operation is discussed elsewhere in this volume.

- 422 Guidelines for cross-border operations were adopted by the SSC in 1979, and amended in 1985. Most of the raids listed above fell into a category of planned (*oorwoë*) operations which, between 1979 and 1985, required the assent of the SSC. In this regard, the explanation presented in the SANDF submission is misleading. It suggests that the matter rested in the hands of “the Chairman of the SSC for his decision, in consultation with those members of the SSC he decided to involve”. This situation applied only from 1985, when the 1979 guidelines were amended.
- 423 The first Matola raid of January 1981 was planned by section A of the security police, headed by Colonel (later General) Jac Buchner and assisted by Major (later Brigadier) Callie Steijn of MI. Much of their intelligence was derived from interrogated detainees. One of these was Mr Steven Mashamba, who became an *askari*.
- 424 Twenty lives were lost in this raid, in which three houses were attacked and largely destroyed. They included Mr José Ramos, a Portuguese citizen killed at a road-block, three of the attackers – Sergeants Robert Hutchinson and Ian Sutil and Lieutenant Corporal JK Park, all Rhodesians – and sixteen South Africans. Among these were a number of senior MK operatives and members of the elite Special Operations unit, including the commander of the first attack on Sasol, Mr Motso Mokgabundi. The others who died (all males) were Thabang Bookalane, Mandla Daka, Themba Dimba, Mduduzi Gama, William Khanyile, Vikeliswe Khumalo, Mankazana Levinson, Bhekumuzi Magubane, Solomon Mahutso, Daniel Molikisi, Steven Ngcobo, Vusumuzi Nwenya, Krishna Rabilall, Mfanafuthi Radebe, and Sinzino Skweyiya. In addition, as noted earlier, two South Africans and one Mozambican were abducted in the raid.
- 425 The SSC minutes contain no prior authorisation for this raid. In the minutes of the first meeting after the raid, on 2 February 1981, the chair congratulated the defence force on the success of the operation.
- 426 The same planning team of Buchner and Steijn and Special Forces commandos was responsible for the raid on Maseru on 9 December 1982. The midnight attack targeted a number of houses and a block of flats in Maseru and resulted in the deaths of forty-two people. Of these, thirty were South African and twelve Basotho citizens. Four of the SADF attackers were wounded in the operation. Amongst the South African casualties were the ANC’s chief representative in Lesotho, Mr Zola Nqini, and three members of the Marwanquana family – Alfred (imprisoned

on Robben Island in the 1960s for fifteen years) and two of his teenage children, Mzukisi and Thandiswa. Another ex-Robben Islander, Mr Phakamile Mpongoshe, was killed in the same household. Two Basotho families also lost three family members. They were Ms Anna Hlalele and Mr Motlasi Hlalele and Motlasi's seventeen-year old brother, Pondo, and Mr Sefata and Ms Mateboho Jafeta and their four-year old son, Teboho.

- 427 Another South African victim was Mr Jobo Titus who had been in Lesotho for only one day after serving an eighteen-year sentence on Robben Island. Another ex-Robben Island prisoner to die was Mr Jackson Trom. After serving a six-year sentence for membership of a banned organisation, Trom had been banished to a remote area of the Transkei. After ten years, he and his family fled to Lesotho. Another of those killed was an active SACP member, Mr Gene Gugushe (aka Stephen Seroto), a refugee from the Soweto uprising.
- 428 According to General Viljoen, chief of the SADF, five women and two children were killed in the raid. In fact, seven women died. Six of those killed were school-going teenagers. In his statement, General Viljoen described the operation as a "successful raid" on twelve ANC targets which he said were "planning and control headquarters for ANC action against South Africa, Transkei and Ciskei and were used as a springboard for terrorist action". Expressing regret for the fact that "the innocent also had to suffer because they were housed by terrorists to discourage action against them", he claimed that the ANC deliberately located their offices "in civilian houses to complicate action against them". This statement was either an attempt to explain or justify the fact of civilian casualties or reflected an ignorance of the ways in which modern guerrilla wars were fought.
- 429 In addition to those named above, the following died in this raid (males unless otherwise stated): Toto Biza, Ngipe Bantwini, Lizethile Dyani, Mzwandile Fazzie, Zwelindaba Gova, Samson Kana, Sibusiso Khuzwayo, Ms Mapuleng Mafisa, Ngubekhaya Maqhekeza, Lepota Marayi, Ms Florence Mateseliso, Themba Mazibuko, Bongani Mbuso, Siphon Mchunu, Liqwa Mdlankomo, Michael Mlenze, Dumisani Mthandela, Mark Mvala, Cecil Ngxito, Siphon Notana, Faku Ntoyi, Ms Matumo Rabelitso, Ms Mapoloko Sehlabaka, Matikwane Seroto, Peter T'senoli, Naphtali Tsimile, Mzwanele Vasi and Vuyani Ziba.
- 430 There is no reference to the Maseru raid in the SSC minutes, either before or after it took place.

