

AK 2985 / A0

**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 II
(Pages 1001 - 1100)**

that philosophy. In fact I cannot think of one Afrikaner organisation on the right that does not support that policy.

MR PRINSLOO: Do you believe Mr Derby-Lewis if amnesty is granted to you that reconciliation will indeed be achieved?

MR DERBY-LEWIS: Mr Chairman I think that I have, during my testimony, indicated my feelings in terms of reconciliation. I have also indicated that I don't see myself in a political role in the future. I have also indicated that the new Constitution is an improvement and that it allows for peaceful methods of resolving difficulties which was not possible in terms of the old Constitution. And Mr Chairman I would like to reiterate that I am going to be spending a lot of time with my children and my grandchildren.

MR PRINSLOO: Thank you Mr Chairman.

NO FURTHER QUESTIONS BY MR PRINSLOO

CHAIRPERSON: That letter, speech of Dr Treurnicht, when that is made available it is only fair that you may have to be questioned on that document which has not been seen by us nor counsel for the family.

MR DERBY-LEWIS: I understand that Mr Chairman.

CHAIRPERSON: Thank you very much, you are excused for the time-being.

MR BIZOS: (indistinct)

CHAIRPERSON: Yes.

MR BIZOS: — to now also some very important information that I have to put to the witness appears from a document which has just been handed to us by counsel for the Commission. May I put these two matters very briefly Mr Chairman?

CHAIRPERSON: Yes, I urge you to try and avoid going over material we have already covered. 10

MR BIZOS: No, no it's not material that we have already covered Mr Chairman.

CHAIRPERSON: Yes.

FURTHER CROSS-EXAMINATION BY MR BIZOS: I merely want to say, Mr Derby-Lewis the Paardekraal document that you read from was a speech delivered on the 10th of October 1992?

MR DERBY-LEWIS: That is correct Mr Chairman.

MR BIZOS: You do not mention it in your application for amnesty. 20

LOUD NOISE FROM AUDIENCE

MR DERBY-LEWIS: Mr Chairman I have testified regarding that speech and I made it very clear in my application that the third freedom struggle was launched on the 26th of May 1990.

MR BIZOS: Yes, please don't repeat your evidence, you did not mention that document in your application for amnesty or that specific speech. You mentioned one speech and one resolution, you didn't mention that document in your application. 30

MR DERBY-LEWIS: That is correct Mr Chairman because I did not have the document available to me at that stage.

MR BIZOS: Very well. Do you agree that that speech was made 11 days before the speech in Parliament by Mr du Plessis?

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

MR BIZOS: And the members, the honourable members of the Conservative Party that were in Parliament and endorsed Mr du Plessis' statement that the CP did not have a policy of violence must of necessity, if not every one of them have been at Paardekraal as well? 10

MR DERBY-LEWIS: I am not sure Mr Chairman, I can't remember who was there. There were between 12 and 15,000 people there.

MR BIZOS: Well can we assume that at least a number of the members of Parliament and senior officials were there? 20

MR DERBY-LEWIS: Some of them, yes Mr Chairman.

MR BIZOS: They obviously did not interpret that speech in the manner in which you do now?

MR DERBY-LEWIS: That is Mr Bizos' opinion Mr Chairman.

MR BIZOS: Well I won't debate it anymore, I just wanted to bring that ... (intervention)

CHAIRPERSON: Thank you, yes

MR BIZOS: Now you see you told us yesterday when I asked you questions about Mr Edward Clarke when - you remember that 30

he is mentioned in a section of an application for amnesty in relation to the theft of the 300,000 odd rands that were stolen?

MR DERBY-LEWIS: I remember that Mr Chairman.

MR BIZOS: Will it come as a shock to you that the person applying for amnesty, Mr Johannes Nicholas Visser, says in his application which we handed in by counsel for the Commission, that amongst the other things that he did was to be an "intelligence officer in the Volksfront/Freedom Front under Edwin Clarke", will it come as a shock to you that the person who had been a member of the Security Police, and who is applying for, I just want to see the number of offences for which he is applying, 16 offences committed by him, that he was a junior to Mr Edwin Clarke the person who fixed your computers and came for breakfast?

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MR DERBY-LEWIS: Mr Chairman as I stated when the subject came up previously the Volksfront was not in existence at the time of Mr Hani's assassination, so what Mr Visser says will obviously have to be tested by the Committee Mr Chairman. I can't comment on that.

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MR BIZOS: Some of the acts for which he is asking for amnesty were committed with Mr Edwin Clarke before the killing.

MR DERBY-LEWIS: Mr Chairman then he must be a second Sina van Rensburg, he obviously saw it coming before anyone else did. I have no explanation for that Mr Chairman. I think the

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Committee will deal with Mr Visser's application and I am not qualified to comment on that because it's obvious to me that Mr Visser is lying.

MR BIZOS: Yes. I merely want to put to you that it would appear that you and your wife had been less than frank in relation to the activities and your knowledge of Mr Clarke.

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MR DERBY-LEWIS: Whatever Mr Chairman.

MR PRINSLOO OBJECTS: Mr Chairman the issues raised by Mr Bizos now at this stage does not arise from re-examination, these are totally new issues he's raising. Yes.

CHAIRPERSON: — these documents came to hand now, but I don't think it can take the matter very much further. Visser has made an application and whether he's reliable or not reliable and so on are matters on which we can't comment at this stage.

MR BIZOS: — was still in the witness box I thought I would bring this to the Committee's attention.

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CHAIRPERSON: Have you finished Mr Bizos? Yes, thank you. Yes you are excused Mr Derby-Lewis, thank you.

MR DERBY-LEWIS EXCUSED

MS VAN DER WALT: Unfortunately I will have to ask for a brief break. I would like to discuss the procedure to follow with Mr Mpshe and I also wish to clarify something with the interpreters because we are going to work in Afrikaans, English

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and Polish and I would like a brief break of five minutes so that we can sort out these matters.

CHAIRPERSON Yes, we will give you a break for five minutes.

COMMITTEE ADJOURNS

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ON RESUMPTION

JANUSZ WALUS: (sworn states)

EXAMINATION BY MS VAN DER WALT: Mr Walus, on 13 October 1993 you were found guilty of the murder of Mr Chris Hani, is that correct?

CHAIRPERSON: Mrs van der Walt it seems that you can't be heard by the Interpreter. Just give the Interpreter a little more time. I am told that to start off we may be a little bit slow. Yes, please proceed.

MS VAN DER WALT: Mr Walus you were found guilty by the honourable judge -

INTERPRETER: Could the person repeat the question.

MS VAN DER WALT: You were sentenced to death by Judge Eloff, is that correct?

MR WALUS: Yes Mr Chair.

MS VAN DER WALT: Your sentence to the present day hasn't been amended is that correct?

INTERPRETER: I can't hear, I can't hear.

CHAIRPERSON: The Interpreter can't hear, can he repeat

MR WALUS: No my sentence wasn't amended Mr Chairman.

MS VAN DER WALT: Mr Walus where were you born?

MR WALUS: I was born in Poland in the town the name of Zakopane in 1953.

MS VAN DER WALT: You emigrated to South Africa at a later stage, is that correct?

MR WALUS: I emigrated to South Africa in 1982, sorry in 1981

MS VAN DER WALT: Mr Walus why did you emigrate to South Africa? 10

MR WALUS: I emigrated to South Africa mainly because I wanted to run away from the communist system which was in Poland at that time Mr Chairman.

MS VAN DER WALT: Could you please tell the Honourable Committee of your life and your experiences before you emigrated to South Africa.

MR WALUS: Well I will say something about the situation prevailing in Poland before my leaving Poland, total hypocrisy of the government, continuous propaganda of success, insistent of the superiority of communism over the Western systems, flattery of the Polish government towards the government of the Soviet Union, distortion of the history taught in the schools and the constant indoctrination of the youth. There was compulsory voting in every election which did not mean or change anything. Refusal to vote could and did in many cases result in the detention of even the elderly. The police had practically 20

unlimited powers, for example the right to hold for 48 hours anybody.

There was a total collapse of the economy due to the corruption, lack of competition and the open stripping of the country of its minerals by the Soviet Union which economy was in even worse state than that of Poland and other Eastern Block countries.

MR BIZOS: Mr Chairman I don't want to interfere - leading a statement is he, in terms of the practice of this Committee entitled to read out a statement or is he to give evidence Mr Chairman. If he is to read out a statement perhaps we should have a copy of it, and we may get nearer to the truth if he speaks without a prepared speech Mr Chairman.

MS VAN DER WALT: Mr Chairman it is strange that in the case of Mr Derby-Lewis Mr Bizos does not afford the applicants their opportunity to state their case before the Committee. It appears to me as if that if I look at the applications which have served before this Commission by Mr de Klerk and by all other generals that they are allowed to read, they are allowed to do whatever they wish to do, but here Mr Walus had barely started and he is already interrupted by Mr Bizos. (Loud booing and clapping)

CHAIRPERSON: I am going to bring these proceedings to a conclusion and I will close the hall. I would like these proceedings to proceed in an orderly way, please!

MS VAN DER WALT: Mr Chair, Mr Walus sketched his background history for the sake of the Interpreter he put it in writing so that it could go more quickly and expedite matters and that is why we are not now at this stage experiencing a problem with the interpreting. But I would, with the greatest love, make available a copy of Mr Walus - of his background and history to Mr Bizos. If he would just allow Mr Walus the opportunity to state his case.

CHAIRPERSON: Let's try and proceed and see if we can do it as smoothly as possible. I realise the difficulties we have. If he makes a copy of that statement available to counsel at an appropriate time that might solve your difficulties.

MR BIZOS: ...Mr Chairman, I always thought that witnesses were to answer questions and give evidence, not come here with prepared statements Mr Chairman.

CHAIRPERSON: Mr Bizos if these are his introductory remarks please just allow him to finish. When you question him he will not be having any prepared statements to answer from.

MR BIZOS: Thank you Mr Chairman I will accept that.

CHAIRPERSON: Do carry on.

MR WALUS: Thank you Mr Chairman. The economy was - from the stripping the country of its minerals by the Soviet Union which economy was in even worse state than that of Poland and other Eastern Block countries.

The Soviet Union was involved in almost every armed conflict in the world if not directly then through the supply of weaponry. Weapons were supplied free in order to gain future zones of influence in the strategic areas of the world. There is no coincidence in the fact that the AK47 is the commonly used weapon in the areas of conflict to say nothing of Russian tanks, aircraft, trucks and other equipment made by Russia.

In the late seventies the Polish economy hit rock-bottom. Supplies were always far from good but in the 1978/79 rationing of meat, eggs and butter was introduced. Each adult could receive a maximum of 3.5 kilograms of meat per month. Shortages of petrol followed with a black market blossoming as a result. The over-taxed private sector was constantly harassed by the Receiver of Revenue and the Police. My late father had to start from scratch at least six times after his business was closed down for the solve reason that it was too prosperous. I was constantly harassed while making deliveries of goods.

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Passports were almost impossible to obtain. I had waited for almost two years after submitting my application before I received my passport.

As far as accommodation was concerned there was a waiting list for flats - entitled to receive a flat after about 20 years from the moment one's name was put on the list.

A car could be purchased at the official price from the government garage when one had an official government ticket to buy a car. Those tickets were only issued to top government officials and their families. Cheaper cars could be obtained through the issue of tickets for scientific or sporting achievements. Those who had money, but they didn't have a ticket they could buy a car for double the price or for US dollars.

Polish citizens were permitted to hold Western currencies but were not permitted to buy or to sell it.

Attendance at May Day was compulsory even if it was on a Sunday and the absence resulted in problems for the children at school and for adults at their workplace.

Thank you very much Mr Chairman, that is more-or-less what I can say on the subject of situation in Poland before I left Poland.

CHAIRPERSON: What were you doing in Poland?

MR WALUS: I was working mainly with my late father conducting business of distribution of the glass but I trained as a grinder of the glass and crystal and I was working at that trade.

CHAIRPERSON: Thank you.

MS VAN DER WALT: Mr Walus, in 1981 you eventually succeeded in emigrating to South Africa, you were married in Poland weren't you? 10

MR WALUS: That is correct Mr Chairman, I was married in Poland. My wife and my daughter supposed to join me here as soon as possible, say in a few months but it was martial law which was introduced in 1982 and because of that they couldn't join me here. Only after two years they joined me Mr Chairman.

CHAIRPERSON: Please carry on.

