

A1 2883/96

**IN THE SUPREME COURT OF SOUTH AFRICA
(TRANVAAL 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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(Pages 201 - 300)**

canisters, they in fact were the ones who were armed. The Right was not, we went there with empty hands Mr Chairman.

Then I have a letter here from Mr D. Varkevisser, the Chairman of "die Blanke Regse Volksfront", which was a volksfront which was formed in 1992 with an idea of uniting actions of the Right. The motivation is in the letter Mr Chairman.

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I think that it is important to read a paragraph from that as well and this is in Afrikaans -

I believe that we have now succeeded in creating a mechanism by which we can allow White Right-wing leaders to consult with each other without bringing the autonomy of any organisation under threat and without having to submerge the existing difference of principle, prior to engaging into discussions

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As I invite you for participation as one of the leaders, who had not been present on the 14th of March 1992, I would like to say to you that although I belong to a particular political party, the efforts towards this action did not start with me and that you should consider this action free from any existing political party. This was a genuine attempt Mr Chairman to effect a combined action on the Right and as you can see, I was invited to be there as a leadership figure.

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Then we've got also all of the people who attended and so on. Then also we have the concept manifesto and 2.2 is relevant
Mr Chairman,

that the Afrikaner Boer nation is faced with a simple choice, either to be swamped by the Black masses or to continue to exist as a sovereign White people. 10

Should these evil powers attempt to subject us with violence, we will not hesitate with every means available to us, to protect our ideals of freedom, to maintain these ideals and to extend our nation as a Christian people.

I don't think I have to talk about the co-ordination of Committees
Mr Chairman. I also have got a press clipping confirming the CP MP's involvement in the launch of a giant White super union, the fact that there were CP MP's indicated approval for that

I have an example of a letter I received from somebody offering his services, in terms of the self-defence unit. 20

CHAIRPERSON: Those details you can really leave out.

MR DERBY-LEWIS: Pardon? Time to adjourn?

CHAIRPERSON: Yes.

MR DERBY-LEWIS: Well, I am at the end of this particular section Mr Chairman, with an advert we placed condemning CODESA and showing all of the organisations which associated themselves with that statement. Thank you Mr Chairman. 30

CHAIRPERSON: Very well, I think we have reached a convenient stage where we can stop for the day.

We will now adjourn and resume at 09:30 tomorrow morning.

MR PRINSLOO: As it pleases Mr Chairman.

CHAIRPERSON: Thank you.

COMMITTEE ADJOURNS

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ON RESUMPTION ON 13.08.97 - DAY 3

CHAIRPERSON: Are we ready to proceed?

ADV MPSHE: Yes, Mr Chairman, the first applicant was still proceeding with the evidence-in-chief to my learned friend once more.

CHAIRPERSON: Mr Prinsloo, are you ready?

MR PRINSLOO: Honourable Chair, before the applicant will continue testimony, I want to present the following to the Committee with regard to **bundle R4**, documents presented by my learned friend, Mr Bizos, on behalf of the family and the SACP.

It is our attitude at this moment, in view of the attitude of the Committee, particularly as mentioned by Judge Ngoepe, Honourable Judge Ngoepe, that the detention and the events during detention, appears to be important. This would appear to be the attitude of the Committee.

It is our attitude, the documents therein contained is not admissible. Our client had been counselled thus, but in view of the attitude of the Committee, our client has given us instructions that it is his intention to present testimony in chief with regard to his detention under Section 29 and what this involves.

It is our view that the contents of R4 is integrally woven into the testimony in chief, which will be presented by the applicant and it is our opinion that it should be presented as a

whole. We foresee that there might be a potential disadvantage, should his testimony be interrupted and should he be cross-examined despite the undertaking of my learned friend, Mr Bizos, that there will be no such cross-examination.

Since it remains integral, we therefore are of the opinion that there is a potential disadvantage, should this opportunity not be granted. I want to bring it to the attention of the Committee that I have spoken telephonically to Captain Holmes, who had been the Investigative Officer in the investigation, and he has informed me that the documents in his possession had prior to the 1st of June, this year, been handed to the team of Mr Bizos. He could not give me the exact date, however.

This information was not made to us during the pre pre-Conference and it would appear that Mr Bizos has had these documents in his possession for a considerable length of time already.

In addition, it would appear that the documents made available, or which will be made available by Captain Holmes, as well as the related cassette tapes, we are expecting that this would be made available today as we are informed by Captain Holmes.

Thank you Chair.

ADV MPSHE: Mr Chairman, may I just come in here insofar as Captain Holmes giving the documents today, is concerned. It may not be today, because he has been served with a subpoena to be present tomorrow, on Thursday, so if there are any documents that he is to table before this Committee, it will only be tomorrow as per his subpoena. Thank you Chair.

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JUDGE NGOEPE: Mr Prinsloo, how do you foresee proceedings unfolding if your client finishes, or rather let me say, if it comes to a point where you feel your client, it would be an appropriate stage for your client to deal with the contents of R4 and if at that stage, you had not yet gotten possession of the tapes and the original documents, how do you propose to deal with the situation?

Are you nonetheless going to proceed to deal with the contents of R4 without having gotten the tapes or what do you propose to do?

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MR PRINSLOO: Mr Chairman, insofar as R4 is concerned, we will get up to a stage where we will ask for an adjournment in order to consult with our client, with those documents at our disposal, and then to present all the evidence. And because the evidence itself in as far as R4 is concerned, to a great extent overlaps the evidence in this particular case, and to the extent that we have to consult with our client, which is the important

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part of this matter, we will ask the indulgence of the Committee to grant us a postponement for that purpose.

But it was indicated to me by Captain Holmes that the tapes, documents in his possession as well as a docket which is in the possession of the Attorney General, will be obtained by him and he will take it to his office in Pretoria and he expected it to be in his office before lunch time. This is what he told me, Mr Chairman.

So that will facilitate and that will also give us the opportunity to listen to the tapes, go through the documents and I will expect it will also maybe necessary to consult with people who obtained statements from these people, if necessary. As you please, Mr Chairman.

CHAIRPERSON: Just let us proceed with the evidence of Mr Derby-Lewis and let us see how far we can get.

MR PRINSLOO: We will do so Mr Chairman, we will proceed.

CHAIRPERSON: And we will consider a request for a postponement at that stage.

MR BIZOS: Mr Chairman, may I be permitted at this stage to throw some light on some of the matters that have not been reported to you by our learned friends.

I want to hand in a copy of a pre-trial minute which was held on the 5th of August 1997 in which a letter written to the

Commission on the 25th of July 1997, was tabled in which we requested the Commission to subpoena the undermentioned persons at the hearing of the Amnesty Committee on the 11th of August 1997 in the aforementioned matter.

I want to bring these to the attention of the Commission because to say that we did not do everything possible in order to facilitate the orderly hearing by keeping documents back, is quite incorrect. In the letter to the Commission we set out that we wanted Adv Gerhard Nel from the Attorney General's office in Johannesburg to produce the docket with all the relevant documents, record of the trial, application for leave to appeal, application to the Chief Justice for leave to appeal on the merits, application to open the trial, any report that may have been made by the Attorney General with regard to sentence, application to State to extend the period of detention under Section 29 of the Security Act and the responses made by the detainees

Captain Holmes, the Investigating Officer, kindly request Captain Holmes to produce the undermentioned documents: docket, investigation diary, all statements and transcripts thereto, any other information he may have.

Captain Nicholas Johannes Deetlief, kindly request Captain Deetlief to produce whatever documents he may have in his possession,

This letter was not kept a secret from the counsel of the applicants, because I want to hand in a copy of the minutes of a pre-trial conference which was held at our insistence in order that the matter should proceed orderly. It has been signed by our attorney, it has not been signed by the applicants' attorney, but I am instructed that it was faxed on the day on which it was held or thereabouts and no response has been - it was faxed on the 5th, I am instructed, on the same day, and no response was received that the minutes do not correctly reflect what happened there.

May I refer to paragraph 3, we were concerned in having a proper hearing and not a mishmash, Mr Chairman, paragraph 3 says "status of documents - the parties agree that the documents are what they purport to be, it is recorded that Adv Mpshe advised that the Commission will not question the authenticity of the documents. There was no objection on the part of the legal representatives of the applicant. - 4 - witnesses. The applicants record that they will call Mr Clive Derby-Lewis respectively and then paragraph 5, Adv Mpshe advised that he has been advised by Judge Mall that subpoenas will not be issued, but that letters requesting documents from Adv Nel, Captain Holmes and Captain Deetliefs, could be sent if necessary."

We did our best. They knew that we had called for the docket, they could have done whatever was necessary. We are

not obliged to be, to supply documents to the applicants. We thought it fair however, that we should give them due notice of what documents we were going to use. They raised no objections or they did nothing and I submit that now to come along and try and place the blame on us for their not being able to present their case, is hardly fair, Mr Chairman.

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May I hand in the pre-trial minutes?

CHAIRPERSON: Please do.

MR BIZOS: Has the Chair got the pre-trial minutes?

CHAIRPERSON: Is this the one?

MR BIZOS: Oh, I see apparently Mr Mpshe has actually furnished a copy of the ...

JUDGE WILSON: It was the 1st of August, not the 5th Mr Bizos. The one we've got is the 4th of August, which is the one you've handed in.

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CHAIRPERSON: The letter written to the Commission, Mr Mpshe, is there a copy of that letter?

ADV MPSHE: Mr Chairman, I can check it in my file. I want to believe I have it.

MR BIZOS: I would like to hand it in together, together with the fax, with the evidence of the fax that it was sent to them Mr Chairman

CHAIRPERSON: Very well.

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MR BIZOS: Mr Chairman, for the sake of completeness that fax proof is in relation to the Commission. I want to hand in the fax proof in relation to the applicants' Attorneys.

And I may say also that the suggestion that we should have handed any documents over the time we got some of them from Captain Holmes, is hardly necessary. We were waiting for the documents, a proper set of documents from the applicant which we only got on the 4th, at the pre-trial conference. So please, I would appeal that no blame be suggested on our part in relation to the applicant's apparent inability to present his case.

ADV MPSHE: Mr Chairman, may I hand up a letter written by the Truth Commission, responding to the letter that has been handed up now from Judge Bizos team in as far as the issuing and the writing of a letter is concerned. I want to believe they do have a copy thereof, dated the 6th of August, 1997.

CHAIRPERSON: Yes, I see it. I want to try and avoid us reaching a stage where parties are going to blame each other for not having done or left undone certain things.

Mr Prinsloo, you were aware of the minutes I have no doubt of the pre-trial conference and you had some indication as to what documents were going to be sought by the objectors and you could yourself have taken steps to get copies of those documents in the interest of your client's case.

There is nothing to prevent you from doing so, isn't it?

MR PRINSLOO: With respect Mr Chairman. The documents that are referred to by my learned friend Mr Bizos, pertains to documents that were in existence at that stage. What I reported to the Commission this morning, at this stage, Mr Chairman with respect, is that Captain Holmes, this is what he told me, I am not casting any blame or anything of the kind, it is not the suggestion, is that that documents were handed over by Captain Holmes to Mr Bizos and Captain Holmes indicated that he will be able to obtain the exact date that the pocket book, presently in his possession indicated on the 1st of June, and he says it was prior to the 1st of June, that he handed the documents in his possession, to Mr Bizos and with respect Mr Chairman, without going into the merits of that particular issue, we don't know what documents they handed to him, that we will have to ascertain from Captain Holmes.

Whether it is the docket, whether it is part of the docket, whether it is part of the documents contained in Exhibit R4 which appears as it had been indicated at the initial stage of this hearing, that it doesn't appear to form part of the original docket.

That could be resolved when we see Captain Holmes, when we get the dockets, the documents, but at this stage what is important is that there were documents handed over. We don't

know under what circumstances, who waived what privilege, or what happened on the issue as far as that is concerned.

That is another matter which we will deal with once we have had the opportunity to speak to Captain Holmes and get sight of the documents. I merely report to you, the Committee, as what I spoke to Captain Holmes about Mr Chairman.

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CHAIRPERSON: Yes, I understand.

JUDGE NGOEPE: I think this observation has got to be made in particular with regards to what Mr Bizos says in all fairness to all the parties. It is often not realised by legal practitioners appearing before the Amnesty Committee, that the Amnesty Committee has issued some guidelines as we were indeed required to do so by, and empowered to do so, by the Act, to issue some guidelines which would govern the proceedings.