- 431 The SADF's second raid on Maputo – *Operation Skerwe* – on 23 May 1983 was launched in retaliation for the ANC's Church Street bombing in Pretoria three days earlier. The report below is derived from material in MI files (DMI MI/309/2 and MI/204/2/2/9).
- 432 According to the files, the targets comprised a missile site, command post, training centre, logistical base, urban and logistical headquarters. If they were such, they were located in houses described in the files as Gebuza's (Siphiwe Nyanda) house, September's (Glory Sebide) house, Zola's house and Mlangeni's house. Another target appears to have been a state-owned oil refinery.
- 433 Despite the public pronouncements about the success of the raid, a reading of the file shows that it was a disaster. Though the Minister of Defence, General Malan, announced that six ANC bases and a missile battery had been destroyed and forty-one ANC "terrorists" killed, this was a complete fiction. None of the intended targets were hit. Instead, the homes of Mozambican citizens were attacked, as was the crèche of a jam and fruit juice factory. In these hits, five Mozambican civilians – one a child – were killed, along with one South African refugee, Mr Vuyo Ntete (aka Fred Naledi).
- 434 In the initial damage report in the files it is stated that target identification was erroneous and that civilians were killed and private property damaged. A longer communication dated 14 June 1983 from the chief of the SADF (Lieutenant General Viljoen) to the chief of the army (Lieutenant General Geldenhuys) describes the final result of the attack as:

*not merely a disappointment but a shock ... our image and credibility with government and abroad has been seriously damaged. This operation is precisely what I referred to after my visits to 32 Battalion near Cuvelai (Angola). We accept poor results far too easily without analysing why they are poor and taking steps to remedy the situation. If we were to analyse our operational effectiveness and to make the results public we would be ashamed.*

- 435 The SSC minutes reveal that this raid was discussed at its meeting on the day of the raid and was, according to the Minister of Defence and chief of the SADF, undertaken after consultations with the chairperson. The chairperson explained that it had not been possible to call the whole council together for consultation.

- 436 There was a further raid on Maputo on 17 October 1983. Few details are available on this raid, other than that it was undertaken by SADF Special Forces and that the target was the ANC office located in a block of flats in central Maputo. The office was damaged in a bomb blast and five people were injured.
- 437 While again there is no prior authorisation for this raid in the SSC minutes, General Malan provided the SSC meeting of 17 October 1983 with a report on what he described as a successful raid on the ANC's headquarters in Maputo.
- 438 In a raid not listed in the SANDF submission, a group of SADF commandos from 5 Recce attacked four homes in the Polana area of Maputo in May 1988. This was a combined forces operation. The attackers entered the city in vehicles which they blew up on the beach before being evacuated by sea. Like the raid in May five years earlier, this raid seems also to have suffered from faulty intelligence. Three Mozambicans – all wrong targets – were killed.
- 439 Two ANC houses were attacked, but both were unoccupied at the time, with the result that the only fatality was a Mozambican security guard, Mr Joao Chavane. The raiders also entered a block of flats looking for the apartment used by a co-operant (expatriate) who worked closely with the ANC. Finding that flat empty, the raiders entered the one opposite, which was occupied by Ms Suzana de Souza, sister-in-law of Mozambique's Minister of Culture, and her husband, Mr Antonio Pateguana, brother-in-law of Mozambique's military chief of staff, and their two young children, aged three and five. The two adults were taken out onto the balcony where the raiders checked with other members of the party below in a courtyard as to whether they were the correct targets. The party below gave a positive signal and the two were then shot in front of the two children, who were left with the corpses. Other members of the raiding party attacked a suspected ANC house which turned out to be occupied by a Tanzanian. He returned fire on the attackers and avoided injury.
- 440 On 14 June 1985, twelve people were killed in *Operation Plecksy*, an attack on houses and offices in Gaborone, Botswana. Eight of the dead were South Africans. The others were a Somali citizen, a Basotho child and two citizens of Botswana. This is the only raid for which the Commission received amnesty applications and for which there is clear evidence of state authorisation, albeit not in the form of an SSC resolution.

- 441 General Albertus Steyn (a colonel at the time of the attack) applied for amnesty for his planning and intelligence-collection role in regard to the operation. At the time he was co-ordinator of the Western Transvaal Security Branch based at Zeerust. He states that along with Brigadier Wickus Loots and Special Forces Commandant Charl Naudé, he briefed Generals Johan Coetzee (SAP commissioner), AJ 'Kat' Liebenberg (head of Special Forces) and Constand Viljoen (SADF chief) on the raid "on more than one occasion". Brigadier Loots and Colonel Philip Rudolph Crause of the Zeerust Security Branch also applied for amnesty for their intelligence role.
- 442 In an amnesty application, a member of the Soweto Security Branch, Colonel Lodewyk de Jager, said that his unit was invited to an information-sharing and planning meeting for the raid at Special Forces headquarters. He stated that his unit had in the past attended similar sessions on Mozambique and Lesotho, the site of other cross-border raids staged up to this time.
- 443 Represented at this meeting were head office and the Johannesburg and Western Transvaal sections of the Security Branch, National and Military Intelligence and Special Forces. The raid itself was launched from Nietverdiend and led by the most senior officers of 5 Recce. Others present at the administrative command centre at Nietverdiend included Craig Williamson and members of the Soweto Security Branch. Other members of the Soweto security police who applied for amnesty for their involvement in the planning process are Anton Pretorius, Johannes Meyer and Willem 'Timol' Coetzee.
- 444 In his amnesty application, General Johan Coetzee of the SAP stated that the "trigger for the raid was the attack on the house in Cape Town of a Deputy Minister of the House of Representatives". He also states that the Minister of Foreign Affairs, Mr Pik Botha, was absent from the SSC meeting at which the raid was discussed. General Coetzee was instructed to contact Mr Botha to inform him of the pending raid and to get his reaction. President Botha had signed the authorisation order but had done so subject to the Foreign Minister's approval. The task of finding Pik Botha was given to Craig Williamson and General Stadler of the SAP. In evidence to the Commission, Coetzee stated that Mr Botha read the order and approved it by signing it.
- 445 The raid was not a success either in military or public relations terms. According to the amnesty application of Anton Pretorius, so-called 'deep cover' agents of the Soweto Intelligence Unit had identified four primary targets as those "responsible