MS VAN DER WALT: After coming to live here in South Africa did you in any way become involved in the politics in this country at all? 20

MR WALUS: Just after my arrival in South Africa I wasn't engaged in politics, I wanted simply to know something more about the country and its problems. I wasn't ready for any political engagement. In 1982 a speech of Mr Treurnicht and the other members of the national - exclusion of - not exclusion, sorry, sorry, sorry - the breakaway of Mr Treurnicht and other members of the National Party from the National Party in 1982 I 30

believe, still didn't bring me to any conclusion. However, after the referendum in 1983 it was clear to me that the governing National Party was moving to the left.

After winning the referendum Mr P W Botha introduced a policy completely different to that promised to the electorate. I had many discussions with people who had voted "yes" and who clearly felt cheated by P W Botha and the National Party.

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On the other hand during my numerous interviews with the Department of Home Affairs after I applied for permanent residence, those officials, and I clearly remember one name of De Bruyn, assured me that the changes were just cosmetic and that anti-communism and separate development would always be fundamental to the NP government.

All of this appeared less and less convincing. In 1985 I met Mr Clive Derby-Lewis in Pretoria while attending a meeting at which the well-known British author David Irving presented his books on the Second World War. We had a brief talk regarding the deteriorating political situation in South Africa. I was also invited to Clive's house at Greenside in Johannesburg where I met also his wife, Gaye. We had lunch together and had long discussions.

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Clive also presented me with a copy of the Stallard Foundation newsletter. Stallard Foundation was an organisation

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which Clive helped to found. This organisation was informing and introducing conservative English-speakers to one-another. The newsletters were of particular interest to me as it not only contained excellent information concerning the political situation but also covered important economic and financial problems. As the Stallard Foundation was always faced with a shortage of financial funds I came forward on a few occasions with a donation of R1 000.

After meeting Clive and Gaye I gave whatever free time I had towards promotion of the CP and the Stallard Foundation. Then I became a member of both of these organisations. At one of the Stallard Foundation meetings I met Eugene Terreblanche who had been invited to address English-speaking conservatives. I was able to listen to his speech in English and realise that what he had to say and what the media had to say about him were completely different things.

I was invited to Eugene Terreblanche's office in Pretoria where we had a full discussion on both South African and Polish political situations and then Eugene proposed me to join the AWB. Before deciding on that, however, I first asked Clive if that membership would not affect my membership with the CP and Stallard Foundation. Clive assured me that if anything it would lead to more solidarity among conservatives, bearing in mind that

the Stallard Foundation was uniting conservatives across language barriers with German, French, Polish, British, Bulgarian, American and even Spanish conservatives were becoming members.

During the period of 1986 and 1987 while I worked in Qwa Qwa ... (intervention)

MS VAN DER WALT Mr Chair it appears to me as if it is four o'clock. I think we are actually entering another period and I wonder if it isn't a suitable time to take the adjournment because the period that we are entering now will lead to a fairly lengthy period of time to work through.

CHAIRPERSON Very well we will adjourn now and resume at 09H30 tomorrow morning.

COMMITTEE ADJOURNS

ON RESUMPTION ON 21.08.97 AT 09H30

CHAIRPERSON: Are we ready to begin?

MR MPSHE: Yes Mr Chairman, thank you. My learned friend is still leading the applicant. Thank you.

CHAIRPERSON: Can Mr Walus be reminded that he is still under his oath, his former oath, please.

JANUSZ WALUS: (s.u.o.)

EXAMINATION BY MS VAN DER WALT: (cont)

You ended your testimony yesterday at the point before you entered the period from 1986 onwards, I would just first like to ask you, you testified yesterday that you were a member of the AWB is that correct?

MR WALUS: That's correct. I enter into the AWB organisation in 1985 or 1986. At that time I was working in the Orange Free State, in Qwa Qwa, in our family business. At that time I attended AWB meetings. I didn't understand everything where the speeches were concerned, especially in Afrikaans, but my girlfriend at that time was Afrikaner and she translated for me everything that was said on those meetings. As we know at that time even Eugene Terreblanche was talking about that, what the National government was planning and the giving up is unthinkable. And from 1985 and 1986 I could detect the resistance feelings.

MS VAN DER WALT: You refer to "giving over" Mr Walus, what do you mean by that?

INTERPRETER: Could the question be repeated please.

MS VAN DER WALT: You refer, and you have just testified, you referred to the fact that the AWB were against "giving over", what do you refer to when you say "giving over".

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JUDGE WILSON: The translation to us was "giving up" wasn't it?

MR WALUS: Simply I understand that to surrender to the situation which - I understand that as a surrender to the communist powers which were already, which could already be seen then at that time, and it was clear that they will try to gain the power in South Africa.

MS VAN DER WALT: Mr Walus you also testified yesterday that you were a member of the CP, when did you become a member of the CP?

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MR WALUS: I became a member of the Conservative Party after I met Clive Derby-Lewis in 1985 or in 1986 and I also became a member of the Stallard Foundation.

MS VAN DER WALT: While you were still in Qwa Qwa during 1987 did you participate at all in the activities of the CP, the Conservative Party?

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MR WALUS: Yes, while I was still in Qwa Qwa I participated in the meetings of the CP and AWB which were held in the area of Bethlehem and Harrismith. At that time I didn't have possibilities to provide any financial support to these parties because our family business had financial problems but I tried to give any assistance I could. I attended meetings, I had discussions with my friends and family and my friends in - and some members of my family they also joined the Conservative Party, and some of them also the AWB. That was quite natural that we from the so-called Iron Curtain we were very conscious about this situation which was prevailing here and because of that many of my friends and members of the family they also supported this policy of the rightwing.

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MS VAN DER WALT: Mr Walus when did you first vote as a South African citizen here in South Africa?

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MR WALUS: The first time I voted in 1989 Mr Chairman. It was my first voting because only in 1988 I received South African citizenship, that's why I couldn't vote in 1987 voting.

MS VAN DER WALT: Before these elections, or during these elections how did you regard the political situation in South Africa, that was now the 1989 elections I am referring to?

MR WALUS: The situation before the elections of 1989 we could see more-or-less what was prevailing from the year 1987

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when the CP became the official opposition to the National Party, so CP, though it was in opposition, the role of the CP was confined only to the protest because the governing party was ignoring the opposition party. Before the election of 1989 the policy of the National Party was of such a nature that they tried to assure the electorate that they would never legalise the ANC or the SACP. On this ground they built their whole policy showing themselves as a strong anti-communist party before the election. Notoriously they criticised the new established Democratic Party because the Democratic Party wanted to negotiate with the ANC and also the South African Communist Party. The Democratic Party was criticised for their policy, they were criticised by the governing party. My feelings, with the steady progress of the CP from '87, I must mention that this progress of the support was not clearly showed by the media because of the manipulation of the public (. . . indistinct), but nevertheless I believed the CP will win the elections in 1989 because everything showed that it should be like that. But Mr Pik Botha and F W de Klerk they just - just a moment the Interpreter. I am sorry Mr Chairman I have difficulties with the speed of my speech. Please accept my apology.

CHAIRPERSON: You were talking about Pik Botha and F W de Klerk.

MR WALUS: It seemed that when Mr de Klerk and Mr Botha, they way they treated Mr Botha it will cost the National Party the election. Unfortunately it wasn't like that and practically till today I don't know why. It was a shock for me, particularly when I - because I was helping in Krugersdorp in the pre-election campaign, Clive's pre-election campaign and also my then friend helped me in that and my girlfriend also helped Clive in the election campaign in 1987 and before this election.

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In 1987 Clive Derby-Lewis was defeated in Krugersdorp with a mere 55 votes towards Mr Wessels. And with the constant growth of support towards the CP from 1987 until 1989 it was clear, it showed that in the election in 1989 Clive was defeated with the same region with 900 votes difference. It was senseless for me. It cannot be proved. Maybe with time, in time it will be possible but I don't know if it will have any significance.

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But it was clear for me that something was wrong with the results of these elections. Such situations were repeated in many electorate regions. I was discussing that problem with many people in Bethlehem and Harrismith and most of my friends and acquaintances were telling me that they will vote for the CP. Of course they could tell me not the truth, but why? Anyway everything comes to the point that the CP was defeated in the election.

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It was clear that the Conservative Party was defeated in the election of 1989, and the National Party won, and that what was coming later, practically on the political arena nobody have any esteem towards the CP in the media because then President de Klerk in 1990, just after the election, while opening the Parliament session made exactly that, that he had promised electorate that he would never do, it means he unbanned the ANC and the Communist Party of South Africa exactly he done that for what he criticised very strongly the Democratic Party before the election of 1989.

It took half a year for changes of policies governing party to the degree of 180 degrees they adopted the policy of the other party, I saw that as a total political dishonesty. From the moment the ANC was legalised and also the Communist Party, from the moment it was legalised practically all the reports of the media they were concentrated on the negotiations, governing party, National Party, with such organisations like the ANC and SACP, simply they showed a picture that everything else that prevails on the political arena is not important. The CP doesn't exist, from time-to-time protests but even being the official opposition but nobody pays real attention to this protest.

MS VAN DER WALT: Mr Walus a meeting was held at the Voortrekker Monument in May 1990 which was addressed by Dr Treurnicht, are you aware of that meeting?

MR WALUS: Yes Mr Chairman, yes I remember. I also attended that meeting. Of course I remember what was said there. Part of the speech was in Afrikaans and part in English, I understand English well enough but I still battle with speaking, then because of that I tried to have the help of the interpreter, but I understood perfectly about what Dr Treurnicht was speaking. Everything that was in Afrikaans it was explained to me later by my friends and some by my then girlfriend, Maria, and some by Clive Derby-Lewis with whom I met after this meeting. I don't remember if it was exactly the same day or a few days after or one week after.

One message of this meeting was very clear Mr Chairman. Dr Treurnicht said the third freedom struggle started in our country. Previous two freedom struggles, I know that from the history of South Africa, and from the history of the Boer nation, the previous two freedom struggles they were the struggles with the use of weapons so it was understandable that Dr Treurnicht expected something from the members and supporters of the CP, and at the same time from all the rightwing.

MS VAN DER WALT: Mr Walus, the referendum was then held in 1992, what did you feel like after that referendum?

MR WALUS: Mr Chairman the referendum was for me a moment of - it was a moment of very important significance in my life. That what happened before the referendum if I can start from that side. Bye-election in the Potchefstroom area when even F W de Klerk said that if the governing party will be defeated in this election, in the Potchefstroom area, then this Party will not represent anymore the whole electorate in the whole of South Africa in the then sense of the constitutional sense. As we know in the Potchefstroom elections the CP was winning in the absolute majority, it showed at that moment that President de Klerk has no other option than to announce a general election in the light of what he said before that election in the Potchefstroom area. It would be done by every honest politician and every honest person but it didn't happen like that as we know that. F W de Klerk manipulated the electorate in the very ambiguous referendum on the subject of negotiation if the electorate will agree with the negotiations or not with at the same time assuring that if -
(The Interpreter cannot follow - just a moment)

F W de Klerk manipulated the then electorate in very ambiguous referendum where he asked for the mandate to negotiate with the ANC. He also mentioned then that whatever

the results of this referendum would be he will still come back to the electorate before taking any decisive changes, constitutional changes, he will be back to his electorate.

Of course my feelings Mr Chairman concerning this situation were very negative. As the history showed of the year of 1992 if it comes to the referendum the South African electorate seems completely lost. It seems that people do not know clearly what they give their votes for and the questions and the answers in both of these referendums were not clear. That was my perception. Besides as far as I know Afrikaners they are usually nice people which from the psychological point of view always prefer the answer, yes than the answer no, Mr Chairman.

MS VAN DER WALT: Mr Walus after this referendum did you consider at all to leave South Africa or not?

MR WALUS: Mr Chairman to say the truth I had such a inclination, I was simply shocked by that what happened, simply I couldn't understand how people who were having a democratic choice seeing clearly what was happening they create for themselves such a fate. It was known to everyone clearly thinking person what will be the result of the negotiation of somebody so weak like F W de Klerk with the ANC Mr Chairman.

So I was simply lost and with the results - I wasn't happy with the results of the referendum and I tried to find the place where

to go. I saw that that what was prevailing it can lead only to the one end. I tried to find out in the Embassy of Paraguay, a country definitely anti-communist and with a climate similar to that of South Africa, but I couldn't think about my family in South Africa and about many of my friends which I found here among the Afrikaners, English-speaking, and among the Polish people and simply I couldn't decide for this step - excuse me Mr Chairman. Simply I couldn't decide to do again in my life, to change again in my life the country. This is an uneasy decision. It seemed that something could still be done, some miracle, because in this instant anyone could believe only in the miracle. It seemed that the democratic way was totally closed knowing people like for instance the then President de Klerk I knew that I couldn't even dream about the comeback to the electorate at the next referendum. For me simply someone who lies once will definitely lie again.