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And amongst the guidelines that we issued, was that any party which needs to make use of any document would be obliged to supply the other side with copies thereof. And I think that if Mr Bizos would like to use any documents, and I am not saying that you have or you don't have any documents in your possession, but I think a point has got to be made that if you do have some documents and you would like to use them, you are obliged to furnish copies thereof.

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In fact the guidelines say that you would furnish a copy of every document you want to use, furnish a copy thereof to your opponent and also to the Committee.

MR BIZOS: In pursuance of that ruling Judge, we at considerable expense made sufficient number of copies of R4, which are the documents that we intend to be using and we gave them to the applicant's legal representatives and made copies of them

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JUDGE NGOEPE: I appreciate that, but I just thought that this remark which I made, would not be altogether amiss.

CHAIRPERSON: Before Mr Derby-Lewis resumes his evidence, are you in a position to tell the Committee whether apart from the documents you handed in as forming part of R4 and apart from the originals which the other side seek, because they want to compare the contents of the originals with the copy, and apart from the tapes, are there any other documents that are outstanding which you are seeking to obtain or that you have?

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MR BIZOS: First of all, let me make one preliminary observation Mr Chairman. I personally never take possession of any documents belonging to any one else, other than copies. My instructing Attorneys are the persons who took copies from Captain Holmes.

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I am informed that there are indeed other documents which in our view have no bearing on the proceedings. But if our learned friends want to see them, they are at liberty to do so. I believe that - there are some documents here which were handed to us by Captain Holmes. We sifted through them, they deal primarily with administrative matters and addresses of witnesses and such matters that we didn't think necessary to put before the Committee.

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But whatever there is, can be made available to our learned friends, and they can have a look at that at their leisure.

CHAIRPERSON: You have no intention of using those documents?

MR BIZOS: That is correct. I have no intention of using that. One knows that in the conduct of an inquiry having regard to what admissions or denials there may be made, it maybe necessary to dig into the documents, in order to prove or disprove something that has been said, and I don't want to tie ourselves down, but we will not use any documents, it depends how things develop.

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But we are satisfied that we have served on the other side, the vital documents that we are going to use on the issues before the Committee.

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CHAIRPERSON: Mr Prinsloo, during the adjournment it might be appropriate if you wish to, to look through those other documents which at present Mr Bizos says he has no intention to use.

MR PRINSLOO: Thank you.

CHAIRPERSON: Will you proceed with your witness?

CLIVE JOHN DERBY-LEWIS: (s.u.a)

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

EXAMINATION BY MR PRINSLOO: (cont.)

Thank you Mr Chairman. Mr Derby-Lewis, yesterday you made mention of a meeting that took place in Pietersburg, if I recall correctly you said 1986?

MR DERBY-LEWIS: That is correct Mr Chairman, and that is the date that I believe the active resistance of the Right was initiated, that is when it started.

MR PRINSLOO: Now, in as far as that particular meeting is concerned, Mr Derby-Lewis, the people that attended the meeting, were they from the AWB or from what political dispensation were they, are you able to tell the Committee?

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MR DERBY-LEWIS: No, Mr Chairman, as I mentioned earlier, there were approximately 8 000 people present, representing a very broad spectrum of what people referred to as the right-wing.

There were AWB people, there were CP people, there were Orde Boerevolk people, there were Boere Weerstandbeweging people,

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in fact there were HNP people, virtually it was broadly representative of the Right.

MR PRINSLOO: The people there present, in as far as you know, did they support the CP or the National Party, who did they support? Are you able to tell the Committee?

MR DERBY-LEWIS: Well Mr Chairman, it is very difficult to say when somebody goes into the vote, but I think that it was quite clear that the vast majority possibly with the exception of the HNP, would have been supporters of the Conservative Party in terms of elections.

In fact Mr Chairman, I think maybe I should mention at this stage that the year after that incident took place, I was the candidate for the Conservative Party in the general election in Krugersdorp constituency and the man who was actually the director of my whole election campaign was actually the leader of the AWB in Krugersdorp.

And of course I had a large support from active AWB members in terms of canvassing support for me, as well as Conservative Party, and I am very happy to say that I was one of possibly the few candidates in that election who managed to effect even a co-operation, sorry I am going too fast I believe.

CHAIRPERSON: I think some of the details, whilst they are maybe very interesting and maybe relevant, at some other stage,

maybe in some publication and so on, I think for present purposes, if you confine yourself to the important issues, I would be pleased.

MR DERBY-LEWIS: Yes, Mr Chairman.

MR PRINSLOO: Mr Derby-Lewis, why do you say that you believe that the resistance started in 1986, that meeting from the broad Right-wing? 10

MR DERBY-LEWIS: Well Mr Chairman, excluding the incident at Rustenburg when the local Right-wing stopped Adv Louis Nel who was an NP from holding a meeting, that was actually the first time in my recollection, that the Right used violence to achieve an objective

MR PRINSLOO: Mr Derby-Lewis in as far as your overseas contacts are concerned, will you please tell the Committee what contacts did you have, if any overseas, in what capacity and so deal with that please. 20

MR DERBY-LEWIS: Mr Chairman, as I became more and more actively involved in Right-wing affairs, I was invited to appear on overseas television and in fact was invited to proceed to those countries to represent the Conservative Party on panel discussions regarding the political situation in South Africa.

In the process of these activities and as a result possibly of the fact that there was a reasonable international focus on my 30

activities at that stage, I received certain approaches from organisations overseas. One of the organisations was the Western Goals Institute, which was a strongly

CHAIRPERSON: What was the name again?

MR DERBY-LEWIS: The Western Goals Institute, which was strongly anti-Communist and strongly concentrated on the preservation of Western norms and values. In fact we built up quite a close association and as a result of their activities, I was also personally introduced to the Monday Club, the British Conservative Party's Monday Club which was a lobbying organisation within the Conservative Party which enjoyed the support of many Conservative Party MP's.

I must say at this stage that this was not the first time that I became aware of the Monday Club. As a result of my interest in the economic situation in South Africa and particularly in terms of mineral beneficiation and so on, I managed to acquire a report which was published I believe, in 1982 by the Monday Club of the Conservative Party and in this report, I received a very strong clarification on the extent to which the Western World was dependant upon South Africa's strategic minerals, such as the platinum group of metals, titanium, gold and so on. Just to name a couple.

There were apparently something like 10 or 12 in total. So I already knew who the Monday Club was, I knew what their activities involved and I was then personally introduced to them in 1986. In fact I was even invited to a dinner of theirs and I was invited by the Chairman present at the dinner, who if I remember correctly, was a British Conservative Party member of Parliament, to address the meeting on Conservative Party policy. 10

CHAIRPERSON: Which were the other groups beside the two you mentioned?

MR DERBY-LEWIS: Yes, then I also established contact as a result of my contact with the Western Goals Institute, with an organisation called the World Anti-Communist League, which was from, obviously from the name of the organisation, it was clear as to what their principles were and in that involvement of that organisation, I was actually asked, invited as a representative from South Africa, to attend the World Anti-Communist League Congress which was held in Brussels in 1990, at which Congress I was given ample opportunity to inform those people of what really was happening in South Africa at that stage. 20

They were very concerned over the fact for example, that the National Party regime, had unbanned the South African Communist Party. They saw this as a retrogressive step. I also had the opportunity to speak personally with people from the 30

Ukraine and Hungary and other Eastern block countries and basically their story was the same, it was very strongly anti-Communist.

I think from that point of view Mr Chairman, the reorganisations were those on the Right, but then I also had individual contact with members of Parliament from the West German Bundestadt, from the Swiss Parliament, all people who indicated their sympathy for CP policy and attitudes once I had explained to them our principles and approach

CHAIRPERSON: You may continue.

MR PRINSLOO: Thank you Mr Chairman. Mr Derby-Lewis, just a moment Mr Chairman, I have the wrong document here, in as far as the Western Goals Institute is concerned, who was the President of that organisation at the time?

MR DERBY-LEWIS: I was the most recent President of the organisation Mr Chairman, but before me was, just let me make sure that I've got his gentleman's name correctly on record, my predecessor was Roberto Dohesohn, the charismatic leader of El Salvador's anti-Communists.

And I must also say that contrary to what the media have tried to convey to South Africans, that the Western Goals Institute for example, was not a one-man telephone operation, it was in fact an organisation which boasted patrons such as General

Sir Walter Walker, one time Commander in Chief of the NATO Forces and Major General John K. Singler, who served with the OSS CIA and Commanded US covert operations in the Vietnamese war. They also had the most senior member of the house of Lords on their board of patrons, namely the Right Honourable the Lord Sudley, who personally entertained me at one of my visits to lunch or I can't remember whether it was lunch or dinner, at the House of Lords.

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CHAIRPERSON: We will accept if you say that there were prominent members that formed part of this association, without having to give us a list and biographical details.

MR DERBY-LEWIS: Thank you Mr Chairman, I just wanted to clear the attitude that they may be a penny ha'penny organisation.

MR PRINSLOO: Mr. Derby-Lewis an organisation which abbreviated WAM, do you know anything about that organisation?

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MR DERBY-LEWIS: I know of them Mr Chairman, I read of their activities in the newspaper and I must say that at one meeting where it was tried to get as many of the leaders of every Right-wing organisation in South Africa together, Mr Koos Vermeulen, who is the leader of the WAM was actually present and I met him personally.

CHAIRPERSON: What does it stand for, WAM?

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MR DERBY-LEWIS: The World Apartheid Movement, I think
Mr Chairman.

CHAIRPERSON: World?

MR DERBY-LEWIS: Apartheid Movement.

CHAIRPERSON: Thank you

MR PRINSLOO: Mr Derby-Lewis, in as far as the political
climate in this country is concerned, when you started politics,
started becoming involved in politics, as a result of which person,
or how did you become involved in politics? 10

CHAIRPERSON: He has already covered that ground adequately.

MR DERBY-LEWIS: Mr Chairman, as I mentioned earlier, it
was at the instigation of Colonel Stallard and I don't think I need
to expand on that. I can also mention that ever since I can
remember from the age of 16, that South Africa had been in a
conflict situation. 20

MR PRINSLOO: Was there any connection with the Stallard
Foundation in overseas contacts, Mr Derby-Lewis?

MR DERBY-LEWIS: Yes, Mr Chairman, obviously we used to
send the Stallard Foundation's publications and we published an
occasional journal as well as a very successful pamphlet called the
Stallard Foundation Presents the Accelerating Revolution in
South Africa, in which we quoted extensively from a report by
one Donald MacIlvanney from the United States of America, who 30

compared the situation in South Africa with the situation which was happening elsewhere in the world, and which also had happened elsewhere in the world, and he actually used the Iranian conflict to illustrate what he meant and he went through the stages of the revolution.

We produced this little booklet, we also then put the Stallard Foundation's point of view, included with it to tell South Africans there was another alternative and we very successfully distributed something like 65000 copies of this booklet throughout South Africa, so it was very broadly read.

MR PRINSLOO: Mr Chairman I don't wish to burden the record, but the booklet referred to is available if Mr Bizos or the Committee would like to have sight of it, it could be made available. Thank you Mr Chairman.

Mr Derby Lewis, now returning to the political climate in this country?

MR DERBY-LEWIS: Yes, Mr Chairman, I think I extensively covered what I saw to be the development of the war time situation in South Africa. What I did not mention during that discussion was of course the fact that we are all aware of the fact that the National Party made a big issue of the total onslaught over the years and they really worked people up, emotions up in terms of this whole total onslaught, they committed us in fact to a

war outside of the borders of South Africa, even as part of this combating of the total onslaught, so I think it was quite clear that the political climate was building up even more and more to a real crescendo and I think that the figures that I mentioned regarding the number of political murders which took place in 1993, bears testimony to this.

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Also Mr Chairman, if I can refer you to Addendum A which I submitted, I do not intend enumerating the three pages or four pages of incidents quoted here, suffice it to say that this incident was compiled by the AWB, and it was compiled on the basis of Right-wing attacks over the period starting the 8th of February 1990 after Mr De Klerk announced the unbanning of the SA Communist Party.

It is page 1 in bundle A2, Mr Chairman. Page 1 to 4

CHAIRPERSON: Bundle A, is it Mr Prinsloo?

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MR PRINSLOO: Bundle A, Mr Chairman.

MS KHAMPEPE: Isn't it bundle B?

JUDGE WILSON: Addendum A and Addendum B are in bundle B.

MR DERBY-LEWIS: Old bundle B, sorry Mr Chairman, sorry.

As you can see Mr Chairman, there are four pages quite concentrated in terms of reports of violent incidents, which took place, bombing, of bombs planted, bombs on railway lines, pylons

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blasted and so on and I don't think that there can be any doubt as to what was going on from the period from the 8th of February 1990 to the 28th of April 1994, when the new constitution was introduced.