for planning and execution of terror onslaught". They were Mr Tim Williams, Mr Riaz Saloojee (aka Calvin Khan), Mr Patrick Ricketts and Mr Christian Pepani (aka Jeff). None were hit. After the raid, according to Pretorius, three of these deep-cover agents – identified only as R103, RS 276 and RS 283 – were recalled to Lusaka where one was said to have been shot almost on arrival while the other two (including at least one woman) were tortured and killed at Quatro camp.

- 446 Few, if any, of the ANC casualties seem to have been senior military figures, although in the amnesty application of Jan Anton Nieuwoudt he states that he targeted Mr George Pahle. He was killed along with his wife, Ms Lindiwe Pahle. The other South Africans killed were a prominent artist, Mr Thami Mnyele, from whose home the attackers stole a number of paintings; Mr Mike Hamlyn, a draft resister who had just graduated from the University of Botswana with a first-class degree in mathematics; a schoolteacher, Mr Duke Machobane, who was killed along with his six-year-old old nephew Peter Mofoka, a Basotho citizen visiting him at the time; Mr Basil Zondi, a seventy-one-year-old refugee and neighbour of one of the missed targets, Mr Tim Williams; Mr Joseph Malaza and Mr Dick Mtsweni. Among the non-nationals killed were a Somalian, Mr Ahmed Geer, whose Dutch wife, pregnant at the time, was seriously injured, and two young Batswana women, Ms Gladys Kesupile and Ms Euginia Kobole. Two other Batswana were wounded at a roadblock.
- 447 So negative was the general reaction to the raid that an elaborate propaganda exercise had to be mounted to justify the operation. This was orchestrated by Craig Williamson and included the planting of stories in newspapers like *The Citizen* and *Sunday Times* under such headlines as "The Guns of Gaborone". In a discussion with the Commission, Eugene de Kock stated that some of the weapons displayed as captured in the raid were in fact borrowed from him by Williamson.
- 448 On 19 May 1986, as part of *Operation Leo*, simultaneous attacks were launched on three Commonwealth capitals, Harare, Lusaka and Gaborone. While the SADF claimed the attacks were in retaliation for recent MK attacks (launched from Mozambique and Swaziland) on the Sasol II facility at Secunda, it was much more likely to have been connected to the mission of the Commonwealth Secretariat's Eminent Person's Group. According to the SANDF submission, the targets were an ANC operational and transit facility in Gaborone, an office and house in Harare and unspecified ANC targets fifteen kilometres south-west of Lusaka, which were bombed by the Air Force. In these strikes, no South Africans were killed; a Batswana, a South West African and a Zambian citizen were killed and approximately twenty people injured.

- 449 In the Botswana leg of the raid, Special Forces commandos under Commandant Corrie Meerholtz launched a helicopter-borne attack on a house in Gaborone located close to the Botswana Defence Force's (BDF) barracks, where a prominent local footballer, Mr Jabulani Masila, was killed. Three members of the BDF were injured. Masila was another case of mistaken identity. The intended target was Mr Ernest Pule, a member of the ANC's Special Operations unit.
- 450 The Harare attacks, on the ANC office in Angwa Street and a house in the suburb of Ashdown Park, were the work of a group of Special Forces commandos aided by Zimbabwean agents. Their role was to provide support for the commandos who were flown in and out of the country by helicopter. The house attacked was the same one occupied by Mr Joe Gqabi when he was killed five years earlier.
- 451 A feature of this raid is that Zimbabwean security forces appear to have had advance warning of it and the three occupants of the house (a South African couple and a Zimbabwean) were fetched from the house by security force members. It was therefore empty at the time of the attack. However, no attempt was made to stop or apprehend the attackers.
- 452 The cabinet and SSC minutes reveal no references to these raids. After weeks of shuttle diplomacy between the government in Pretoria and the ANC in Lusaka, the mission had reached a delicate stage when the attacks occurred. They had the immediate effect of terminating the diplomatic effort.
- 453 Addressing the Commission in October 1997, former Foreign Minister Pik Botha stated that "the EPG [Eminent Person's Group] came closer to success than most people realise", which raises the possibility that it was deliberately sabotaged. Pik Botha also confirmed that the raids "were not discussed at any meeting where I was present". At his appearance before the Commission in December 1997, former Defence Minister Magnus Malan said much the same thing when he confirmed that the issue had not been discussed at either SSC or cabinet level. According to Malan, the SADF had wished to mount the attacks on the capitals in late April. "They approached me. I approached the State President. I explained and he gave his approval ... The State President told me to keep quiet about this, this is very sensitive."<sup>27</sup>
- 454 For unspecified reasons, however, according to Malan, the raids were postponed until mid-May when he again approached Mr P W Botha and obtained his approval. This time the raids were effected. According to Malan, the Eminent Persons'

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27 Transcript of SSC hearings, Cape Town, December 1997, p. 246.