In my opinion people who were with de Klerk in the NP they were cheated in 1989 and I knew that de Klerk's assurance that he will come back to the electorate with the next referendum Mr Chairman, is only the next lie and cheating of the voters. That was my feelings. I knew for sure that it was my second and the last vote in South Africa. I tried to convince, before the referendum, my friends and acquaintances whom I knew from

work, from business and in my family I didn't have such problems but anybody else I tried to convince and I said if you will vote "yes" then it means that you will vote if you will vote "yes" it means that you will vote for the last time. Maybe not the last time in the meaning, in the strict meaning, but in the meaning that your vote will never mean anything again.

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MS VAN DER WALT: Mr Walus during this period did you have any discussions with Mr Clive Derby-Lewis?

MR WALUS: We met with Clive Derby-Lewis as often as any one of us had the time and we discussed a situation, political situation in South Africa. I always had a high regard about Clive as a politician and always I recognise him as an example of the source of feelings and policies of the Conservative Party. I could describe that whenever I wanted to know about anything about policy of CP and their stance, Clive Derby-Lewis was this person from whom I expected this information and I knew also that he is very highly regarded by other members of the CP. He is also one of the founders of the CP and one of the leaders of the CP. Also I see him, not only as a politician of CP, and also in some sense somebody doing - as somebody who is creating the policy of this party. Discussions with Clive after the period of referendum were strongly intensified. Simply we came to the question "what now?"

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Of course at that time it was in the year 1992 I was practically overworked. I was working, I was a driver of the big lorries driving them on the long distance, very rarely I was at home and rarely I had the time to see my acquaintances, but as I mentioned before, Mr Chairman, I used to meet Clive as often as it was possible.

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In the same year 1992, after the referendum I was also invited by my late father who had the business in Switzerland and in Poland, it was the business of distribution of the industrial glass and also crystals, I was trained in that profession, I had an invitation from my father to come for the holiday to see him and my daughter, Eve, whom I didn't see for years. As I mentioned before, Mr Chairman, my marriage was disintegrated because of the martial law introduced in Poland in 1982 and when my wife and my daughter were not able to come to South Africa in time. I apologise Mr Chairman that I jump from subject to subject. But I had only two weeks for the visit in Switzerland and in Poland
(intervention)

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CHAIRPERSON: I think that Mrs van der Walt, I think that you should take some more control over otherwise we might find a lot of time will be taking up by history.

MS VAN DER WALT: I will do that. Mr Walus you were then invited to go to visit your father?

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MR WALUS: That is true Mr Chairman.

MS VAN DER WALT: What happened when you returned from Europe, did you again visit Mr Derby-Lewis? ... (intervention)

JUDGE WILSON: Sorry, can I clear something up, I am afraid I was a little confused to, who of your family came to South Africa? You talked about a family business here, who of your family was here? 10

MR WALUS: I apologise Mr Chairman. It could come to the confusion, let me try to explain. In 1976 my brother emigrated from Poland to South Africa. In 1981 I came with my father to South Africa. At the same year also my sister came here and she was a daughter of my father from his second marriage and she came with her mother in 1983, and also my mother joined us. Thank you Mr Chairman. I hope that that will explain my family situation who came and who was with me here and who was not 20

MS VAN DER WALT: Mr Walus but your father then at a later stage returned again from South Africa to Poland, is that correct?

MR WALUS: That is correct Mr Chairman. After the problems with his business in South Africa my father, who was becoming ill, he returned to Poland in 1989 and he was there till the time he died in 1986.

JUDGE WILSON: Did he die in 1996?

MR WALUS: That's correct in 1996, it was in 1996. 30

CHAIRPERSON: Yes Mrs van der Walt you may proceed.

MS VAN DER WALT: After returning from Europe, that was at the end of 1992, in December did you then visit Mr Clive Derby-Lewis?

MR WALUS: As far as I remember Mr Chairman I had the time to visit Mr Derby-Lewis in December 1992 when I was invited for the braai to his house. I was accompanied by my friends from Poland, a married couple from Poland. It was, as far as I remember, it was my first meeting with Clive from the moment I returned from Europe. 10

MS VAN DER WALT: At that stage did he say that he would be contacting you again, is that correct?

CHAIRPERSON: Did you meet again, that's what you mean?

MR WALUS: I can't remember clearly if Mr Derby-Lewis I will contact you, or if he said contact me at the beginning of the next year. 20

MS VAN DER WALT: You again saw him in February 1993 is that correct?

MR WALUS: That's correct Mr Chairman.

MS VAN DER WALT: What happened on the occasion of that meeting? 30

MR WALUS During that meeting Clive Derby-Lewis showed me a list of surnames and addresses. We sat by the table, Clive asked me to number the list according to his instruction.

MS VAN DER WALT Okay, but Mr Walus when you arrived there did you have any discussions before numbering this list?

MR WALUS Mr Chairman as far as my memory serves me right we had a discussion on the subject of the democratic way is for us close now, and the rightwing must move into more radical actions. I am not sure if I use the proper expression but what I mean is more concrete actions Mr Chairman. It was simply general discussion that something we, as the CP, as the rightwing, must do to stop that what was prevailing in South Africa at that time. The most typical example of communist rule it is more-or-less that what we discussed before I saw the list Mr Chairman.

MS VAN DER WALT These discussions that something had to happen, had you previously had discussions of this nature with Mr Clive Derby-Lewis before this day in February?

MR WALUS If I remember correctly Mr Chairman, before the referendum of February we concentrated more on the political subject and how the problem can be solved by voting by meetings by simply by peaceful means.

MS VAN DER WALT And after the meeting at the Voortrekker monument in 1990 were there any further, more discussions

between you and Mr Clive Derby-Lewis that you had to act differently than before the referendum?

MR WALUS: As far as I remember Mr Chairman discussions, they were in such a sense that yes, we have to try anyways, democratic ways which are still open for us, but that everything is clear that we have to prepare ourselves for the war. We have to arm ourselves, we have to prepare ourselves for war and we have to be ready if at any moment which will come we have to be ready and armed, more-or-less that is what my memory serves me.

CHAIRPERSON: You moved on to a stage where he had seen the list and he had written numbers on that list. Can you proceed from there.

MS VAN DER WALT: I will do so. You have now testified that Mr Derby-Lewis had produced a list and that you had entered numbers on this list, is that correct? I wish to show you Exhibit A1 and 2. Can you testify that these are the numbers that you entered on the list?

MR WALUS: That's correct, this is correct Mr Chairman, thank you.

MS VAN DER WALT: And these numbers did you yourself number them as such because they do not proceed in numerical order, why did you number them in this particular order?

MR WALUS: I numbered these names in such an order as Clive instructed me to do Mr Chairman.

MS VAN DER WALT: Did Mr Clive Derby-Lewis inform you why the numbers should be entered as they were?

MR WALUS: Mr Chairman as far as I remember Clive mentioned something about the order of the numbers were the enmity of people towards CP was concerned, the degree of the enmity of these people towards the CP and also towards the rightwing as a whole. That is what I remember. With mentioning that it was just a few names which were saying anything to me, they didn't mean anything to me. So simply I numbered it according to instructions of Mr Derby-Lewis, Mr Chairman.

MS VAN DER WALT: Could you give the Committee an indication of the names which were known to you or which meant something to you?

MR WALUS: Yes I will try to do that Mr Chairman. Mr Chairman number C1 - Nelson Mandela, obviously this surname was known to me. Number B4, Mac Maharaj, at that moment this surname is known to me, at that time it wasn't.

MS VAN DER WALT: But you informed the Committee that some of these names meant something to you and other were unknown, which did you know at that particular time?

MR WALUS No, simply Mr Chairman to avoid misunderstandings I will say about the surnames which didn't mean anything for me then, but with the time I became acquainted with who was who of those people on the list. But to make it simple I will use only the names which meant something to me. Will it be alright?

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CHAIRPERSON: I think you are asked to give us the names of the people who you knew then, first.

MR WALUS: Thank you Mr Chairman. Nelson Mandela, C1; Chris Hani, B3; Pik Botha, B5; Richard Goldstone, B9. That's all Mr Chairman.

MS VAN DER WALT: After you had entered the numbers on the list were there further discussions between you and Mr Clive-Derby Lewis?

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MR WALUS: Yes Mr Chairman. After I numbered this list Clive Derby-Lewis told me that we would concentrate on elimination of number 3, surname Chris Hani and if for the CP and the rightwing, will I agree to take this task on me. I expressed my readiness and acceptance. From that time - excuse me Mr Chairman. After I asked Mr Derby-Lewis if I can take with me this list, for what Clive accepted.

MS VAN DER WALT: But Mr Walus you have not yet told the Committee - I beg your pardon, you told the Committee you had

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marked the list, but what had to be done? You said that the name of Chris Hani had been pointed out as the exception, what was to be done about him?

JUDGE WILSON: He said we would concentrate on the elimination of Chris Hani, not as the exception.

MS VAN DER WALT: But I wish to know how this elimination had to take place.

MR WALUS: This elimination was supposed to be by shooting.

MS VAN DER WALT: Did you have further discussions with regard to the shooting of Mr Chris Hani?

MR WALUS: Yes Mr Chairman, we discussed what sort of weapon we should use and I asked if Clive Derby-Lewis can provide me with a weapon which is not registered.

MS VAN DER WALT: At that stage you yourself had firearms in your possession, is that correct?

MR WALUS: That's correct Mr Chairman, I had a few weapons.

MS VAN DER WALT: And (intervention)

CHAIRPERSON: Very well (intervention)

JUDGE WILSON: Could we, before we have a tea break have the reply, what was Clive Derby-Lewis' reply to your request whether he could provide you with a weapon?

MR WALUS: Mr Chairman Clive told me that most probably he would be able to do that.

CHAIRPERSON: Yes. This may be a convenient stage to take the adjournment. We will adjourn for 15 minutes.

COMMITTEE ADJOURNS

ON RESUMPTION

CHAIRPERSON: Please proceed Mrs van der Walt. Your client is reminded that he is still under his former oath.

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JANUSZ WALUS: (s.u.o.)

EXAMINATION BY MRS VAN DER WALT: (cont)

Mr Walus before we adjourned you mentioned that Mr Derby-Lewis undertook or said that he could provide you with a firearm, what I would like to know from you is why Mr Chris Hani was selected from the list of names as the first exception among them?

MR WALUS: Mr Chairman Chris Hani was chosen because of his position as the First Secretary of the SACP and of his position which he held before in MK, and also because of all his position and the popularity he had among more radical people of ANC.

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MR BIZOS: But what was the purpose, why, despite his position, what had to be achieved by eliminating him?

MR WALUS: Mr Chairman we wanted to stop the gaining of power by the communists which what we see as unavoidable that they will gain the power as the facts showed. And after all we seeing that this deed, the deed perpetrated by the rightwing

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should unite the whole rightwing and mobilise for the further strong action, resistance action.

MS VAN DER WALT: Mr Walus you are saying "us", when you refer to "us" and according to your testimony it is quite clear that for many years you were friends with Mr Clive Derby-Lewis, did you decide this on your own for some or other personal gain or what was the situation? 10

MR WALUS: Mr Chairman my long friendship with Clive Derby-Lewis was mainly on the basis of political grounds and political beliefs, and the instructions received from Clive I believed, until today I believe that they were instructions given by the Conservative Party of which Clive was one of the leading members and founder, as formally I mentioned it, and he was one of the leading people determining the policy of the CP. So my feeling was clear that everything what I have to do I do for and on the name and in the support of the CP. Maybe not only CP, because I knew also that Clive had many other connections in the rightwing as I mentioned this deed I believed will unite more rightwing for the stronger resistance. 20

MS VAN DER WALT: Mr Walus did you gain anything personally from this deed, or were you promised anything to commit this act? 30

MR WALUS: Mr Chairman up to now the only thing what I gain is four years in that cell, it's not a complaint but a fact. So I gained absolutely nothing and I never wanted to gain anything, that was never my motive. As I mentioned earlier I gave CP and AWB my financial help whenever I could do that, and never did I gain any financial gains from the political side of view
Everything I did I did it because I believe in the cause and I still believe in that cause.

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MS VAN DER WALT: Mr Walus was anything else discussed on that day with regard to the elimination of Mr Chris Hani? You have already referred to the list and talked about that and to the firearm, was anything else discussed?

