

AK 288-3/
#7

**IN THE SUPREME COURT OF SOUTH AFRICA
(TRANSVAAL PROVINCIAL DIVISION)**

Case No.:

In the review Application of :

J J WALUS

First Applicant

C DERBY-LEWIS

Second Applicant

And

AMNESTY COMMITTEE

Respondent

REVIEW

AGAINST THE DECISION BY : JUDGE. H MALL, JUDGE. A WILSON,
JUDGE PRESIDENT, B. NGOEPE, ACTING
JUDGE. DENZIL POTGIETER & ACTING
JUDGE. S. KAMPEPE

**OF THE AMNESTY COMMITTEE IN THE APPLICATIONS OF J J WALUS
(AM270/96) AND C DERBY-LEWIS (AM271/96) DELIVERED BY THE AMNESTY
COMMITTEE AT CAPE TOWN ON 7 APRIL 1999**

ON BEHALF OF APPLICANTS

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**VOLUME 7
(Pages 601 - 700)**

MR BIZOS: Please, Mr Derby-Lewis. The question is that the form asked you to state the political objective.

MR DERBY-LEWIS: Yes.

MR BIZOS: You state the political objective under the heading of the objective of the attack on the 30th of the 4th 1993, paragraph 5, you state the political objective.

MR DERBY-LEWIS: Yes.

MR BIZOS: That political objective does not appear in your application although in answer to it, you give us a long story from page 23, right up to page 26. Why was that political objective not disclosed to the Amnesty Committee when you filled in your form?

MR DERBY-LEWIS: Because I, that document ... (intervention).

JUDGE NGOEPE: Sorry to interrupt. Mr Bizos, is this really a fair question? The - what appears in E11, paragraph 5, is a method of achieving a political objective, and can't it be said that by framing in broad terms, the political objective in the application form, that already encompasses almost everything, and I mean, in an application form an applicant can hardly be expected to set out every method he will employ to achieve the political objective. (Applause).

MR BIZOS: Thanks, Judge, but this is not a person who just fills in a form. He wrote from page 23 to page 26 the reasons why he did it.

JUDGE NGOEPE: I appreciate that, but I have difficulties in understanding E11, paragraph 5 as a totally new and independent objective, so new and objective that it can be said that it is not encompassed under the general objective, political objective.

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MR BIZOS: Yes, but ...

JUDGE NGOEPE: To me, just one of the methods.

MR BIZOS: Of achieving the political objective, but the question is:

"State political objectives sought to be achieved."

The political objective to be achieved, one of the political objectives is to induce the leaders of Afrikanerdom to do something to save their people.

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JUDGE NGOEPE: No, he does not have more than one political objective. He had only one political objective, and that is in his own way, to achieve politically what he wanted to achieve for the Afrikaners. That's just one political objective. How he goes about achieving that, that is a matter of detail and method and perhaps strategy, but the political objective I would have thought, is always one.

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MR BIZOS: Mr Chairman, with respect, if one has a look what he says on page 23, on page 24, particularly 10(b)-

"Your justification for regarding such acts, omissions and/or offences, associated with a political objective ..."

which is the other heading, which he has to answer.

And "Were they acts or omissions or offences committed in the execution..."

etc. And on page 26 that he did it on behalf of the Conservative Party. An objective is; what do you want to achieve? And he says in E5 that that was one of the objectives, and if you have a look, although it is a matter of interpretation, and I will agree that it is capable of that interpretation, but if we have a look at the heading of E5 - E11, he says the objectives of the attack; what I wanted to achieve by this attack, and one of the enquiries that this Committee has to make, what was it that the person was hoping to achieve. It is in that sense that objective is (intervention).

JUDGE NGOEPE: I see that, I don't want to let us get entangled into things, but all I can say to you is that the heading that you are referring to on E11 is simply the objectives of the attack. It doesn't say the political objectives of the attack. Whereas in the application form we talk of political objectives,

MR BIZOS: I concede the point, Mr. Did you consider the murder a political act or not?

MR DERBY-LEWIS: Mr Chairman?

MR BIZOS: Did you consider the murder you committed a political act or not?

MR DERBY-LEWIS: Mr Chairman, a total political act. 10

MR BIZOS: Thank you.

Did you consider that that political act would gain one or other of your objectives?

MR DERBY-LEWIS: I considered that would have gained the whole idea, the whole motive behind this thing, in every respect.

MR BIZOS: One of your objectives to wake up the Afrikaner leaders?

MR DERBY-LEWIS: But there are other objectives as well.

MR BIZOS: Let's deal with this one. 20

MR DERBY-LEWIS: Right.

MR BIZOS: We will deal with the others.

MR DERBY-LEWIS: Right, right, ja, okay, Mr Chairman.

MR BIZOS: Now I want to ask you this - I am sorry I didn't realise that we had gone past the - the interruption with the video thing has put my feeling of time out of place. 30

CHAIRPERSON: Has taken up time. Yes. We will take the usual adjournment and resume within an hour. What is the time now? Quarter past one. We will resume at quarter past two.

COMMITTEE ADJOURNS

ON RESUMPTION:

CLIVE DERBY-LEWIS: (Still under affirmation).

CROSS-EXAMINATION BY MR BIZOS: (cont)

Mr Derby-Lewis, when you heard of Mr Chris Hani's death, you told us that you went and had some coffee and you and your wife went shopping. Is that correct?

MR DERBY-LEWIS: We had finished, we had actually finished tea, Mr Chairman, and we then went shopping, yes.

MR BIZOS: You went shopping. Now did you phone any of the right-wing leaders that you referred to in paragraph 5 of E11 on Saturday or on Sunday?

MR DERBY-LEWIS: No, Mr Chairman.

MR BIZOS: Or on Monday?

MR DERBY-LEWIS: No, Mr Chairman.

MR BIZOS: But now if you spoke the truth when you wrote paragraph 5, one would have expected you to get to the phone immediately or use couriers or use whatever means could you communicate with the leaders of the right, to say fellow Afrikaners, leaders of the Afrikaner people, this is the moment,

anti-Christ is dead, let's do what we have to do. Did you phone anybody to tell them that?

MR DERBY-LEWIS: Not at that stage. Not at that stage, Mr Chairman.

MR BIZOS: Well, you couldn't have done it from prison presumably, so we can assume that the purpose for which you did it in order to bring about unity among the Afrikaner leaders, to start a counter-revolution, you allowed the opportunity to slip by.

MR DERBY-LEWIS: That's not correct, Mr Chairman. In fact, I waited to see whether it would have had the desired effect, before committing myself to going to the caucus and then explaining to them what I had done, my motivation and asking them to join me in the action.

JUDGE WILSON: Well, can I just clarify, please. Mr Bizos asked you about that day or the next day or Monday or Tuesday, did you in fact make contact with anyone before you were arrested on the Saturday?

MR DERBY-LEWIS: No, Mr Chairman. Sorry, maybe I should qualify that, I was contacted by the chief spokesman, regarding the issuing of a statement and so on.

JUDGE WILSON: Yes.

MR DERBY-LEWIS: But I didn't initiate any contact, no.

MR BIZOS: The purpose of committing murder was for chaos to result, so that the White leaders of Afrikanerdom could seize the opportunity to have a counter-revolution. Why did you allow that opportunity to slip by?

MR DERBY-LEWIS: As I have stated Mr Chairman, I had been caught unawares because in my terms the assassination was not to occur on the Easter weekend. And although, Walus - Cuba had an 'nth degree of independence, when we discussed it I suggested to him that it do not happen then.

JUDGE WILSON: But I can understand that on the Saturday or the Sunday, but surely by the Monday you could have been making contact?

MR DERBY-LEWIS: I was still trying - let me explain, Mr Chairman, I was really in a state of shock, as a result of the occurrence, because as I explained, it was not something which one does lightly. And as a result of that, I was totally demobilised at that stage - I was totally demotivated. I was in the situation where I sort of was standing back and waiting for something to happen and I didn't know what.

MR BIZOS: You knew, did you not, from newspaper reports on the Sunday and on Monday, that what you partly helped to happen, for people to go berserk, was in fact happening. Did you not know that?

MR DERBY-LEWIS: Yes, Mr Chairman.

MR BIZOS: And did you not know that the leadership of Mr Nelson Mandela, Mr Tokyo Sexwale, Mr Mbeki and others for calm and not to allow themselves to be provoked by a senseless act of murder to derail the negotiation process was being made. Did you realise that?

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MR DERBY-LEWIS: Yes, Mr Chairman.

MR BIZOS: All the more reason for you to say to your fellow Afrikaner leaders, with whom you claimed such a special relationship, this is the time, awake, let us take over!

MR DERBY-LEWIS: Mr Chairman, there was no haste in that regard.

MR BIZOS: There was no?

MR DERBY-LEWIS: There was no haste in that regard. Haste.

MR BIZOS: There was no haste?

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MR DERBY-LEWIS: That's right, because there was nothing to connect me to the assassination.

MR BIZOS: Mr Derby-Lewis, have you lost touch with reality, Sir? The question is directed to that you wanted to achieve an objective to bring chaos to the country, to unite the White leaders, so that they can - your counter-revolution could succeed and you sit there Saturday, Sunday, Monday and you do nothing. Isn't that inconsistent with your claimed objective, that you

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wanted chaos to take place and for your likes to move into the gap in order to take the country over?

MR DERBY-LEWIS: No, Mr Chairman.

MR BIZOS: You did nothing?

MR DERBY-LEWIS: I did nothing, Mr Chairman. I waiting for, as I said, for an opportune moment. 10

JUDGE WILSON: You said there was nothing to tie you to the killing. I find that a little difficult to understand. You had planned the killing with Mr Walus, who had been arrested a matter of a few minutes after the killing. You had supplied him with the list of addresses so he could find the place. You had supplied him with the gun that he had used.

MR DERBY-LEWIS: Correct.

JUDGE WILSON: Wasn't there an awful lot to tie you to the killing, Mr Derby-Lewis? 20

MR DERBY-LEWIS: Mr Chairman, no, there was no evidence of that. Although I had done that.

JUDGE WILSON: And that Mr Walus told the police yes, Mr Derby-Lewis told me to, he gave me the gun.

MR DERBY-LEWIS: Mr Chairman, I was convinced that Mr Walus would in fact not to do that, and that I will have ample opportunity to plan the next step. 30

JUDGE WILSON: But you did nothing for a week to plan the next step.

MR DERBY-LEWIS: No, that's correct, Mr Chairman.

MR BIZOS: Did you tell Mr Walus that you hoped chaos would result as a result of your and his murder of Chris Hani and that the objective was to take advantage of the chaos in order to take over the government? Did you tell him that? 10

MR DERBY-LEWIS: I did, Mr Chairman.

MR BIZOS: Did you tell him that you thought that the murder would awaken the leadership of Afrikanerdom?

MR DERBY-LEWIS: Yes, I did, Mr Chairman. In fact, that was during our discussions the whole objective, he was fully aware of that.

MR BIZOS: I want to ask you a question, Mr Derby-Lewis. How is it that you and Mr Walus took it upon yourselves to be the saviours of Afrikanerdom if their leaders of the various political parties of Afrikaners, were not prepared to do anything about it? 20

MR DERBY-LEWIS: Mr Chairman, I believed that the other leaders were reading the situation incorrectly. That they were allowing themselves to be misled by Mr De Klerk and his regime, when it was patently obvious to me that De Klerk was busy with the betrayal of the Afrikaner people. It was clear to me at all times, long before many other people became aware of this. 30

MR BIZOS: You saw yourself as a prophet of sorts?

MR DERBY-LEWIS: I did not, I did not, Mr Chairman. I just saw myself as being someone able to assess the situation, all things taken into consideration.

MR BIZOS: Now this business of waking up the Afrikaner leaders in order that there should be chaos and to fill the gap created by the chaos, Mr FW de Klerk was the President of the country, was he not? 10

MR DERBY-LEWIS: Correct, Mr Chairman.

MR BIZOS: The commander in chief of the Army.

MR DERBY-LEWIS: Correct, Mr Chairman.

MR BIZOS: In charge of the police?

MR DERBY-LEWIS: That's correct, Mr Chairman.

MR BIZOS: And you have throughout your evidence told us how much contempt, if not hatred, you had for Mr FW de Klerk? 20

MR DERBY-LEWIS: For his behaviour, yes, Mr Chairman, not for him as a person.

MR BIZOS: If you wanted a power vacuum to come about, for you and like-minded Afrikaners that you purport to speak on behalf of, the natural target would have been Mr FW de Klerk and not Hani.

MR DERBY-LEWIS: Mr Chairman ...

MR BIZOS: Power was in De Klerk's hands at the time. 30

MR DERBY-LEWIS: Mr Chairman, nobody would have gone to the trouble of causing chaos to avenge Mr FW de Klerk's death. Who in his wildest dreams could ever picture that? I certainly couldn't.