Group issue was not a factor in his considerations. "I was not aware of their programme. I was not aware of what they were doing here. I never met them and I was only concerned with the onslaught against South Africa."<sup>28</sup>

- 455 The perspective of the SADF was presented in a statement released by its chief, General 'Kat' Liebenberg, who argued that the targets were limited to known "terrorist" ones and that "the South African forces had acted with utmost caution to prevent citizens of our neighbouring states being injured or suffering damage". He also stated that "neighbouring countries cannot plead ignorance regarding the presence of terrorists in their countries". There was no reference in the statement to its timing or the Eminent Persons' Group mission.
- 456 The case of the Eminent Persons' Group would seem to represent an example of the centralised (*'die hoogste vlak'*) mode of decision making that characterised the PW Botha era. Even the international outcry after the raid and the termination of the mission did not result in the issue being discussed by the cabinet. "After that operation no colleague or anybody else came to me and complained about this operation or even mentioned the operation", General Malan told the Commission. Foreign Affairs Minister Pik Botha was not consulted on the effect of the raids, indicating both the extent to which state policy-making in South Africa had become centralised in the President's office by the mid-1980s, and a telling endorsement of the view expressed to the Commission by former Deputy Minister of Law and Order, Mr Leon Wessels, when he spoke of the lack of a spirit of enquiry in the National Party at that time.
- 457 On 28 March 1988, SADF Special Forces attacked a house at Phiring, near Gaborone, Botswana. Four people were killed in the raid. The primary target of the operation was Mr Patrick Sandile Vundla (aka Godfrey Mokoena and Charles Naledi), whom the security police had identified in a document written by Brigadier Loots as the overall MK commander for Botswana. All those killed in the raid were shot and then doused with petrol and burnt. The other three victims were Batswana women whose names are not known to the Commission.
- 458 Amnesty applications in connection with this operation were submitted by Willem Schoon and then Major (later Colonel) Jan Coetzee of the West Rand Security Branch. In his application, Schoon states that he was summoned to Cape Town prior to the raid to meet with the then police commissioner and chief of the SADF, and requested to arrange for an arms cache which was to be hidden and then discovered. The 'discovery' was to be given significant media

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<sup>28</sup> *Ibid.*, p. 247.

coverage in order to provide the SADF with a motivation for a large-scale armed attack on Botswana. Schoon undertook the task with the assistance of Eugene de Kock and C2 head Martin Naudé. They put together a cache comprised of weapons of Eastern bloc origin which Major Coetzee arranged to be hidden in an abandoned mine in the Krugersdorp area. In testimony in mitigation at his trial, De Kock confirmed his participation in what was, in effect, a state-directed 'false-flag' propaganda operation

- 459 The Commission has evidence of other cross-border raids not included in the SADF's list. One occurred on 17 March 1981 when an SADF patrol crossed from northern Natal into the Mozambican resort of Ponto do Ouro in what one source described as a test of Mozambique's border defences. A clash ensued in which one SADF member, Corporal PJ Viljoen, was killed.
- 460 Another raid also allegedly involved Mozambique and may have occurred in January 1992 when FRELIMO troops, conducting a military operation against RENAMO south of Maputo and close to the South African border, were exposed to what may have been a chemical attack. The allegation is based on apparent eye-witness accounts of explosions above the ground and reports that soon thereafter some of the FRELIMO troops began to suffer from nausea and heat exhaustion. Some soldiers required hospitalisation and there are unconfirmed reports that some died.
- 461 The reports of the attack were extensively investigated by scientific teams from five countries – Mozambique, South Africa, Switzerland, Sweden and the United Kingdom. Only the latter expressed a view that a chemical agent had been used. The others were all inconclusive.
- 462 The SADF denied the allegations, and inquiries by the Commission have not uncovered corroborative evidence pertaining to this incident, other than that South Africa had developed a chemical warfare capacity in the 1980s. The Steyn report suggested that the incident may have been caused by a test in the Komatipoort area.
- 463 In the raids discussed in this section on cross-border operations, eighty-two people were killed, of whom four were members of the SADF and twenty-three (more than one-third) non-South Africans and presumably therefore wrong targets. Three others were abducted, of whom one was killed. A total of thirty – all but two non-South Africans – were hurt.

THE COMMISSION FINDS THAT ALL OF THE ABOVE OPERATIONS CONSTITUTED VIOLATIONS OF THE SOVEREIGNTY OF THE COUNTRIES INVOLVED AND AN INFRINGEMENT OF THE PRINCIPLES OF INTERNATIONAL LAW. THEY ALSO INVOLVED GROSS VIOLATIONS OF THE HUMAN RIGHTS OF ALL THOSE KILLED AND INJURED IN THESE ATTACKS, IRRESPECTIVE OF THEIR STATUS AS TRAINED COMBATANTS IF SUCH COMBATANTS WERE ATTACKED IN A NON-COMBAT SITUATION. THE COMMISSION FINDS THAT THE OPERATIONS CONSTITUTED A SYSTEMATIC PATTERN OF ABUSE WHICH ENTAILED DELIBERATE PLANNING ON THE PART OF THE FORMER CABINET, THE STATE SECURITY COUNCIL AND THE LEADERSHIP OF THE SADF AND THE SAP. THE COMMISSION FINDS THESE INSTITUTIONS AND THEIR MEMBERS ACCOUNTABLE FOR THE AFORESAID GROSS VIOLATIONS OF HUMAN RIGHTS.