MR WALUS: I am not able to remember everything in detail and correctly I am not sure if the discussions on the subject of the weapon they were already in February or only in March. We discussed reconnoitring, how I have to do this reconnoitring of Mr Hani's house. As far as I remember I told him that I use stickers on my registration plate number to mask the registration plates. Or course we discussed and instructions for me were very clear that my task must be executed in that way that nobody, no other person must be involved or know about anything and will not be involved in any danger. Simply the policy of the CP and the rightwing is directed to - it has one aim but not as a terrorist

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action. As far as I remember they are those subjects which we discussed in the period from the moment since I received the list until the day of the assassination.

MS VAN DER WALT: Mr Walus you received the list, did you carry out any actions after receiving the list on that particular day later on in February, March?

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MR WALUS: As far as I remember I was reconnoitring the house. I began then in March.

MS VAN DER WALT: Which house did you reconnoitre?

MR WALUS: Mr Chairman I would like for the repeating of the question.

MS VAN DER WALT: You said that you had reconnoitred a house, I would just like you to state whose house you reconnoitred?

MR WALUS: I reconnoitred the house of Mr Hani.

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MS VAN DER WALT: Okay, so you stated that you reconnoitred the house in March, once only or a number of times?

MR WALUS: No Mr Chairman it was more than once, but I am not able to say exactly how many times. It could be three times, it could be five times.

MS VAN DER WALT: Why did you go and reconnoitre the house?

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MR WALUS: I reconnoitred the house because of the task I had to do, I reconnoitred the house because I wanted to make sure about the routine movements around the house if that could have place, and because to make a plan, to make a plan concerning the execution of the assassination.

MS VAN DER WALT: What was the vehicle that you used during this reconnoitring of the house of Mr Chris Hani? 10

MR WALUS: Mr Chairman it was the same Ford Laser which I used on the day of the assassination. I think, I am not sure, if during one of the days I didn't borrow the car from my brother, but mainly - I know that once I borrowed the car from my brother but I am not sure if I when I borrowed this car I had done the reconnoitring that day. I only knew I changed the car with my brother because his tank of petrol was empty and he wanted to use my car because I had a full tank of petrol and then he gave me money to take petrol, to put petrol into his BMW. 20

MS VAN DER WALT: Mr Walus on Exhibit E, page 2 next to Mr Chris Hani a mark has also been made or there is writing in pen, it is not complete in the copy that you have in front of you, but in the typed version of the record the number "BMW525i PWY525T" had been entered there, are you aware of the written numbers and figures as entered there? 30

MR WALUS: Mr Chairman those numbers are of BMW in which during one of the reconnoitred times I saw next to the garage of the house of Mr Hanı and which I noted down thinking that it could be his car or the car Mr Hanı was also using.

MS VAN DER WALT: Mr Walus after your visit in February 1993 to Mr Clive Derby-Lewis did you again see him at a later stage? 10

MR WALUS: Yes, yes Mr Chairman I saw Mr Derby-Lewis as far as I remember, I am not sure if I saw him before the 6th of April but I remember that I saw him, I remember that I saw him on the 6th of April 1993.

MS VAN DER WALT: How did it come about that you went and saw him on the 6th of April?

MR WALUS: Mr Chairman as far as I remember I phoned to Mr Derby-Lewis earlier, I simply wanted to know about the weapon which he was supposed to provide for me. After our telephone conversation Clive invited me for breakfast and told me through the telephone that we will talk when we will see each other. 20

MS VAN DER WALT: Fine, so on the 6th of April you went to the house of Mr Clive Derby-Lewis is that correct?

MR WALUS: That's correct Mr Chairman.

MS VAN DER WALT: What happened there? 30

MR WALUS On the 6th of April we ate together breakfast talking about general subjects. After the breakfast Clive invited me, told me that we will move to the study, to his - I don't know how to describe that office or study where when we moved to this study Clive closed the door and I don't remember was it from the - I don't remember from where he took out the pistol which was still in the factory box. As far as I remember this box was in the plastic yellow bag and also Clive showed me a silencer which was for which this pistol was already prepared. You have to remove the end of the barrel, there was a sort-of nut on the end of the barrel, one had to remove this nut and then set the silencer on the end of the barrel. Except for this pistol Clive gave me also three bullets of 9mm calibre parabellum, especially made and fitted for the use in the pistol with the silencer. This pistol was completely new the type of Z88. Clive told me that the ammunition it's a prototype ammunition. He has more ammunition of this type he will provide for me the next day.

MS VAN DER WALT This ammunition that you are referring to is that known as subsonic ammunition, is that correct?

MR WALUS: Yes Mr Chairman that is a more proper description.

MS VAN DER WALT Mr Walus was Mrs Gaye Derby-Lewis present when this firearm was handed to you or wasn't she there?

MR WALUS Mrs Derby-Lewis she left the house after the breakfast or even during we ate she excused herself. I don't remember where she went, to the Post Office or somewhere else, I don't remember, or something with the registration of - something about the election campaign in Krugersdorp, but I am not sure what was her reason why she left, I don't remember clearly.

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MS VAN DER WALT Mr Walus the firearm described by you was it an unlicensed firearm?

MR WALUS Mr Chairman if I ask Clive to provide me with an unlicensed weapon I was sure that he will provide me with an unlicensed weapon and it was like that as it showed later.

MS VAN DER WALT Mr Walus during your court case the domestic servant who was employed by Mr and Mrs Derby-Lewis testified that she had seen you in the lounge with a firearm, could you comment on that?

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MR WALUS Mr Chairman I can't say a 100% if she could have seen me with a weapon or not. I only know that in one moment she came in, into the lounge and I know that I was there and Clive and the weapon was there in that room, but I can't say for sure if she could have seen me with the weapon.

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MS VAN DER WALT: After you had received the firearm did you then the next day, the 7th of April, have contact with Mr Clive Derby-Lewis again?

MR WALUS: Yes Mr Chairman I did contact Mr Derby-Lewis the next day. I wanted to know when I will receive more ammunition and also to make sure about the final decision about the continuation of the preparation for assassination.

MS VAN DER WALT: And what did you discuss then?

MR WALUS: As I said first when I will receive ammunition and if I have to continue in 100% planned assassination and if anything changed in the CP decision. That was more-or-less all what we discussed. Maybe I said about the first registration plate numbers which I placed on the Laser and we discussed in which way to disguise ourselves. I don't remember all the details of this discussion.

MS VAN DER WALT: Mr Walus was there a specific period or a specific date on which this deed had to be committed?

MR WALUS: Mr Chairman there was no specific date as such providing, if the memory serves me right, it was mentioned that it would be not a bad time to do that before Easter weekend.

MS VAN DER WALT: You as a person who came from Poland when do you celebrate Easter?

MR WALUS: Easter holiday we celebrate from Easter Sunday breakfast.

MS VAN DER WALT: Mr Walus Mr Edwin Clarke, do you know him?

MR WALUS: Yes I know him. It means we talked about maybe three or maybe five times in my life. I met him also by Clive's house during one of the political meetings.

MS VAN DER WALT: When you visited Mr Clive Derby-Lewis and had these discussions with him regarding the firearm and the list was Mr Edwin Clarke present at all?

MR WALUS: It seems for me that once he was at home and was doing something with the computer but I am not very sure if it was the 7th of 6th or any other day in which I could visit Clive. But Mr Clarke never participated in any discussions concerning the assassination of Mr Hani.

MS VAN DER WALT: You also testified that when you went to have breakfast on the 6th of April at the house of the Derby-Lewis' Mrs Derby-Lewis had excused herself did she then leave the house, according to your testimony?

MR WALUS: As far as I remember she left the house.

MS VAN DER WALT: I would like to refer to volume 7 of the minutes of the court proceedings, page 396 (536), it's the testimony of Mrs Motsaune. It starts at line 19. We have there

Mrs Motsaune's testimony and it deals with accused 3, Mrs Derby-Lewis, Mr Clive Derby-Lewis' wife and I read

"She has just gone out by car".

Can you still remember this testimony by Mrs Motsaune?

MR WALUS: Mr Chairman I can't remember in details what was during the court trial and in the records but I can confirm that something like that was said. 10

MS VAN DER WALT: Mr Walus on the 10th of April what were your plans for that particular day when you got up that morning?

MR WALUS: The 10th of April Mr Chairman, I planned to go to Johannesburg to Stan Schmidt's Sports Centre where I was training, and after this training I planned to reconnoitre the house of Mr Hani.

MS VAN DER WALT: What did you then do on that day? 20

MR WALUS: Later during the day I went, as I said, to this Schmidt's Sports Centre but I was informed by one of the instructors at the centre that the training it will be - there will be no training on that day because nobody was there, so I used the phone, public phone in the rooms and phoned to Clive to find out if he already has the ammunition for me. Clive still didn't have in his possession this ammunition and told me that he will phone me to my house a bit later. 30

So I left the Sports Centre and I stopped on Corlett Drive next to the shop, as far as I remember Guns Exchange Shop where I bought 25 pieces of ammunition of Czech origin, 9mm parabellum and I loaded my pistol, a Z88, with this ammunition using gloves, leather gloves practically telephoned to Clive concerning the ammunition was a formality because after trying first time the pistol Z88 with using of silencer with the ammunition, special ammunition, I was sure that the amount of gases is not sufficient to load the pistol and because of that the pistol should have been loaded after each manual shot. It wouldn't work automatically. I didn't know how to secure - what are the security concerning Mr Hanu and I knew that if I found myself in the situation that unexpectedly the security, the persons who - if I will be confined to one shot only simply I can't calculate such a risk.

To be back to the situation and things which happened on the 10th of April. I loaded the pistol with this ammunition, with this bought by me ammunition, bought in Gun Exchange while I was using the gloves then I went to Dawn Park which I planned as a next reconnoitring before the final moment.

I wanted also to buy new stickers but hardware shop on Corlett was closed on that Saturday. Because of that I used only sticker tape of a silver grey colour which I just mask my previous

stickers which I had on the bumper which were quite characteristic.

MS VAN DER WALT: I beg your pardon, are you referring to the stickers that were on the bumper of the vehicle that you put this tape over?

MR WALUS: Mr Chairman I had the stickers on the bumper which I wanted to mask. I always had them on my car. They were quite characteristic and they were which every reconnoitring I also masked them. But I didn't have a numbers to be masked. I tried to stick the numbers which I used during the previous reconnoitring but simply the glue was so dry that the stickers were not stuck. I risked reconnoitring without changing the numbers.

At the moment when I was reconnoitring, when I found myself near the house, next to the house of Mr Hani I noticed on the entrance to the garage a Toyota Corolla which number I wrote it down also thinking that it could be a car of Mr Hani. I wanted to move out with this information with the intention to come back in the evening when I saw a man similar to Mr Hani, similarly looking to Mr Hani going out from the house and getting into the car. Then I turned my car and followed after the Toyota, I followed the Toyota which stopped in front of the Dawn Park shopping centre. I stopped at some distance and was watching

the man who got out from the car. Then I recognised that this is for sure Mr Chris Haní.

Mr Chris Haní entered the supermarket and he was back after a few minutes with the newspaper. At that moment I decided that it can be the best occasion, it could be the best occasion to execute my task, and that this occasion can never be repeated. 10

I decided not to do that in Dawn Park shopping centre because the parking was quite packed, there was a lot of people there so I waited until Mr Haní would get into his car, and when I was sure that he is going into his house direction I chose another way, another way to his house in order not to go all the time behind him. When Mr Haní - I was practically on this street before Mr Chris Haní was also there.

When Mr Haní got out from the car I put the pistol Z88, I put this pistol behind the belt of my trousers, at the back of my body, I got out from my car, seeing Mr Haní coming, moving away from the car I didn't want to shoot him at his back. I called "Mr Haní". When Mr Haní turned I took out the pistol from the belt, from behind the belt and I shot first time in the body of Mr Haní. After that Mr Haní turned in - where he was standing, when he fell down during this turn I shot a second shot in his head. When he fell on the ground I shot two times behind his ear, 20

then I get into my car and I moved away, trying to do that quickly but without taking any - that somebody can notice that, that I am in a hurry.

When I moved from Dawn Park to the Boksburg direction I was .(intervention)

MS VAN DER WALT Just a second Mr Walus. You said that you were in the street of Mr Hani's house even before him. When you had parked your vehicle and left it before shooting him, first tell us where did you park your vehicle?

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MR WALUS. Mr Chairman I can't remember clearly, but I could have stopped and parked behind Mr Hani's car.

MS VAN DER WALT: When you fired the first shot how far away from Mr Hani were you?

MR WALUS When I fired the first shot Mr Chairman I could have been seven, five to seven metres from Mr Hani.

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MS VAN DER WALT According to the testimony during the trial in court led by Dr Klepp four shots had been fired into the body of Mr Hani, can you remember the number of shots that you had fired?

MR WALUS. It should be, as far as I remember, there were four shots. it's correct.