MR BIZOS: Well, he was in power, he controlled the Army, he controlled the Police, he controlled the structures of State and you were looking for a gap to take power. Wasn't he the natural victim?

MR DERBY-LEWIS: No, Mr Chairman, because we knew with the very make-up of the man, that he wouldn't be able to handle a chaotic situation in the country. And ... (intervention).

MR BIZOS: No, you don't understand my question.

MR DERBY-LEWIS: Maybe I don't, Mr Chairman.

MR BIZOS: If you wanted to create a power vacuum, you should have gone for the man that was in power. And he wasn't even on your list.

MR DERBY-LEWIS: Mr Chairman - Mr Chairman, it was patently obvious to me and to many informed people, that the real power was being transferred over to this power-sharing experiment which De Klerk had dreamed up. He was no longer in power.

MR BIZOS: Well, let's take it from another aspect, Mr Derby-Lewis. Do you agree that you intended to kill Mr Mandela?

MR DERBY-LEWIS: No, Mr Chairman.

MR BIZOS: You say so in your statement, don't you?

MR DERBY-LEWIS: I don't say so in my statement, Mr Chairman.

MR BIZOS: When the list was drawn, wasn't he number one?

MR DERBY-LEWIS: Mr Chairman, I didn't draw that list, and I have stated categorically that I have never drawn that list. 10

MR BIZOS: Who drew the list?

MR DERBY-LEWIS: Mr Arthur Kemp, as was testified in the trial, and he drew it out of a much larger list, Mr Chairman, and I had nothing to do with the selection of the names. It was in fact, a coincidence that Hani's address was on that list.

JUDGE WILSON: Who numbered the list?

MR DERBY-LEWIS: Mr Walus, as I mentioned in my earlier testimony, Mr Chairman. 20

MR BIZOS: Who was number one on the basis of his numbering?
I'm sorry, if you finished, Judge.

JUDGE WILSON: Yes.

MR DERBY-LEWIS: Well, Mr Chairman, if you have a look at the list it states clearly that page 1 is A1, page 2
(intervention).

MR BIZOS: Who was number one to be eliminated? 30

MR DERBY-LEWIS: Mr Chairman, the name of Mr Nelson Mandela appeared on the page marked A1.

MR BIZOS: On the list Mr Mandela was number one for elimination, correct?

MR DERBY-LEWIS: I repeat, Mr Chairman, Mr Mandela's name was on that list and the list is clearly marked A1.

MR BIZOS: Right. Why was his name on that list?

MR DERBY-LEWIS: I think you must ask somebody else, I didn't draw up that list, Mr Chairman. (Laughter).

Mr Chairman, with respect, how many times do I have to repeat the fact that I did not draw up that list of addresses? And it was obvious from the testimony in the trial it was not done.

MR BIZOS: How did Mr Hani come to be number three? If number one was not Mr Mandela and number two Mr Slovo?

MR DERBY-LEWIS: Mr Chairman, I explained that we numbered these people in terms of priority and in terms of their enmity, their degree of enmity to this Conservative Party and the cause of the Afrikaner. Mr Chairman, let me also go further then say that I also testified earlier that if I had anything to do with drawing up that list, and it was going to be a hit list and not an address list, I can assure you there would have been other names on this list other than the majority of names which were included in that list. I did not compose this list.

MR BIZOS: Mr Walus says in his statement -

"Weapon and the list was handed over by
Clive Derby-Lewis."

MR DERBY-LEWIS: That's correct, Mr Chairman.

MR BIZOS: You knew that Mr Mandela's name was on it when
you handed over the list? 10

MR DERBY-LEWIS: That's correct, Mr Chairman.

MR BIZOS: The next sentence is:

"Reconnaissance was also done on
Mandela's house."

MR DERBY-LEWIS: I knew nothing about that, Mr Chairman.

MR BIZOS: "I thought that the old goat was not worth it."

MR DERBY-LEWIS: That's certainly not my statement, Mr
Chairman. 20

MR BIZOS: Did Mr Walus have any reason to lie to the police
immediately after his arrest? 20

MR DERBY-LEWIS: Mr Chairman, with respect, I can't speak
for Mr Walus.

MR BIZOS: "All writing on the list was
done by myself on the list.
Clive only said to work
sensibly."

Did you tell him that he must work sensibly? 30

MR DERBY-LEWIS: He had the full responsibility, Mr Chairman, for ...

MR BIZOS: Full responsibility for what?

MR DERBY-LEWIS: For the attack and I could probably have said to him act sensibly. I assumed he was going to act sensibly anyway.

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MR BIZOS: But now ...

MR DERBY-LEWIS: Sorry, Mr Chairman, can Mr Bizos just tell me to which document he is actually referring in which bundle?

MR BIZOS: Yes. R4, page 88.

MR DERBY-LEWIS: R4, page 88. Okay. Yes, I have it, Mr Chairman.

MR BIZOS: You see that I have read it correctly?

MR DERBY-LEWIS: Yes, I see that, Mr Chairman.

MR BIZOS: You can't furnish an explanation as to why he should have made any wrong statements in relation to you?

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MR DERBY-LEWIS: No, I can't, Mr Chairman.

MR BIZOS: Now will you please have a look at the list that has Mr Mandela's house's picture on?

JUDGE WILSON: Which one are you referring to, Mr Bizos?

MR BIZOS: (Indistinct - speaker's mike not on)

. Clive Derby-Lewis. Reconnaissance was also done on Mandela's house.

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MR DERBY-LEWIS: No, about the list, yes.

MR BIZOS: Yes, where were ...

JUDGE WILSON: (Indistinct).

MR BIZOS: No, Mr Chairman, what I ...

JUDGE WILSON: You referred the witness to the list, to the picture of Mandela's house on it.

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MR BIZOS: After I asked the question, the witness asked what document was I reading from ...

JUDGE WILSON: Yes.

MR BIZOS: — previously and I understood him to want that reference

JUDGE WILSON: Yes, you told us that.

MR BIZOS: That's why ...

JUDGE WILSON: I am now asking you for the reference to the list.

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MR BIZOS: Yes. It is Bundle A, page 30. Now is this the list that you and Cuba had?

MR DERBY-LEWIS: That is correct, Mr Chairman.

MR BIZOS: Please have a look at page 65 of R4 and page 30 of Bundle A. Will you please look at the last paragraph on page 65?

MR DERBY-LEWIS: Yes.

MR BIZOS: This is the typed version of your statement.

MR DERBY-LEWIS: Yes, Mr Chairman.

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MR BIZOS: "Cuba and I subsequently discussed the list and listed the names in order of importance."

Is that correct?

MR DERBY-LEWIS: I just want to check when the statement was made, Mr Chairman. 10

MR BIZOS: Mr Chairman, I have no objection to the instructing attorney of Mr Derby-Lewis showing him documents, but I would appeal that he does not talk to him when a question is being asked.

MR DERBY-LEWIS: Mr Chairman, he is indicating documents to me.

MR BIZOS: I have no objection to that.

MR DERBY-LEWIS: And where you are referring to on the documents. 20

MR BIZOS: I have no objection. The last paragraph, page 65.

MR DERBY-LEWIS: Yes.

MR BIZOS: "Cuba and I subsequently then discussed the list and listed the names in order of importance."

MR DERBY-LEWIS: Right, Mr Chairman.

MR BIZOS: Is that a correct statement or a false statement? 30

MR DERBY-LEWIS: That is correct, Mr Chairman, I said this and also in terms of priority.

MR BIZOS: Importance for what?

MR DERBY-LEWIS: As regards their enmity towards us, towards the Conservative Party and its cause.

MR BIZOS: Oh, was this an anti-popularity list or a murder list? 10

MR DERBY-LEWIS: Mr Chairman, it was not a murder list, it was an address list drawn up by somebody else.

MR BIZOS: So the person which, the person who was the most against you and the most unpopular amongst you, was Mr Mandela, because he is AI.

MR DERBY-LEWIS: He was the most important, Mr Chairman.

MR BIZOS: Yes.

MR DERBY-LEWIS: Yes.

MR BIZOS: "Now during the discussions which Cuba and I held alone, Cuba was not aware that other names were listed to cause confusion. He did not know nor ask why they were there." 20

Now if it was merely a list in order to show enmity, why were other names put there in order to cause confusion? 30

MR DERBY-LEWIS: Mr Chairman, as I mentioned in my explanation for paragraphs 44, 45 and 46, that was also portion of where I was talking to protect my wife.

MR BIZOS: Yes?

MR DERBY-LEWIS: That statement was also aimed at that.

MR BIZOS: Please just give me a direct simple answer.

MR DERBY-LEWIS: That's the answer.

MR BIZOS: What was the ... (intervention).

MR DERBY-LEWIS: ... Mr Chairman, I can't ...

MR BIZOS: What was the purpose of confusing people about names on the list if it was not a murder list? You would not be concerned about listing people whom you did not like? There was no need to confuse anybody about the order in which you didn't like people.

MR DERBY-LEWIS: Mr Chairman, as I have already stated, that sentence was there to mislead the security branch personnel and it was part of my effort to protect my wife. It had nothing to do with the actual situation.

MR BIZOS: It begs the question, Mr Derby-Lewis, what did your wife need protection from?

MR DERBY-LEWIS: I have already testified to that, Mr Chairman.

MR BIZOS: What did your wife need protection from?

MR DERBY-LEWIS: From the actions of ruthless people in the security branch who ... (intervention).

MR BIZOS: What ...

MR DERBY-LEWIS: Who were determined to use her to get me to make a full confession, even if it meant persecuting her.

MR BIZOS: Now please, try and come to terms with the question, Mr Derby-Lewis. If the list was not a murder list, what did your wife need protection from? 10

MR DERBY-LEWIS: She needed protection, Mr Chairman, in spite of the fact that it wasn't a murder list and in spite of the fact that I didn't draw it up, she needed protection from the fact that she was the person who asked Mr Kemp to get these addresses

MR BIZOS: Mr Derby-Lewis, you are an experienced politician. Please answer the question. 20

MR DERBY-LEWIS: Mr Chairman ...

MR BIZOS: During the discussions - just listen for a moment, please.

"During the discussions which Cuba and I held alone, Cuba was not aware that other names were listed to cause confusion."

You have already told us that that is correct. 30

MR DERBY-LEWIS: No, I did not, Mr Chairman.

MR BIZOS: Oh, you didn't?

MR DERBY-LEWIS: No, I said that that was part of the protection of my wife, Mr Chairman.

MR BIZOS: I see.

MR DERBY-LEWIS: And I think Mr Bizos is an experienced, sufficiently experienced advocate to understand what I am saying.

MR BIZOS: Yes, I accept your criticism. (Applause). I accept your criticism.

MR DERBY-LEWIS: I can't hear you.

MR BIZOS: Why did you say that -

"During the discussions which Cuba and I held alone, Cuba was not aware that other names were listed to cause confusion."

MR DERBY-LEWIS: To mislead...

MR BIZOS: "He did not know or ask why they were there."

Why did you say that?

MR DERBY-LEWIS: To mislead the security police who were interrogating me.

MR BIZOS: How were you misleading them and how were you protecting your wife by saying that?

MR DERBY-LEWIS: Mr Chairman, I was misleading them into believing that there were other reasons behind the preparation of the list, and that's why those names were on there and it was clearly those names were not part of a hit list because there was never an intention to murder the nine people who were on that list. There was never that intention, Mr Chairman, and no evidence even was produced in the trial to that effect.

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MR BIZOS: Yes.

MR DERBY-LEWIS: In fact, as I explained in my testimony earlier the police, when they discovered this address list in Cuba's flat, released - they leaked the information to the media, and they dubbed it a hit list.

MR BIZOS: Mr Derby ... (intervention).

JUDGE NGOEPE: Sorry, Mr Derby-Lewis, what is the confusion that - what is the confusion that was supposed to be caused?

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MR DERBY-LEWIS: Mr Chairman, there wasn't confusion that was supposed to be caused. The statement during the discussions which Cuba and I held alone, Cuba was not aware that other names were listed to cause confusion. I mentioned that to confuse the security branch in an attempt to protect my wife.

JUDGE NGOEPE: In which way do you confuse, that's what I want to know, what is the confusion that you are talking about?

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MR DERBY-LEWIS: It was just something that I latched onto, Mr Chairman, for inclusion in this, to give it a feasible explanation for not - for the names that were on the list, that were not political targets, in other words. You know, there were a lot of names on this list who were not political targets in - beyond anyone's wildest imagination. They could never have been classified as political targets.

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JUDGE WILSON: Mr Derby-Lewis, if you had wanted to protect your wife, why did you mention Mr Kemp so frequently? That was a direct contact to your wife, wasn't it?

