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Interviewer	<p>I am talking here with general Johan van der Merwe, former commissioner of the South African police force about the incident when rev. Frank Chikane was poisoned.</p> <p>General, could you tell us about this incident and how the planning was done for it.</p>
Johan	<p>I attended a meeting in 1987 at the command headquarters of the South African defence force in Pretoria. The late general Kat Liebenberg, who was at that stage chief of the army, was the chairman of the meeting</p> <p>General Kat Liebenberg explained at the meeting that he had received orders from higher authority, he obviously didn't elaborate on who that higher authority was, that there must be more decisive actions against political activists who promoted civil unrest en were responsible for creating chaos and violence in the country.</p> <p>Members of the intelligence services attended the meeting, among others, the section military intelligence, the security branch and national intelligence. I can't remember who the persons were, and to be quite honest I didn't give much attention about what was going on during that meeting because one attended so many of these meetings that things sometime pass your memory.</p>

The modus operandi of the planned actions was discussed and general Liebenberg stressed the fact that in cases where all other efforts failed, such an activist had to be killed.

While it was considered at the meeting what kind of actions should be taken, it was decided that national intelligence would focus on activists abroad, the security branch would internally and the defence force the neighbouring states.

When I say abroad, I mean Europe and other countries would be for national intelligence while the defence force would concentrate on the countries around south Africa.

At that stage the precise kind of actions were not particularly stipulated and it was left to the people there to take action in consultation with their different departments.

They also handed out a list to everybody that I believed was compiled by military intelligence, with the names of the activists on it. I can still recall that rev. Chikane's name was at the top of the list. Joe Slovo was also there. There were several other people's names on there as well, but I can't remember them.

Afterwards I went to Mr. Adriaan Vlok, the minister of law and order, to discuss the matter with him. I thought he would know about it seeing the orders had come from higher authority. I handed the list to Mr. Vlok and explained to him what was discussed at the meeting. He was completely taken aback and said, no, he didn't know anything about it.

I then told him, well, we now have two choices, either he go and ask Mr. PW Botha or general Magnus Malan if we have to carry out these orders. We couldn't just leave the issue as it is while it was clear it had some kind of official blessing. The list didn't just fell from the sky.

Mr. Vlok said no there is no way that he is going to talk to Mr. Botha or general Malan about it. This is not done. In any case we decided to put such a project in place and focus on the activists.

I then approached general Sarel Strydom. He came from Pietersburg and took over command in South West Africa, which later became Namibia, from me, and was subsequently transferred, back to security headquarters. We decided he was the right person for the project. He was a very experienced security branch officer, somebody with a cool head who wouldn't summarily kill somebody.

Decided to give him the task of attending to the activists. He then appointed people he knew, colonel Gert Otto and colonel Manie van Staden, to assist him, and I explained that everything possible should be done to disrupt those activists' activities.

It was the principle idea that the influence they had and the activities they were involved with had to be disrupted by any means possible.

And we explained this to him and said that in the most extreme

circumstances people may be killed, but Mr. Vlok then still added that in such extreme cases he should be approached before such a person were to be eliminated.

General Strydom went away and held meeting with all the divisional commanders of the security branch countrywide about this issue. Firstly to coordinate the steps against the activists which were at that stage already well under way with the state of emergency in the country, people were detained and to a certain extent all the judicial support available were utilised to act against the activists.

We couldn't do more than we did, but for safety's sake we consulted with all the divisional commanders to find out what more could be done and the ideas were exchanged whereas in most serious cases where a person's activities was endangering the safety of the country, that it may have become necessary to consider taking his life.

Now, with almost no exception the divisional commanders stood fast and said, no they do not kill people. Not one of them was prepared to become involved in such actions.

Now like this general Strydom was struggling and reported from time to time back to me and Mr. Vlok about a process that was going nowhere, because at that stage everything possible was being done.

We reached the point that there was nothing left to think of something new and original to act against these people. Be it as it may, the process carried on and here in 1989 general Strydom came to me and said, no he had enough of this story. The process wasn't working, nothing was happening and he didn't want to carry on with it any longer.

I subsequently arranged for him to be transferred as divisional commissioner Northern Transvaal and he was replaced by general Chris Smit. The other two members, colonels Otto and Van Staden, stayed with general Chris Smit.

In the meantime I was promoted in October 1989 to deputy commissioner and transferred to the uniform branch. I was replaced by general Basie Smit who came from the detective branch and was then already for a while at the security branch. Being a detective, he didn't have much experience at the security branch and I stayed chiefly in command of the security branch although he took direct command of the security branch, that was general Basie Smit.

General Chris Smit, Gert Otto and Manie van Staden then carried on with the project and they made contact with Wouter Basson. Wouter Basson introduced them to his people where he was involved with the defence force's research laboratories who, among others, researched certain toxic substances and other things.

