

CHAIRMAN: This is merely the official opening of the commission. There is no intention to lead any evidence today. First of all I would like to inform the interested parties of the house rules that will apply. Copies could be obtained from the secretary if necessary.

Firstly, should a party wish to bring a matter falling within the terms of reference to the attention of the commission, he must do so by means of an affidavit or solemn declaration in which the following is set out fully:

1. The nature of the suspicion. (10)
2. The grounds on which the suspicion is based; and
3. Any other relevant information known to the declarant.

Copies of documents relied upon must be attached.

Interested parties who are not witnesses may be entitled to legal representation provided a power of attorney is filed with the secretary setting out the interests of the party in the proceedings.

Cross-examination may be permitted subject to the following: If requested by the chairman the nature and purpose (20) of the cross-examination must be disclosed to the commission; the chairman may place a time limit on cross-examination, and if more than one party has the same or similar interests one party only may cross-examine.

Applications, requests and argument must be in writing. The chairman will, on receipt, decide whether oral amplification will be permitted. All contact between the chairman and the press or other parties takes place through the secretary. Oral evidence is recorded and will be transcribed. Any requests for copies of the evidence or exhibits must be (30)

in writing/..

in writing. If granted, the applicant must make his own arrangements for copies and payment.

Kindly note the provisions of the Act and regulations as well as the sub judice rule.

The officers of the commission presently are Mr McNally SC who will lead the evidence, Mr Erasmus who is the secretary and then General Van der Westhuizen and Colonel J. Wright. The place of hearing will be principally in this chamber and if necessary we shall move to other centres and ordinary supreme court hours will be kept, namely we will start (10) at 10h00.

Procedural decisions are interlocutory and may be amended or recalled. That also applies to the house rules. The commission is not a court and reasons for its decision are in general not given. Should anyone wish to have notice of hearings, the request with the necessary information must be given to the secretary.

The Act permits the commission to sit in the RSA only and as chairman I cannot hear evidence in any other country. Witnesses abroad are requested to comply with the first rule (20) and to indicate their willingness to appear in person if letters rogatore are granted and to state where such examination can take place.

Witnesses are witnesses of the commission. This means that if someone wishes to place evidence before the commission, officers of the commission must lead the evidence. In exceptional circumstances only will an interested party be permitted to lead his own witness.

The proceedings of the commission will be conducted in public. If it is in the public interest to hear an issue (30)

in camera/. .

in camera, notice of such instance will be given.

The officers have been seconded by or with the consent of the responsible minister. Although the chairman has no statutory say in the matter, the secondments took place with his knowledge and consent. A full-time assistant to Adv. McNally is being recruited. The consent of the minister to the ad hoc appointment of assistants has been obtained and, depending on the work-load, of further full-time officers.

A valid question which arose relates to the propriety of utilising police in the investigation, especially in (10) respect to that party of the investigation which deals with the allegations involving police. No other practical solution sprang to mind. It would be improper to condemn the South African Police en bloc and en masse without any factual basis. Should facts be brought to the chairman's attention which reflect upon the ability of any officer to assist the commission, immediate action will be taken.

Investigations performed by third parties will receive due consideration and any independent input will be appreciated. (20)

Is daar 'n behoefte dat ek in Afrikaans herhaal?

(Geen versoek dat dit in Afrikaans herhaal moet word nie.)

Is daar enige verskynings, any apperances at this stage, persons who wish to indicate that they appear?

MR TRENGOVE: I appear, with my learned friends, Mr Nugent and Mr Campbell, instructed by Cheadle, Thompson & Haysom of Johannesburg on behalf of the following organisations and individuals, namely:

1. The Congress of South African Trade Unions. (30)

2./..

2. The Independent Board of Inquiry into Informal Oppression.
3. Reverend Frank Chikane.
4. The Maponya family being the next-of-kin of one Japie Maponya.
5. Mr Siphon Mtshkulu, the father of one Siphon Mtshkulu, and also Mr Hofman Galeng.

There are in addition certain further parties who have approached my instructing attorneys to represent them as well, but a decision has yet to be taken as to their representa-(10) tion. So I just indicate at this stage that we may at a later stage in the commission also represent further parties.

CHAIRMAN: Thank you. Anyone else? Mnr. Visser?

MR VISSER: With your permission, I am instructed together with my learned junior, Mr Du Preez, on behalf of the South African Police.

CHAIRMAN: Anyone else in that direction?