MR DERBY-LEWIS: No, Mr Chairman, but I knew that my wife had a legitimate reason for getting the list.

JUDGE WILSON: Yes, but once you mentioned Kemp, the police go to Kemp and Kemp says but I gave the list to Mrs Derby-Lewis.

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MR DERBY-LEWIS: No, but Mr Chairman, they were aware of Kemp's involvement in any case, because it was recorded in my wife's diary which the security branch showed to me during the interrogation.

JUDGE WILSON: So they were aware when they were interrogating you, that the list had come from your wife, they had seen that in her diary.

MR DERBY-LEWIS: Correct.

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JUDGE WILSON: But you told a story about how you put the names on computer?

MR DERBY-LEWIS: That was part of the - that was part of the sparring, Mr Chairman, as I said, to protect her.

JUDGE WILSON: You have just told us that they knew that she gave you the list. How were you protecting her, from what? 10

MR DERBY-LEWIS: No, Mr Chairman, at the time that I was interrogated they didn't know that.

JUDGE WILSON: I thought you have just told me that they showed you her diary which showed that the list, she had got the list from Kemp?

MR DERBY-LEWIS: No.

JUDGE WILSON: And that is why you mentioned Kemp's name?

MR DERBY-LEWIS: No, Mr Chairman, they didn't indicate that, they just showed me the diary and one of the items in the diary was "A Kemp - list." 20

JUDGE WILSON: So you knew they had a diary from your wife saying "A Kemp - list."

MR DERBY-LEWIS: Correct.

JUDGE WILSON: And you still thought you were going to protect her?

MR DERBY-LEWIS: Well, Mr Chairman, I had to try. 30

JUDGE WILSON: Why not tell the truth? Once you start making it look like this they would be very suspicious. If you simply said my wife is a reporter, I made use of a list she had of addresses.

MR DERBY-LEWIS: Mr Chairman, let me say that this statement which we are referring to, is the statement which was finalised as a result of many days of interrogation by the security branch and this was the statement which the security branch were prepared to accept, in terms of obtaining a confession from me and having it signed by a magistrate, which they were going to use against me. There was obviously sufficient in this, this statement, to convict both Cuba Walus and myself. And when I finally presented this in the form that they wanted it, because they came with information themselves during the interrogation that they wanted included, which I included, when we came to this situation, that was the last statement. And in fact, this was the only statement I was aware of in terms of the security police investigation was concerned, but I was assured that it was irrelevant and could never be used against me as evidence. But this was sufficiently satisfactory to the security branch that they were prepared to accept it, have it signed in front of a magistrate and to use it as a confession from me.

MR BIZOS: Your answer to a question by one of the learned Judges, that by saying that -

"Cuba was not aware that other names was written to cause confusion, he did not know nor ask why they were there".

Once it was known that your wife had anything whatsoever to do with the list, far from protecting your wife, you were really arousing the suspicions of the security police, on an ordinary reading.

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MR DERBY-LEWIS: I am not competent to answer the question, Mr Chairman.

MR BIZOS: But of course, we do not have to rely really on your word or let us remind you of what your wife said in paragraph 73 in R4, page 160. Do you see paragraph 73?

MR DERBY-LEWIS: Yes, Mr Chairman, I do.

MR BIZOS: *In January 1993 I telephoned Arthur Kemp at The Citizen in Johannesburg and said I was going to send him a list of names and I wanted a description of their houses and their addresses.*

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Do you see that she says that she asked for a description of their houses and the addresses -

"This was done after much serious thought and because Clive and I felt that unless something dramatic was done the

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country would be controlled by Communists. Clive and I therefore highlighted the names of the people whom we believed to be the enemies of South Africa. Certain names were added to the list I sent to Arthur, such as Justice Goldstone and certain newspaper people.

Goldstone's address was needed to determine where he lived, because I wanted to do an article as to how he, who helped to break down the Group Areas Act, was now living in a 'White area' far away from the results of his 1984 **Govender** judgment. The journalists' addresses were requested because I wanted to write to them about their attitude towards this (indistinct). I asked for Mr Pik Botha's address because there was strong rumours that he owned property overseas and this had been reported in the Afrikaner newspaper and perhaps the company which owned his property, if indeed it was the case, would

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be the same company. The people on the list whom I believed to be the enemies of South Africa, were the participants in Operation Vula, who were never prosecuted by the government and members of the ANC and South African Communist Party. Some of the names were Maharaj, Hani, Mandela, Kasrils, Naidoo, Ramaphosa, Slovo. Clive and Cuba decided on Chris Hani to be eliminated because of his particularly brutal record and his position as chairman of the South African Communist Party, which they believed never should have been unbanned.*

This is what your wife wrote down and signed and took an oath that it was correct.

Now I am not asking you to pass judgment on the correctness or other, or anything else about your wife's statement. But I want you to please look at Annexure, page 30, the description of Mr Mandela's house and the contents of your wife's statement. Does Mr Mandela - inclusion of Mr Mandela's

name on the list, is it there because in order to confuse people or because he was one of the intended victims to be eliminated?

MR DERBY-LEWIS: Mr Chairman, you are asking me to comment on why this information was included?

MR BIZOS: Yes.

MR DERBY-LEWIS: I can't answer that, Mr Chairman, because I didn't draw up the list.

MR BIZOS: Well ...

MR DERBY-LEWIS: And I didn't put that information in there or ask for it.

MR BIZOS: Do you agree that you and Walus made Hani number three?

MR DERBY-LEWIS: I agree that we numbered him three, Mr Chairman.

MR BIZOS: Therefore, there must have been a one and a two.
(Laughter)

MR DERBY-LEWIS: Mr Chairman ... (intervention).

MR BIZOS: Who was number one?

MR DERBY-LEWIS: Mr Chairman, I am quite sure that I have already explained this in previous testimony, but as I said ...
(intervention).

MR BIZOS: Who was number one to be eliminated, Mr Derby-Lewis, it is a simple question?

MR DERBY-LEWIS: Number one on this list, Mr Chairman, on the page marked A1, which is not clear from this document which Mr Bizos has, the pages marked, according to the original document A1, was Nelson Mandela.

MR BIZOS: I am going to repeat the question and (intervention). 10

MR DERBY-LEWIS: I heard the question.

MR BIZOS: ... I think that it would be in your interests to try and come to terms with the question, Mr Derby-Lewis. If Hani was the number three choice for assassination, who was number one choice for assassination?

MR DERBY-LEWIS: Mr Chairman, I have already testified that Hani was not number three choice for assassination, he was number one choice for assassination, for the mere fact that we knew that he would be the target, the elimination whereof would lead to our achieving our objectives, and I said that on previous testimony. 20

MR BIZOS: Your wife mentioned Mr Mandela's name in paragraph 74 of her statement. Is he to be included as the names that were included in order to confuse anyone or because he was one to be eliminated?

MR DERBY-LEWIS: Mr Chairman, I can't be expected to stand responsible for what my wife has allegedly said. 30

MR BIZOS: Well, I drew attention to this earlier on, presumably you asked here at some time or another why Mr Mandela's name was incorporated. Was it in order to confuse people?

MR DERBY-LEWIS: I didn't ask her that question, Mr Chairman.

MR BIZOS: Nor in relation to Mr Slovo?

MR DERBY-LEWIS: Mr Chairman, she was doing her own journalistic job.

MR BIZOS: Yes.

MR DERBY-LEWIS: Why should I ask her those questions?

JUDGE WILSON: While we are looking at this list, I notice and I haven't noticed till now, that Chris Hani is the only one, that's on page 32, who has - have you got it?

MR DERBY-LEWIS: Page 35, I think, Mr Chairman. On the list?

JUDGE WILSON: On the list, yes.

MR DERBY-LEWIS: I have the list anyway, yes.

JUDGE WILSON: He is the only one who has got a description of the make of his motor car and apparently the registration number.

MR DERBY-LEWIS: Mr Chairman, I don't know anything about that.

JUDGE WILSON: You don't know?

MR DERBY-LEWIS: No, Sir.

MR BIZOS: Did you not say in your evidence in chief that you were aware that Walus was reconnoitring in other houses as well?

MR DERBY-LEWIS: No, I didn't say that, Mr Chairman.

MR BIZOS: Didn't you?

MR DERBY-LEWIS: I didn't say that

MR BIZOS: Well ...

MR DERBY-LEWIS: I wasn't aware of that.

MR BIZOS: I beg your pardon?

MR DERBY-LEWIS: I wasn't aware that he was reconnoitring other houses. I never said that in my ... (intervention)

MR BIZOS: I'm sorry, I can't hear you.

MR DERBY-LEWIS: I don't recall saying in my main evidence that Walus was reconnoitring other houses, Mr Chairman.

MR BIZOS: Right. When this list was shown to you after the - after it was brought back by Mr Kemp, did you see the description of Mr Mandela's house in Lower Houghton?

MR DERBY-LEWIS: Yes, Mr Chairman, I did.

MR BIZOS: Now it is number 4, 13th Avenue, Lower Houghton. Why is the description necessary?

MR DERBY-LEWIS: I didn't fill in this description, Mr Chairman. Can I just read what the note says and perhaps that will indicate why the description was necessary?

MR BIZOS: Yes. Yes.

MR DERBY-LEWIS: Note:

"The house situated in an oak-lined road is deliberately not numbered, but is easily recognisable by the wrought-iron black fence."

But I don't know, I didn't ask for that and I didn't put it in.

MR BIZOS: Yes -

"Which has had black metal sheeting placed behind it to limit the view from the road."

MR DERBY-LEWIS: Correct.

MR BIZOS: "It has a hi-tech electronic surveillance systems throughout, including a television camera mounted at the gate behind a glass panel. The gates are electronically controlled."

Are you saying that all this was necessary because the house didn't have a house number on? Is that what you are telling the Committee?

MR DERBY-LEWIS: I am saying that I don't know the reason for this.

MR BIZOS: Right.

MR DERBY-LEWIS: But I believe that ... (intervention).

MR BIZOS: But you have suggested a reason?

MR DERBY-LEWIS: That the fact that the house was deliberately not numbered, could have been the reason.

MR BIZOS: It could quite - if the purpose was an innocent one, was it necessary to give the security arrangements? Couldn't you say that it is between houses six and eight, which presumably were numbered and two houses away from 13th Avenue and Central Street on the southern side of the street. It wouldn't have been necessary to have all these security arrangements noted, unless someone wanted to get into it in a "skelm" manner.

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MR DERBY-LEWIS: Mr Chairman, I don't know the motivation, how many times do I have to repeat it? Mr Bizos is now asking me to speculate over various things which appear on this form, and I am not in a position to do so.

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MR BIZOS: When you and your wife saw it, did you not query Kemp and say hey, Kemp, we are not going to break in there, we are not house-breakers, we are honourable politicians and honourable journalists, we are going to knock on the door?

MR DERBY-LEWIS: Mr Chairman, Kemp wasn't in the picture when I saw this list. I saw this list in Cape Town.

MR BIZOS: But when you saw it?

MR DERBY-LEWIS: So how can I question Kemp in Cape Town?

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MR BIZOS: When you saw it, did it not strike you that this was a strange way of identifying the house?

MR DERBY-LEWIS: Mr Chairman, when I saw this in Cape Town, I was on my way to a session of the President's Council, to an actual meeting of the President's Council. And I gave a passing glance at the top page and that was that, and we made some mundane comment about how the fat cats live in luxury or something to that effect, not anything important, and then I rushed to be at the meeting of the President's Council in time, after seeing it.

MR BIZOS: Have a look at page 31, Joe Slovo -

"Unable to establish the precise address
but the following should be sufficient
with a bit of leg-work."

A simple statement that it is the house next to house number so-and-do on the northern side and so-and-so on the southern side, number so-and-so. That would have been sufficient, wouldn't it?

MR DERBY-LEWIS: I don't know, Mr Chairman.

MR BIZOS: Or the colour .. (intervention)

MR DERBY-LEWIS: I don't know where the house is, I have never been there.

MR BIZOS: Or the colour of the walls?

MR DERBY-LEWIS: I don't know, Mr Chairman.

MR BIZOS: Or the type of hedge there was.

MR DERBY-LEWIS: Once again, I don't know, Mr Chairman.

MR BIZOS: And if it was intended for gravy train purposes, it was quite negative, wasn't it?

"A medium-sized tin-roof, three bedrooms, study, small kitchen, sitting and dining rooms, with an old garden with huge trees and no access from the front. The back area faces onto the road and has heavy duty metal bars covering all open areas. There is also a double garage facing onto the road."

What was the necessity for that other than for the purposes of breaking-in or lying in wait in order to kill him?