Then I would also Mr Chairman, like to refer you to **Addendum B** of the same bundle, from page 5, which contains a chronological list of reports contained in the **Conservative Party's** official mouthpiece, **the Patriot**, from the date of the unbanning of the ANC and the SA Communist Party in February 1990 to the 9th of April 1993, obviously for the purpose of our application.

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Sorry Mr Chairman?

JUDGE WILSON: This is where, where do we find this?

MR DERBY-LEWIS: Page 5, it is directly after Addendum A, Mr Chairman. Page 5. These reports Mr Chairman, covered many subjects, but they unambiguously **showed the Conservative Party's** consternation at the unbanning of the ANC, **its growing fear of a National Party handover to an ANC/SACP government without a mandate from White voters and its commitment to resisting that handover with violence if necessary.**

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Themes recurring time and time again throughout these pages, include the Conservative Party's belief that the introduction of an interim Government was tantamount to a declaration of war,

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That the NP had no mandate to bring the ANC/SACP into a co-governing position with them, thus making the NP government illegitimate. Self-determination was the only route to peace in South Africa. In a survey conducted by Dr Lawrence Schlemmer, I am sure someone who is familiar to everyone on the Committee, more than 80 percent of the Whites rejected an interim government.

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The CP on many occasions demanded a White election from the NP on the issue of an interim government with the ANC/SACP and the eventual handover of power to these organisations. Despite NP promises to go back to the White electorate, with a new constitution on power sharing, this election was denied.

I think it is important to mention Mr Chairman, the other positions which were frequently stressed and I am not going to then continue with this document, it is on record, the banning of the NP of by-elections, the destabilisation of Bophutatswana, Ciskei and KwaZulu by the ANC, where it was declared that the CP would be next.

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The National Party's treason and its lies to the electorate, including its secret talks with the ANC while telling voters that it would never negotiate with the ANC/SACP. At the signing of the record of understanding, in 1992, and the Pretoria Minute of

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1990, were done without the consent of White voters and that the CP will not accept the legitimacy of these agreements.

The gradual infiltration and changing of ethos of both the SA Police and the SA Defence Force, moves seen as very dangerous by the CP, it was clear that the CP would never accept a ANC/SACP government Mr Chairman, from this, and they would never share power with them.

Mr Chairman, in referring to the extracts from the Patriot, I think I must make it very clear here that although all of these extracts have been translated, they were translated for the benefit of the Committee as we understood the language problem, but a lot of these reports actually appeared in the Patriot in Afrikaans and we are in a position Mr Chairman, to at tea break maybe, to show you, we have brought the whole batch of the newspapers for the perusal of the Committee if necessary, to show you that in fact these were Afrikaans reports.

So allegations made from various quarters that these reports were all written by my good lady, my wife, are not correct Mr Chairman. In fact, if you go through, you will see that some of these consist of editorial comment in Afrikaans, because there was never an English editorial comment and it was certainly not written by Mrs Gaye Derby-Lewis

One of the Afrikaans statements surrounded Dr Willie Snyman, a report on the CP member for Pietersburg at that time, who said that the release of the ANC/SACP was treason by De Klerk. He said that Mr De Klerk would soon witness the growth of resistance within the Afrikaner community.

Page 8 that is, sorry Mr Chairman, and it is paragraph 4 on that page. Directly after that Mr Chairman, is a reference from the Patriot dated 16-02-1990, also reported in Afrikaans which said that the CP has a comprehensive plan against an ANC take-over.

This statement was made by Andries Beyers, the then Secretary-General of the Conservative Party "our freedom is of more value than life itself" he declared.

Then the one directly after that Mr Chairman, resistance march to be held in Pretoria, that was a headline. No form of alien government is acceptable to the volk, declared Dr Ferdie Hartzenberg, the present leader of the Conservative Party. He described that the totalitarian history of communism in the Eastern block.

Then further down the page, two up from the bottom Mr Chairman, once again another report in Afrikaans, the CP will resist a Black take-over, said CP MP for Delmas, Mr Daan Lotter, the CP will not allow it to happen he said.

Mr Chairman, if we turn the page to page 9 and I must also mention at this stage Mr Chairman, that this is a sampling as well, not all of the extracts have been marked as you will see from page 13 and page 12 and so on, and I am going to concentrate on only the ones which appeared in Afrikaans, to clarify the position.

The second paragraph on page 9, sorry also reporting on the 23.02, at the bottom of page 8, we will mobilise whites, said Dr Hartzenberg during the same march. We are prepared to sacrifice everything for our people's freedom. There will be no peace without our freedom.

Then the next statement Mr Chairman, and this is already in 1990 Mr Chairman, and I think you will agree with me, that was pretty strong talk. That was in fact fighting talk.

We have only one goal and that is the mobilisation of our people to attain their freedom, said Dr F. Hartzenberg. The ANC is the surrogate of the world's communists, and the CP is not prepared to allow the handing over of South Africa to the ANC, he said.

He referred to promises made by both Messrs P.W. Botha and F.W. de Klerk, that they would make no political moves without consulting the White voters. Because they have not kept their promises he said, they then must be responsible for what will now happen and you will remember Mr Chairman, I earlier

also stated that I believed the National Party was responsible for all of the problems, from whatever direction they originated.

Then we go further on Mr Chairman, and we have a report regarding Dr Treurnicht who placed special emphasis on the "self-erkende moordenaar", Chris Hani, when he asked the NP in Parliament whether they would allow Hani to return to South Africa to sit at the Conference table to discuss the future of South Africa. He declared the CP's total rejection of such a plan, calling it shocking.

And then the next story Mr Chairman with a headline "vermoor die Regses", murder the Rightists, is the headline. The story details an ANC decision known to the National Party to murder Rightist leaders. The CP leader, Dr Treurnicht, asked why the NP hadn't warned Rightist leaders of this plan and why the NP was negotiating with the ANC which had planned assassinations against the CP and Mr Chairman, I refer you to a statement made by the same late Chris Hani, in London in 1988, I will give full details of that at another occasion where he actually identified on record, to the media in London, that he identified National Party and CP members of Parliament as legitimate targets in the struggle. And I had at least two noted attempts against my life and another two which we didn't even bother to follow up.

Then we go to page 10 Mr Chairman, and there is confirmation. Once again in Afrikaans. A National Intelligence document revealing an ANC plan to assassinate Rightist leaders is confirmed as authentic by the State President, Mr F.W. de Klerk.

He calls for the CP to name its source within the NI, he doesn't call for action against that Mr Chairman, he calls for the CP to actually tell him where he got the information from, because obviously that was a naughty boy telling us of this danger, which the CP refuses to do so.

Chief Secretary Andries Beyers goes to jail for two weeks for concealing his source, Mr Chairman, it is clear from this that it wasn't only ANC and SACP people who had been badly treated by the National Party regime, that we in the Conservative Party received the same sort of treatment for the very same reason, we were also involved in a freedom struggle against an illegitimate regime.

Mr Chairman, then we go to the next statement, violence in many cases is justified, and is a Christian responsibility and a universally accepted norm. This is when a people takes up weapons to defend their freedom against deceitfulness or when they want to take back the freedom they have lost.

Especially during the present circumstances, in South Africa, nobody would deny any people that right. The Afrikaner

has the right to maintain his freedom with violence. 1990, the 4th of May 1990, page 10 Mr Chairman.

Then we go down to the third paragraph from the bottom of the page, a report contained in the Patriot on the 1st of the 6th 1990, and the last paragraph, I don't want to go through all of the others, the CP will have no other choice than to use the same methods as any suppressed peoples would do when they are denied elections said Mr Andries Beyers, General Secretary of the CP.

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On to page 11 Mr Chairman, a report on the 29th of June 1990, without Mr De Klerk's, once again all of these Mr Chairman, I am not going to repeat, are in Afrikaans. Without Mr De Klerk's policy of abdication, Piet Rudolf's violence would not be possible.

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And the following item Mr Chairman, the 13th of July 1990 also, violent acts which have been perpetrated over the past few weeks by Whites send a message to the government, South Africa is not Rhodesia or South West Africa.

In South Africa these violent deeds reveal the first unmistakable flashes of a violent struggle and resistance. The government's behaviour makes violence justified. If it carries on with its policies, more and more Whites will go over to violence,

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even a culture of violence will be created in the White community.

Once again Mr Chairman, that was an editorial item. I think that I have covered maybe we should go onto page 14 Mr Chairman, once again another Afrikaans report. Whites will increase mobilisation, was the headline. This statement was contained in a letter from the CP to the State President, Mr F.W. de Klerk.

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If an election is refused Whites, said the letter, then all that is left to us, is to increase the struggle for self-determination and to use every possible means to strengthen our party for its greatest struggle, a struggle for its principles and ideals.

Over the page, on page 16 Mr Chairman, fourth from the bottom, this is now in March 1991, Dr Treurnicht again confirms that resistance is a right if one's fatherland is under threat.

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The government gives us no other choice, than to use everything at our disposal in the struggle for freedom. The government's revolutionary changes have made this resistance necessary, he said. People all over the world give their lives for the freedom of their fatherland, he declared.

It was Dr Treurnicht Mr Chairman, I repeat. Then further down is an editorial dated 29th of March 1991. The Vryheidstryd, the freedom struggle of the Afrikaner, shall be

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much more intensive than that already tried by Umkhonto we Sizwe.

The ANC has the responsibility to bring to the attention of their revolutionaries the Afrikaner potential for destruction and devastation in the struggle for a homeland.

The ANC knows that the Afrikaner has rights and that those rights justify even bloodshed, Mr Chairman. Further down, about half way down the page, at a Republic Day meeting on the 7th of June, reported in the Patriot of the 7th of June, 1991, Dr Treurnicht again asserted that the CP would use all the means at its disposal to defend the Afrikaner's freedom.

Two further down, the 1st of the 6th 1991, headline, "Whites will seize weapons". If the government refuses a general election for Whites, the golden thread Mr Chairman, if the government refuses a general election for Whites, it will create for the CP a moral basis for an armed struggle against the government said the CP General Secretary.

This armed struggle will take weeks, months, even years. The only way to neutralise the CP is to defeat them in an election, he said.

Then two down, the Patriot of the 5th of July 1991 "is violence permissible", is the headline? This article says violence is justified when a people's freedom is at stake and goes back into

the history of the Afrikaner's freedom struggles and rebellions. The moral basis for an armed struggle is discussed and it is declared that if there is no other option, then this must happen, not can Mr Chairman, this must happen if passive resistance doesn't work, then the guns must be oiled says the article.

Then we go to page 19 Mr Chairman, the top of the page, the 30th of August, 1991. CP MP, S..(indistinct) Pienaar says he foresees a civil war if the Afrikaner's right to self-determination is not given. A guerrilla war, even against NP supporters who have thrown in their weight with the ANC, was not excluded he said.

If an election is not granted by the government, strong resistance from the Afrikaner can be expected. The government will stop Rightist violence if it calls an election, he declared.

Fourth from the bottom on the same page, Mr Chairman. The Patriot, 18th of October, the headline "government will limit weapons after ANC demand", it says at the same time, the ANC refused to disband Umkhonto weSizwe or to reveal where their numerous arms caches were.

A recent confidential police circular, was reported as stating that licences would be granted to people who were politically correct and who rejected violence as a weapon. This was rejected by the CP.

The bottom of the page, extract again Mr Chairman from the editorial of that, I think it is that same day, the moral right to self-determination must be backed by power which can include violence. The Afrikaner is compared to other minorities throughout the world who fight for their freedom.

The Kurds, the Croatians, the Slovenes and so forth, they have used violence and bloodshed to attain their aims. Thus we are surprised that certain church members are surprised when the CP and other Rightist leaders refuse to condemn violent resistance within their own circles, Mr Chairman.

The next item, directly below that, in a freedom struggle for the self-determination of the Whites, the CP will focus on the leaders and Mr Nelson Mandela, President of the ANC, will be the first said Dr Hartzenberg, Deputy leader of the CP.

Three up from the bottom Mr Chairman, the referendum bill closes the constitutional road for Whites and is a recipe for terrible conflict in South Africa, said Dr Treurnicht. Asked what the CP will do to fight the bill, CP MP, Mr Chris de Jager, said that the resistance will grow, because on the Right, nobody is prepared to accept Black majority rule.

Over the page, page 21 Mr Chairman, the top of the page, Mandela, this is in January 1992, Mandela threatens Rightists and the Conservative Party. Mr Nelson Mandela told Mr F.W. de

Klerk that if the CP won a referendum, there would be violence from his people and that they would go "back to the bush", to continue their war.