## ■ SABOTAGE AND ARSON

464 While many of the actions described in this section were not in and of themselves gross human rights violations, they were state-directed acts of extra-territorial aggression and a component of the South African government's counter-revolutionary warfare strategy. They complemented the killings and other gross violations of human rights described earlier and are included as part of the requirement to provide as complete a picture as possible.

465 The targets for these attacks fall into three categories:

- a economic, military and other infrastructural facilities;
- b the offices of liberation and other organisations opposed to the South African government;
- c houses/residences occupied or used by opponents of apartheid.

466 The Commission has accumulated evidence of acts of sabotage directed at socio-economic and military targets, primarily in the countries of the region that offered concrete support to the ANC. However, even targets in friendly countries like Swaziland were sometimes hit.

467 The Commission has information on attacks by South African security forces or their surrogate allies, on schools and clinics, road and rail networks, bridges, electricity, water, fuel and communications lines or networks, food stores, dipping facilities, farms or fields of crops.

468 One particular target in Mozambique was the Cabora Bassa electricity network, which was so frequently sabotaged as to be inoperative for more than a decade.

The oil pipeline to Zimbabwe and the rail route between Beira and Zimbabwe were other frequent targets. In March 1982, SADF Special Forces' operatives blew up fuel storage tanks at Beira while official records show that the fuel pipeline was ruptured in attacks thirty-seven times between 1982 and 1987, with an estimated loss of over ten million litres of fuel. In an eighteen-month period between February 1986 and September 1987, the Beira railway line was sabotaged by RENAMO on average once a week. Evidence has also been given to the Commission of South African seaborne Recce attacks on port facilities in Beira and Maputo harbours.

469 In the case of Angola, the short-term strategy for that country adopted by the SSC in March 1979 stated that attacks on the roads, bridges, rail networks and airfields of the south should be of such a nature that they could not be used again for the rapid deployment of the Angolan security forces. Perhaps the most economically devastating consequence of this strategy was the fact that it rendered the Benguela railway, which linked the south of Angola with the central African interior, inoperative for ten to fifteen years.

470 The earliest evidence available to the Commission of an external sabotage operation is of the bombing in mid-1963 of a transit centre for South African refugees in Francistown, Bechuanaland, followed soon afterwards by the blowing up of a plane at Francistown airport. The plane had been chartered to fly Harold Wolpe and Arthur Goldreich to Tanzania. Detained at the time of the Rivonia arrests, these two had escaped from the Johannesburg Fort prison and made their way via Swaziland to Bechuanaland. According to Williamson, only Republican Intelligence (RI) operatives would have had the capacity to perform such an operation at that time.

471 In terms of attacks on military installations, South African security forces and their agents were involved in at least four operations in Zimbabwe in the early 1980s. \$250 000 worth of arms were stolen from the Cranbourne Barracks in Harare in December 1980. In the same month an attempt was made to blow up thirty army vehicles at the King George VI Barracks.

472 On 16 August 1981, an explosion at the Inkomo Barracks near Bulawayo destroyed weapons valued at approximately \$50 million. The commander of the corps of engineers in the Zimbabwe National Army, Captain Patrick Gericke, was arrested soon after the attack. Gericke was suspected of having led a group in the attack, which resulted in bombs going off at intervals over a four-hour period.

The fact that his release from prison in December 1981 was engineered by a Zimbabwean police inspector, Mr Fred Varkevisser, who may also have been a South African agent, suggests that he may have been acting on South Africa's behalf. Along with Varkevisser's family, they were then flown to South Africa in a light aircraft, after which Gericke joined the SADF.

- 473 Zimbabwean agents and SADF Special Forces operatives were involved in the attack on the Thornhill airforce base near Gweru on 25 July 1982, in which thirteen fighter trainers of the Zimbabwe Air Force were destroyed. Four senior air force officers, including Air Vice-Marshal Hugh Slatter, were arrested for this operation. Under torture, they confessed their involvement but were acquitted when the trial judge deemed their confessions inadmissible. They were almost certainly not involved. Evidence gathered by the Commission suggests that this operation was undertaken by a South African Special Forces group led by a long-serving member of the Recces operating as an agent in Zimbabwe. The Commission has the names of four SADF Special Forces operatives who participated in that attack.
- 474 Two days prior to Thornhill, on 23 July 1983, six foreign tourists (two British, two American and two Australian) were abducted in the Lupare area on the road between Bulawayo and Victoria Falls. They were murdered three days later. The negative publicity badly affected Zimbabwe's tourist industry.
- 475 In October 1996, the Zimbabwean journal *Moto* published a report that the abductions had been the work of eight former Selous Scouts acting "on the orders of ex-agents of the Rhodesian intelligence who also doubled as South African agents" (p. 7). The Commission has obtained no information to corroborate the allegation.
- 476 Six months prior to Thornhill, on 18 December 1981, the offices of the ruling ZANU Party in Zimbabwe were blown up in Harare in an assassination attempt on senior Zimbabwean politicians, including Mr Mugabe. The central committee of the Party was due to meet at the time of the blast but was delayed due to the Prime Minister's late arrival. Seven civilians on the street and in shops nearby were killed in the blast, and 124 were injured. Double (South African and CIO) agents Mr Colin Evans and Mr Philip Hartlebury were arrested for their involvement in the attack. According to a report in a Zimbabwean journal , another double agent alleged to have been directly linked to the blast was Mr Peter Stanton. After leaving Zimbabwe, Stanton became a member of D40 and Barnacle and eventually the CCB.