MR DERBY-LEWIS: Mr Chairman, I don't know. Mr Bizos is asking me to comment on something with which I had nothing to do.

MR BIZOS: Well, you see, when you say that your wife - you don't know why your wife said that this was for the purposes of eliminating people, I am going to suggest that the evidence is overwhelming, having regard to these descriptions, that she was speaking the truth when she said that you and she drew up a list in order to eliminate people?

MR DERBY-LEWIS: Mr Chairman, how then do you explain the fact that only those two houses have any information, other than the actual address?

MR BIZOS: Well, you knew how to deal with the top three (intervention).

CHAIRPERSON: Richard Goldstone ranks as well.

MR DERBY-LEWIS: Sorry, Mr Chairman, with respect. Under, on the page on which Judge Goldstone - Goldstone's address appears, it says -

"Pinelands Townhouse Complex, entrance in First Avenue, Hyde Park. Very near to Hyde Park Shopping Centre. Number not known, but it is one of the townhouses at the end of the complex."

But Mr Chairman, the most important house on that list was the residence of Chris Hani, and Mr Chairman, it is a fact that it was obvious for everyone to see, according to Mr Walus when we discussed it afterwards, that there were security measures in place at Mr Hani's residence, and yet, there is not a word mentioned, although it is clearly visible from the street. And I am quite sure, Mr Chairman, that the same applies to other houses on this list. So I can't be expected to explain that and I don't understand why Mr Bizos is harping on this.

MR BIZOS: Do you know who put the car numbers there and whose cars they were?

MR DERBY-LEWIS: It is typed here, Mr Chairman, no, I don't know whose, what car numbers they are and it looks like a BMW with a car registration, not two cars. It looks like one car.

MR BIZOS: One. Now was this a car which was used by Mr Hani from time to time? 10

MR DERBY-LEWIS: I have no idea, Mr Chairman, how should I know.

MR BIZOS: Didn't you ask when you saw the list?

MR DERBY-LEWIS: No, Mr Chairman, because it wasn't on the list.

MR BIZOS: Now you see, you ... (intervention).

JUDGE WILSON: I think perhaps we could record at this stage that it does not appear to have been the car he was driving when he was killed. That car can be seen in Volume 12, and the number of it is RDG692T. 20

MR DERBY-LEWIS: Thank you, Mr Chairman, but I know nothing about these car details in any case, Mr Chairman.

MR BIZOS: There will be evidence that this was a car which Mr Hani used, it belonged to one of his friends. Now, Mr Derby-Lewis, may we return to 11, page E117

MR DERBY-LEWIS: Yes, okay, Mr Chairman. 30

MR BIZOS: "The objectives of the attack." Please read your own handwriting in relation to number one.

MR DERBY-LEWIS: Number one, Mr Chairman -

"To strike a blow for Almighty God and
Christianity against the anti-Christ
Communism in the form of the leader of
the SA Communist Party."

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MR BIZOS: Can we please look at your application to - will you show us where you said that this was for a strike, to strike a blow for Almighty God, by killing the anti-Christ?

MR DERBY-LEWIS: It is not in there, Mr Chairman.

MR BIZOS: Not in there?

MR DERBY-LEWIS: No, Mr Chairman, as we mention with point 5 on the same document.

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MR BIZOS: Now I don't want, generally speaking, I refrain from asking people about their religious beliefs, but because of your evidence and because of what you wrote, in 11.1 of Exhibit E, I must ask you this. You were born into the Catholic Church?

MR DERBY-LEWIS: That is correct, Mr Chairman.

MR BIZOS: Does the notion of the anti-Christ play any role in the Catholic Church in modern times, since the time of the Inquisition?

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MR DERBY-LEWIS: Mr Chairman, the Catholic Church also observes the holy Bible and the holy Bible is quite clear in its teachings regarding the anti-Christ.

MR BIZOS: Do you believe that cataclysmic events would overtake the world at the instance of the anti-Christ?

MR DERBY-LEWIS: I am not qualified to answer that question, I have never had thoughts on that, Mr Chairman.

MR BIZOS: Well, you thought about the anti-Christ and you said that you struck a blow for God. I would have thought that you are the best person to ask as to what the notion of the anti-Christ is.

MR DERBY-LEWIS: Mr Chairman, I think I made it quite clear in my previous testimony, that before Mr Hani was even selected as a target, I was aware of the fact that we were fighting against Communism. It was quite obvious the National Party regime also propagated the concept of fighting against Communism. And Communism, Mr Chairman, is the vehicle of the anti-Christ.

MR BIZOS: And apartheid isn't? (Laughter).

MR DERBY-LEWIS: Mr Chairman, that is another point.

(Loud laughter and cheering)

But, Mr Chairman, while Mr Bizos raises the aspect of apartheid, I am sure that he raises it ... (intervention).

MR BIZOS: No, just say yes or no and we can proceed.

MR DERBY-LEWIS: Mr Chairman, please, grant me an indulgence here. Mr Bizos has made a very, very snide remark, as though I am a defender of apartheid, and Mr Chairman, I have categorically stated on numerous occasions, I am not a defender or a propagator of apartheid. I detested apartheid because in terms of Mr De Klerk's own admission, apartheid was a policy of White supremacy and the Conservative Party's policy has never propagated White supremacy, Mr Chairman. We propagated equal - equal opportunities and equal self-determination ... (tape ends)

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MR BIZOS: ... that they could not live with the statement of the DRC that apartheid is a sin.

MR DERBY-LEWIS: Yes, Mr Chairman, because at that stage the National Party Government had said that they are breaking with separate development as a policy, and that was the motivation, and you must call members of the Afrikaanse Protestantse Kerk to come and testify on that, Mr Chairman, if you want more details. Don't ask me what was behind their statement.

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MR BIZOS: I don't want this to descend into a religious debate either. I merely want to test your credibility, Mr Derby-Lewis. If the church that you joined was formed - one of the reasons, that the DRC declared apartheid a sin, how did you join it, not believing in apartheid at any stage?

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MR DERBY-LEWIS: Because apartheid in their terms, Mr Chairman, was the policy of separate development, and I could see no sin in that policy. (Applause).

MR BIZOS: Yes, I think that you are a little confused, but I am not going to try and clarify it. You say they saw apartheid as separate development or did you see separate development as non-apartheid? Is that what you want to really say? 10

MR DERBY-LEWIS: No, Mr Chairman.

MR BIZOS: I see. Well, never mind, you have said what it was.

MR DERBY-LEWIS: Right, thank you.

MR BIZOS: Now you were never in favour of apartheid?

MR DERBY-LEWIS: Mr Chairman, I have never been in favour of apartheid.

MR BIZOS: Did you ever renounce ... (intervention) 20

MR DERBY-LEWIS: Sorry, White supremacy apartheid, never.

MR BIZOS: Did you ever renounce forced removals?

MR DERBY-LEWIS: Mr Chairman, by the time I became actively involved in politics ... (intervention).

MR BIZOS: The answer is no. Is it no or is it yes?

MR DERBY-LEWIS: There were no longer forced removals when I was a public representative. 30

MR BIZOS: Well, very well, you never protested, you never protested against forced removals because there were none whilst you were in politics.

MR DERBY-LEWIS: Quite so.

MR BIZOS: When did you start in politics?

MR DERBY-LEWIS: In 1977, Mr Chairman. (Laughter)

MR BIZOS: Are you saying to the Committee that there were no forced removals after 1970?

MR DERBY-LEWIS: Mr Chairman ...

MR BIZOS: 1977, when did you say?

MR DERBY-LEWIS: Ja, Mr Chairman, I am saying that when Mr PW Botha took leadership of the National Party, in 1978, he stopped separate development and he stated that the whole policy was a failure and it had to be abandoned. But in fact (intervention)

MR BIZOS: But ...

MR DERBY-LEWIS: Please let me finish, because this is relevant. In fact, Mr Chairman, at that stage in 1978, it was common cause that in terms of the ethnic orientation of territories in South Africa, that an average of 70 - these are the figures that are at my disposal, and I have never had them questioned in any political arena anywhere in this country or outside, that in terms of those figures, Mr Chairman, that something like a percentage

of 72% of all of the peoples of the different ethnic groups, were either resident within or in the immediate surrounds of their traditional territories. That was the information to my, available to me. And Mr Chairman, that told me something. We could never ever have effected forced removals to the extent that would be required to effect such a massive move of people from one place to another. They must be moved voluntarily and I believe they moved in that area because industrial development was taking place, Mr Chairman, and if I can use Bophuthatswana as an example, that is proof of that. Bophuthatswana was the economic success story of the policy of separate development.

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MR BIZOS: Well, I am not going to debate with you the heresy of indebtedness that the leader of that country left to South Africa, but never mind, Mr Derby-Lewis.

MR DERBY-LEWIS: I can't do that, Sir, and I can't be responsible for that.

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MR BIZOS: Let us get on, let us get on with more relevant matters. You say you never heard of a forced removal after 1977?

MR DERBY-LEWIS: Not to the best of my knowledge, Mr Chairman.

MR BIZOS: It's a collateral issued I am not going to -but let's deal with the main issue.

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"After the largest Afrikaans church, the NG Kerk, Dutch Reformed Church decided to open its doors to all races and to renounce apartheid, a group of right-wingers formed their own church, the APK, under Duminy Nico van Rensburg."

Is that correct?

MR DERBY-LEWIS: That's correct, Mr Chairman.

MR BIZOS: And according to the compilers of this report,

"The church is unashamedly racist and only Whites are allowed to be members".

MR DERBY-LEWIS: Mr Chairman, that's the opinion of the writer of that report.

MR BIZOS: Well, let's take the opinion away from the fact. Has it got any Black members?

MR DERBY-LEWIS: No, it does not, Mr Chairman. (Laughter).
(Applause)

MR BIZOS: Yes.

MR DERBY-LEWIS: Sorry, Mr Chairman, to the best of my knowledge it doesn't have English-speaking Whites there either.

MR BIZOS: I don't know that that makes it any better.
(Laughter/booing)

If it doesn't take Englishmen, what are you doing there?

(Laughter/Applause).

CHAIRPERSON: Mr Bizos - Mr Bizos, Mr Bizos, please, I would just like once again to appeal to the people, they are in fact disturbing these proceedings, by making the noise they are making. Please try and restrain yourself. I said a few days ago we are not in a theatre, this is a serious matter. So please allow these proceedings to carry on in a dignified way.

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MR PRINSLOO: Mr Chairman, may I enquire from Mr Bizos what is the relevance of this question?

MR BIZOS: I can just say, Mr Chairman, he claims to have done it for God and Christianity, Mr Chairman. I am entitled to test the sincerity of his feelings, once he claims to be a Christian. And I want to ask him, I will want to go on to ask him if there is a Christianity for Blacks and a Christianity for Whites, and such other questions in order to show that his written and verbal statements are a lot of humbug, Mr Chairman. That is the relevance of it.

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MR DERBY-LEWIS: Mr Chairman, permit me to answer Mr Bizos' questions.

MR BIZOS: No, I will ask the questions, I was addressing the Court. Wait for the questions, please.

MR DERBY-LEWIS: Mr Chairman ...

JUDGE WILSON: You did ask him a question Mr Bizos and you complained that he hadn't answered it yet.

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MR DERBY-LEWIS: May I answer the question, Mr Chairman?

MR BIZOS: Please.

MR DERBY-LEWIS: Thank you, Mr Chairman. I wish to remind the Committee that the question Mr Bizos addressed to me, which he wouldn't allow me to answer, was what was I as an Englishman doing as a member of the Afrikaanse Protestantse Kerk. I want to answer that question. For Mr Bizos to call me an Englishman, Mr Chairman, is actually an insult, because I am - Mr Chairman, I am of both Scots and German descent, and if anyone, and I think possibly one of the members of the Committee will understand our problem with being called Englishman, Mr Chairman. Because if there are two nations in the world who are more at loggerheads with the English than the Germans and the Scots, I would like to know. And the fact that I use English here, as I explained to you, Mr Chairman, I was prepared to use both English and Afrikaans. I am speaking mainly English to assist the Committee, because I appreciate the language problem, but if Mr Bizos carries on in this trend, Mr Chairman, I will be forced to assert my Afrikaner identity and speak Afrikaans. And I don't want to do that. (Applause).

CHAIRPERSON: Please proceed.

MR BIZOS: Now Mr Derby-Lewis this church that you belong to, did you go to it the day after the murder?

MR PRINSLOO OBJECTS: Mr Chairman, what is the relevance of that question?

CHAIRPERSON: He can just answer yes or no.

MR DERBY-LEWIS: I am quite happy to answer that, Mr Chairman.

MR BIZOS: I beg your pardon?

MR DERBY-LEWIS: I am quite happy to answer that. I did not go to church on that particular Sunday.