There would be strikes and stay-aways and mass action. He said that asking for a Boerestaat was "impractical". The editorial of the same day Mr Chairman, with the headline "bombs". Rebellion and resistance are in the nature of things justified and necessary against any power which tries to force an illegitimate order on others.

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Therefore, Mr Nelson Mandela, Mr F.W. de Klerk and Codesa take full responsibility for the bombs (which caused damage to several buildings the previous week)

They have laid the groundwork for a full blown freedom struggle, which is clearly just in its early stages.

Bottom of the page Mr Chairman, the last Patriot, 24th of January 1992. "Academics speak a war", is the headline.

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A violent struggle and a possible terrorist war is the last resort for the Afrikaner, to retain sovereignty and the people who are creating the new constitution, should realise this.

These remarks were made at an Afrikaner Volkswag which I mentioned yesterday Mr Chairman/SABRA, that is "Suid-Afrikaanse Buro vir Rasseaangeleenthede" Congress held in Pretoria to discuss new constitutional moves.

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The jails will never be big enough to hold all those Afrikaners who will partake in the freedom struggle said Dries Kriel who was recently arrested for explosives possession and bomb explosions in the Transvaal.

Editorial again, 1992, Mr Chairman, will be a year of resistance, physical resistance and the political party formed two facets of the same struggle. In the future more sophisticated and intelligent people shall appear in the court's docks charged with so-called terror.

Their defence will have the most moral basis existing;

JUDGE NGOEPE: Sorry, where are you?

MR DERBY-LEWIS: Sorry, page 22, just over the page Mr Chairman. Their defence, page 22, sorry.

MR PRINSLOO: That is page 23.

MR DERBY-LEWIS: It is page 23, it is just before that.

MR PRINSLOO: It is the preceding page, Mr Chairman.

MR DERBY-LEWIS: At the top of the page, 1992 will be a year of resistance.

CHAIRPERSON: It doesn't appear ...

MS KHAMPEPE: What paragraph is that?

MR DERBY-LEWIS: Pardon?

MS KHAMPEPE: What paragraph is it on page 23?

MR DERBY-LEWIS: It is the second paragraph Mr Chairman, 1992 will be a year of resistance.

MR PRINSLOO: Mr Chairman, could I hand my page up to you?

CHAIRPERSON: Yes, I am afraid we don't have ... Page 22 have about two paragraphs only and it is different.

MR DERBY-LEWIS: I will read it fully in any case Mr Chairman, and I think I better start from the beginning again. The headline for the editorial which states "1992 will be a year of resistance:

Physical resistance and the political party form two facets of the same struggle. In the future more sophisticated and intelligence people shall appear in the court's dock charged with so-called terror. Their defence will have the most moral basis existing, the freedom and self-determination of their Volk.

As the drama unfolds, the government appears more and more immoral and is acquiring the image of an immoral regime which throws Afrikaners, who are actively resisting them, into jail and charges them.*

Then we go half way down the page Mr Chairman, a continuation of what the Patriot said 31st of January 1992.

"Why doesn't Hani choose to live with his brothers in Hillbrow", says Beyers. This was the question asked by a

former Boksburg Mayor, Mr Beyers de Klerk when it became known that the leader of the SA Communist Party and Chief of the ANC's armed wing, MK,"

you will see from that report also Mr Chairman, that even in 1992, the CP were under the impression that Mr Hani was still the Chief of the ANC's armed wing, MK,

"Mr Chris Hani had purchased a house in Dawn Park, Boksburg "

The following paragraph,

"Interim government within six months or ..."

is the headline:

"Mr Chris Hani, Head of the ANC's armed wing, MK, gave this warning to Mr F.W. de Klerk.

He threatened the NP with countrywide mass action."

The editorial on that same day,

" Mr F.W. de Klerk's foolish moves towards an undivided South Africa, will bring about the beginning of a full blown freedom struggle with conflict and bloodshed."

MR BIZOS: ... to follow Mr Chairman. We haven't been able to follow for the last ...

MR DERBY-LEWIS: Page 22 Mr Chairman.

CHAIRPERSON: We are having copies made. That is the document that was just handed to us. Copies are being made.

MR DERBY-LEWIS: We don't know what has happened there. There is only one more quotation from that page Mr Chairman, and that is the Patriot dated the 14th of February 1992.

"The Afrikaner volk will never accept Mr Nelson Mandela and the ANC/Communist clique",

said Dr A P. Treurnicht at a public meeting in Kraaifontein.

"We will never beg for our future from a revolutionary Nelson Mandela",

he declared,

"The ANC has become an indispensable partner of Mr De Klerk."

Then we move to page 24 Mr Chairman, the second paragraph, relating to the Patriot of the 20th of February 1992. Do you have page 24?

CHAIRPERSON: Yes

MR DERBY-LEWIS: Does Mr Bizos also have it Mr Chairman? Okay, it starts off with if a "yes" vote is brought out?

JUDGE WILSON: That is our page 23.

MR DERBY-LEWIS: 23? Okay, then 22 will be your 21 for some reason Mr Chairman, and I don't know why, because up until ...

JUDGE WILSON: No, you read from our 21. Our 21 starts, "on the 10th of January 1992 ..."

MR DERBY-LEWIS: So you don't have 22?

JUDGE WILSON: We have a two paragraph page 22, which starts with, the first page starts with the word "armed struggle" and then Patriot, 21st February 1992.

MR DERBY-LEWIS: That is page 24, that is the one that I am onto now. So it is your page 23, Mr Chairman. The second paragraph, if a "yes" vote is brought out.

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CHAIRPERSON: Yes.

MR DERBY-LEWIS: Thank you Mr Chairman.

"If a yes vote is brought out, the CP predicts an accelerated handing over process and a one man, one vote election towards the end of 1993. 'White voters will have their last chance to prevent an ANC government', said Dr Pieter Mulder, the CP's Information Head.

Dr Mulder stated that a referendum win would not give the NP a mandate for a new constitution. He reminded readers that Mr De Klerk had, as recently as the opening of Parliament, promised that any new constitution would not be introduced until a referendum was held for White voters."

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Then the bottom of the page Mr Chairman, continuation of a report which appeared on the 13th of March 1992. Headline was,

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"the red coup against Mr F.W. de Klerk. A yes vote will mean the domination of South Africa by the ANC and the SA Communist Party",

over the page Mr Chairman. The article then goes on to reveal how the ANC is dominated by communists.

"The National Executive Committee consists of 55 members of whom 40 had been identified as communists. The first name mentioned is Mr Chris Hani, who received the most votes in the election for the NEC.

Mr Thabo Mbeki, member of the SACP Central Committee, received the second highest number of votes. Other names mentioned are Mr Joe Slovo, Ronnie Kasrils, Jeremy Cronin, Raymond Sutner and Albie Sachs."

The following paragraph,

"The ANC also announced its shadow cabinet (for when it comes into power). Of the 26 members mentioned, 20 are SA Communist Party members. Codesa is also communist dominated"

says the article.

"The SA Communist Party is in control of the ANC representation at CODESA. Only two members are not communists. All of the CODESA work groups are controlled by communists."

Carry on the next paragraph Mr Chairman,

"Thus the NP's assurances that they are not handing the country over to the SACP are ridiculous. The NP has had secret meetings with the ANC/SACP alliance about an interim government."

And then, the next page Mr Chairman, the second paragraph, the editorial again.

"The ANC has now become the Afrikaner's principle opposition. It is against the ANC/SACP that the Afrikaner must win his struggle."

Then page 28 Mr Chairman, I think it may be your page 27, the first paragraph starts with "terror and revolution", the headline, page 27, right

"Terror and revolution, the headline",

this is in English incidentally Mr Chairman. I mention this, but I mention it because I want to bring it to your attention specifically

The article describes how political violence is an intrinsic part of a Marxist/Leninist revolution. And how the ANC/SACP alliance is at the root of most of the violence in South Africa. Crime and terrorism have increased seven fold since the unbanning of the ANC/SACP and the government has released, I

see it is R75-00 worth of terrorists, Mr Chairman, I think it must be "57000 terrorists at the behest of the ANC".

"Whites are coming increasingly, under attack". And then miss one paragraph, well we can read this next one, but I think the one after that is important, because once again it is the editorial and it is in Afrikaans.

And the headline was "The Basque of Africa".

"The bombs which partially destroyed the Hillview School and were placed there by CP MP Koos Botha, are a sign of things to come."

The editorial goes on to chronicle the sell-out by the NP and its refusal to have a Whites only election based on its plans for a new constitution and the emerging certainty of an ANC government.

The following paragraph,

"The ANC and the NP have thus created the situation for violence in South Africa. Afrikaner nationalist demands to the NP government, have been denied. Moderate Afrikaner moves towards violence, can now be expected.

The CP says no peace without freedom."

And then the next page Mr Chairman, half way down the page, commencing with "communism lives in South Africa", said Dr Treurnicht.

"It is everything except dead, he said. And one only had to look at the CODESA circus where Mr Chris Hani is acting on behalf of the SA Communist Party. Mr Hani had impudently demanded that the government should go. If communism is dead, how can the government negotiate with communists like Mr Hani?, asked Dr Treurnicht"

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And over the page, the second paragraph, Patriot 5th of June 1992,

"A declaration of war against Whites, says Dr Treurnicht. CP leader, Dr A.P. Treurnicht, slams Mr Nelson Mandela's threats that Whites and White areas will be the targets of Black anger and violence.

Even left-wing Whites see his remarks as not only a blatant threat, but as an incitement to violence. 'In practice, this is a declaration of war against Whites', said Dr Treurnicht"

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Over the page Mr Chairman, the fifth paragraph Patriot 26th of June, 1992. The headline here, Mr Chairman, "Hani involve in ANC atrocities".

"Allegations of torture against their own people have been made by the Chairman of the Returned Exiles Co-ordinating Committee, Mr Mwesi Twala, who said that Mr Chris Hani, leader of the SA Communist

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Party did nothing about the torture of ANC prisoners in ANC camps outside South Africa, even though he saw it happening".

Next paragraph,

"In a letter to a Johannesburg paper, Mr Twala said Hani took pleasure in the inmates' pain and jeered and mocked them while they lay in prison cells.

According to Mr Twala, Hani was also present when seven people were executed in 1984. Twala accused the ANC leadership of collective responsibility for these deeds".

And over the page Mr Chairman, the third paragraph, Patriot 21st of August 1992 headline "take our ground, and we will fight", Hartzenberg.

"Dr Hartzenberg said that there is little hope that the ANC/SACP alliance solution for South Africa, will work. On the contrary the CP will strive to see that they don't come to power".

The next paragraph, the headline "we must mobilise on all fronts - Treurnicht." He said that -

"We were now in a revolution and that all possible provisions should be made in case an ANC/SACP alliance takes any unprecedented actions. Whites

cannot wait until the revolution has come into power and then hope that they will protect our rights".

We must mobilise now, said Dr Treurnicht. Over two pages Mr Chairman, top of the page, the headline -

"Mandela will long for Robben Island - Hartzenberg.
Mr Nelson Mandela will long for Robben Island if he becomes the leader of a so-called unitary South Africa. 'You and your ANC/SACP terrorists, against our soft targets, our women and children, we will take you' said Dr Hartzenberg."

And then the third paragraph Mr Chairman, and I am really sorry that certain people find this amusing, because the whole war was a tragedy. Mr Chairman, the third paragraph "People's army", Mr Chairman,

"...is necessary to protect our people from an ANC take-over, said delegates at the CP Cape Congress. Dr Willie Snyman, MP for Pietersburg said that all over South Africa it was known that the NP had thrown in the towel to the terrorists."

Then a report in English ...

MR PRINSLOO: Mr Chairman, may this be an appropriate time to adjourn, I see it is eleven o'clock at this stage, take a tea adjournment?

CHAIRPERSON: We will adjourn at quarter past eleven.

MR PRINSLOO: Quarter past, I beg your pardon, Mr Chairman.

MR DERBY-LEWIS: Thank you Mr Chairman. Then the next paragraph, paragraph 4 on that same page. The headline "other methods of struggle", this was in English as I mentioned.

"Dr T addressing the Cape meeting, Dr Treurnicht said that the CP was not limited to only Parliamentary or ordinary party organisational activities but would have to think of other methods of struggle",
this was September 1992, Mr Chairman.

"Dr Ferdie Hartzenberg said that the day would come when the CP would have to use any method to maintain the freedom of its people. A regular political process was a thing of the past, he said.

He declared war on the ANC".