- 477 ANC offices, or what were described at the time by the South African government as such, were subjected to sabotage attacks in at least seven countries. These were Zimbabwe, Zambia, Mozambique, Botswana, Lesotho, England and Sweden. In addition, attempts were made to assassinate ANC representatives in France and Belgium in their offices – successfully in the French case. South African government involvement in all but the Swedish and Belgian cases has either been admitted or conclusively established. In the two cases in doubt, circumstantial evidence points to the involvement of South African state agents.
- 478 In addition, in July and August 1982, the South African Security Branch was responsible for burglaries of the ANC, PAC, and SWAPO offices in England, for which two agents – Mr Peter Casselton and Mr Edward Aspinall – were imprisoned and a diplomat attached to the London mission, Warrant Officer Joseph Klue, was expelled. The office of the Anti-Apartheid Movement (AAM) in London was also burgled on at least one occasion in the 1980s.
- 479 Casselton and Klue played a prominent role in the most audacious of these sabotage operations, namely the attack on the ANC's London mission on 14 March 1982. The then head of the Security Branch, General Johan Coetzee, has submitted an amnesty application for his planning role in the operation. The Commission has also received applications from the team of security police operatives assembled for the attack – Craig Williamson, Eugene de Kock, Major John Adam, Jerry Raven, 'Vic' McPherson and Captain Jimmy Taylor. In his application, Coetzee states that the instruction to undertake the operation came from the then Minister of Law and Order, Louis le Grange, and was undertaken in reprisal for the involvement of British subjects in the ANC rocket attack on the Voortrekkerhoogte military base near Pretoria in 1981.
- 480 The task of assembling the team was assigned to Colonel Piet Goosen, then head of section G (foreign intelligence) of the Security Branch. The plastic explosive components for the bomb were developed by Jerry Raven of the police technical division and shipped to London in a diplomatic bag. These parts were collected and delivered by Klue, then a military attaché at the South African Embassy in London, to Casselton's home, where Raven assembled the bomb.
- 481 The false documentation for the detonation team was prepared by a section G member who has not applied for amnesty and cannot therefore be named; nor can the member of the police forensic laboratory who prepared vials of nerve gas. According to one of the operatives, the gas was for "added protection for the

team". The use of the diplomatic bag was a violation of international conventions in regard to diplomatic conduct between nations. At his appearance before the Commission, former Minister of Foreign Affairs, Pik Botha, denied any prior knowledge of the use of the bag.

- 482 The ANC office was empty at the time of the explosion; only the caretaker of the building was slightly injured. Both the AAM's former chair, Lord Hughes (in his appearance before the Commission) and its executive secretary, Mr Mike Terry (in a discussion with the Commission) raised the possibility that the operation may have been an assassination attempt on the life of the ANC president, Mr Oliver Tambo. They point to the fact that the operation coincided with a large international anti-apartheid demonstration in London that weekend. The gathering and Tambo's participation in it, they claim, had been widely publicised. They also point to the timing of the blast (09h00) and the fact that it was well known that Tambo tended to hold early morning meetings at the ANC office when in London.
- 483 After the operation, each of the participants was decorated with the Police Star for Excellent Service (SOE) at a ceremony in Minister le Grange's office, attended by General Coetzee and the then SAP commissioner, General Mike Geldenhuys.

**THE COMMISSION FINDS THAT THE OPERATION AGAINST THE ANC DIPLOMATIC MISSION IN LONDON WAS AUTHORISED BY THE SOUTH AFRICAN GOVERNMENT AT THE HIGHEST LEVEL AND THAT THE PRIME MINISTER, MR PW BOTHA, AND THE MINISTER OF LAW AND ORDER, MR LOUIS LE GRANGE, ARE DEEMED TO BE DIRECTLY ACCOUNTABLE. THE RAID WAS UNDERTAKEN IN VIOLATION OF THE TERRITORIAL SOVEREIGNTY OF THE UNITED KINGDOM AND WAS ALSO A VIOLATION OF INTERNATIONAL LAW IN TERMS OF ARTICLE 27, PARAGRAPH IV OF THE 1961 VIENNA CONVENTION ON DIPLOMATIC RELATIONS IN REGARD TO THE USE OF THE DIPLOMATIC BAG.**

- 484 A little over four years after the London bombing, the ANC office on the third floor of an office block in Stockholm, Sweden, was severely damaged in an explosion on 9 September 1986. Three people were present in the office at the time, including the ANC's representative, Ms Lindiwe Mabuza. No one was injured. No arrests were made for the bombing and no group ever claimed responsibility. While the ANC suspected South African involvement, a Swedish police inspector suggested the ANC had organised the explosion itself "because the ANC needed publicity". The Commission uncovered no new evidence on the incident and can make no finding on it.
- 485 In June 1985, according to the amnesty application of 'Vic' McPherson, the ANC office in Cha Cha Cha Road, Lusaka, was bombed. The plan was 'sold' to the commissioner of police as an attempt to kill Joe Slovo, and involved a Swaziland-

based agent code-named Ali placing a booby-trapped briefcase in the offices. Ali failed to penetrate the office complex and instead placed the bomb at the entrance gate. It caused minimal damage. Ali was paid R15 000 for the attempt.