MR BIZOS: You didn't go to church?

MR DERBY-LEWIS: No.

MR BIZOS: Wasn't it a wonderful opportunity to go and give praise to the Lord for the death of the anti-Christ?

MR DERBY-LEWIS: Mr Chairman, I don't have to go to church to practise my religion. I practise my religion every minute of the day. (Laughter).

MR BIZOS: Including when you conspired to kill Mr Hani?

MR DERBY-LEWIS: Correct, Mr Chairman.

MR BIZOS: So that can we then say that the first reason that you give why Mr Hani was killed by you, was because you wanted to kill the anti-Christ and save South Africa?

MR DERBY-LEWIS: The first paragraph reads as follows, Mr Chairman:

"To strike a blow for Almighty God and Christianity against the anti-Christ Communism in the form of the leader of the SA Communist Party."

Nothing about South Africa.

MR BIZOS: Well, so that it was an entirely religious and not a political motive? 10

MR DERBY-LEWIS: Mr Chairman, with respect, I think I have answered that trend of question so completely. If I must re-read this question of the objectives and then re-read the chapter in my form which is relevant, is that necessary, Mr Chairman?

MR BIZOS: I didn't ask you about that, I merely asked you this; that you say, when I added that in order to save South Africa, you denied it. And you said you didn't say anything about saving South Africa. You only did it for God and Christianity. 20

MR DERBY-LEWIS: No, when I said that, Mr Chairman, I wanted to make sure that the record was correct.

MR BIZOS: Yes, good.

MR DERBY-LEWIS: Right.

MR BIZOS: And then once the record is correct, and this quote and we deduct what I said, and what I added, this is a very deeply felt religious conviction, is it not?

MR DERBY-LEWIS: This first paragraph? 30

MR BIZOS: Yes.

MR DERBY-LEWIS: Yes, Mr Chairman.

MR BIZOS: And as you put it in as the first attitude of the first objective, it must have been the predominant motive?

MR DERBY-LEWIS: As a practising Christian, Mr Chairman, my priority is to Almighty God before all else.

MR BIZOS: Your first, your first duty is to God and Christ and that's why you took part in the murder?

MR DERBY-LEWIS: My duty is to Almighty God.

MR BIZOS: To Almighty God?

MR DERBY-LEWIS: Correct.

MR BIZOS: To Christ?

MR DERBY-LEWIS: To Christ and to Almighty God.

MR BIZOS: Particularly to kill the anti-Christ.

MR DERBY-LEWIS: Do I have to read this again, Mr Chairman to answer that question.

CHAIRPERSON: You have asked that question already, Mr Bizos.

MR BIZOS: Yes, thank you, Mr Chairman. Now... (intervention)

JUDGE NGOEPE: Sorry, before you leave that paragraph one. It is not clear to me, I don't know as yet how relevant the whole question of Christianity is going to be. It may appear later to be much more relevant than one thinks, I don't know. But, are you

saying that what you have done, the killing of Hani, would have been something that your church would have gone along with?

MR DERBY-LEWIS: I believe so, Mr Chairman, yes.

JUDGE NGOEPE: Your church, you are of the view that your church approved of that?

MR DERBY-LEWIS: I am of that view, yes, Mr Chairman, having discussed it with the late Dr Treurnicht on a theological basis and receiving his assurance that in certain circumstances it would be permissible to kill the anti-Christ.

JUDGE NGOEPE: But Dr Treurnicht was not a member of that church, was he?

MR DERBY-LEWIS: Mr Chairman, I don't know - no, I don't think he transferred over but he was very sympathetic towards that church and he was very disillusioned with the hypocrisy within the Dutch Reformed Church at the time of his death.

JUDGE NGOEPE: Did you have with members of your church, did you have a discussion of - or perhaps let me start it after the event. After the murder of Chris Hani did you discuss the incident with your church?

MR DERBY-LEWIS: No, Mr Chairman, I didn't have the opportunity. Only, as I testified earlier ... (intervention).

JUDGE NGOEPE: Before the killing, did you discuss the question of ... (intervention)

MR DERBY-LEWIS: Mr Chairman ...

JUDGE NGOEPE: ... killing somebody, an anti-Christ?

MR DERBY-LEWIS: No, I discussed it with Dr Treurnicht, because to me he epitomised everything that I believed in.

JUDGE NGOEPE: Yes, I am asking about people in your church.

MR DERBY-LEWIS: No.

JUDGE NGOEPE: You said Dr Treurnicht was not in your church.

MR DERBY-LEWIS: No, but I couldn't go to people within my church, Mr Chairman, and discuss this, because I was then spreading the net of potential informants against me and (intervention).

JUDGE NGOEPE: On what basis do you think that your church would have approved of this?

MR DERBY-LEWIS: Well, Mr Chairman, it was the anti-Christ. The church sees Communism as the "bose magte in die wêreld".

JUDGE NGOEPE: That's the basis on which you come to that conclusion?

MR DERBY-LEWIS: Yes Sir.

JUDGE NGOEPE: Yes.

MR BIZOS: (Indistinct - speaker's mike not on) ... from the same - I am going to read out from the same report that I have

been reading up to now, in furtherance to the learned Judge's question.

"The APK is totally opposed to violence in any form and believes in missionary work amongst Blacks, whom they view with their patronising paternalistic outlook."

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Does that correctly describe the policy of your church?

MR DERBY-LEWIS: I don't know, Mr Chairman, but I am sure that wasn't written by somebody from the AP Kerk, was it?

MR BIZOS: I am asking whether you agree with it or not?

MR DERBY-LEWIS: I am not aware of that. I am not aware of that ... (intervention)

MR BIZOS: Are you able to deny that this is the attitude of your church?

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MR DERBY-LEWIS: I am not able to comment, because I have no detail ... (intervention)

MR BIZOS: You are a member of this ...

MR DERBY-LEWIS: Mr Chairman, I have no deals whatsoever about their missionary activities, no deals, no details.

MR BIZOS: Well ...

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JUDGE NGOEPE: Mr Derby-Lewis, I think this is a legitimate question, because it flows from what you said to me that your church would have approved the killing of Chris Hani.

MR DERBY-LEWIS: Yes.

JUDGE NGOEPE: And I think this question is a legitimate one, in that they read you the stance, what appears to be the stance of the church, which seems to contradict what you say.

MR DERBY-LEWIS: Yes, Mr Chairman.

JUDGE NGOEPE: And I think you should apply your mind to that aspect.

MR DERBY-LEWIS: I am trying to do that, Mr Chairman, but that - that statement there, it was clearly produced not by somebody in the AP Kerk, and the question was whether I was aware of the AP Kerk having missionary ideals amongst Africans.

And my answer was I don't know. I am not aware of their missionary activities.

MR BIZOS: Can you refer us to any statement made by the founder of the church or anyone in authority of the church or anyone who is capable of interpreting the doctrine of the church which says that your church would have approved of your murdering Mr Hani in April 1993?

MR DERBY-LEWIS: Mr Chairman, without the necessary research facilities I find that it impossible to answer at this stage.

MR BIZOS: Why did you tell the learned Judge that your church would approve of it?

MR DERBY-LEWIS: Because, Mr Chairman, I have subsequently discussed it with ministers of religion and not have at any stage received any criticism from them, on the contrary, I have had maximum support from them. 10

MR BIZOS: Now when you say prior to the action, they may be you know, they may be ministers of religion who are very forgiving and maybe they want to comfort you, but prior to your - prior to your doing this, did your church or anybody in your church suggest that a solution for South Africa's problems was killing people like Hani?

MR DERBY-LEWIS: No, Mr Chairman.

MR BIZOS: No.

MR DERBY-LEWIS: Excuse me, Mr Chairman, can I just ask my learned friend a question? Thank you, Mr Chairman. Procedural query which I have, Mr Chairman. 20

MR BIZOS: Yes, you asked me who - what was the source of the matter that I - the information about your church came. There is a report, partly based on research, and partly based on interviews, by the Independent Board of Inquiry on the Right-wing Organisations. 30

MR DERBY-LEWIS: Mr Chairman, with respect, I have been in prison four and a half years, I don't even know the existence of that body mentioned.

MR BIZOS: Yes.

MR DERBY-LEWIS: So I can't comment on it.

MR BIZOS: Well, anyway .

MR DERBY-LEWIS: The validity.

MR BIZOS: You can't deny that.

MR DERBY-LEWIS: But I can't confirm that either.

MR BIZOS: Yes. Have you studied Catholicism or Protestantism or their views on who may be branded the anti-Christ, Mr Derby-Lewis?

MR DERBY-LEWIS: No, Mr Chairman, I have been too busy with politics.

MR BIZOS: And yet you performed this act for religious reasons.

MR DERBY-LEWIS: Mr Chairman, I have already explained the justification which I sought.

CHAIRPERSON: Yes, alright.

MR BIZOS: Would you read out the second objective, please?

MR DERBY-LEWIS: Certainly, Mr Chairman.

MR BIZOS: On 11, E11.

MR DERBY-LEWIS: That's number two, Mr Chairman?

MR BIZOS: Yes.

MR DERBY-LEWIS: Yes

"To destroy the military leader
of Umkhonto weSizwe, who, by his own
acknowledgements were responsible for
the cold-blooded murders of elderly
Whites, women and children and attacks
on them and on our security force
personnel."

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MR BIZOS: Yes. Did you discuss this with anybody, your party,
your church or anybody else?

MR DERBY-LEWIS: I have already said I haven't, Mr Chairman.

MR BIZOS: And you never advanced that as any reason to any of
the people - you didn't seek anybody's opinion in relation to this?

MR DERBY-LEWIS: No, Mr Chairman. As a leader of the party
I (intervention)

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MR BIZOS: Would you read the next one, please?

MR DERBY-LEWIS: Certainly, Mr Chairman, item number three,
I repeat again -

"To focus attention on the fact that the
future of my people was being betrayed
through concocted forums such as the
Multi-party Forum and that we were
aware of those plans and that we would

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oppose them with everything in our power."

MR BIZOS: Yes. You didn't seek anybody's advice whether this was a valid reason or not, before you committed the murder?

MR DERBY-LEWIS: No, I didn't have to, Mr Chairman, there were sufficient statements . . . (intervention) 10

MR BIZOS: And in the fourth, the fourth paragraph?

MR DERBY-LEWIS: Number four:

"To focus attention on the fact that my people are entitled to a territory of their own in Southern Africa, wherever it may be, but that this is indisputable."^b

MR BIZOS: Yes. Now at the time that this murder was committed there were negotiations at Codesa.

MR DERBY-LEWIS: Which we were not a part of, Mr Chairman, yes. 20

MR BIZOS: Some of the time you were and some of the time you were not.

MR DERBY-LEWIS: At the time that this occurred we were not, Mr Chairman.

MR BIZOS: When was your party party to the negotiations at Codesa and when was it not? 30

MR DERBY-LEWIS: Mr Chairman, I don't remember the exact dates. I'm sorry.

MR BIZOS: Did they take part in Codesa before this?

MR DERBY-LEWIS: I don't know, Mr Chairman.

MR BIZOS: Did they take part in Codesa after this?

MR DERBY-LEWIS: I don't know, Mr Chairman.

MR BIZOS: Well ...

MR DERBY-LEWIS: My details on... (intervention)

MR BIZOS: For a person - I'm sorry. For a person who was so vitally concerned for the future of the country, you seem to have taken very little notice of the political process that was taking place at the time?

MR DERBY-LEWIS: Mr Chairman, for my people Codesa was totally irrelevant.

MR BIZOS: Why did your party join them from, I think twice if not - at least once if not twice?

MR DERBY-LEWIS: Well, Mr Chairman, I can assure you I had nothing to do with that decision and opposed Codesa all the time. In fact, I led a demonstration of right-wing organisations against Codesa at one stage.

MR BIZOS: Contrary to the policy of your party (intervention).

MR DERBY-LEWIS: My party ...

MR BIZOS: which we know on an occasion joined it?

MR DERBY-LEWIS: My party were not there when it happened, Mr Chairman.

MR BIZOS: Oh, I see.

MR DERBY-LEWIS: Right.

MR BIZOS: Yes. Now I want to pay some attention to what Mr Walus said. Would you please turn to R4, part 2, at page 306?

MR DERBY-LEWIS: Sorry, the page number, Mr Chairman?

CHAIRPERSON: 306.

MR DERBY-LEWIS: Yes, that's - 306. Yes, I have it, Mr Chairman.

MR BIZOS: Please let us ask you what you say about what Mr Walus said to the police:

"After this I saw a copy of the list to which is referred in the document. He identified a list of nine names to me as the list that he had used, and on which he had also written down Chris Hani's motor vehicle's registration number. Mr Walus' version was as follows."

Now listen to it carefully and let us see whether you agree with this possibly.