Then the next two paragraphs down, the editorial again Mr Chairman

"The CP is on record as stating through the words of Dr Hartzenberg that the Party will disrupt a unitary State if it comes into being.

Whites will not have a chance in a countrywide election. The CP will go ahead to mobilise Whites, to fight for their own country".

Over the page, another page Mr Chairman, two pages, sorry, Patriot, 9th of October, 1992, is the reference on the top of the page, but then I am coming down to the middle and the report is in English again.

*In answer to a question at the recent CP Transvaal Congress, as to when the cut off point, the point when the constitutional option was closed and when other methods would be used to regain our freedom, would arrive, Dr Hartzenberg said that the introduction of an interim government is tantamount to a declaration of war against us.

When our Parliament is taken away from us, when there is no constitutional vehicle through which we can demand our freedom, then we must turn to other methods of resistance *

He said the CP was not going to put all its cards on the public table.

Over the page, two pages Mr Chairman, the second paragraph, the initial sentence on that page is and it is only a small portion of the page used, "for us shall be a power grab by way of war".

The paragraph, the second paragraph,

"The CP cannot give an undertaking that the party will not go over to an armed struggle," - Dr Hartzenberg. The CP will never serve under Mandela, he said. The ANC offers communism and socialism which is not acceptable".

Then the next page Mr Chairman, under an article with the headline "F.W.'s red conspiracy". The second paragraph, it was reporting Dr Treurnicht's speech in Parliament.

"Mr De Klerk's capitulation by way of an interim government or a transitional Executive Council is in line with communist revolutionary practices".

He compared the loss of power of Tsar Nicholas II in Russia through the formation of an interim government formed solely as a temporary government.

That interim government then allowed people like Lenin, Trotsky and Stalin to return to Russia.

Then the bottom page, point 7, second from the bottom.

"The power block is on the rise against the government, Dr Treurnicht, headline".

this was dated the 12th of February 1993, Mr Chairman.

And then the following paragraph,

"Armed struggle would come if elections not held",
headline.

"The Conservative Party will have no option but to call its people to an armed struggle of resistance if the ANC is going to play a dominant role in creating a new constitution without White voters having an election on this matter, said Dr Willie Snyman",

over the page, MP for Pietersburg in Parliament.

"This armed struggle could even eventuate in a military type struggle. Dr Snyman said he was speaking on behalf of the Conservative Party of South Africa."

Then paragraph 10, the third paragraph in English, this article shows how the government's Intelligence Service revealed the existence of a revolutionary war plan of the ANC which planned to bring down the SA government by 1994, Mr Chairman, after so-called peace was declared in 1990.

The article refers to various ANC documents and congress decisions where the transfer of power to themselves is outlined and the methods to obtain this, are noted.

Then point 13, the Patriot of the 26th of February, the headline "comrades in the cabinet". This article discusses members of the SA Communist Party who are likely to be part of the new cabinet.

And then point 15, articles on two pages outlining how the SA Communist Party and MK will take over the SA Defence Force.

And point 16, the full page editorial states that it is time all conservatives mobilised against the enemy. This I think was indicative of the fear which existed in the ranks of the Conservative Party and the Right, Mr Chairman.

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And then the bottom, the Patriot of the 5th of march 1993, "self-determination for the Afrikaner people otherwise a civil war", this was the front page headline of the newspaper. Over the page, continued, this was said in Parliament by CP MP for Rosberg, Prof Fanie Jacobs.

"He reacted on behalf of the CP to the NP's coming negotiations with the ANC. The CP will never endorse the secret negotiations between the NP and the ANC, he said."

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He referred to the war in Yugoslavia which has occurred because people were not given ethnic self-determination.

Then the following paragraph Mr Chairman, headline "Hani to follow Mandela".

"The SA Communist Party says in its policy document that Mr Nelson Mandela must be kept in the foreground until the time is ripe to 'get rid of him'

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He must be replaced by Mr Chris Hani, who will become the first Black President of South Africa."

And then point 22, just further down on the page Mr Chairman, "a Volks army for the CP", headline, a people's army for the CP.

"Dr Willie Snyman, CP MP for Pietersburg, who Mr Chairman was the spokesman on defence at that stage, said that a volks army would be created if the government allowed communists to take over the South African Defence Force."

And then the second last paragraph, headline "the CP will stop an open election"

"Last Saturday the Conservative Party brought its mobilisation action onto a national level and chose the Executive leaders of its freedom council. Dr Hartzenberg outlined how the government had agreed to an interim government with the ANC and that this is not acceptable to the CP and to the majority of Whites.

The CP by way of its mobilisation action, will make sure that a one man, one vote election is stopped."

The next paragraph,

"The idea of a Volksfront against the ANC is being discussed between conservative leaders. A concerted people's action must be built up."

Next paragraph, headline "it is now war". This describes an article, and that was the 19th of March still, Mr Chairman. This describes an article from the conservative publication "Bybel en Volk",

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"The De Klerk administration has declared war on the Afrikaner volk.

This year we must face some hard charges."

And then Mr Chairman, I wish to draw your attention to a typing error on the fourth paragraph, it refers to a report in the Patriot of the 26th of March 1993, not 1996, and it says, reads as follows the headline "mobilise against NP/ANC/SACP".

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"The CP this week put its mobilisation action into gear in order that the ANC/SACP's revolutionary plans to make the country ungovernable, can be resisted.

Dr Treurnicht said without ambiguity that communism in South Africa is very much alive and that the CP's mobilisation against the ANC/SACP/APLA challenge, will be co-ordinated and will involve resistance where necessary for freedom, volk and fatherland",

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He quoted an ANC spokesman who said "for communists, even peace is war. Negotiations is war." Continue the next quote: -

"Do the Mandelas, Hanis, Tambos, Ronnie Kasrils and the Ramaphosas think that they can continue with their plans without resistance, said Dr Treurnicht"

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Further on Mr Chairman at the bottom of the page, headline "war threatens, where will it end?", that is the 2nd of April 1993

"The SA Defence Force and the SA Police are now being mobilised to confront the murder, violence and threats of war against Whites by APLA and the ANC's military wing, MK."

Mr Chairman, I think that I have quoted sufficiently from that document and I think I have proved my point that there was a lot which created the climate in which the deed which we are discussing, took place, which was reported not by my wife as is alleged, but was reported by various members of the journalistic staff employed by the Patriot newspaper which was in fact the mouthpiece of the Conservative Party.

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MR PRINSLOO: Mr Chairman, may this be an appropriate stage to adjourn?

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CHAIRPERSON: We will take a short adjournment now, and we will resume in 15 minutes.

COMMITTEE ADJOURNS

ON RESUMPTION:

CHAIRPERSON: Are you ready to carry on?

MR PRINSLOO: I ask for a moment's indulgence Mr Chair. Mr Chairman, this is the document that the applicant left in the consulting rooms. The Attorney is just going to get it. It will be relevant to what I am going to put to the Committee, thank you for your indulgence Mr Chairman.

JUDGE WILSON: Mr Derby-Lewis, have you finished with this Exhibit B, the bundle B?

MR DERBY-LEWIS: Yes, Mr Chairman, thank you.

MR PRINSLOO: Mr Chairman, may the applicant just fetch the documents, he knows where it is, thank you.

MR DERBY-LEWIS: Excuse me.

CHAIRPERSON: We want to start again.

MR PRINSLOO: Thank you Mr Chairman.

CHAIRPERSON: Yes, you may proceed.

MR PRINSLOO: Mr Derby-Lewis, you have already testified with regard to the CP, that is the Conservative Party's mobilisation plan. Is that right?

MR DERBY-LEWIS: Yes, Mr Chairman.

MR PRINSLOO: Now, when was this announced Mr Derby-Lewis?

MR DERBY-LEWIS: Mr Chairman, this was announced in August 1992 and I think if we can just have a moment's adjournment for you, we can supply the Committee with the documentation so that they have it before them. 10

MR PRINSLOO: We can just distribute the document Mr Chairman, if someone could just pick it up. There is seven copies which the applicant will refer to.

CHAIRPERSON: Is there a particular heading that you wish to put on this document Mr Prinsloo?

MR PRINSLOO: Mr Chairman, it is marked here Bundle C and the heading is "Mobilisation", Mr Chairman, which is on the front page.

CHAIRPERSON: so many bundles. 20

JUDGE WILSON: We've got another bundle C, the one we were given yesterday.

MR DERBY-LEWIS: Yes, this is CA, Mr Chairman.

MR PRINSLOO: I beg your pardon, it is bundle C, and marked A, I beg your pardon.

JUDGE WILSON: CA?

MR PRINSLOO: That is correct Mr Chairman. 30

JUDGE WILSON: Because somebody has put A3 onto it, when it was given to us.

MR DERBY-LEWIS: Yes, that would make it easier for record purposes Mr Chairman.

MR PRINSLOO: It would make it more simplistic, I think refer to it as A3. 10

JUDGE WILSON: A3?

MR PRINSLOO: Thank you Mr Chairman.

CHAIRPERSON: Yes, thank you.

MR PRINSLOO: Thank you Mr Chairman. Mr Derby-Lewis, I will just repeat the question again. The Conservative Party issued a plan which is referred to as a mobilisation plan? 10

MR DERBY-LEWIS: That is correct Mr Chairman.

MR PRINSLOO: Who announced or initiated this idea? 20

MR DERBY-LEWIS: Well, it was initiated by the Conservative Party itself Mr Chairman and it was discussed and confirmed at a special congress which was held in Kimberley in August 1982.

As you will see, the first,

MR PRINSLOO: The date was?

MR DERBY-LEWIS: August 1982, Mr Chairman.

MR PRINSLOO: 1992 or 1982?

MR DERBY-LEWIS: Sorry, 1992, sorry. And you will see from the bundle which we have provided Mr Chairman, that the 30

first newspaper from the Patriot refers to CP to mobilise on all fronts after unanimous decision to ratify the CP proposals on territory and stated at last week's special Kimberley congress, the Party has set out guidelines to mobilise our people to fight for their freedom and the right to govern themselves.

Then they go on to say in the third paragraph Mr Chairman, there are only three courses open to a people who wish to retain their freedom. The polling booth, through negotiations or by way of a freedom struggle which includes both passive and active resistance.

Then it reports further Mr Chairman that there were various functions and rallies planned and the purpose of the rallies was to mobilise our people and to inspire them to fight for their heritage and their traditions.

MR PRINSLOO: Mr Derby-Lewis, what did you understand by the term "mobilisation" and this decision taken by the Conservative Party?

MR DERBY-LEWIS: Well Mr Chairman, as a military man and I was very deeply involved in the military, mobilisation only means one thing, and that is you get ready for war.

I had already seen the situation develop Mr Chairman, as I motivated earlier, that the constitutional route had been closed, the CP refused to negotiate with the ANC and the SACP and my

assessment of the situation was that now we were actually ready for war, to carry out the objectives set by the late Dr Treurnicht when he called us up to the third freedom struggle on the 26th of May 1990.

MR PRINSLOO: Continue Mr Derby-Lewis.

MR DERBY-LEWIS: Mr Chairman, the second clipping the headline was "mobilise now for survival", Dr Ferdie Hartzenberg,

Then there was a report in the Citizen, CP mobilisation could include armed forces and then it quoted CP sources yesterday saying the Party had been planning its own armed group for some time.

MR PRINSLOO: Mr Derby-Lewis, in as far as this mobilisation was concerned, what groups or groupings if any, would it comprise?

MR DERBY-LEWIS: Mr Chairman, I think I must first of all refer to the information provided on page 5 of the bundle, which is actually entitled "mobilisation manual",

Five paragraphs down, it is stated in this manual that there are only three ways in which a people can obtain its freedom. One, at the polls, as I mentioned, two by negotiation or three, by a freedom struggle.

And as I have already confirmed Mr Chairman, those first two options were no longer available to us, even at the time when we entered this mobilisation period.

Mr Chairman, I think that it is also apt to mention at this time that although you will see nothing in this mobilisation manual itself, specifically committing the mobilisation to war, I want to just focus your attention on a previous extract from the newspaper which I quoted, which reported Dr Hartzenberg as saying that the introduction of an interim government, is tantamount to a declaration of war against us, and then he further said the CP was not going to put all its cards on the public table.

There was no doubt in my mind Mr Chairman, that the approval of this mobilisation programme although it didn't spell it out, was certainly preparation for warfare.

I think that I must also mention after those three ways, the second paragraph, the last sentence Mr Chairman, where congress, the members who attended the congress were told or asked to remember the prize which victory brings is freedom in our own fatherland.