- 486 Almost exactly a year later, on 17 May 1987, the relocated ANC office in a residence in Lincoln Street, Harare, was hit by a rocket fired from a distance of 200 metres. No one was hurt in the attack.
- 487 The UNHCR office in Swaziland was burgled in the late 1970s in an operation detailed in the amnesty application of Dirk Coetzee. He states that he was tasked with the operation by Major Nic van Rensburg of the Ermelo Security Branch and was assisted by two Eastern Transvaal Security Branch members and some 'friends' based in Swaziland.
- 488 The Ephesus House office in Manzini, Swaziland, was burgled on 17 October 1986. The raid was led by amnesty applicant Eugene de Kock, assisted by nine others including Daniel Izak Bosch, who also applied for amnesty. A refugee support organisation, Ephesus worked closely with ANC and MK operatives and served as a conduit for Scandinavian government funding of the ANC. Files stolen in the raid contained sensitive information on underground operatives. A year before the raid, the chair of the Ephesus Board, Dr John Daniel, had been deported from Swaziland in terms of the Swazi–South African security pact, while the chief administrator in the office, Ms Felicia Forrest, had been detained by the Swazi police. Her feared handover to the South African security police was prevented by the vigorous intervention of the Norwegian embassy in Harare, which sent a senior official to Swaziland. The Norwegian government was one of the funders of the organisation.
- 489 The Commission has information on, and amnesty applications for, attacks on houses which appear to have been undertaken only because they housed ANC members or supporters.
- 490 One attack, for which Eugene Fourie has applied for amnesty, occurred in 1989 and targeted the Swazi home of the then MK commander for Natal, Mr Muziwakhe Ngwenya (aka Thami Zulu). The intention was to kill Zulu and seize documents pertaining to planned MK operations. Documents were seized, but Zulu was away at the time and not apprehended. His wife, Ms Thabisile Mngadi, their two children and an elderly woman were not harmed, although they were bound, gagged and locked in the house.

- 491 Vlakplaas operative Sergeant DJ 'Duiwel' Brits applied for amnesty for a 1985 attack on a house in Botswana alleged to be a transit facility. Explosives were placed and the property extensively damaged. The house was empty at the time of the attack. Brits was accompanied by seven other Vlakplaas members in this operation.
- 492 The Commission has uncorroborated information of an attack in Gaborone in February 1985 in which two exiled South African journalists escaped injury when their home was bombed; of the killing of an unnamed South African refugee in Gaborone in May 1985 when his house was bombed; of a 1986 bomb attack on a house in Gaborone where a Batswana woman was killed and her child hurt; of hand grenade attacks on four houses in Gaborone in December 1987 which caused extensive damage but no injuries. Also hit was the Botswana Book Centre, a repository of progressive literature.

## ■ UNCONVENTIONAL MILITARY OPERATIONS

### The attempted overthrow of the Seychelles government

- 493 On 25 November 1981, a mixed group of mercenaries and SADF members failed in an attempt to overthrow the government of Prime Minister Rene of the Seychelles. Intercepted entering the country via Mahe airport, the mercenaries engaged in a brief gunfight in which two people were killed. One was a Seychellois citizen, the other was one of the plotters, SADF Recce 2 member Johan Fritz. While the group was headed by a well-known mercenary figure resident in South Africa, Colonel Mike Hoare, one of the coup's planners and participants, former BOSS/NIS agent Mr Martin Dolincheck, stated that it had cabinet authorisation.
- 494 There is no prior reference to the operation in the SSC minutes or in any of the SSC's documentation. The failure of the operation, however, was reported to the SSC on 2 December 1981 and discussed briefly. The Minister of Police was authorised to handle the matter.
- 495 The forty-three were never charged with hijacking but with lesser offences relating to air traffic regulations. During the course of the trial, General Malan, in his capacity as Minister of Defence, invoked section 29(1) of the General Laws Amendment Act barring twenty-five of the accused and/or witnesses (all of whom were current or reserve members of the SADF) from giving evidence on matters concerning their involvement in SADF operations prior to 24 November 1981. Without their testimony, only eight of the forty-three accused were convicted.

496 The Commission cannot establish conclusively that this operation was undertaken on the instructions of the Prime Minister, the Minister of Foreign Affairs or the heads of the relevant intelligence agencies. This cannot, however, absolve them of representative responsibility for the fact that senior National and Military Intelligence officers and senior officers of the SADF were involved.

497 The following factors led the Commission to believe there is *prima facie* evidence of high-level state involvement in this operation:

- a In his evidence to the Commission, Martin Dolinчек stated that, while attached to the Durban office of BOSS, he was instructed by his divisional head, Mr N Claasen, to link-up with Colonel Mike Hoare and to ask him to prepare a plan for the overthrow of the Seychelles government. The plan, it is alleged, was submitted to the cabinet and rejected. However, according to Dolinчек, the plan was amended and subsequently approved at cabinet level.
- b Dolinчек claims that planning responsibility for the coup was transferred from NIS (the successor agency to BOSS) to MI at this point, but that he remained the NIS liaison to the operation and was in frequent contact with Hoare. The involvement of Mr Claasen of NIS is confirmed by the fact that he was dismissed from the service after the failed operation.

Dolinчек's view of the take-over of the project by MI is supported by Mr Joseph Leyleveld, then a foreign correspondent resident in South Africa. Writing in the *International Herald Tribune* on 11 May 1982, Leyleveld reported that intense infighting between the NIS and MI over control of the project had ultimately been resolved when Prime Minister PW Botha "allocated planning for the Seychelles' coup operation to MI, while the protests of the civilian intelligence services were mollified by the appointment of Martin Dolinчек as a liaison officer on behalf of the NIS".