MR MARTIZ: I together with my learned friend, Mr Kemp, have been instructed to act on behalf of members of the police and retired members of the police whose interests may be (20) affected or become affected by the proceedings of the commission. We were so instructed by the firm Getz, Behr, Mendel and Cohen. Thank you.

MNR. HATTINGH: Ek tree op, bygestaan deur my geleerde vriend, mnr. Wessels, namens BSB, die Burgerlikie Samewerkingsburo. Ons opdrag kom van die prokureursfirma Havenga en Kruger.

MNR. BURGER: Ek verskyn saam met my geleerde vriend, mnr. De Jager namens die Suid-Afrikaanse Weermag en die Minister van Verdediging in opdrag van die Staatsprokureur.

MR VISSER: I neglected to mention that we are also (30) instructed/..

instructed by the State Attorney.

MR DISON: I am here with my partner, Lauren Jacobson.

CHAIRMAN: What is your name?

MR DISON: David Dison. We are from the firm Bell, Dewar and Hall.

We act for the Webster Trust and family, Die Vrye Weekblad, certain other victims of hit-squads predominantly on the East Rand who we have not received final instructions from at this stage ..(intervenes).

CHAIRMAN: I would prefer you not to make conclusions in announcing yourself. (10)

MR DISON: I am sorry, Sir?

CHAIRMAN: I say I would prefer it if you would not make factual conclusions in simply announcing yourself.

MR DISON: I apologise. That is whom we act for.

CHAIRMAN: In other words you act for Vrye Weekblad and the Webster Trust?

MR DISON: And family and there are certain other instructions ... (intervenes)

CHAIRMAN: Who are they? You have to identify them.

MR DISON: We have received information from various par- (20) ties over the past few months. We were only advised of the commission in the last few days and we have not taken formal instructions from these parties.

CHAIRMAN: Yes, thank you. Anyone else?

MR SHEZI: My name is Bheka Shezi from Mxenge, Ngxingweni and Shezi. I appear on behalf of the Mxenge family.

CHAIRMAN: Which family?

MR SHEZI: The Mxenge family.

(?): I represent the Lawyers for Human Rights.

MR AHMED MUTWALA: I represent Mutwala Albert Nofumela. (30)

I am/..

I am also from Lawyers for Human Rights.

CHAIRMAN: Is there someone else appearing? Not?

Are there any specific questions which any of the representatives wish to ask at this stage which I can sensibly answer?

MNR. BURGER: Mag ons vra wanneer u ver wag dat die kommissie in aanvang sal neem?

VOORSITTER: Mnr. Burger, ongelukkig gaan dinge 'n bietjie dol op die oomblik. Ons het 'n ernstige probleem om te bepaal waar ons gaan begin. Ons het 'n redelike lang lys van gevalle (10) wat binne die raamwerk van die kommissie se opdrag val. Daar is natuurlik 'n hele aantal wat prima facie nie veel ondersoek verg nie of moontlik nie sinvol ondersoek kan word nie, maar daar is 'n paar gevalle wat wesenlik uitsteek.

'n Probleem wat tans bestaan lê om die bepaling in klousule 11 van die regulasies wat sekere beperkings op die kommissie plaas waar daar hangende gedinge byvoorbeeld is en daardie goed moet nog uitgesorteer word.

Wat ek vir u gaan vra is om almal nadat ek verdaag met mnr. McNally 'n vergadering te hou en dat daar 'n sin- (20)volle bespreking kan plaasvind oor waar 'n mens begin, voorstelle, dat ons voorstelle kan inwin en ook wie watter getuienis beskikbaar het en hoe die getuienis aan mnr. McNally oorgedra kan word. So, ek moet dit eintlik in die hande laat van u almal om saam te werk met mnr. McNally, maar die begeerte is om so go doenlik, sodra ons enige onderwerp enigsins ondersoek het of gereed is om die getuienis te lei, onmiddellik te begin getuienis lei. Ons wil geen vertraging hê nie.

Any further questions? (No questions) I would then ask counsel and representatives to meet with Mr McNally (30)

immediately/..

presentation of evidence and the cases which are suggested should be investigated and more or less in what sequence. I presume there will be no agreement, but I am available for assistance if required, but I do not wish to get embroidered in an argument between so many lawyers. It is not sensible.

I have to apologise that for so little I have brought you all here, but we have to have a formal beginning and at least to lay the ground rules and to get people together to see where the information is and how we can get the informa- (10)  
tion because we know of many newspaper reports but that is as far as much goes.

Thank you very much.

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