"Do you know this typed lists with the nine names on it which is numbered by hand? I see the following BMW 525i - BWY5253. It is also written by hand next to the name Chris Hani.

Walus: Yes, this is a photocopy of the list which I used during my reconnoitring of Chris Hani and Nelson Mandela. I numbered it myself. During one of my reconnoitring of Chris Hani, I noticed the BMW 525i at his house and wrote down the registration number on the car next to his name."

Now do you, did you ask Mr Walus to reconnoitre Mr Mandela's house?

MR DERBY-LEWIS: No, I did not, Mr Chairman.

MR BIZOS: If what he says here is correct, do you say that he did it on his own account?

MR DERBY-LEWIS: I think you must direct that question to Mr Walus, Mr Chairman, I am not competent to reply to that.

MR BIZOS: Do you know whether your wife asked him to do it?

MR DERBY-LEWIS: I have no idea, Mr Chairman.

MR BIZOS: Was Mr Walus to be just the puller of the trigger or was he also responsible for decisions of who should live and die in the ANC and SACP?

MR DERBY-LEWIS: Mr Chairman, when Mr Walus and I discussed it, we identified Mr Chris Hani as the target.

MR BIZOS: Did you give him any authority at any stage to reconnoitre anyone else? 10

MR DERBY-LEWIS: No, Mr Chairman.

MR BIZOS: Do you know whether your wife gave him any authority to go and reconnoitre anyone else?

MR DERBY-LEWIS: No, Mr Chairman.

MR BIZOS: In view of your great friendship with him, can you advance any possible reason why he should have reconnoitred Mr Mandela's house without his being requested either by you or by your wife? 20

MR DERBY-LEWIS: Mr Chairman, my friendship with Mr Walus does not make me a mind-reader, and as I suggested earlier, perhaps if Mr Bizos would be better advised to direct the question to Mr Walus.

JUDGE WILSON: Well, did you ask him?

MR DERBY-LEWIS: He asked me that question, Mr Chairman, and I said no.

JUDGE WILSON: Because I have a note of your evidence-in-chief on Wednesday afternoon, when you said, and I read from my notes, that -

"You had ruled out Easter weekend as innocent people might be at home and get injured. I don't know why he chose that day. Walus told me that he had to reconnoitre and surveillance the routes, for bodyguards, et cetera. He said he had been doing this to a couple of houses".

Did you ask him, Mr Derby-Lewis, who the other houses were?

MR DERBY-LEWIS: No, I didn't, Mr Chairman, because there was no need to, because I had identified Mr Chris Hani as the target and what Walus chose to do in his free time, was his choice.

MR BIZOS: Well, I want to suggest to you, Mr Derby-Lewis, that that is not the only point on which you have contradicted the evidence on the record. I will come back to it once we have checked our notes, in order to show you that there are a number of other instances where you actually contradict your evidence, but let us proceed.

He says:

"I numbered it myself ..."

Did I read the whole of it, I can't remember? No, okay. Yes, this

"I numbered it myself. During one of my reconnoitring of Mr Chris Hani I noticed the BMW 525i at his house and wrote down the registration number of the car next to his name. The number plates were false and it was mentioned and I put it the next day to Mr Walus that it was false

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"How was it false?

One day when I was driving in Lindenvale, Kempton Park area, I saw a red Laser, the same like the ones I am driving. I wrote down that registration number and bought stick-on numbers at a hardware shop to fit the same registration number that the other red Laser which I wrote down. I used the stick-on numbers on my red Laser number plates the first time I reconnoitred Hani's home, that was for security reasons."

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Did you discuss with him how he was reconnoitring and that he was using false number plates?

MR DERBY-LEWIS: No, Mr Chairman, those arrangements were his own.

MR BIZOS: Please look at page 3077. The second paragraph towards the end -

"Clive and I started to discuss in the direction of eliminating selected members of the ANC/SACP Alliance."

Is that true or false?

MR DERBY-LEWIS: What, where are you? Oh, halfway down the second paragraph?

MR BIZOS: Halfway down the second paragraph, ja, "Clive and I". Is that true?

MR DERBY-LEWIS: Mr Chairman, we discussed how to achieve the objective of stopping this in a very general manner, and as I mentioned in my testimony earlier, that if this attack on the late Chris Hani had not had the desired effect, then obviously we would have had to target a further member of the enemy.

MR BIZOS: Please read that statement and tell me whether it is true or false?

MR DERBY-LEWIS: Yes.

"That was unacceptable for us and Clive and I started to discuss in the direction of eliminating selective members of the ANC/SACP Alliance."

MR BIZOS: Is that correct?

MR DERBY-LEWIS: Yes, Mr Chairman, that's correct. 10

MR BIZOS: And is the date correct that this started in February 1992?

MR DERBY-LEWIS: No, Mr Chairman, because you will see that he actually, he says there -

"Especially during the second part of 1992 when Clive and I discussed the worsening of the security situation."

And I have already testified that after the mobilisation story we started discussing plans of how to achieve and how to stop the rot. 20

MR BIZOS: Yes. Well, was - during the second part of 1992, is that date correct?

MR DERBY-LEWIS: That's correct, Mr Chairman.

MR BIZOS: So your discussion about eliminating people started with Walus in the second part of 1992. Would you like to give us a month when that started? 30

MR DERBY-LEWIS: No, Mr Chairman, I don't recall exactly when, but I know it would be after September

MR BIZOS: After?

MR DERBY-LEWIS: The latter part of September.

MR BIZOS: Late September?

MR DERBY-LEWIS: And after that, after the mobilisation congress had been held.

MR BIZOS: Late September. Very well. You say after the Kimberley ...

MR DERBY-LEWIS: It would have been after the mobilisation congress.

MR BIZOS: Yes, very well, thank you, that's near enough for my purposes, thank you.

"Clive asked me if I was prepared to eliminate political opponents and I agreed to do so."

Is that correct?

MR DERBY-LEWIS: That's correct, that was part of our discussions, Mr Chairman.

MR BIZOS: And when was that discussion?

MR DERBY-LEWIS: That was also in that period, it was an ongoing discussion.

MR BIZOS: September, September 1992?

MR DERBY-LEWIS: No, that would have been - it was part of our ongoing discussions, Mr Chairman, we didn't have one discussion. We were having ongoing discussions. Every time we had an opportunity to come together we had these discussions. This would probably have been towards the end of October.

MR BIZOS: Yes, this October? 10

MR DERBY-LEWIS: Yes, I would say October.

MR BIZOS: Very well.

MR DERBY-LEWIS: Even November maybe.

MR BIZOS: Well, thank you, maybe October, November. Let's go on

"Towards the end of February 1993,
during a visit to Clive at his home, he
showed me a list with nine names."

Is that correct? 20

MR DERBY-LEWIS: That's correct, yes.

MR BIZOS: "We discussed the names on the list and I
numbered them according to priority of
elimination."

Is that correct?

MR DERBY-LEWIS: No, that's not correct, Mr Chairman, I think he must have misunderstood. It was in order of priority of

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enmity towards the Conservative Party, which I stated on a number of occasions.

MR BIZOS: How could a person misunderstand order of priority to do what or not to do, I don't know what to do, what's supposed to do, the priority, with elimination?

MR DERBY-LEWIS: Mr Chairman, this question must be directed to Mr Walus, I can't answer for his statements.

MR BIZOS: "At that stage no date was set when to begin with the eliminations."

MR DERBY-LEWIS: That's correct.

MR BIZOS: "Clive only said that I must work sensibly."

What did that mean?

MR DERBY-LEWIS: Well, he ... (intervention)

MR BIZOS: Well, first of all did you say that?

MR DERBY-LEWIS: Yes, but ... (intervention)

MR BIZOS: You did say it?

MR DERBY-LEWIS: ... the time-frame is a bit different, Mr Chairman. What I testified earlier is that I decided - we decided in February that Hani was going to be the target, and he then got the address list. He then went on to do the recce and it carried on from there.

MR BIZOS: "At that stage no date was set when to begin with eliminations, only said that I must work sensibly."

Work at what?

MR DERBY-LEWIS: Well, with the planning of the assassination of Mr Chris Hani.

MR BIZOS: You say that the only person envisaged was Chris Hani? Is that your evidence?

MR DERBY-LEWIS: That's correct, Mr Chairman, yes.

MR BIZOS: And if this was said by Mr Walus to the police, it's wrong?

MR DERBY-LEWIS: Mr Chairman, I think that perhaps the language problem could have been responsible for that, but I don't know, you must direct that question to Mr Walus.

MR BIZOS: Do you speak Polish, Mr Derby-Lewis?

MR DERBY-LEWIS: No, I don't, Mr Chairman, but Mr Walus battles with English.

MR BIZOS: What language did you speak to him?

MR DERBY-LEWIS: I spoke to him in English, Mr Chairman.

MR BIZOS: Did you ever have any trouble communicating with him?

MR DERBY-LEWIS: I didn't, Mr Chairman, no.

MR BIZOS: Why do you say that he may have had communication problems with the police?

MR DERBY-LEWIS: Mr Chairman, I suggested that as a possibility and then I also said direct the question to Mr Walus, don't direct it at me.

MR BIZOS: I see, yes

MR DERBY-LEWIS: Because I can't explain it.

MR BIZOS: "After I ..."

JUDGE NGOEPE: Sorry, Mr Bizos, sorry to interrupt here. The word "elimination" here has been used more than once.

MR DERBY-LEWIS: Yes.

JUDGE NGOEPE: And with regard to the first one you said that as far as you are concerned this had to - all you were doing with him, with Mr Walus, was to set the names in order of enmity?

MR DERBY-LEWIS: No, Mr Chairman, I testified earlier that in February, shortly after the statement by Mr Hani that the weapons must come back from Angola, that I identified Mr Hani as a target and that's when we actually started talking about the elimination of Hani.

JUDGE NGOEPE: Ja, but I am reading from here, the sentence, "and I numbered them according to priority of elimination."

and you told us that that was not the - that was not the purpose. When the names were set out in...

MR DERBY-LEWIS: I said we numbered them in a priority order in terms of their enmity ... (intervention)

JUDGE NGOEPE: That is correct.

MR DERBY-LEWIS: ...towards the - I don't know why Mr Walus said this, Mr Chairman.

JUDGE NGOEPE: Yes, and my question is, was the discussion between yourself and him such that it could possibly have caused Mr Walus to misunderstand the discussion between you and him? To think that they were being listed for in priority of elimination instead of understanding that this was - they are being listed in order of enmity?

MR DERBY-LEWIS: No, Mr Chairman, we were clear, that only Hani had to be eliminated, but then during our discussions we also had discussed that if this doesn't succeed then obviously we will - may have to target somebody else to achieve the desired objective.

JUDGE NGOEPE: It would have had to have been a major misunderstanding between him, between you and Mr Walus. If he thinks this - I list these people in this order for purposes of elimination, while you on the other hand think that these people are being listed in order of enmity?

MR DERBY-LEWIS: Yes.

JUDGE NGOEPE: There would have to be quite a huge misunderstanding between you two.

MR DERBY-LEWIS: It could be with the two concepts, Mr Chairman, the elimination of Hani and the fact that if it didn't achieve the desired effect the elimination of others could have caused that confusion. 10

JUDGE WILSON: Why should you want to list them in a list of enmity to the Conservative Party?

MR DERBY-LEWIS: I don't know, Mr Chairman, quite honestly. We needed a code, as I mentioned in my earlier testimony, we needed a code so that we could discuss the question of the assassination over the telephone without triggering off suspicion to either of our womenfolk or anyone else who may be in the vicinity and the numbers suited it, suited that purpose. 20

JUDGE WILSON: But if there was only one person who was going to be assassinated you would never have had to mention anybody else. You wouldn't need a selection of numbers, would you? You could just talk about our friend.

MR DERBY-LEWIS: No, but Mr Walus insisted he be given the list to take with him with a number on it.

JUDGE WILSON: He insisted on the numbers? 30

MR DERBY-LEWIS: Yes, Mr Chairman, and he actually numbered, I think he testified somewhere in this or given a statement that he numbered the list.

JUDGE NGOEPE: Mr Bizos, I interrupted you while you were to move on to the next paragraph.

MR BIZOS: But you see, would you not have to speculate in relation to the questions put to you by the learned Judges, Mr Derby-Lewis, because Mr Walus says in the next paragraph -

"After I received the list from Clive Derby-Lewis, I started to do reconnoitring."

Am I doing wrong in using the word "reconnoitring"? I don't know what, I think this is military - reconnaissance. So if you don't mind, I will use the English word.

"After I received the list from Clive Derby-Lewis I started to reconnoitre. I started with number one on the list, Nelson Mandela."

Is that false?