If one looks, if one examines the various structures Mr Chairman, it is quite clear that the Party was calling on its members and its supporters to mobilise in all aspects of samelewing, the co-existence. It refers to religion, agriculture,

education, trade unions, and then a whole list factories, building industry, mines, transport, electricity supply, local government matters, post and telecommunications, security, local government, the youth, culture and the arts, the ladies, health, media, central State departments, academics, engineers and scientists, the legal profession, pensioners, sport, and business.

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Mr Chairman, broader than that in terms of mobilisation, I don't think you will ever find. I don't want to unnecessarily stress various things, and I don't want to burden the Committee with a lot of waffle, I know that we have already given a lot of information Mr Chairman, which we considered necessary, but even part of the mobilisation council, we had a freedom council, the leader of the mobilisation council was a military General, a retired military General, and this to me accentuated the fact that this was going to be a military operation, no matter what it looked like on paper.

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JUDGE NGOEPE: Mr Derby-Lewis, do I understand you to say that this document itself, if you go through it, it does not say so in so many words, that this was to be a military operation of some kind and you come to that conclusion firstly on the basis of your personal assessment of the plan as a military person and secondly with reference to the speeches that from time to time, had been made by people like Dr Hartzenberg?

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MR DERBY-LEWIS: That is correct Mr Chairman. In fact that is why I unfortunately had to burden the Committee with so many references to speeches, because it was from these speeches, I was trying to make clear the fact that the climate was building up to a situation of warfare, and in a wartime situation people act differently from what they act under normal circumstances.

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JUDGE NGOEPE: It is clearly your personal assessment of this plan to say that it was to be a military operation?

MR DERBY-LEWIS: Mr Chairman, besides my own personal assessment, many people within the Conservative Party with whom I discussed this whole mobilisation, were under a similar perception. They believed that we were getting ready to fight.

Dr Treurnicht had called us up to the third freedom struggle, Mr Chairman, which in terms of Afrikaner history only means one thing. The first freedom struggle took place in 1881 when the Afrikaners, the boere rose up against the British after they had illegally occupied the country in 1877 and they defeated them at the battle in Majuba, an actual war action. That was the first freedom struggle.

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The second freedom struggle in Afrikaner history Mr Chairman, refers to the 1899/1902 conflict. That was a war.

JUDGE NGOEPE: I appreciate that, but at the same time you have gone far outside the parameters of this document as I look

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at it, on the face of it. On the face of it, it does not give any indication that this was to be a military operation. On the face of it.

JUDGE WILSON: Can I draw my learned friend's attention to the last paragraph, main paragraph 1 on page 5 which starts off "meanwhile all Right-minded patriots have to urgently mobilise to favourably influence negotiations for our freedom and if necessary to conduct a freedom struggle."

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MR DERBY-LEWIS: Yes, thank you Mr Chairman, I think that clarifies it.

JUDGE NGOEPE: Are you saying that a freedom struggle in this context invariably and can only mean a military operation, is that what you are saying?

MR DERBY-LEWIS: That is what I am saying Mr Chairman. The first freedom struggle was a military operation, the second freedom struggle was a military operation.

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JUDGE NGOEPE: But you aren't suggesting that throughout your evidence, whenever you speak of freedom struggle you are referring to military operations, are you saying that? Are you saying that at all times, through your evidence, whenever you refer to a freedom struggle, we must at all times understand you to be referring to a military operation, is that what you are saying?

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MR DERBY-LEWIS: Mr Chairman, what I tried to do, to achieve with my presentation before this, was to create the climate of a military situation developing, a wartime situation developing.

JUDGE NGOEPE: I am concerned, Mr Derby-Lewis, I am concerned about, I am not worried about that, I am just worried about whether you are giving a fair evaluation of this document by simply looking at it and saying well, this was a military operation.

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I am trying to find out whether that is a fair assessment and construction of this document

MR DERBY-LEWIS: Yes. Well, as I explained Mr Chairman, with my military background, I only see this document as a mobilisation for war, which is indirectly a military operation. When you mobilise for war, it is military.

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JUDGE NGOEPE: And somebody may see it differently?

MR DERBY-LEWIS: Somebody may see it differently.

JUDGE NGOEPE: Thank you.

MR DERBY-LEWIS: But in view of the climate which existed, may people saw it the same way as I do.

JUDGE NGOEPE: Proceed, I appreciate your point.

MR DERBY-LEWIS: Thank you

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ADV POTGIETER: But in addition Mr Derby-Lewis, just before you continue, how are we to understand the penultimate paragraph on page 3 "additional mobilisation structure"?

CHAIRPERSON: I have it Mr Chairman.

ADV POTGIETER: It says it has to be stressed that obtaining another White election or success at the negotiating table will largely depend on the effective functioning of this additional structure. 10

MR DERBY-LEWIS: Yes, it says that Mr Chairman.

ADV POTGIETER: Yes, now how are we to understand, how are we to interpret this section in the light of your suggestion that what this manual really calls for is military action?

MR DERBY-LEWIS: I believe Mr Chairman, that a possible reason for this and I, you know this is only my personal opinion, but a possible reason for the inclusion of this was to ensure that not everybody just goes off on their own thing and start shooting at people. I think they were trying to introduce an element of control to avoid that situation happening. 20

ADV POTGIETER: No, but you see, doesn't this indicate that obtaining a general election for Whites or being successful at the negotiating table is still very much still envisaged in this manual? 30

MR DERBY-LEWIS: Mr Chairman, let me tell you that at this stage we knew that there was no possibility of a White general election.

ADV POTGIETER: But what was the sense of putting this into the document then?

MR DERBY-LEWIS: Well, that is why I say I think it was done to make sure that people didn't start operating like loose canons and doing their own thing all over. Because already you had a situation, if I can just refresh, return your attention to Addendum A, Mr Chairman, where we had all of those incidents of violence and bombing and so on, in spite of the fact that the CP hadn't officially declared war on anybody at that stage.

ADV POTGIETER: Thank you.

CHAIRPERSON: Do carry on.

MR DERBY-LEWIS: Thank you Mr Chairman.

MR PRINSLOO: Mr Derby-Lewis, in as far as this mobilisation plan is concerned, what role did you play in it?

MR DERBY-LEWIS: Well, Mr Chairman, as can be seen from document on page 10, Derby-Lewis Municipal by-election visiting cards, I was busy with a municipal by-election, but in addition to this, if you go to page 4 Mr Chairman, you will see that I actually sent out a circular to everyone in Krugersdorp as the mobilisation leader of the Krugersdorp mobilisation action, which was my

capacity in this case, where I state that our future will depend on the extent to which we achieve a state of readiness for any eventuality over the next few months.

Besides being prepared as far as security is concerned, we must also be prepared politically and with this in mind, we must ensure that each resident is registered as a voter at his/her present place of residence. And then it goes on to motivate that.

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Because besides this Mr Chairman, I had information of a pending municipal by-election. I included registration cards so that the people could use this as a part of the mobilisation action and prepare themselves politically

If you go to the, Mr Chairman, to the last two pages, the attachment these were forms which had to be completed by people in respect of the mobilisation in Krugersdorp, the second one, the very back page, is one which is in English for your convenience and it is addressed to everybody in Krugersdorp, regardless of their political affiliations or whatever and it states the moment of truth is upon us.

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APLA terrorists have openly declared war against Whites. The armed wing of the ANC, Umkhonto weSizwe, has been waging a mau-mau type of warfare against the elderly, women and children, since the unbanning of ANC/SACP and the PAC on the 2nd of February 1990.

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Since the release of tens of thousands of criminals, the return of thousands of trained ANC/SACP/PAC terrorists and the suspension of the death penalty, the crime rate has escalated to almost anarchical proportions.

In November 1990 at a seminar organised by the Human Sciences Research Council, alarm was expressed over the fact that South Africa's crime rate was approaching a crime a minute level with 400 000 crimes committed every year. And it goes on with the offences Mr Chairman, I don't intend repeating that.

And then it says here in a judgment on the 28th of February 1992 Justice Thirion had the following to say: -

"At the last election Minnie Mouse politicians promised a new South Africa, instead they have taken the old South Africa with all of its faults and have turned it into an incubator of political intrigue, violence and lawlessness."

Then it goes on to say Mr Chairman, the time has come for us to organise our own security at local level. To facilitate the matter, I have enclosed herewith a form for your urgent completion. And this was distributed by the particular homeguard co-ordinator, whose name and address is provided on the form, Mr Chairman, and I can assure you I have received hundreds of these forms completed and if you have a look at the questionnaire

itself, after the personal details, regarding the family residence at a certain place, the first question is "weaponry - is your family armed? Yes/No - delete where necessary".

"Are all familiar with the use?" No. "Are any members interested in receiving self-defence training?" Yes. "If so, please give their names, so and so". Then the next question Mr Chairman, "do any members of the family have a military or emergency service obligations?"

I think it was clear from that form as to what the general trend of the mobilisation was. And this was an approved form which was produced by the CP in Krugersdorp Mr Chairman. Those telephone numbers which are reflected there, were actually the CP's numbers as well as my own, personal number and the personal telephone number of the Chairman of the Conservative Party in the Krugersdorp constituency.

MR PRINSLOO: Mr Derby-Lewis, were people trained as far as military is concerned?

MR DERBY-LEWIS: Yes, Mr Chairman, I personally assisted in terms of the training of people in self-defence. In Krugersdorp when I was there, because at this stage Mr Chairman, I was a member of the President's Council and I found myself in the situation where I was spending two weeks of my life in

Krugersdorp and then having to go down to Cape Town, to spend two weeks of my life down there.

So instead of standing idle down in the Cape, I also introduced and effected self-defence training in Cape Town, so that on the weekends, when I had a bit of spare time, this was what people were assisted with. 10

MR PRINSLOO: Mr Derby-Lewis, were any use made of people from the AWB in as far as providing training was concerned?

MR DERBY-LEWIS: Yes, Mr Chairman. In Cape Town, the man who co-ordinated the training and gave us an excellent form of training, was a gentleman by the name of Keith Conroy who was a prominent member of the, I think it was the Ystergarde of (indistinct), one of their military organisations within the AWB.

MR PRINSLOO: Did members of the AWB and other Right organisations take part in this mobilisation? 20

MR DERBY-LEWIS: Yes, certainly Mr Chairman and this is borne out by the fact and I want to refer back to the incident which occurred in Krugersdorp when we stopped the ANC from marching through the town.

We used mobilisation structures to contact all of these people and they came very quickly, at very short notice.

MR PRINSLOO: The organisation "Boere Krisis Aksie", did they take part in this plan or not? 30

MR DERBY-LEWIS: Mr Chairman, members of all organisations on the Right, were involved. In our grouping there were farmers who I assume were members of the Boere Krisis Aksie as well, because that was an organisation which was as far as I know, aimed at militarily protecting the farms and residences of the farming community and people will remember that the Boere Krisis Aksie was already in operation in 1992 when they carried out the siege of Pretoria and caused a lot of attention to be focused on their activities.

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MR PRINSLOO: And as far as the BWB is concerned, the Boere Weerstandbeweging?

MR DERBY-LEWIS: Mr Chairman, I can assure you that there were members from a broad spectrum. But we didn't ask people what organisations they belonged to.

We were grateful for everybody's help.

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MR PRINSLOO: Is there anything else you would want to refer the Commission to as far as this document A2 is concerned?

MR DERBY-LEWIS: Mr Chairman, yes, certainly Mr Chairman. I think if you have a look at item 12, the Natal mobilisation action, they were also actively involved.

And there were various actions which were running concurrently with this mobilisation. For example Mr Chairman, on item 11, which is a copy of a memorandum which I sent to the

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CP planning committee on Natal in September 1992, I actually drew their attention to the fact that the Transvaal Congress the following motion was put before the Congress. Congress discussed ways and means of determining the wishes of Whites outside the constituencies which the CP now holds in terms of Article 27, paragraph (n) of the General Council's Recommendations which were accepted at the Kimberley special congress.

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This was in terms of constitutional development Mr Chairman, and my suggestion was that in urban constituencies where we have no member of Parliament, we undertake a survey of say every fifth house along the lines of the attached survey sheet which is used there and which was used in Natal Mr Chairman, which you will see from the next item, now being used in parts of Durban.

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The rural areas of Natal have already been surveyed along other lines and a copy of the survey sheet will be faxed to us tomorrow. That survey sheet Mr Chairman, is item - well it is part of item 12, which is all of the various documentation from for example J.H. Mushman, who was Chairman of the (indistinct) CP branch, he was also a member of the Natal Executive.