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MS VAN DER WALT: Also according to the testimony of Dr Klepp two of the shots had been fired from further than a metre away and two shots from very close up, can you remember this?

MR WALUS: Mr Chairman it is correct.

MS VAN DER WALT: According to your testimony you then departed for Boksburg, what happened then? 10

MR WALUS: When I was on the way to Boksburg the car, a Nissan Sentra car passed me, a Nissan with a white colour and in this car I saw two or three policemen in blue uniformed shirts, rather two than three of them, but I don't remember a hundred percent. This car passed me and I suspected that that was the police but when they passed me with quite big speed they were on the way to Boksburg I understood as a sign that I am saved, and can proceed safely towards Boksburg. 20

When I entered Boksburg in some moments at the robot policemen were blocked by the traffic and because of that this white Nissan Sentra was again behind me now. After that it came next to me and one of the policemen showed me that I have to turn to the side of the road. I showed them that I will just pass the robot and then I will move a little bit further there will be a better place to stop the car, and I did that.

Simply I was still thinking that I could avoid the situation I found myself later. I was thinking that nothing will happen, that 30

they want just to talk with me with any other - concerning any other case, and I reacted quite quietly and simply. I didn't want to show any nervousness.

One of the policemen asked me if I possessed the firearm. Yes, I said I have. When he asked me that I must show him this weapon I opened the case in which I had my official CZ 9mm. The policeman looked at this CZ, opened the gun and smell the chamber and at that moment I knew, I already knew that my time is counted. I was still hoping that during the searching the pistol Z88 will be missed, the searching will be superficial, but the police found it, this pistol Z88 was found most probably in my sport bag, as far as I remember I put it there after the assassination. I can't remember correctly and in details because I was definitely shocked.

After the pistol was discovered I was arrested and taken to the Murder and Robbery squad in Boksburg.

MS VAN DER WALT: Mr Walus when you saw Mr Hani before he went to the shopping centre you told us that he was alone in the vehicle, is that correct?

MR WALUS: That's correct.

MS VAN DER WALT: Did you see any bodyguards or persons outside the house or in the vicinity of the house?

MR WALUS: No. Mr Chairman I didn't see anyone. I am not very sure, at one moment I could have seen a passing car. I didn't see in the vicinity of the house.

MS VAN DER WALT: And when you returned and stopped there was there then anybody at his house?

MR WALUS: No I didn't see anybody there. 10

MS VAN DER WALT: Mr Walus when you returned from the Sports Centre and you went to Boksburg did you see any roadblocks which had been set up by the police?

MR WALUS: No Mr Chairman I didn't notice such things. If I saw it I don't remember it today.

MS VAN DER WALT: Mr Walus you are saying that before that particular day you had made use of false number plates on which you had stuck numbers, was there a particular registration number that you made use of or was it just any number that came to mind? 20

MR WALUS: Mr Chairman there were the numbers of Ford Laser of the same colour and most probably the same year, model, accidentally noted down during the traffic, during the driving, I simply wanted to use the numbers which would be not suspected.

MS VAN DER WALT: Mr Walus you also mentioned that at some stage the Z88 firearm which had been handed to you was tested with the silencer on, where did you test this firearm? 30

MR WALUS: Mr Chairman it must have been between, it must have been the 6th afternoon, it could have been six in the morning or the 7th in the morning, I can't remember clearly.

(Loud noise from the audience)

MS VAN DER WALT: But where did you test it? To which spot did you go to test the firearm? 10

MR WALUS: I apologise Mr Chairman. The weapon was tested on the farm of my brother, on my brother's farm.

MS VAN DER WALT: Wasn't it strange to your brother that you went to test a firearm there?

MR WALUS: Mr Chairman it was nothing strange in that, firstly because the lorry which I was driving was always parked on my brother's farm, that is one thing, and secondly often we do the shooting on this farm because it was the safe place for shooting. And on numerous occasions my acquaintances asked me to test a weapon on this farm and my brother knew about it and had no objections concerning that testing, except that safety must be observed. 20

MS VAN DER WALT: Mr Walus the list that you received from Mr Clive Derby-Lewis the police found that list without your giving it to them, is that correct?

MR WALUS: Mr Chairman it's half the truth because the police discovered this list but I can't say I gave it to them, I have no 30

other option, they discovered it and took it. They were investigating team about this assassination. I couldn't give anything, I was not in the position to give or not, I was with the chains on hands and legs and every time we were leaving the police station and later in Benoni as well I was having - I couldn't give anything, I was just an observer of the situation.

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MS VAN DER WALT: But this list was found in your flat, is that correct?

MR WALUS: That is correct Mr Chairman.

MS VAN DER WALT: Your friend Maria was visiting with you that week, is that correct? Was your friend Maria visiting you on that particular day, that week, I beg your pardon, that week?

MR WALUS: Yes Mr Chairman she visited me, she visited me for about one week, she took off from work before the Easter holiday.

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MS VAN DER WALT: Did she know what your intentions were on Saturday the 10th when you left the flat?

MR WALUS: Mr Chairman Maria knew that on every Saturday if only the time and money allowed me I was going for the sport training to Johannesburg. So she knew about this part of the plan for this day.

MS VAN DER WALT: According to your testimony today before the Commission you stated that you had acted upon the

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instructions of Mr Clive Derby-Lewis and that you had believed that it was on behalf of the Conservative Party, is that correct?

MR WALUS: Absolutely yes Mr Chairman and I believe in that till today.

MS VAN DER WALT: And was there anybody to your knowledge who was involved in the planning and execution of this deed? 10

MR WALUS: Mr Chairman I have no knowledge about anybody. I planned everything with Clive and except that I don't know anything except that Clive mentioned that the secrecy of that is very important and of course I never share anything what was said during our planning and our discussions.

MS VAN DER WALT: Just a single question with regard to the events themselves. When you shot Mr Hani you did not make use of the silencer, is that correct? 20

MR WALUS: That is correct. I didn't use the silencer as I mentioned earlier I didn't plan to use it.

MS VAN DER WALT: Mr Chairman as discussed in your chambers this morning this is the point to which I can progress today with the testimony of Mr Walus. I will then request that his testimony stands over until we meet again for the sitting in the last week of November. 30

CHAIRPERSON: Are there any other witnesses you or Mr Prinsloo would be calling who might be available to occupy the day today?

MR PRINSLOO: Mr Chairman at this stage we will decide what to call after the cross-examination of Mr Walus. I have no witness available today.

MR BIZOS: Mr Chairman may I ask that although we will reluctantly accept the suggestion that we should not cross-examine this witness today I would have expected him, for the benefit of the orderly running of the proceedings on resumption that Mr Walus would want to place on record the reasons why he says that his statement was not freely and voluntarily made, so that the persons against whom he intends making the accusations are apprised of what it is that they have to meet Mr Chairman. There is no reason why that should be postponed, although we reluctantly have agreed that we should postpone the testing of this version at a subsequent hearing.

MS VAN DER WALT: Mr Chairman this Committee has already been informed firstly, and that was very clearly stated, that my client had not made any written statement, he had not placed his hand on any piece of paper. From the first day last week it was very clearly stated to this Committee that my client had been questioned, interrogated and that I, as his legal counsel, was in

possession of three pages of notes taken down by the police which I went through with my client, but then there was questioning of which I had no notes and my client stated very clearly that he had been given strong liquor by Captain Nick Deetlief and that he ... (intervention)

Loud noise and jeering

CHAIRPERSON: He hasn't given that evidence.

JUDGE WILSON: He has not said that very clearly, that's the point Mr Bizos is making.

CHAIRPERSON: Yes, you see if your client is going to give evidence at some stage that whatever he said was done under some kind of duress or pressure then let him name those people so that in the interim the other side, the objectors, can take instructions about the names that are going to be mentioned.

MS VAN DER WALT: Well I apologise but I was under the impression that I had mentioned that it was Captain Nick Deetlief who had carried out the interrogation together with Mr Beetge and that during a very long interrogation session where they had given him strong liquor he ... (intervention)

CHAIRPERSON: Can't your client say that on oath?

MS VAN DER WALT: He can say it. Mr Walus could you please state to the Honourable Court about interrogation by Captain Deetlief?

CHAIRPERSON: First of all did he make any statements –did you make any statements to anybody?

MR WALUS: Mr Chairman I testified I had made statements for Sergeant and presently Captain Holmes, this testimonies I signed and as far as I know they were the subject, they were recorded, they were put for records and they are the only testimonies I ever signed.

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MS VAN DER WALT: Did you make any statements to Captain Deetliefs?

MR WALUS: I never made any statements to Mr Deetliefs.

MS VAN DER WALT: Was any interrogation carried out by Mr Deetliefs?

MR WALUS: Mr Chairman I was interrogated by Captain Deetliefs but mainly, if I may say like that, on the basis of a friendly chat. Even we were drinking alcohol.

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CHAIRPERSON: On how many occasions did you have these friendly chats?

MR WALUS: Mr Chairman these so-called friendly chats they were on the first or the second floor of the police station in Benoni but I don't remember clearly if I can describe relation of this building in relation to my cell. It was the period I was naturally lost ... (intervention)

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CHAIRPERSON: My question was how many chats, or how many occasions did you talk to Mr Deetliefs?

MR WALUS: It could have been three, maybe four occasions, on three or four occasions.

CHAIRPERSON: And anybody else? Were you questioned by anybody else? 10

MR WALUS: Mr Chairman mainly it was with Captain Deetliefs. With Captain Deetliefs was Mr Beetge except I was interrogated then Sergeant now Captain Holmes I was interrogated by Colonel Human and probably also by the Colonel van Niekerk. I would like to mention here Mr Chairman that during the period of one week I was interrogated practically without any break. I was interrogated by three groups of the investigating officers. And when I even have occasion for the one or two or three hours to be back in my cell then every ten or 15 minutes I was woken up by the policemen in the uniform with the question, are you alright? And don't you complain on anything? I didn't complain Mr Chairman and till today I do not complain providing that I would like to ask to record that in what state my mind was during that time. 20

MS VAN DER WALT: May I just put it to you that the first time that Captain Deetliefs started negotiating with you it was on the 14th of April 1993, is that correct? (intervention) 30

MR BIZOS: Mr Chairman I would appeal to counsel for the applicant not to lead the witness.

CHAIRPERSON: I think you are objecting to the use of the word "negotiate"?

MR BIZOS: The date particularly, we are for negotiations Mr Chairman.

MS VAN DER WALT: Mr Chairman what the Committee is trying to determine here is not whether this client of mine is speaking the truth, we have to now place on record which persons were involved during which occasions of interrogation in order to prevent that we do not postpone again, and it is quite strange and it strikes me as strange because Mr Bizos had undertaken
(intervention)

(Loud interference noise and shouting from the audience)

MS VAN DER WALT: Mr Bizos was informed in the office that we would arrange amongst each other which statements and which persons were involved.

CHAIRPERSON: Yes. Are you in a position to ask or tell us if he doesn't remember he must say so. When was he questioned, if he does remember?

MS VAN DER WALT: Mr Walus when were you interrogated by Captain Deetlief?

MR WALUS: Mr Chairman I do not remember exactly the date but it was usually during the night.

CHAIRPERSON: And is that what happened in respect of being questioned by the other police as well, were you questioned at night?

(Noise from the audience) Please!

MS VAN DER WALT: Impossible!

MR WALUS: Mr Chairman it was in another form as I said, it was absolutely in the form of like unprofessional and jokingly carried (intervention)

JUDGE WILSON: Can you tell me, I am uncertain at the moment, have we the Occurrence Book entries regarding Mr Walus? I know we have got Mr Derby-Lewis' when he was taken in and out of his cell, who did what, have we got the same for Mr Walus?

MS VAN DER WALT: Just a moment please. Mr Chairman we have portions of the Occurrence Book. There is another book which we haven't been able to find and I think Mr Mpshe is aware of this fact, but as far as possible I will try to obtain all the Occurrence Books.

JUDGE NGOEPE: Mr Walus it's not clear to me with reference to what Mr Bizos said, it is not clear to me if you have got any complaints in respect of statements you made, if you did as to

what the nature of that complaint is except the question of some drinking and in particular which people, complaints against which people. You see the idea is that we need to have the names now so that if necessary a subpoena can be issued in time against those people and not have the same kind of scenario which we had last week when people were just notified a day or two days before they could come here to court. People are entitled, witnesses are entitled to a reasonable notice and I think that is what Mr Bizos is asking. Now you said ..(intervention)

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MS VAN DER WALT: I beg your pardon the Polish Interpreter cannot keep up with you. If you would just - could the question be rephrased (intervention)

JUDGE NGOEPE: I am sorry, I am sorry.