MR DERBY-LEWIS: Mr Chairman, that question I ask you to direct to Mr Walus.

MR BIZOS: No, the statement is ... (intervention).

MR DERBY-LEWIS: That is, Nelson Mandela was not a target.

MR BIZOS: And he certainly didn't do that on your instructions?

MR DERBY-LEWIS: No, Mr Chairman

MR BIZOS: Or with your knowledge?

MR DERBY-LEWIS: No, Mr Chairman.

MR BIZOS: Or the instructions or knowledge of your wife?

MR DERBY-LEWIS: No, Mr Chairman, as far as I know, and I can't speak once again for my wife. 10

MR BIZOS: So if your evidence is correct then presumably the Committee is entitled to deduce that Mr Walus is his own man, he doesn't need a Derby-Lewis to do things for him?

MR DERBY-LEWIS: Mr Chairman, whatever Mr Bizos's speculation, I instructed Mr Walus to target Mr Chris Hani.

MR BIZOS: Yes.

MR DERBY-LEWIS: Whatever else he did he must be asked why he did it. 20

MR BIZOS: "And after I reconnoitred his house once, I thought the old goat was not worth it. Joe Slovo, priority number two on the list, address was not available, and I decided to concentrate on priority number three on the list, Chris Hani."

This, of course, is completely inconsistent with your evidence and the answer to the question posed by the learned Judges?

MR DERBY-LEWIS: That is correct. 30

MR BIZOS: Yes.

MR DERBY-LEWIS: It could have been prompted by a volume intake of alcohol as was testified, Mr Chairman. (Laughter).

MR BIZOS: Oh, I see. (Laughter). You are prepared to speculate about that.

MR DERBY-LEWIS: I am just offering it as a suggestion, I am not speculating. He will, he will answer the question, I understand. 10

MR BIZOS: Incidentally, did he ever utter any complaints against the police to you?

MR DERBY-LEWIS: Well, he told me how he had been treated, Mr Chairman, and he told me that at one stage he couldn't remember how he got back to his cell, and he told me that he made no statements to them.

MR BIZOS: He told you that he made no statements to them? 20

MR DERBY-LEWIS: That's correct.

MR BIZOS: He didn't tell you what is recorded

on page 306 -"Captain ..."

Bottom of the page -

"Captain, please don't go and arrest Clive Derby-Lewis also now. He is a very big friend of mine, I will take everything on myself. I was alone when I shot Hani.

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Clive and I only planned the murder
together "

He is a great friend of yours?

MR DERBY-LEWIS: He didn't tell me that, Mr Chairman. But I
appreciate his friendship

MR BIZOS: Especially if he was going to cover up for you. 10

MR DERBY-LEWIS: Mr Chairman, that is speculation, sorry.

MR PRINSLOO: Chairperson, for record purposes, that is not Mr
Walus' statements, that is Capt Deetliefs, and I took it up with my
learned friend, Mr Mpshe, that there are cassettes that refers to
interviews with Mr Derby-Lewis and it also refers to the specific
statement, but up to this point we have not received it. It is part
of the questioning. Just to test the accuracy of this, we will have
to look at that. So it is not accepted that if you remain quiet that
it is correct. 20

MR BIZOS: It's reported in the first person as if it were a
statement made, but we will prove the circumstances under which
-and once you raised, this is raised on your behalf, what did you
say the name of the colonel was that you sent it to? That you
sent the letter of thanks to?

MR DERBY-LEWIS: The letter I directed to the head of the
uniform branch of Benoni Police Station, Mr Chairman, and that

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was to the best of my knowledge, was a gentleman by the name of Colonel Roos - R-O-O-S.

MR BIZOS: Thank you for that clarification. Did you - were you regularly asked by the people in charge of the cells and of the police station, whether you had any complaints?

MR DERBY-LEWIS: I can't recall them asking me once, Mr Chairman.

MR BIZOS: You can't?

MR DERBY-LEWIS: No. And I wasn't bothered about it either.

MR BIZOS: If there are references in the Occurrences Book, contemporaneously written whilst you were there, that you specifically said that you had no complaints, will you say that those entries are false?

MR DERBY-LEWIS: I will say they are false, most definitely, Mr Chairman.

MR BIZOS: And we will produce the original letter tomorrow, and you may have to rethink as to who you wrote it to and how you sent it, Mr Derby-Lewis.

MR DERBY-LEWIS: That is not possible, Mr Chairman.

MR BIZOS: Yes, well, don't anticipate it.

Now I want to deal with your wife's statement in relation to this list, please. Firstly, in R4, page 161, the second part of paragraph 80.

MR DERBY-LEWIS: Page 161, Mr Chairman?

MR BIZOS: 161

MR DERBY-LEWIS: The second part of paragraph 80.

MR BIZOS: "The next day it was confirmed in the Press that Cuba had been arrested. Clive then said that it appeared to him as if Cuba had been set-up because it was a rather amateurish job and Cuba had not, for example, changed the number plates and so forth."

Did you say that?

MR DERBY-LEWIS: Mr Chairman

MR BIZOS: I beg your pardon, did you say what your wife says you said?

MR DERBY-LEWIS: Mr Chairman, I am not prepared to comment on anything contained in my wife's statement, because I have in my possession here a statement by one Johannes Hendrik de Waal. I don't know whether it has been discovered to the Committee. But this statement, Mr Chairman, from the information on this statement it is obvious to me that Captain De Waal was lying about certain aspects of his treatment of my wife during her detention. One of the points that I picked up clearly, was a point that she had no complaints, according to him, any

day. And suddenly, there was a problem where he said and my wife had to take her medication. Now if my wife had no complaints about illness, I don't understand what she had medication for, and in fact, she told me later that she had had, what she believed to be a minor heart attack in hospital, and as a result had to take medication, but there is nothing in this statement which says anything about that incident.

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MR BIZOS: We will look at that statement in due course, Mr Derby-Lewis. Will you please listen to the question? Your wife has written and signed a statement -

"The next day it was confirmed in the Press that Cuba had been arrested. Clive then said that it appeared to him as if Cuba had been set-up because it was a rather amateurish job and Cuba had not, for example, changed the number plates and so forth."

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I am only asking you to admit or deny the statement attributed to you by your wife.

MR DERBY-LEWIS: That information is correct, Mr Chairman.

MR BIZOS: It is correct? Oh, now we are getting somewhere, yes. (Laughter)

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Now let us go to other - have you forgotten that you said that you never discussed changing number plates or anything like that?

MR DERBY-LEWIS: I didn't say that, Mr Chairman. I said that Mr Walus was responsible for his own arrangements.

MR BIZOS: Yes.

MR DERBY-LEWIS: It came out in the court case.

MR BIZOS: No, you said, very well, we will leave it at that. I am going on to a new point, I don't know whether you want to continue, Mr Chairman?

CHAIRPERSON: Very well. If you are going to embark on another line at this stage, this might be an appropriate time to adjourn. We will adjourn now and resume at 09:30 tomorrow morning.

COMMITTEE ADJOURNS

ON RESUMPTION ON 19 AUGUST 1997 - DAY 7

CHAIRPERSON Mr Mpshe, are we ready to start?

MR MPSHE: Yes, Mr Chairman, thank you, we are still in the hands of Adv Bizos, Mr Chairman, we are ready to start.

MS VAN DER WALT: Could you please excuse me Adv Bizos, I would just like to place something on record. With regard to the video cassettes made available to us, one of these cassettes, tape number six, very clearly dealing with the interrogation of Mr Walus by Captain Deetliefs, I know that Adv Bizos' attorney also looked at this cassette, watched it and the person in control of the sound system was asked this morning whether he could possibly test the cassette for me as well, because his apparatus is much stronger than the type that one has at home, but the sound does not come through at all in this particular interrogation. Captain Holmes, yesterday was requested by me to see if there were, perhaps, other tapes relating to the interrogation and he informed me that Captain Nick Deetliefs, the person who did the interrogation, was in possession of the same tape, but with the sound being of a better quality. I would like to request the Committee that Captain Holmes be instructed to place us in possession of that cassette, because it is absolutely essential before Mr Walus can testify to look at this tape and I would not like a delay at a later stage. Thank you.

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CHAIRPERSON: What can you tell us about that Adv Bizos?

MR BIZOS: About those tapes?

CHAIRPERSON: Yes, about the tapes.

MR BIZOS: Mr Chairman, we are not clear precisely what the position is. May I ask that this question be left over until Captain Holmes arrives. I have asked him to be here this morning. We need not take up more time in relation to it. Could we wait until Mr, Captain, the then, he is promoted now, but the then Captain Holmes...

CHAIRPERSON: Yes.

MR BIZOS: Comes?

CHAIRPERSON: Mrs van der Walt, we will deal with that matter at an appropriate stage.

MS VAN DER WALT: Thank you Sir.

CHAIRPERSON: Thank you. Mr Derby-Lewis, you are reminded that you are still under your former oath.

MR DERBY-LEWIS: Yes, Mr Chairman.

CLIVE DERBY-LEWIS: (Still under affirmation).

CROSS-EXAMINATION BY MR BIZOS: (cont)

Mr Derby-Lewis, you signed two application forms for amnesty. Is that correct?

MR DERBY-LEWIS: Yes, yes, I am not clear, Mr Chairman, on whether the first form I signed was for amnesty or indemnity. Is that what Mr Bizos is referring to?

MR BIZOS: No, I did not use the word "indemnity". I asked you whether you signed two applications for amnesty?

MR DERBY-LEWIS: I am not ...

MR BIZOS: Is that correct?

MR DERBY-LEWIS: I am not sure, Mr Chairman.

MR BIZOS: I beg your pardon?

MR DERBY-LEWIS: I am not sure.

MR BIZOS: You are not sure?

MR DERBY-LEWIS: No.

MR BIZOS: Well, ...

MR DERBY-LEWIS: Can I just have a minute to ...

MR BIZOS: ... let me try and help you.

MR DERBY-LEWIS: Please.

MR BIZOS: Have a look at the document which you signed on the 24th of April 1996 and tell us whether that is an application that you signed. You can have my copy or you may, your attorney may also have it.

JUDGE WILSON: It is in the bundle A at page 11, is it not?

MR BIZOS: The ...

JUDGE WILSON: The application signed on the 24th of April 1996.

MR BIZOS: Yes, that is so. And then ...

MR DERBY-LEWIS: Yes, yes, that is correct, Mr Chairman.

MR BIZOS: And then there was a subsequent application which is dated later, is it not or they are both dated the same time, but they are different. I would just like you to explain why there are two applications with the same date and why they are different.

CHAIRPERSON: Where are these to be found Mr Bizos? All in bundle A?

MR BIZOS: Mr Chairman, there is one on the 24th of April which appears on page 13 and then there are substitute pages on a different application. Yes, we got two from the Committee Secretary, Mr Chairman, and they are different.

MR DERBY-LEWIS: Mr Chairman, to the best of my knowledge, that was what caused the confusion at the last hearing and I believe it was explained to the Committee what happened. That, somehow or another, an incorrect document had arrived at the Committee and that it was then included in the application and we have another document and then we said, well, that documents which were submitted to the Committee, is the document which we had, but there was not a second application. It was, as far as I remember, it was only in the, in relation to 9(4), nature and

particulars, the motivation explanation. Is that what Mr Bizos is referring to?

MR BIZOS: Yes, in November new, in November last year new pages were put in which were not in the original application. Do you agree with that?

MR PRINSLOO: To which pages are, Mr Bizos referring to, Mr Chairman? 10

MR BIZOS: If you have a look at the application of Mr Walus has the date of the 30th day of November, but what I am concerned with is that there are applications with different, there are pages with different allegations and I want to know how that came about?

CHAIRPERSON: Well, perhaps, before you ask him questions of that kind, I would like to know where these two applications are? 20

I have an application in manuscript, the form filled in in manuscript, attached to that are answers to certain paragraphs of the application form in a typed form.

MR BIZOS: Yes.

CHAIRPERSON: Now, are you referring to those?

MR BIZOS: Mr Chairman, we have the application which we have called the first application which appears, which we have marked 1 to 15. May I just hand this up for you to have a look at, please? 30

JUDGE WILSON: Because the original application you have referred to, which is at page 11 of bundle A, when it comes to paragraph seven, eight, nine and says see attached, see attached, see attached, see attached. All of it says that and then there are the attached pages, the typed pages.

MR BIZOS: We have been given two different versions and I do not think that the one version is before you, Mr Chairman.

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CHAIRPERSON: Well, we will have to sort that out. Mr Mpshe, what can you tell us about this?

MR MPSHE: Mr Chairman, thank you, there was, the applicant submitted only one application, Mr Chairman. The one that is on, from page 11 to page ...

CHAIRPERSON: 13.

MR MPSHE: ... as it goes on up to page 13.