Then there was this form that had to be completed, then the one about the land for White freedom, the land for KwaZulu, the

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land for the new South Africa, in other words, they were asking farmers to indicate that should we be able to negotiate a territory or organise a territory for the Afrikaner self-determination to be exercised, that they must indicate whether they wanted their farms included in that territory.

The OFS had decided on their own to undertake referenda to determine the opinion of people and the leader of the CP in the Free State was involved with that. During 1990, the Transvaal rural areas were surveyed by the farming community and the result was that 96 percent of those farmers said they wanted to be in a White State.

In the Cape, certain towns have already held referenda under the auspices of the CP and the results can be ascertained through Mr Jan Hoon. The Cape farming community should be polled individually on the same basis as is now being done in Natal.

So, what we were doing Mr Chairman, besides preparing for war and besides organising our people and mobilising them in every area, we were also starting to identify the territory which we were going to claim as the territory which belonged to the Afrikaner.

I think Mr Chairman, that I must go back to item 7 which was the address by Dr Treurnicht at the launching of the CP's mobilisation campaign which states as follows:

"Communism in South Africa is alive and well and the mobilisation will oppose the blatant challenge of the ANC/SACP/APLA through co-ordinated action and resistance where necessary in the interest of our freedom, our people and our country."

He quoted the quotation which I mentioned earlier for communists even peace is war, negotiations is a site for the struggle, negotiations is war and of course, war is war.

Dr Treurnicht's reaction to this statement was as follows:

"Do the Mandelas, Hanis, Tambos, Ronnie Kasrils, and the Ramaphosas think they will be able to carry out their plans without resistance? If they believe that they can paralyse this country and make it ungovernable, do they think that there is no possibility of a counter strategy?"

We can also say the following "those who live by the sword, must beware that they do not die by the sword".

In my opinion Mr Chairman, this statement clearly encourages an eye for an eye, a tooth for a tooth type of resistance to the ANC/SACP alliance.

MR PRINSLOO: Mr Derby-Lewis, insofar as the reference pertaining to the CP recreation is concerned, will you address the meeting as far as that is concerned?

MR DERBY-LEWIS: Certainly Mr Chairman. I wish to draw the Committee's attention to the fact that the CP is not individuals, the CP is an organisation which is governed by a programme of principles and a constitution which initially was composed and was confirmed and approved at a full congress of the Conservative Party.

Unfortunately Mr Chairman, I do not have a copy of the programme of Principles and Constitution for everyone, I only have this one which I had with me in prison, but I would just like to quote an extract from here as far as disciplinary action is concerned, in terms of how the CP would then repudiate somebody with whom they disagreed.

The following people and instances have the authority to apply discipline and punishment measures. The first one is the leader of the Conservative Party. He is in fact Mr Chairman, the only individual who can profess to speak on behalf of the CP in matters of this nature.

And otherwise a General Congress has to do it, the General Council can do it in certain areas, the Executive of the General Council can do it in certain areas, the Provincial Congress under

certain conditions, the Provincial Party Councils under certain conditions. The Executives of Party Councils in certain circumstances. Constituency Councils in certain circumstances. The Executive of a Constituency Council, branch Executives, but as I mentioned first of all Mr Chairman, no individual other than the Conservative Party, can take any type of disciplinary action against another member of the Conservative Party on his own without it being confirmed by one of these bodies, and that is why I said yesterday that I have not been repudiated by the CP in any situation.

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I think that it is also necessary Mr Chairman, to draw your attention to the statements which were issued officially on behalf of the CP. On the 10th of April 1993, it is very brief Mr Chairman, and I don't think, if you want a copy, we can make the copy available, but you will see it is very brief - the subject the death of Chris Hani.

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"I have been advised this afternoon of the death of Mr Chris Hani this morning, in a shooting incident. At this stage I do not have full information regarding the incident and it is unclear what the motive of the incident was. We will be watching the investigation with interest." That was the Conservative Party's spokesman on Justice on behalf of the Conservative Party and in his capacity.

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MR PRINSLOO: The name of the member?

MR DERBY-LEWIS: Sorry Mr Chairman, the name of the Conservative Party was the Member of Parliament for Roodepoort at that stage, Mr J.J.S. Prinsloo.

As I said it was issued on the 10th of April and it was issued in his capacity on behalf of the CP, MP of the CP and spokesman on Justice. 10

Then Mr Chairman, there is a quotation here in the Rapport newspaper, the 18th of the 4th, '93, that was the day after my arrest.

"Dr Pieter Mulder, Member of Parliament for Schweizer-Reneke and the CP's official spokesman as Chief of Information, yesterday said that he cannot yet react because he doesn't know whether Mr Derby-Lewis has been taken into custody on a charge or not, or whether he is just being held for questioning." 20

Then it is very interesting Mr Chairman, we have two versions of a statement, credited to Mr Tom Langley. The first version was reported in English and which says the following. This is the journalist now saying the Conservative Party also condemned the killing.

"We must renounce violence, whatever side of the political spectrum it hits" 30

said CP spokesman Thomas Langley

"If there is one thing that must arise from Mr Hani's death, it is a further emphasis on the consequences of violence."

But the Afrikaans version, reported on the 11th of the 4th in the Rapport Mr Chairman, and I am quite sure that Mr Langley would have issued the statement in Afrikaans, there is no comment here about the CP condemning the killing. All that it says is -

"The Conservative Party's Chief negotiator, which gives him no capacity to speak on behalf of the CP, Mr Tom Langley has said that he is convinced that he would speak on behalf of his Party and his leader if he indicates that the position of the CP with regard to violence, is widely known. There should be stronger action against it".

That was his statement Mr Chairman. And as I said, if you recall the information I provided you from the constitution and the programme of Principles of the Conservative Party, no individual has the right to present himself as speaking on behalf of the Conservative Party in terms of disciplinary actions which would be necessary in a situation like this, and I can tell you Mr Chairman, that it is now 1997, I have never, at any time, received

notification of any disciplinary action that was taken against me by the Conservative Party, either at branch or a constituency or a Province or the General Council Mr Chairman.

MS KHAMPEPE: Mr Derby-Lewis, may I interpose. Has that document been discovered the one dealing with the disciplinary actions? 10

MR DERBY-LEWIS: Sorry Mr Chairman.

MS KHAMPEPE: Has the document dealing with the disciplinary action been discovered, is it forming part of your bundles?

MR DERBY-LEWIS: No, it hasn't been discovered Mr Chairman, as I explained before I started quoting from this, I only have the one copy, but if you wish, I can provide you with a copy of the relevant information regarding the carrying out of disciplinary measures, if you desire so. 20

MS KHAMPEPE: We would appreciate one.

MR DERBY-LEWIS: Thank you Mr Chairman, with pleasure. Then Mr Chairman, and I must tell you that after I was arrested, I received so many visits, so many letters, so many messages of support, that I was overwhelmed.

I couldn't reply to the volume of letters which I received, and I am sincerely sorry, even to this day, that I couldn't, I tried at the beginning to write back and thank the people, but eventually it became impossible Mr Chairman. 30

The support which I received from the Conservative Party was most gratifying. I want to refer you to a report which will indicate what I am saying, is true. On the 3rd of October 1993, Mr Chairman, where it was reported here, sorry in the Rapport newspaper I think, yes Rapport, the journalist Z.B. du Toit and the paragraph reads as follows, and I will read it particularly slowly so that the translation can come through Mr Chairman:

"The Right-wing has thus far made no secret of their strong sympathy with the accused. In an unprecedented step legal costs are also being raised, funding for legal costs are being raised. Calls to contribute to this Trust Fund or this Fund, has been made on regular occasions during past months at Right-wing gatherings, amongst others at congresses of... (tape ends) ... people on the Right already, after it had become clear that the Derby-Lewis couple would not have sufficient funds for the legal costs. The CP MP for Roodeplaat, Mr Daan du Plessis, is the Chair of the efforts to raise this funding."

Does that sound like repudiation or does that sound like it was obvious to these people that I was acting on behalf of the CP when it happened and that I was acting in support of the CP when it happened?

Very clearly Mr Chairman, and even until today Mr Chairman, had it not been for restrictions placed on my visits after the death penalty was abolished and we were all left in limbo in which we still are in today, where we are not sentenced to death anymore, but we are not sentenced to anything else, so we can't do anything constructive while we are in prison, we have to sit and try and occupy ourselves with keeping busy with studies or hobbies or something like that, instead of making a constructive contribution towards our own well-being through generating some form of income in the prison, we are still sentenced to death Mr Chairman, but what happened was when the death penalty was removed, at that stage, we were as people condemned to death, entitled to unlimited visits and I had visits, and visits, and visits.

Then the constitutional court declared that the death penalty was no longer constitutional so they removed the death penalty and with the removal of the death penalty, they removed our benefits but gave us nothing in return. We then went to a situation where we were allowed 48 visits each of a duration of 40 minutes per year.

Which doesn't even work out Mr Chairman, to one visit per month and in those 40 minutes, yes Mr Chairman .

JUDGE WILSON: 48 a year you say doesn't work out to one a month?

MR DERBY-LEWIS: No sir.

JUDGE WILSON: One a week?

MR DERBY-LEWIS: Sorry Mr Chairman, sorry, sorry. Sorry Mr Chairman, I stand corrected, that is what I wanted to say. I feel so strongly about this Mr Chairman, and fortunately the situation is now being remedied, but it took us a long time to effect that. 10

And I found myself in the situation then Mr Chairman, where I had numerous people who wanted to come and visit me, but had to be included in that 40 minute visit, less than one a week.

And I was allowed a maximum of 5 people for 40 minutes. And I can assure you Mr Chairman, that to visit with your loved ones and I have a wife and I have two children and a son-in-law and his fiancée, that takes up the five people Mr Chairman, and that gives me less than one visit a week with them, in order to continue meaningful contact only with my family. 20

But now as I said, that situation has from the 1st of August been remedied by the present Head of the Prison, Mr Saletwa, and I want to say here Mr Chairman, that we were extremely grateful 30

to him and will always be grateful to him for that. That is really a meaningful improvement in our conditions in prison.

JUDGE NGOEPE: Before you go on, do you know whether the Conservative Party reacted to the remarks attributed to Mr Tom Langley, do you know whether they repudiated him or in any way responded to his remarks?

MR DERBY-LEWIS: I don't think, to the best of my knowledge, Mr Chairman, there was no response to his remarks, but then I must also say that I am not really in a position to comment on that, because I was placed under Article 29 detention, I had no access to newspapers, or radio reports or anything like that, I was totally isolated from outside.

JUDGE NGOEPE: Though it appears from the material that you submitted to us subsequently you did make some quite extensive research or collection of newspaper articles?

MR DERBY-LEWIS: Yes, Mr Chairman, that is correct to motivate my application, but to the best of my knowledge, he wasn't repudiated, but then why would they find it necessary to repudiate him? He didn't criticise me.

JUDGE NGOEPE: I thought you criticised him.

MR DERBY-LEWIS: No, I didn't criticise him Mr Chairman. I just said he was making a statement which he intimated was on behalf of the CP, which he had in terms of the constitution

JUDGE NGOEPE: You said he didn't have the authority to

MR DERBY-LEWIS: Pardon?

JUDGE NGOEPE: You said he didn't have the authority to do that statement.

MR DERBY-LEWIS: I said he didn't have the authority yes, but that is a comment, that is not, I am stating a fact. 10

JUDGE NGOEPE: Yes, that is what I mean. I wanted to know whether they repudiated him for having made a statement which you say he didn't have the authority to do.

MR DERBY-LEWIS: I can't see any reason for the CP repudiating him for making that statement because it was a harmless statement and it wasn't criticising me personally. If Mr Chairman, he had criticised me personally and I became aware of that, I would then have lodged a complaint against him at the Council, but there was no need for that because he didn't personally criticise me. 20

JUDGE NGOEPE: Why do you say that, why do you say you don't see any reason for them to do that, if you say that he didn't have any authority to speak on their behalf? That is an organisation, it has got a constitution, you have told us the various authorities with certain powers and then somebody goes to speak on the press and you say he didn't have any authority, 30

why do you say you don't see any reason why they would not repudiate him?

MR DERBY-LEWIS: Well Mr Chairman, as I said, if it is decided that no harm was done, then it is such a minor matter that there was no reason to publicly repudiate him.

JUDGE NGOEPE: It doesn't seem to be that minor. Any way, go on.

MR DERBY-LEWIS: Then Mr Chairman, I also have a clipping here from, I am not sure what newspaper it is, the Sunday Star of the 17th of October 1993, shortly, less than 24 hours after my wife had been acquitted of the late Chris Hani's murder, the report says in the Sunday Star

"Gaye Derby-Lewis acquitted this week of Chris Hani's murder, was the idol of the Right yesterday at an emotional rally in Pretoria".