MS VAN DER WALT: I was little bit quick for the Polish Interpreter. We apologise

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CHAIRPERSON: Yes.

JUDGE NGOEPE: I was saying to Mr Walus that we need to know if he says, and I am not necessarily saying that he says so, but if it is his case that he is going to contest certain statements in whatever form they may be he should advise us now at this stage as to the names of the people in respect of whom he has some complaints surrounding the making of certain statements and the nature of the complaints, if any, he has against them, so

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that we should be able to issue the subpoena if the need be in time as the law requires. Do you say that... (intervention)

MR WALUS: Mr Chairman I would like to say that mainly where the testimonies are concerned, the testimonies which Mr Deetliefs suggesting that I made I wanted to mention that they were talks not even all of them in the sober manner and with total tiredness, with not enough sleeping, nothing from these materials were given for me for reading so I want to say that there would be problems. Thank you Mr Chairman.

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JUDGE NGOEPE: Is there any other policeman who interrogated you and in respect of whom you have got some complaint?

MR WALUS: Mr Chairman as far as I remember nobody else I think it was only the group of this previous group of interrogation team, they were the things which I don't understand till today I tried to read - they were the things I don't understand and I don't remember but that concerns only Mr Deetliefs and his team.

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JUDGE WILSON: Mr Walus you said in your evidence that during the period of one week you were interrogated practically without any break by three groups of interrogating officers, are these three groups the one group consisting of Deetliefs and Beetge; the other one Captain Holmes and Colonel Human, and

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the third one with Colonel van Niekerk, are those how the groups were separated?

MR WALUS: Mr Chairman I am sure about two of these groups, of Captain Deetliefs and Warrant Officer Beetge and the group of Captain Holmes and sometimes of that of the Colonel van Niekerk, sometimes somebody was with him. Where the third group is concerned I do not remember even the surnames, but I knew it was the third group of policemen which interrogated me afternoon.

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JUDGE WILSON: And did they come and fetch you from your cell and take you away for interrogation so there will be an entry made in the records?

MR WALUS: Mr Chairman I am not aware of it, I don't know about it, I don't know about it.

JUDGE WILSON: But were you taken out of your cell for questioning?

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MR WALUS: I was taken from the cell but I don't know if there is a record in the Occurrence Book about that.

MR BIZOS: (...indistinct)

CHAIRPERSON: I have to bring these proceedings to an end for the time being Mr Bizos and before we adjourn we might as well finalise the date of the resumed hearing.

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MR BIZOS: It has been suggested for your consideration that we should adjourn until the 24th of November Mr Chairman which is the first day on which the parties involved and the Committee are available and that we will, as indicated, that we will start on that date and we will finish the matter Mr Chairman.

CHAIRPERSON: At this stage we are not in a position to talk about the venue Mr Mpshe? 10

MR MPSHE: No Mr Chairman the venue to be announced later.

CHAIRPERSON: Yes.

JUDGE WILSON: Could I add something at this stage. I don't know if you Mr Bizos, somebody was responsible for telling the police officers who were here earlier this session that they were entitled to be excused but they would be notified when they had to be present, I take it someone will notify them that they can go away until the 24th of November? 20

MR BIZOS: Yes I am pleased to inform the Committee M'Lord that they have appointed counsel who was here this morning and he is representing them and he has undertaken, in the presence of his attorney that they will be here when they are required.

CHAIRPERSON: Thank you. If there is nothing more to be said I am going to adjourn these proceedings at this stage.

MR BIZOS: If it pleases you Mr Chairman. 30

CHAIRPERSON: Mr Walus and Mr Derby-Lewis you have followed these proceedings and no doubt appreciate that we cannot continue at this stage and that this matter has to be postponed. Your counsel and counsel for the objectors have agreed that these proceedings will be resumed on the 24th of November this year, 1997, and that in due course you will be notified of the venue where we will resume. Do you understand?

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MR DERBY-LEWIS: Thank you, yes Mr Chairman.

MR WALUS: Yes I do understand, thank you.

CHAIRPERSON: This meeting of the Amnesty Committee adjourns now and will resume on the 24th of November 1997.

COMMITTEE ADJOURNS

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TRUTH AND RECONCILIATION COMMISSIONAMNESTY HEARING

DATE: 24-11-1997

HELD AT: PRETORIA

NAME: CLIVE DERBY LEWIS

JANUSZ WALUS

MATTER: MURDER OF CHRIS HANI

DAY 1, 2 and 3 - RESUMED THIRD HEARING

MR MPSHE: We are ready to continue. As the Chairman and the Honourable members of the Committee will recall, the second applicant Mr Janusz Walus was still on the stand and I am going to hand over to my learned friend to continue.

But Mr Chairman, before we commence with his further evidence, I just want to put it on record that the firm Nicholls, Cambanis and Associates, that is the firm appearing for the families as well as Cosatu, had requested in writing to the Committee that certain persons be subpoenaed. I just want to put you on record that these persons have been subpoenaed. The subpoenas have been served on them, except one Mr Chairman, whom the Investigating Officers were not successful in serving the subpoena on and that is Mr Edwin John Clark, but the rest have been subpoenaed.

I have their returns thereto, thank you Mr Chairman.

CHAIRPERSON: Thank you Mr Mpshe. Mr Walus, it has been a long time since you gave evidence, will you please stand and take the oath.

JANUSZ WALUS: (sworn states)

CHAIRPERSON: Thank you.

MR PRINSLOO: Mr Chairman, before we continue with the testimony, we have addressed a written request that the investigation unit's report be made available to us and that report to the present, has not been made available to us. In the media in the meanwhile information appeared in the newspaper Die Rapport, and Mr Mpshe said that that report had not been made available yet.

Mr Chairman, we contend that that report must be made available to us, there is no reason why this had not been done, thank you Mr Chairman.

MR MPSHE: Mr Chairman, if I need to respond to that, Mr Chairman, it is correct that my learned friend has requested the investigation unit report in this matter and I did indicate to them when we were in Pretoria, that the investigations were still in process and that as soon as it is available, it will be made available to them as well.

A week ago when I was in Cape Town Mr Chairman, I met with the Deputy Head of Investigation of the TRC, Mr Wilson Mgalhe and made the enquiries about this report, to which he informed that they are still busy investigating and that it is going to take time and this I did convey to my learned friend's Attorney in writing.

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Mr Chairman, the fact that there have been reports or allegations in the media in the newspaper about our investigation, Mr Chairman, let's put things straight, this report that was leaked to the media, did not come from the TRC. The newspaper report was very clear, I read all the newspaper's reporting on this aspect. They made it very clear that the information that was reported, came from the ANC as well as COSATU and not the TRC, thank you.

CHAIRPERSON: Mr Mpshe, is there any indication as to when this report is likely to be available? To tell us that the report is not ready and it is a state of affairs that may continue for many, many months.

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MR MPSHE: Mr Chairman, when I spoke to Mr Mgalhe he said he needs at least one more month to complete.

JUDGE WILSON: Did he know the hearing was likely to be completed now, in the next two weeks?

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MR MPSHE: Mr Chairman, he is fully aware of what is happening in the hearings. He was actually there when we started there in Pretoria.

CHAIRPERSON: Is he a man from Pretoria?

MR MPSHE: No, Mr Chairman, he is based in Cape Town, the Deputy Head of Investigations. 10

CHAIRPERSON: Where can he be, can he not be made available to members of the Amnesty Committee to discuss this matter with him?

MR MPSHE: Mr Chairman, I can try to trace him, but he left on Friday for France to do further investigation in France, but I would check with Cape Town whether he has returned and I will make him to come down to Pretoria.

CHAIRPERSON: The purpose of all this exercise is Mr Mpshe, that a lot of that information, if there is any information on that report, it might come too late and it might be valueless as evidence. 20

MR MPSHE: It is appreciated Mr Chairman, I will get Mr Wilson.

CHAIRPERSON: Alright We can't take the matter any further and I can't imagine anybody using the contents of any document which purports to be that report. 30

MR PRINSLOO: Mr Chairman, in the light of the fact that there is a broad conspiracy which is specifically being investigated by this Committee, it could cast light on the fact whether such a broad conspiracy does exist or not. Mr Mpshe has also informed me that the Investigating Unit Officer is in France on another matter which doesn't bear on this matter.

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CHAIRPERSON: Yes, I am afraid at this stage, or the Committee is not in a position to make any sensible, take any sensible decision on this matter. We will just have to proceed as best we can in the meanwhile.

MR PRINSLOO: As it pleases the Committee.

JUDGE WILSON: Who is doing the investigation?

MR MPSHE: Mr Chairman, it is done by Mr Wilson Mgalhe himself.

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CHAIRPERSON: Yes, may we proceed.

MS VAN DER WALT: Mr Chairman, I would like to place on record that this morning 21 video cassettes were handed over to us by Captain Nick Deetliefs' Attorney, Mr Scholtz. You will remember Mr Chairman, that from the time that Mr Bizos made the Section 29 statements, placed them before the Commission, we had been attempting to get hold of these tapes. I am in possession of one video tape which I saw that my client was able

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to view and comment on it to me, but naturally he was not able to see all 21 which had been handed to us now.

I also wish to place on record that Mr Holmes of the Murder and Robbery Unit, did his utmost to make these tapes available to us. I am not blaming him, there was a meeting arranged with Mr Scholtz, the Attorney of Mr Deetliefs for last Friday at half past two at the Advocates Chambers in Pretoria to discuss this matter in particular. At that stage we heard that there was only one video tape but that morning at ten o'clock we were notified that Mr Scholtz, well rather Advocate Brand was going to the Bar dinner that evening and that he wasn't available to see us.

So I am going to lead Mr Walus in his testimony because I don't wish to waste the time of the Committee, but as you are aware and will understand my client is entitled to view these video tapes. He was not even aware that videos had been made of the interrogation. Thank you sir.

CHAIRPERSON: Very well, you may proceed for the time being.

EXAMINATION BY MS VAN DER WALT: Mr Walus, on the 10th of April 1993 you were arrested as you had testified?

MR WALUS: Yes, that is correct.

MS VAN DER WALT: Where were you taken directly after your

MR WALUS: Mr Chairman, it should be correct. As far as I know, it was late and dark.

MS VAN DER WALT: Mr Walus, what happened after this?

MR WALUS: Mr Chairman, after I was locked up in the cell, I tried to rest, however, from the neighbouring cells it was quite a big noise and I tried but I could not fall asleep, but I was woken up a couple of hours later and taken out from the cell. As far as I remember by this Sergeant Holmes.

MS VAN DER WALT: Mr Walus, was that during that same night?

MR WALUS: Mr Chairman, I presume it was, but I am not sure if it was Saturday late night, or early in the morning at Sunday. I only remember it was dark and as I felt, as my body felt that I slept about two or three hours only. I am not exactly sure.

MS VAN DER WALT: Mr Walus where were you taken then?

MR WALUS: First I was taken to the office of the Sergeant, Mr Holmes or somebody else's office, I am not very sure whose office it was, but Sergeant Holmes tried to persuade me to speak, otherwise I will make trouble for myself and for my family and for my friends. If I will say nothing, he will take me to Pretoria to the no of my brother and wake up my friends, who were staying there so I shouldn't do that, so I should speak to him.

MR WALUS: Mr Chairman, it should be correct. As far as I know, it was late and dark.

MS VAN DER WALT: Mr Walus, what happened after this?

MR WALUS: Mr Chairman, after I was locked up in the cell, I tried to rest, however, from the neighbouring cells it was quite a big noise and I tried but I could not fall asleep, but I was woken up a couple of hours later and taken out from the cell. As far as I remember by this Sergeant Holmes.

MS VAN DER WALT: Mr Walus, was that during that same night?

MR WALUS: Mr Chairman, I presume it was, but I am not sure if it was Saturday late night, or early in the morning at Sunday. I only remember it was dark and as I felt, as my body felt that I slept about two or three hours only. I am not exactly sure.

MS VAN DER WALT: Mr Walus where were you taken then?

MR WALUS: First I was taken to the office of the Sergeant, Mr Holmes or somebody else's office, I am not very sure whose office it was, but Sergeant Holmes tried to persuade me to speak, otherwise I will make trouble for myself and for my family and for my friends. If I will say nothing, he will take me to Pretoria to the no of my brother and wake up my friends, who were staying there so I shouldn't do that, so I should speak to him.

But I didn't want and I didn't intend to say anything and I was taken to Pretoria to the no of my brother.

MS VAN DER WALT: What happened there on the no of your brother's?