CHAIRPERSON: Yes.

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MR MPSHE: That is the only application filed by the applicant.

CHAIRPERSON: Right.

MR MPSHE: The only thing that was done by the applicant, Mr Chairman, is that they changed or amended the annexure to their application.

CHAIRPERSON: In other words, from page 15 onwards?

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MR MPSHE: From page 15 onwards and, particularly, Mr Chairman, just for an example, page 17 thereof makes it clear what happened, page 17.

CHAIRPERSON: Yes.

MR MPSHE: It makes it clear that letters were written to the applicant that certain information has not been forthcoming or has not been given and they had to supply extra information to the original application.

CHAIRPERSON: Yes.

MR MPSHE: So the only change, Mr Chairman, is not on the application itself, but is on the annexure responding to questions as clarified by page 17.

CHAIRPERSON: Yes.

JUDGE WILSON: While we are talking about this, I think I would like to draw attention to the fact that, as far as I have been able to see, my paragraph, pages 15 and 16 are identical.

MR MPSHE: That is so, that is a duplication. 15 And 16 is one and the same.

JUDGE WILSON: Yes, it is a typing error. Then we go on to 17 and then 94 at page 18 goes on to the end.

CHAIRPERSON: So what has happened then, Mr Bizos, it seems that the original application has been supplemented by additional information.

MR BIZOS: Yes.

CHAIRPERSON: In other words, there are not two separate applications.

MR BIZOS: Yes.

CHAIRPERSON: Is that correct?

MR BIZOS: Mr Chairman, may I just indicate that we have the differences between the old and the new application. There were the application and, when I speak about application I speak about the filling in of the form and the typed addition to the form, there are difference which we have put together on the basis of the old and the new on an analysis. In order to save time, may I hand that, may I hand up a document which shows the differences so that when I examine Mr Derby-Lewis on it, we can have, we do not have enough copies, but we can make them available. I will, whilst they are being made I can just ask some preparatory questions.

CHAIRPERSON: Yes, well, Mr Derby-Lewis, in fairness, should have before you whatever documents you use to supplement your original application which, I take it, is in typed form.

JUDGE WILSON: Would you make copies?

MR DERBY-LEWIS: Thank you Mr Chairman.

CHAIRPERSON: And if you have all the documents then we can proceed. Do you have them?

MR DERBY-LEWIS: No, Mr Chairman, I do not have the documents.

CHAIRPERSON: Though your own application?

MR DERBY-LEWIS: I have my own application.

CHAIRPERSON: Supplemented by a number of ...

MR DERBY-LEWIS: By the annexures. 10

CHAIRPERSON: That is right.

MR DERBY-LEWIS: Yes, I have them, Mr Chairman.

MR PRINSLOO: May we have a copy from Mr Bizos, Mr Chairman?

MR BIZOS: Yes, this was a document which I did not intend handing in, but they are my notes to put to the witness, but I have given it in as an assistance, because the witness and, apparently, his legal representatives are not aware of the differences or may not be aware of the differences and some of them are of a material nature. This is why copies are being made and we will hand them to the witness and to each member of the Committee and to the legal representatives. 20

MR MPSHE: Mr Chairman, may I just come in just for convenience, Mr Chairman, the document handed in first by Mr Bizos, the alleged another application be numbered R7, please, and the document allegedly containing the difference between the first and the second application be referred to as R8. 30

JUDGE WILSON: Well, it is all part of the one bundle.

MR MPSHE: No, Mr Chairman, two separate documents were handed up just now. Only one copy was given to the Chair, that would be R8, the one outlining the differences. Thank you.

CHAIRPERSON: Yes, but at some stage, I would like to know about this, which you conveniently wish to call R7, because R7 has the original application form which is in manuscript, which is already in bundle A. Bundle A, as we have said, up to page 14, they were already annexed, they form part of R7 and then the rest are what appear in bundle A as pages 15 and then there are different pages

JUDGE WILSON: Yes, could we perhaps, while the Chairman is talking, give the page numbers. Page five of the bundle handed in by Mr Bizos is page 15 of bundle A. Page six, seven, eight and nine of Mr Bizos' number, Mr Bizos' bundle does not appear to be part of bundle A. Page ten of Mr Bizos' bundle appears to be page 23 of bundle A. Page 11 of Mr Bizos' bundle appears to be page 24 of bundle A and it goes on, 24, 25 and 26.

CHAIRPERSON: So, there are some pages now which have been handed in by Mr Bizos that do not form part of bundle A?

MR BIZOS: Yes, the drive of what we are saying is that although the pages appear to be the same, the contents differs

JUDGE WILSON: Not of the ones I have given you, Mr Bizos, those are identical.

MR BIZOS: Well, that may be, but there are differences between the composite application, which we call first application, and the composite second application which finds itself in bundle A and the document that we are making a copy of draws attention to those differences.

JUDGE WILSON: Well, where does the composite first application come from? Mr Mpshe says the application in application A is the application lodged with the Committee. Where does yours come from?

MR BIZOS: Well, it came to us, Mr Chairman, when we asked for a copy of the application. We first received the first one and then we were given the second one, as amended.

JUDGE WILSON: Mr Mpshe?

MR MPSHE: Mr Chairman, I will have to put this again on record. The copy that Adv Bizos has ended up as R7, intended to be another application, is incorrect. It is the original application filed by the applicant. It is repeated that on my copy it does not show exactly when, correctly when this was filed. This application was filed, I am trying to make it up here, on the fourth of May 1996. So, it is still the original application. The only change that was made by the application is in as far as

answering of questions are concerned. I can refer the Chair again to page ten, page ten of bundle A. It is just an amendment to the answering of questions and not a new application. Page ten is also a clarification to that. The application still remains the same.

CHAIRPERSON: Yes.

JUDGE NGOEPE: But Mr Mpshe, I, whereabouts page 18 and so on of the, of bundle A, how does it relate to page six of the bundle which Mr Bizos has just given us, because both, they have a commonality. Paragraph, they all purport to be paragraph 9(4), nature and particulars, but the contents differ. Now, I do not know whether what you are saying is that pages 18 and so on replaced pages six of Mr Bizos' documents and so on.

MR MPSHE: Mr Chair, as it can be noted, page five is an amendment filed by Janusz Walus and page 18 is amendment filed by Clive Derby-Lewis. These are amendments from two different applicants. Page five is that of Janusz Walus.

JUDGE NGOEPE: Yes, but page 18 is an amendment by Mr Derby-Lewis, but you see amending paragraph 9(4) as given to us by Mr Bizos.

MR MPSHE: I have not seen what Mr Bizos has given you, I was never given a copy. If I can just be allowed.

JUDGE NGOEPE: Yes, please have a look at that, because it is confusing to us.

CHAIRPERSON: It is, indeed, at this stage in the proceedings.

MR BIZOS: Mr Chairman, it is true that the same application form may cover both. What we are concerned with that between May and November the applications of both applicants were amended in certain respects. That is the whole purpose and I want to ask questions as to how these amendments came to be made and why. That is really the ...

JUDGE WILSON: Well, I want to get clarity as to how and when, have you got the papers now, Mr Mpshe?

MR MPSHE: I do have the papers, Mr Chairman.

JUDGE WILSON: If you will look at Mr Bizos' page six, that is nature and particulars and starts,

"After the speech of F W de Klerk ...",

in relation to paragraph 9(4). Correct?

MR MPSHE: I do have it.

JUDGE WILSON: Now, in bundle A at page 18 ...

MR MPSHE: 18.

JUDGE WILSON: — we have another answer to 9(4).

CHAIRPERSON: The heading is the same.

MR MPSHE: Yes.

CHAIRPERSON: The document ...

JUDGE WILSON: No, the heading is from Prinsloo and van der Walt, phone number 0157-308, April the 14th, 1997. That is along the top of my page.

CHAIRPERSON: That is a fax.

MR MPSHE: That is a fax.

JUDGE WILSON: So, this ...

MR MPSHE: Yes, Mr Chairperson.

JUDGE WILSON: So, this was faxed to you on the 14th of April 1997, it would appear?

MR MPSHE: That is correct, Mr Chairman, page ...

JUDGE WILSON: And was it substituted then for the one that Mr Bizos has put forward?

MR MPSHE: That is correct, Mr Chairman, page 18 in bundle A is amendment of page six on Mr Bizos' documents. That is correct.

JUDGE WILSON: And it was done on the 14th of April of this year?

MR MPSHE: Of this year.

JUDGE WILSON: The original ...

MR MPSHE: I ...

JUDGE WILSON: ... application that was filed ...

MR MPSHE: On the fourth of May 96,

JUDGE WILSON: ... of 1996, contained the 9(4) set out at page six

MR MPSHE: Six.

JUDGE WILSON: .. of Mr Bizos' bundle?

MR MPSHE: That is correct.

JUDGE WILSON: So, he is correct in saying there has been a substantial change to 9(4)?

MR MPSHE: That is correct, Mr Chairman.

JUDGE WILSON: Thank you.

MS VAN DER WALT: Mr Mpshe will probably be able to confirm this, the fact raised by Judge Wilson, that it was faxed. I think he will have a letter, Mr Mpshe, will have a letter on his files in which the original document which was sent in November, apparently, somehow or other got lost at the Committee's offices and Mr Mpshe and I had a telephonic discussion and then it was faxed to him. I think he will be able to confirm this and it will be in his files.

MR MPSHE: That is correct, Mr Chairman, I can confirm that.

CHAIRPERSON: Well, it now appears, Mr Derby-Lewis, that there have been certain additional pages that were not part of your original application, you are aware of those?

MR DERBY-LEWIS: Yes, Mr Chairman.

CHAIRPERSON: And you are about to be questioned on the difference between the contents of those pages and your original application.

MR DERBY-LEWIS: Now, Mr Chairman, I believe I am being questioned, but I would appreciate a short time just to peruse this document, because, you know, because, as Mr Bizos says, it differs from the other. 10

CHAIRPERSON: Yes. How many pages are there that have to be perused?

JUDGE WILSON: Four.

MR DERBY-LEWIS: Four, Mr Chairman.

CHAIRPERSON: Four pages.

MR DERBY-LEWIS: Four pages.

CHAIRPERSON: Yes.

MR DERBY-LEWIS: And on the other one it is five. 20

MR BIZOS: These are my notes from cross-examination. I am entitled to put these questions to Mr Derby-Lewis. I am merely handing it in, in order to assist the Committee in order to solve the riddle of the different documents.

CHAIRPERSON: Right.

MR BIZOS: I do not know, I am entitled to put the questions cold, with respect.

CHAIRPERSON: Yes, you are Mr Bizos. 30

MR BIZOS: May I proceed?

CHAIRPERSON: Yes, please.

MR PRINSLOO: Mr Chairman, with respect, we have not received the notes of Mr Bizos. What we have received is the bundle, which is now referred as R7, and that is what the witness is asking the Committee's indulgence, he wants to peruse R7, which he did not have in his possession, and then compare it with the documents referred to which were submitted at a later stage, which comprises pages 17 to page 22. That is what the witness asked.

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MR BIZOS: Mr Chairman, R7 comes from their file, Mr Chairman, ...

CHAIRPERSON: Yes.

MR BIZOS: -- but the, let us, I will withdraw my objection, Mr Chairman, ...

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CHAIRPERSON: Yes.

MS VAN DER WALT: ... for his looking at the document. I do not know what he can do about it. It may be quicker rather than having long arguments.

CHAIRPERSON: Well, because otherwise each time you put a question he will start paging through the documents to find ...

MR BIZOS: Let him look at it. I do not know what he can do with it, Mr Chairman.

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CHAIRPERSON: Mr Walus, Mr Prinsloo, without wasting too much time, can you quickly look through it, because I am sure a lot of this is very familiar to you. It should not take you too long.

MR DERBY-LEWIS: I will do it as quickly as ...

CHAIRPERSON: These are part of your papers.

MR DERBY-LEWIS: ... possible, Mr Chairman.

CHAIRPERSON: Yes.

MR DERBY-LEWIS: I will certainly do it as quickly as possible.

CHAIRPERSON: Alright. We will stand down just for a few minutes.

COMMITTEE ADJOURNS

ON RESUMPTION

CLIVE DERBY-LEWIS: (still under affirmation)

CHAIRPERSON: I trust that we are ready to proceed now. Mr Bizos, you may proceed with your cross-examination.

CROSS-EXAMINATION BY MR BIZOS: (cont)

Thank you Mr Chairman. Mr Derby-Lewis, the short adjournment was (speaker's microphone not on) did your wife join you and your legal representatives in consultation?

MR DERBY-LEWIS: I beg your pardon, Mr Chairman.

MR BIZOS: Did your wife join you in the consultation that you had during the adjournment that was granted by the Committee?

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