She is photographed on a platform together with the leader, the new leader of the CP at that stage, Dr Ferdie Hartzenberg and also by General Constand Viljoen, who was a co-leader with Dr Hartzenberg of the Afrikaner Volksfront.

JUDGE WILSON: Have you seen, we have been given a volume of press cuttings, have you seen it?

MR DERBY-LEWIS: Yes, Mr Chairman.

JUDGE WILSON: Because I see that at the time it was alleged that the leader of the Conservative Party, Dr Ferdie Hartzenberg, said that the CP did not kill people.

MR DERBY-LEWIS: Mr Chairman, at the time of the late Mr Chris Hani's assassination, Dr Hartzenberg was not the leader of the CP. Dr Treurnicht was the leader of the CP at that stage.

JUDGE WILSON: Deputy, he was the Deputy leader.

MR DERBY-LEWIS: That is correct Mr Chairman, but remember I drew your attention to the constitution that says only the leader can speak on his own on behalf of the CP and it be considered to be CP policy.

And then, sorry, if I can also say Mr Chairman, at that stage, there was doubt regarding the involvement of myself as well.

ADV POTGIETER: But was there a CP statement directly in support of you?

MR DERBY-LEWIS: Mr Chairman, the actions of the CP were all I needed to indicate their support of me.

ADV POTGIETER: So was there no report directly supporting you?

MR DERBY-LEWIS: Well Mr Chairman, I have already mentioned the fact that they launched a special fund to support

my case in court. That was official CP action that was approved at CP congresses as laid down by the constitution.

ADV POTGIETER: Yes, but apart from the press release of Mr Knoetze, that you spoke about and Mr Tom Langley, apart from those two, one said that they are watching the investigation with interest, that is non-committal and Tom Langley said that the, taking the Rapport's article it says that the CP's view on violence is clear, stronger action should be taken against that.

MR DERBY-LEWIS: Yes, that is right.

ADV POTGIETER: Now, apart from that, has there been any article where the CP in fact directly supported you?

MR DERBY-LEWIS: Mr Chairman, at that time I wasn't, there was no charge laid against me, I was arrested and nobody knew what the details were, but when the Party became aware of the fact that I was charged for murder, they launched these actions.

I can go back and refer to all of the newspapers and the Congress documents and bring those to you where people called for support for me, if it is necessary, but I believe that the fact that they raised R100 000 in such a short time, Mr Chairman, I can assure you that the CP doesn't have access to big business for funds, then that Sir, what more indication of support does one need.

03 ADV POTGIETER: Yes, but in the context of statements, that is the context that we speak about here? There has been none, or what?

MR DERBY-LEWIS: Mr Chairman, to me, deeds are more important than statements. Actions are more important than statements.

20 CHAIRPERSON: We have heard, you have been referring us to numerous extracts from press reports and so on and I think for the purpose of this question is, are you aware of a report in any article in any paper, which said that the CP condones or supports your action?

MR DERBY-LEWIS: I can't say that Mr Chairman, I haven't launched such an investigation.

CHAIRPERSON: I think that is what ...

MR DERBY-LEWIS: And I haven't taken particular note of that either, I was only interested in what I experienced.

CHAIRPERSON: Do carry on.

MR PRINSLOO: Just a moment's indulgence Mr Chairman.

01 MR DERBY-LEWIS: Mr Chairman, I think that it is then necessary if the Committee needs documentary proof of the support of the CP for me, then I am prepared to hand in this document which is under the official letterhead of the

06 Conservative Party of South Africa, and it is headed "regshulpsfonds/legal aid fund - collection list/kollektelys".

"This list is for contributions towards the legal aid fund which has been created by the CP for Mr & Mrs Clive Derby-Lewis and other CP supporters who, for whatever reason may be charged and/or convicted in the defence of their fatherland."

02 And then underneath Mr Chairman, it is signed by my good friend, Councillor Willie Horn who was the Trustee of the legal aid fund and once again the official motto of the CP to show the reliability of the document was also included, mobilise for freedom, so it was an official document.

And as I say, if you require it Mr Chairman, I am prepared to let you have it, thank you.

01 And now Mr Chairman, I have a clipping here from the Citizen from the 19th of April 1993.

"Acting Conservative Party leader, Mr Ferdie Hartsenberg would not comment on Mr Derby-Lewis' arrest. He said it would be inappropriate as the matter was *sub-judice*. He was not in a position to respond to any questions as it was still unclear whether Mr Derby-Lewis had been arrested on a charge or just taken in for questioning."

08 Does the Committee require this document Mr Chairman? Then the Citizen clipping again, the 24th of the 4th, 1993. Headed "the struggle goes on, says Ferdie." It said here,

"In political circles yesterday it was said the CP faced three major issues at present, a new leader to succeed Dr Treurnicht, the negotiation process and the detention of right-wingers following the assassination of ANC Secretary General,"

ANC, oh that is the media again,

02 "Mr Chris Hani. Asked if this did not cause a crisis within the CP, Dr Hartzenberg said he saw no tensions or problems arising within the Party on these issues. 'We are fighting for a cause and there are not differences within the Party on that cause or on the methods we are using in our struggle for self-determination. There is no semblance of a crisis within the CP', said Dr Hartzenberg".

01 I am quite prepared to make this document available if it is required Mr Chairman.

Then on 16th of May 1993 Mr Chairman, a report from the Rapport newspaper with the headline "It is Ferdie, KP verras met Snyman", announcement of the new leadership and then it says here,

0C "A combative Dr Hartzenberg was elected unanimously in place of Dr Andries Treurnicht and immediately gave this message to the world. He would rather lose his life, than to mar the freedom of his people. He will sacrifice all material things and if necessary and unavoidably blood."

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Mr Chairman, I think I have covered the question of the CP support as fully as I can. If the Committee needs further information, I am quite happy to provide it and I will make these documents available to the Committee.

02 CHAIRPERSON: Mr Prinsloo, I have listened very, very carefully to all that has been said about what happened from 1990 onwards, what happened after the arrest. When are we going to deal with precisely what occurred at the time of the killing of Mr Hanu and the role your client played in that? When are we going to deal with that?

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01 MR PRINSLOO: Mr Chairman, as we indicated this morning, we will require an adjournment in order to get the documentation and tapes which has already been referred to earlier. We want to put that as a whole in evidence of our client as we have indicated this morning.

CHAIRPERSON: I can understand you requiring your tapes, but surely Mr Derby-Lewis is he not prepared, is he not in a position

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08 to tell us what he did and what his participation was apart from whatever others may say?

MR PRINSLOO: Yes, he is prepared Mr Chairman, but the situation is the statements made available by Mr Bizos, which is apparent from what is indicated to us by the Committee, that it is relevant at this stage, the statements during the Section 29 detention, that we want to put that to the Commission as a whole, instead of him putting his evidence pertaining to that piece meal, because there is prejudice involved, and that is why we will ask the indulgence of the Committee.

20 JUDGE WILSON: He was asked, you were asked by the Chairman about how he came to kill Mr Hani. That he doesn't have to look at statements and things, does he?

01 MR PRINSLOO: Correct Mr Chairman, I am not suggesting that he must look at statements. We are saying that we want to present the case of the client, the applicant at least, as a whole and that pertains to those statements. He will make reference to those statements, because that is what appears from what the Committee has indicated, what is relevant, we have already indicated to the Committee earlier, the client was advised to the contrary and for that reason we will ask the Committee's indulgence. That is what we addressed the Committee about this morning, Mr Chairman.

CHAIRPERSON: Is there any other aspect of the matter on which Mr Derby-Lewis can give evidence at this stage?

MR PRINSLOO: It is one o'clock at this stage. We will ask for an adjournment and then we will ask your indulgence if he approached you in Chambers, and after we have consulted with our client in this regard.

CHAIRPERSON: I know it is nearly one o'clock, but my question is are there no other matter or any other aspect of the matter on which he can give evidence at this stage?

MR PRINSLOO: No Mr Chairman.

MR BIZOS: Mr Chairman, may I say something in relation to the matter?

CHAIRPERSON: Yes.

MR BIZOS: An application for amnesty has been filed. It is before you. Mr Derby-Lewis has set out in that application how he came to be involved in the murder of Mr Hani. Is he not prepared to say to the Committee at this stage, what he himself has said in that application, what is the problem about that?

He was quite happy to take us through the long history on the basis of what he had put to the Committee and introduced new material, he has put a document before this Committee which deals with the vital issues that the Committee is concerned with.

06 Is he not prepared to tell us that, or is he going to repudiate that? Are we not entitled to know whether this application for amnesty was an honest application or not and whether he is going to proceed with it? And if he is going to proceed with it, why can't he deal with that portion of the form in the application that he has made? 10

CHAIRPERSON: How would it prejudice your client Mr Prinsloo if that aspect of the evidence is led?

02 MR PRINSLOO: Mr Chairman, it will indeed, with respect, prejudice our client as the statements which the Committee is of the view, is relevant, contains the information fully described certain events in this issue, and our client has instructed us that he will deal with those statements and our problem is —

CHAIRPERSON: I will like to take this down. Your client has instructed you to do what? 20

JUDGE WILSON: He will deal with those statements.

01 MR PRINSLOO: He will deal with the statements once we have had the statements Mr Chairman, and he will give his evidence as far as that is concerned. But in complete Mr Chairman and not in piece meal

JUDGE WILSON: But you've had those statements since nine o'clock on Monday morning. 30

03 MR PRINSLOO: With respect Mr Chairman, if one looks, there is one statement which purports to be written by our client, the other documents there refers to tape recordings which is indeed with respect, not complete Mr Chairman. There are other documents which does not form part of the docket which you have indicated at various times to the Committee, with respect. 10

20 And it would appear that those documents were in possession of Mr Bizos, it doesn't form part of the docket and we are unable to make an assessment without going through those documents and then decide properly how to present them Mr Chairman, that is the problem that is presented to us.

We have advised our client at that stage, that the Section 29 detention period, is not relevant to this as we regarded it as being inadmissible. We have at this stage, up till now Mr Chairman, our client not prepared to make a statement with regard to Mr Hani's death. It is a matter of consulting him properly with regard to this documents. They are not complete. 20

01 And that is why I have taken the trouble to speak to Captain Holmes in order to obtain those tapes, I have asked Mr Bizos yesterday and he said he did not have them, that is why I went to the trouble this morning, to obtain them and Captain Holmes indicated he will have them at his office before lunch, which is today, together with the docket and other documents. 30

06 So I would respectfully request the Honourable Committee, to grant us the indulgence in order for us to approach Captain Holmes, which is now at the lunch adjournment and see what we can get from him and then report back to the Committee.

CHAIRPERSON: Yes, for how long do you want this adjournment Mr Prinsloo? 10

02 MR PRINSLOO: Mr Chairman, at this stage, it is about the lunch adjournment at one o'clock, we will approach Captain Holmes, if I can find him as soon as I can, it is difficult for me to say how long it will take to go through the documents and what he has got.

That is why I would like to suggest Mr Chairman, if we could get hold of Captain Holmes with the documents that he has got and tapes and then we will report back to the Committee at two o'clock. 20

01 JUDGE NGOEPE: I am sure the Chairman will apply his mind to your request, but perhaps it should be stated Mr Prinsloo, that one would have thought that because your client is applying for amnesty in respect of a particular incident, he knows better than anyone else what the truth is, irrespective of what stands in the documents that you are complaining about, and secondly it must be remembered Mr Prinsloo that last time, two months ago, the family of the deceased made an application for a postponement. 30

0C That application was strenuously opposed by the applicants, and one would have thought that the implication was that you were prepared to proceed with the matter then and it is not easy to understand some of the problems that you have now.

If two months ago you were so prepared as to strenuously oppose an application for a postponement. I understand you with regard to the tapes and whatever, but it becomes difficult to understand if your client, as I say, better than anyone else knows exactly what happened with regard to the incident, irrespective of what stands in those cassettes.

The shadow of which in any event, you have in bundle R4?

02 JUDGE WILSON: If you do not want your client to commit himself in any way till you've seen the documents and you can advise him about it, surely he knows what happened, he can tell us.

01 CHAIRPERSON: Mr Prinsloo, we are going to take, I realise the importance of all this to your client and to everybody else, we are going to take the adjournment at this stage and I hope when we resume, we will be able to make much more progress and I hope without too much delay.

I am now going to adjourn until two o'clock.

COMMITTEE ADJOURNS

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