MR WALUS: Mr Chairman, I do not remember correctly but I know that I didn't have any contact with my friends. I was kept in the car, I don't know how long. And later, I was taken again to Benoni as far as my memory serves me right.

Because these events were quite long ago and I was not very conscious.

MS VAN DER WALT: Mr Walus, the occurrence book of Benoni which will be submitted, will show in entry 928 of the relevant day, that on the morning, 3:45 in the morning, you were brought back to the cell, does that fit more or less with what you experienced?

MR WALUS: Mr Chairman, it could be correct. I didn't check the time at that time, but it was still dark when I was brought back to the cells in Benoni.

MS VAN DER WALT: Mr Walus, that was on Sunday the 11th of April, the day after your arrest. There is an indication that you were again removed from the cells, occurrences entry, shows that it was at 5:30 in the morning, can you remember that?

MR WALUS: Yes, Mr Chairman. That is correct, except that I don't remember if it was exactly 5:30, but it was very early in the morning, it was quite dark.

MS VAN DER WALT: Where were you taken then?

MR WALUS: As far as I remember Mr Chairman, I was taken to one of the offices. As far as I remember on the fourth floor and I was interrogated by as far as I remember, by this Sergeant Beetge and somebody else.

MS VAN DER WALT: I would like to refer you to **Bundle R4, page 89**, there is an indication that this is an information document, Boksburg MR number on page 90, it continues regarding the personal particulars of you. It is your personal particulars which are mentioned there, you have seen this document, is that correct?

MR WALUS: Mr Chairman, I haven't seen this document because nobody show me this document. I saw during my interrogation that somebody made notes, but I haven't seen this document.

MS VAN DER WALT: But you saw this document after it had been bound into the bundle, is that correct?

MR WALUS: That is correct. Later on, yes, I viewed it.

MS VAN DER WALT: It was apparent from the document that you were interrogated by three persons, Gilmer, Beetge and Botha.

MR WALUS: Yes, Mr Chairman. It was three persons. One of them was participating very little in the interrogation, that is why I remember it was three persons, interrogating me, but I remember clearly two of them.

MS VAN DER WALT: I also wish to submit to the Committee a document which I will submit just now, this document goes with this information document which appears on page 89. On the front page there is an enquiry, task number 4. The second page is an investigation diary, dated 11 April 1993, which is the Sunday from which it is clearly apparent that Mr Walus, on that day, was taken out to Murder and Robbery for interrogation and it is further apparent from the document that this information document which is indicated as R4, was prepared at that stage.

CHAIRPERSON: I think we should give this document a number as an Exhibit.

MR MPSHE: It will be K Mr Chairman.

CHAIRPERSON: Okay, this will be Exhibit K.

MS VAN DER WALT: Thank you.

CHAIRPERSON: Yes, proceed please

MS VAN DER WALT: Mr Walus, you were interrogated and you were also asked to give explanations. What was your reaction to this request?

MR WALUS: Mr Chairman, my reaction was that I would not give any answers for the questions concerning a deed for which I was accused for, without contacting my lawyer.

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MS VAN DER WALT: Mr Walus, that is also apparent from page 100 of the document, at the bottom, where you answered I cannot get to this matter without legal advice. Is that correct?

MR WALUS: It is absolutely correct Mr Chairman.

MS VAN DER WALT: And on page 12 you also say, you can read it, but I won't explain content. Do you remember that?

MR WALUS: Yes, I do remember. I answer in that way.

MS VAN DER WALT: Were you again taken out by Mr Holmes on the Sunday for further interrogation?

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MR WALUS: Yes, Mr Chairman, that is correct. I was taken - I don't remember exactly the hour but it was more or less between ten and eleven o'clock that day.

MS VAN DER WALT: Were you taken to Dawn Park?

MR WALUS: Yes, I was taken to Dawn Park, shopping centre and to Apex.

MS VAN DER WALT: What did you do there?

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MR WALUS: Sergeant Holmes wanted to check the distances between Apex and Dawn Park shopping centre. He asked me questions only concerning that matter.

MS VAN DER WALT: According to the occurrences book, you were returned to the cells at two o'clock the afternoon, is that correct? 10

MR WALUS: I think it is correct.

MS VAN DER WALT: On Monday, the 12th of April, can you remember whether you were taken out on that particular day from the cells?

MR WALUS: Monday, the 12th of April, I am not very sure at the moment but I think I was taken to the Murder and Robbery Squad in Boksburg.

MS VAN DER WALT: Can you remember that you made a warning statement to Mr Holmes? 20

MR WALUS: Yes, I do remember that I made a statement in front of Mr Holmes.

MS VAN DER WALT: I am showing you a document on which it was noted that it was the 12th of April that the statement was made, approximately twelve o'clock in the morning. Is this your signature that appears on this document?

MR WALUS: Yes, that is my signature and on the second page is also my signature. 30

MS VAN DER WALT: And you here you only said to Mr Holmes, that you had been to Apex and that after that, you had gone to Dawn Park, where you bought cold drink is that correct?

MR WALUS: More or less it is correct, but I said that when I was driving from Apex, I was lost and that is why I found myself at the shopping centre, Dawn Park.

MS VAN DER WALT: That is correct. Then on page 4 there is a note made by Mr Holmes with regard to what would have happened on the 11th of April, that was the previous day where you had driven to Apex and to Dawn Park. You also signed that, is that correct?

MR WALUS: That is correct Mr Chairman, that was my signature, I signed this document.

MS VAN DER WALT: May I ask permission from the Commission to submit that as Exhibit L.

MR MPSHE: May I suggest to you that when you deal with a document, just repeat it in advance before you deal with it, so that when you look at it, we shall be in a position to do so otherwise we are terribly disadvantaged.

MS VAN DER WALT: Mr Walus, on that same day that is now the Monday - Mr Walus, on the day that you made the statement, Monday the 12th of April, you were also further interrogated by other police officers, is that correct?

MR WALUS: Yes, Mr Chairman, that is correct. I do not remember by whom I was interrogated at that day.

MS VAN DER WALT: Exhibit N, with permission of the Commission it was submitted and the members of the Committee had an opportunity to look at this, there was this Sergeant Vorster according to the Exhibit M and according to the investigation diary, he questioned you about the Stallard Foundation and the AWB. Can you remember that? 10

MR WALUS: Yes, Mr Chairman. The questions were about that matter.

MS VAN DER WALT: But you didn't make any statements to this Sergeant which you signed, is that correct?

MR WALUS: That is correct Mr Chairman. I didn't sign any statements and I also didn't testify about anything else, except the statements concerning Stallard Foundation and the AWB. 20

MS VAN DER WALT: I have here a document which goes with Exhibit M, that is an enquiry in hand-written form by a certain Sergeant Vorster which deals with the Stallard Foundation and the AWB and then if we look at point 3, it is written that Mr Walus during interrogation on 11th April made the following statement.

Read between the lines, but don't ask me further about it because there is a lot at stake. Do you remember saying this? 30

MR WALUS: Yes Mr Chairman, probably I said something like that.

MS VAN DER WALT: Did Sergeant Vorster ask you to make a statement in regard to the incident?

MR WALUS: Mr Chairman, if I answer in such a way it means I asked for this events. At that moment I am not able to say exactly because I was interrogated by so many people and almost everyone of them was asking me questions, so that is possible that I gave such an answer.

MS VAN DER WALT: Mr Walus, on the Tuesday the 13th of April, you were taken out to the Magistrate's court to appear there, is that correct?

MR WALUS: That is correct Mr Chairman Tuesday the 13th, I was taken to the Magistrate's court in Boksburg.

MS VAN DER WALT: On Wednesday, the 14th of April, according to the occurrences book, entry 1181, you were taken out at 10:20 by a Mr Grimbeeck and handed over to Nick Deetliefs, do you remember that?

MR WALUS: Yes, Mr Chairman, I do remember that I was handed to Mr Deetliefs.

MS VAN DER WALT: This is then also confirmed in R4 (continued) on page 294 as handed in by Mr Bizos, a statement of Mr Nick Deetliefs, the third paragraph 14 April 1993, at

approximately 10:30 the accused in this particular matter. Mr Janusz Walus was booked out of the cells by Mr Grimbeeck.

What happened on this day Mr Walus, that was the Wednesday at 10:20 after you had been removed from the cell?

MR WALUS: and hand it over to Captain Deetliefs, I was taken by Captain Deetliefs and I think Sergeant Grimbeeck and as far as I remember, there was another policemen, a third one with them. They usually travelled by two cars. I was taken to my place of living in Pretoria where Captain Deetliefs, he was looking and checking up in my flat, and took a lot of my documents and photographs and as far as I remember, one of the policemen also made photo's of my flat.

JUDGE NGOEPE: Sorry, I wanted to interrupt you. I am not so sure if my microphone is working, I will assume it does. I am told it is in fact working.

May I ask you Mr Walus, at that stage, had you already consulted with your legal representative?

MR WALUS: Mr Chairman, I cannot remember exactly but I think that it was like that, but I would like to ask the Commission to look at my notes which I tried to make during the arrest in the cells, and I would like to go back to those notes and find out if I already contacted my legal representative.

JUDGE NGOEPE: Before you do that, I notice that on the last page of Exhibit M, there is a note there a date there, the second line from the top, the date is the 12th of April 1993 and on the second paragraph there, it is written in Afrikaans, it said that it is strange that you now say that you don't remember uttering the words which you had uttered previously, that I did not kill Chris Hani and so on and so forth.

Then they go on to say the reason I suspect is that he denies the allegations because had already spoken to his legal representative. When this note was made, it was on the 12th of April which would imply as I understand it, it would imply that you had by the 12th of April, at least already consulted with your legal representative?

And that would have been before you were taken to your flat on the 12th or so, is that in line with your recollection?

MR WALUS: As I said before, I am 80 percent sure that I already contacted, I was introduced by my lawyer. I didn't have a lawyer before but my lawyer was in the cells, in the Benoni, because my brother did it for me, but to be 100 percent sure, I must check my notes.

But as I say, I am 80 percent sure that it was after I contacted my lawyer.

JUDGE NGOEPE: Also if this note is correct, it would mean that when you went to court on the 13th, if you did go to court on the 13th, by then you had already in fact, consulted with a legal representative?

MR WALUS: That is correct.

MS VAN DER WALT: Mr Walus, when Captain Nick Deetliefs took you to your flat in Pretoria on the 14th of April, was that the second time that you had been to your flat, accompanied by policemen, is that correct?

MR WALUS: That is correct Mr Chairman. First time I was taken to my flat after my arrest, the first day, it means the 10th of April.

MS VAN DER WALT: Was this with Mr Holmes the first time?

MR WALUS: Yes, that is correct.

MS VAN DER WALT: Did Captain Nick Deetliefs asked you when he took you to your flat, whether you wished to be accompanied by your legal representative, should he ask you anything at the flat or point anything out to you?

MR WALUS: No, Mr Chairman, no, he never asked me that.

MS VAN DER WALT: Were you taken to your flat only or were you taken to other places as well?

MR WALUS: As far as I remember, I was lately taken to the firm where I was working shortly before, Despatch in Pretoria.

MS VAN DER WALT: According to the occurrences book, at 15:48 at occurrence book entry 1503, you were taken back to your cells, you were not interrogated that evening again, is that correct?

MR WALUS: Mr Chairman, I was brought back to my cell, but as far as I remember I was interrogated that evening and that night by Mr Deetlief's.

MS VAN DER WALT: Mr Walus, was that not on Thursday the 15th of April, according to the OB entry, at Thursday at 18:40 you were taken out of the cells and returned on the 16th of April, at 5:20 in the morning?

MR WALUS: It could have been that, but again, I ask for forgiveness if I make any mistakes concerning the duration of interrogation and by whom I was interrogated, because it was a period I was not all myself.

But at that time now, I am 90 percent sure that I was interrogated every evening, if it wasn't Captain Deetlief's, it was somebody else.

MS VAN DER WALT: Mr Walus, on the Thursday, 15th of April, when you were removed from the cells by Captain Deetlief's at twenty to seven that evening, were you interrogated by him right through that night? I mean that is confirmed in his statement R4 (continued) on page 300, paragraph 7? What

happened during that night, that was the first time that they interrogated you during the night, what happened there?

MR WALUS: I would like to repeat the date, which night it was.

MS VAN DER WALT: It was Thursday, the 15th of April you were taken out of the cells, according to the occurrences book and Deetliefs' statement at 18:40 and you were interrogated and you were returned to the cells the next morning, the 16th, at twenty past five in the morning.

MR WALUS: Yes, that is correct. I was interrogated by the Captain Deetliefs and as far as I remember, by another Sergeant who was usually with him.