The contact between Dolinчек and Hoare is confirmed by the official United Nations investigative report into the coup attempt. It records three meetings between them at Hoare's home near Pietermaritzburg in September, October and November 1981. Thereafter, Dolinчек left for the Seychelles as part of an advance party.

In his judgement at the trial of the coup participants, Mr Justice James stated that, while there was no proof of the South African government's involvement,

he accepted that senior SADF and NIS members were involved in the coup's planning. He did not, however, address the question of how such senior security officials could be so involved without either political authorisation or without the government being or becoming aware of their involvement.

- c The South African government paid President Rene three million dollars to secure the release of Dolinchek and the other plotters captured during the coup attempt and subsequently given long prison sentences. Dolinchek was initially sentenced to death, but this was later commuted to life imprisonment. In testimony to the Commission, Mr Pik Botha confirmed the payment, although he could not remember the exact amount and mentioned a figure in the region of R20 million.
- d The profile and composition of the individuals involved in the coup attempt: of the fifty-four participants, only eleven seem to have had no ties with either the SADF or the Rhodesian military. The other forty-three were either serving or reserve military personnel – twenty-five South Africans, members of one or other of the SADF's Reconnaissance Regiments, and eighteen former members of such Rhodesian military units as the Selous Scouts, SAS, Rhodesian Light Infantry (RLI) or the Special Branch. One of the former Congo mercenaries, Mr Jeremiah Puren, was named by a former SADF general and high-ranking MI officer in a discussion with the Commission as an "NIS agent".

Although they were prevented by the Minister of Defence from giving testimony in court, the SADF reservist members of Recce 2 claimed that they joined the coup attempt because they believed it had the backing of the government. Reinforcing this view was the fact that a number of them claimed to have received call-up papers from the SADF and this is what brought them into the operation.

Speaking in Parliament on 13 February 1984, Defence Minister Magnus Malan confirmed that those involved in the coup attempt included "men who were or are employed" by the SADF, but he refused to give any further details on them or their role in the coup.

- e The well-established links between various agencies of the South African state and the Seychellois exile community in South Africa from the time of the overthrow in 1977 of the government headed by Mr James Mancham.

Evidence obtained from the archives of the Department of Foreign Affairs reveals high-level and regular contacts from 1978 between officials of the Department and leaders of the exile community. Two documents<sup>29</sup> drafted by a senior DFA desk officer in Pretoria, Mr Carl von Hirschberg, refer to several meetings between the Department and various exiles, and makes it clear that both the DFA and MI were well aware of the intention by the followers of Mancham to attempt a coup and that much of this planning was being done in South Africa.

In his written submission to the Commission, Mr Pik Botha does not actually deny the fact of the government's involvement in the operation. Instead, he quotes at length and without contradiction the conclusions of the UN Commission of Enquiry into the coup. This found that the NIS had been aware from the outset "of the preparations for the mercenary aggression" and that a number of factors clearly established the fact of South Africa's involvement. Amongst these were the SADF's delivery to Hoare of the arms, ammunition and other equipment to be used in the operation (the delivery took place on 6 October 1981 and was made by a Sergeant Major van der Merwe); the participation of an unnamed SADF officer in the preliminary discussions, and the participation by members of 2 Recce in the operation itself.

498 In the light of these and other facts, the UN Commission concluded that "if responsible ministers were not at least aware of what was going on, this indicates both a remarkable lack of control by the South African government over its own agencies and a lack of awareness that is hard to reconcile with the tight and effective control exercised by the security authorities in South Africa".

499 Clearly the UN Commission did not fully accept Prime Minister PW Botha's statement to Parliament on 29 July 1982 that "neither the South African government, the cabinet, nor the State Security Council were aware of the coup". However, like the Truth and Reconciliation Commission, they could not establish conclusively otherwise.

**THE COMMISSION FINDS THAT THE ATTEMPT TO OVERTHROW THE SEYCHELLES GOVERNMENT WAS AN OPERATION UNDERTAKEN BY SENIOR OPERATIVES OF THE NIS AND THE DEPARTMENT OF MILITARY INTELLIGENCE WITH THE COLLUSION OF ELEMENTS WITHIN THE SADF. AS SUCH, IT WAS A VIOLATION OF INTERNATIONAL LAW AND AN INFRINGEMENT OF THE SOVEREIGNTY OF THE SEYCHELLES GOVERNMENT. THE DEATH OF A SEYCHELLOIS CITIZEN IN THE OPERATION WAS A GROSS HUMAN RIGHTS VIOLATION.**

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<sup>29</sup> Refs 1/194/3 and 1/194/1 dated May 1979 and November 1981.

FOR THESE ACTS, THE COMMISSION FINDS THE FOLLOWING TO BE ACCOUNTABLE IN THEIR CAPACITIES AS HEADS OF AGENCIES OF THE STATE DIRECTLY INVOLVED IN THE OPERATION: PRIME MINISTER PW BOTHA, MINISTER OF DEFENCE GENERAL MAGNUS MALAN, HEAD OF THE OFFICE OF CHIEF OF STAFF INTELLIGENCE LIEUTENANT GENERAL PW VAN DER WESTHUIZEN, AND THE NATIONAL INTELLIGENCE SERVICE.