And this interrogation was like everyone before. I didn't want to speak on the subject of the murder of Mr Hani. I was discussing and speaking about anything else, but when the interrogating person asked me anything about the murder of Mr Hani, I asked to contact, to let me contact my lawyer.

And I told them that I can answer such a question concerning murder of Mr Hani, only in the presence of my legal advisor.

MS VAN DER WALT: During the relevant evening, were you asked to look at a photo album, during the interrogation?

MR WALUS: As far as I remember, that is correct. I was looking at the photo's and documents and they were questions concerning those documents and papers.

There were also many private questions. It was the interrogation rather unusual, because it was rather in the form of friendly chat.

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MS VAN DER WALT: The photo album that you were asked to look at, whose photo album was this?

MR WALUS: It was my own album with the photo's.

MS VAN DER WALT: Were you asked about the various photographs in the album?

MR WALUS: Yes, as far as I remember, I was asked who is who on this photo's. What are my connections with those persons on the photo's, who is the family, who are the friends and this type of questions.

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MS VAN DER WALT: Mr Walus, could you see whether the person accompanied Captain Deetliëf, Mr Beetge, whether he wrote down everything that was said there during that evening?

MR WALUS: May you repeat the question please. May I ask to repeat the question please.

MS VAN DER WALT: I am sorry, I am just following the Afrikaans, I don't know what happens if there is something wrong on the English.

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Could you tell the Committee whether you saw that Mr Beetge noted down everything that took place during the interrogation that particular night?

MR WALUS: Yes, Mr Chairman, I saw that all the time Mr Beetge was writing. I even told him that he is wasting his time because I am not prepared to sign anything.

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But Captain Deetlief's told me that they are their private notes. That they had nothing to do with the matter or with the court case and I wanted to mention Mr Chairman, that Captain Deetlief's several times mentioned that he is from Security Police and that his tasks are absolutely different and that this matter is sort of side matter and he only wants to know for himself and for security.

He wants to know some facts.

MS VAN DER WALT Mr Walus, on the Friday morning at 5 20, you were returned to your cell, that was now on the 16th of April and on that same day, on the 16th of April, at 16h05, five minutes past four in the afternoon, you were again taken from the cells by Mr Beetge for interrogation, that is on Friday the 16th, can you remember that?

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MR WALUS: I don't remember exactly the hour, but it is correct. But I would like to mention that somebody also interrogated me early in the morning, but I don't know if it was

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the office of Mr Holmes or Mr Vorster, but I know that it was not my first interrogation that day.

MS VAN DER WALT: When you were taken out by Mr Beetge from the cells, you were interrogated throughout the night and according to the occurrences book at 1476, you were returned to the cells only at twenty to six the following morning, is that correct?

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MR WALUS: That is correct, Mr Chairman, except that I am not aware of the exact time, if it was six or seven o'clock in the morning.

MS VAN DER WALT: And is it also correct Mr Walus, that you looked at a video cassette, which related to this interrogation?

MR WALUS: Yes, Mr Chairman, I viewed this cassette.

MS VAN DER WALT: The interrogation took more than 14 hours, do you remember that?

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MR WALUS: Mr Chairman, I remember that more or less the interrogation took several hours, but I do not remember everything that was happening during this interrogation, because it was too many hours. I would try, I can try to recall a lot of facts but there could be also a lot of facts which I will not be able to recall immediately.

MS VAN DER WALT: Could you please inform the Commission what happened that evening during that interrogation?

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MR WALUS: Yes, Mr Chairman. I will try to recall in the best form I will be able to do that.

As I mentioned before, during those interrogations particularly with Captain Deetliefs and Sergeant Beetge, interrogations, if I can describe it in that way, were always in the very friendly atmosphere.

As I mentioned, we were talking about everything and nothing. Of course, I was manoeuvring not to discuss the matter of the murder of Mr Hani. I would like to add that this atmosphere was especially conducted by Mr Deetliefs, who underlined that he was from the Security Police and that this is a department of the police which combated terrorism and that he was always fighting with the ANC and he was interrogated all the ANC was doing, and in several times he underlined to me how good it was that Mr Hani was murdered.

That other policemen are feeling the same way, those policemen who are engaged in the fighting with the ANC, they feel the same way.

Mr Deetliefs tried all the time to underline that he is on my side and during this interrogation, on that Friday evening, up to Saturday morning, I don't remember exactly the hour, but he convinced me. I can say now only that I am ashamed that I was so naïve and stupid.

He was able to convince me that he is one of the persons of General Groenewald, and that Sergeant Beetge is another person in this organisation. And that they consist a group which infiltrates Security Police. I want to mention that before Mr Deetliefs convinced me, he was doing such a moves before but before he convinced me completely, I was drinking with him and with Sergeant Beetge alcohol.

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As far as I remember I was drinking beer, Captain Deetliefs drank brandy with Coke and I am not sure if it was just beer or it was mixed with other alcohol or even drugs, but I suspect that it was a main point which made me feel relaxed or even absent-minded that I believed in the story of Mr Deetliefs who said that this group of Sergeant Holmes' knows already who else is engaged in this whole matter because of the phones which were made to my flat and if I would not cooperate and I will not say then it means to Captain Deetliefs, who is engaged, then Mr Holmes and his group will arrest this person early in the morning.

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That is why if I will say to Mr Deetliefs who is engaged, then he will be able to warn him before they will arrest this person in the morning.

Of course to convince me more that his friend, General Groenewald whom I also knew and his brother, that General Groenewald is already prepared to the fighting against the ANC

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and the government, he underlined to me that it is not very convenient that somebody must be arrested now from the right-wing because not everything is fixed to the last point where the armed struggle with the ANC and government is concerned.

And because of that, the time plays a big role. That is why I have to tell him now because he can go to this person who is engaged in this matter and (indistinct), but he is not able to find out from Sergeant Holmes who is engaged in this matter and he can find that only from me.

As I mentioned before, the whole week of intensive interrogation, lack of sleep, alcohol and quite possibly drugs, might that I was convinced and believed in all the stories that Mr Deetliefs told me and because of that, I told him the name of Mr Clive Derby-Lewis and also told him that in the murder of Mr Hani, it was engaged on myself and they mustn't be afraid of anything.

I would like to add that I was in such a state especially mental state, that I don't remember how I find myself in the cell, in my cell, after this interrogation. I don't know if I was accompanied there or I was dragged there, or - I don't remember.

The next day, I should say the same day because as it shows from the occurrence book, I was taken back to the cell about six or seven in the morning. A little bit later the same day, Captain

Deetlief's appeared with Mr Beetge. He was in a good mood and he told me that everything is under control, that I mustn't be worried about anything, that everything is secured, and that I will be transferred to the Pretoria prison because he has some information that some members of the police in Benoni, they planned to kill me.

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More or less, that is how this interrogation looked like.

MS VAN DER WALT: Mr Walus, according to Mr Deetlief's statement, R4 (continued), page 303, at approximately 4:30 that morning, when you were interrogated, you made a statement to him and you informed him how you had shot to death, Mr Chris Hani, is that correct?

You had seen the statement before, it is the typed one on page 304?

MR WALUS: Yes, Mr Chairman, I could have made this statement.

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MS VAN DER WALT: During the interrogation that night of the 16th through to the 17th, did you see whether Mr Beetge made notes while the interrogation or conversation was ongoing?

MR WALUS: Yes, Mr Chairman, I saw but as I mentioned Sergeant Beetge always was writing something. I mentioned it already before that I told him that he is wasting his time, because I do not intend to sign anything.

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MS VAN DER WALT: In R4, page 84 through to 86, there is a hand-written document which according to Captain Deetliefs, are the notes made by Mr Beetge and the typed version thereof then is also contained on pages 87 and 88.

It is also in his statement, the same portion, page 304. The note which I place before you now, page 84. Have you ever seen this note, that is now during the night of the interrogation or directly after that? 10

MR WALUS: No, Mr Chairman, I haven't seen those notes.

MS VAN DER WALT: Is it correct that you saw these notes for the first time when they were placed in R4 before you?

MR WALUS: Yes, Mr Chairman, that is correct. The first time I saw this notes in the R4. I saw them for the first time. I was acquainted with the contents of those notes.

MS VAN DER WALT: Were these notes taken by Mr Beetge upon the instruction of Captain Deetliefs, were these notes shown to you at any stage during that evening or afterwards, was it read to you? 20

MR WALUS: I presume that these notes were made by Mr Beetge on the order of Mr Deetliefs, because he was - but those notes were never read to me or shown to me. Also from time to time, Sergeant Beetge stopped writing and he was also talking to me. It was rather irregular writing. 30

MS VAN DER WALT: Did you also sign a written statement which you made to Captain Deetliefs?

MR WALUS: Mr Chairman, the only document which I signed during my — (tape ends) ... this is the only statement where is my signature. I never signed and never it was read to me what Mr Deetliefs or Sergeant Beetge were noting. 10

MS VAN DER WALT: In the written notes of Mr Beetge, on page 84 at the bottom of the page, we see the words first shot in stomach, he screamed and fell down. This is in English.

Is that what you told Mr Deetliefs?

MR WALUS: This is not exactly correct with the situation. That is why I don't know what Sergeant Beetge noted. As I said, I made four shots, but here Sergeant Beetge says about three shots. Those are the discrepancies.

MS VAN DER WALT: You see, it strikes one that on page 87, which is supposed to be the typed version of the notes, there is not only reference to he screamed and fell down, but it also refers to the fact that he screamed and fell down, it was a scream of fear. It differs from the hand-written notes. You probably cannot comment on that, can you? 20

MR WALUS: Mr Chairman, first what I can say is that is not consistent with the tape which I viewed because it will be to judge by the Commission, but it looks for me that it is, the story 30

is made up just to make it more colourful and more dramatic - something like that.

I can go back to that moment on the video tape, however the quality of this tape is not very good, but on this tape when I was asked I say about the scream only after, when I was asked what sort of scream, I answered it could have been a scream of fear. So I see that as a writing down of my answer in such a way which will be more acceptable by the public, that is my feeling, but I am not sure if it was exactly like this. I am not here to decide about that.

MS VAN DER WALT: Mr Walus, when you started making this statement to Captain Deetliefs, that was now in the early hours of the morning of 17 April, just a few days after your arrest, were you aware of the fact that there was an empty Fanta cold drink can found at Mr Hani's house?

MR WALUS: Mr Chairman, I wasn't aware about that. I found out about it only later from Captain Deetliefs that a Fanta can was found but he didn't tell me where it was found.

But the whole matter concerning this cold drink can, Captain Deetliefs just to show his friendliness towards me, he made everything, he did everything to belittle in front of me, the role of Sergeant Holmes and as a joke in his mind, the biggest problem in this matter, the bigger problem in this matter for

Sergeant Holmes is if this can was the can of Coca Cola or the can of Fanta.

In front of Sergeant Holmes, I testified that I bought cold drink in the Dawn Park supermarket, but when I was asked what sort of cold drink, I told him it was Fanta orange or Coke, because they are the two cold drinks which I usually drink.

That is why I think Captain Deetlief's wanted to make a joke, that is why he told me that the can from Fanta orange was found at the place of murder, but he didn't tell me where exactly where it was found, only mentioned that it was found.

MS VAN DER WALT: Mr Walus, after you had given your version to Captain Deetlief's, did he take the list of names which you had obtained from Mr Clive Derby-Lewis and showed it to you or showed you a copy of those names?

MR WALUS: Captain Deetlief's showed me the list of the names during several occasions.

MS VAN DER WALT: Did you ever tell Captain Deetlief's which houses you had reconnoitred or which names on those list you had reconnoitred?

MR WALUS: Yes, Mr Chairman, I told him as it was truth that I was surveilling the house of Mr Hani.

MS VAN DER WALT: Did you mention any other persons whom you would have reconnoitred whose names had appeared on the list?

MR WALUS: Mr Chairman, I could have in some moment. I didn't survey anybody else, so if I was asked for the first surname on the list, that was Nelson Mandela, then I told him that I saw the house of Mr Mandela, but I never told him that I was reconnoitring that house.

That is what I at the moment remember.

MS VAN DER WALT: According to the statement of Captain Deetlief's at page 306 of R4 (continued), you were asked why the names on that list had been numbered and according to his statement, middle of the page Mr Chairman, we discussed the names on the list and I numbered them according to priority of elimination. This differs from the testimony which you had given to the Honourable Commission?

MR WALUS: Yes, Mr Chairman, because what I testified in front of the Commission is the truth. Because I underlined these surnames as I was instructed by Mr Clive and what is written here, I can see that is the version which will suit Mr Deetlief's.

Because we know that the police are supposed to find such a broad conspiracy as possible.

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