Wouter Basson then introduced dr. Immelmann to them. They

	<p>obviously all used pseudonyms. This dr. Immelmann told them he had a substance that would give a victim a heart attack. It was a painless death and couldn't be easily traced.</p> <p>They then, actually general Smit then decided he was going to use this in the case of rev. Chikane. He and colonel Otto then on a day, they received information that rev. Chikane was on April 23, 1989 on his way to Windhoek. They then took the poison they acquired from dr. Immelmann to the airport, intercept his suitcase and spray some of this substance on his underwear. The reverend left for Windhoek where put some of these doctored underwear on and fell ill. He was hospitalised and treated. He recovered and later on left for America.</p> <p>There he used the same suitcase with the same underwear. He became ill again and the tests conducted in the hospital they discovered that he was poisoned with this particular toxic substance. It was called paraoxi.</p> <p>They treated him recovered and returned to South Africa. The situation later on developed that dr. Wouter Basson was charged for several murders, among others, that of rev. Chikane.</p> <p>Now during his hearing adv. Anton Ackermann and Torie Pretorius approached Chris Smit, Gert Otto and Manie van Staden and accused them of being involved in the incident with rev. Chikane.</p> <p>They explained that they knew nothing about it. They explained what kind of work they were doing and with what they were involved. They denied any complicity and were offered to testify in terms of Section 204 of the Criminal Procedures Act meaning that if they testified to the satisfaction of the court they would we indemnify from any prosecution.</p> <p>But the three declined and explained they knew nothing and therefore there was nothing to could testify about. They then carried on charging dr. Wouter Basson for murder. They made use of...</p>
Interviewer	It wasn't murder. It was attempted murder.
Johan	<p>Attempted murder, yes, I said murder, my apologies.</p> <p>They, among other, made use of witnesses like Charles Zeelie and another member who claimed that they were in contact with Gert Otto, Manie van Staden and Chris Smit in this matter. They claimed they were involved in the incident at the airport, but it was totally untrue. How and from where those testimonies came from, where they dug it up, still stays a mystery. Those guys were never involved in the incident. Later when we got hold of the true fact it was clear that it was flagrant lies.</p> <p>They were used as witnesses and old judge Willie Hartzenberg exonerated Wouter on all the charges brought against him. Sometime after this, I think it was in 1990, Anton Ackermann</p>

decided that they were going to charge Chris Smit, Gert Otto and Manie van Staden.

They informed them about the decision to prosecute and also let Jan Wagener, who was our boys' lawyer in all the cases, knew about it. He contacted me and I went to see him about the pending court case.

We then went to see Mr. De Klerk and told him that we were trying to find a solution in order to put the whole thing in order. We also, in the meantime, looked at the whole process to see if we couldn't, in addition to the amnesty process, put another process in place. When I say we, I mean me and Mr. Vlok who continuously negotiated with Jan Wagener and the others trying to find another process.

But, up to that stage, there were no progress. The problem we were battling with was that you couldn't do anything about these cases unless another process wasn't put in place.

When this process development to the point that they wanted to prosecute this three, Mr. De Klerk again, at that time it was still Mbeki, approached him and a an agreement was reached that they would temporarily put the prosecution on ice while they were looking at alternatives ways of handling theses court cases.

The national prosecuting authority then issued guidelines after consultation with the minister of justice.

You would understand I now mean guidelines where people, who were involved in deeds with political motives, could negotiate with the prosecuting authority where they could refuse to prosecute in the cases that were in public interest. Those guidelines were then issued. After this I, Mr. Vlok, general Chris Smit and the other two members, Gert Otto and Manie van Staden, handed our sworn statements in wherein we fully disclosed everything in order for the prosecuting authority to deal with the prosecution in terms of the guidelines.

We also, among other, and I told the guys, look boys, we are now going into this process with facts that were contradictory to the fact that Anton Ackermann and Torie Pretorius had when they prosecuted Wouter Basson.

Among others Charles Zeelie and the other member's involvement were total lies. Those testimonies were rejected by judge Willie Hartzenberg. So the best for us would be to undergo polygraph tests beforehand.

So that there were no doubts about our credibility. That was about the only way, a polygraph, because there were nothing else we could do to get corroboration which obviously didn't exist.

Then I and Mr. Vlok, general Chris Smit and Sarel Strydom went for a polygraph and we did all the critical questions about it, I didn't know you are only allow five questions during a

polygraph test, that is the maximum that a polygraph could handle, you had to decide what the most critical questions were.

We sat down with the operator to work out five critical questions as far as our involvement. Not only with the rev. Chikane incident, but also similar murders in the past and everything that goes with it, because there was the impression that we murder people left, right and centre, and it was all orders from a higher authority.

So we made a point of building all those issues into our questions to cover it all completely. We handed our polygraph tests together with our applications to the national director of public prosecutions. We said, well, here are our applications, here are all the facts.

It was then still adv. Pikoli. After a while our applications were send back to us. I think it was almost a year that he had it with him and he informed us that he was not prepared to handle it in such a way. He still persisted in charging Chris Smit, Gert Otto and Manie van Staden.

Despite the fact that he realised that, that project had its origin with me and Mr. Vlok. Now, we were not directly involved in the poisoning of rev. Chikane, we didn't even know about it. The guys operated on their own initiative because it was part of a project.

It was a process they handled themselves. We were not involved with it. We didn't even know about it, to be honest I did suspect it when I started to read articles in newspapers about it. It could've been our own people. But nobody came and tells me anything.

So I didn't know about it. Mr. Vlok also didn't know anything. We all suspected, indeed. Now, I have to come back, I jump around a bit, De Wet.

When the amnesty process started. This may be something I have to stress. When the amnesty process started, Sarel Strydom and Manie van Staden came to me and said, gee whiz, they don't know themselves what exactly happened there, but they had an uncomfortable feeling that the Chikane incident, he was first on the list, relates to their project..

They felt that we should apply for amnesty for it. The guys involved in it, because they didn't know how it happened, but that was the way they think it did happen.

I then went to Chris Smit and Gert Otto, in fact to Gert Otto because Chris Smit was then in Port Elizabeth.

Went to Gert Otto and said, Gert were you involved in the Chikane incident? He said, yes. I said, then we have to apply for amnesty otherwise we are going to pick a lot of bloody problems.

In any case he said that they couldn't apply for amnesty without

Immelmann and Basson being part of the application. I then said, and then go see them. He went to see Wouter Basson. Wouter's reaction was that he was not involved, Immelmann was. What you want to do about it is your problem, but the defence force had decided they don't apply for amnesty, so I tell you know nothing is going to happen.

Then Gert Otto came back to me and said, no, Wouter said they won't apply for amnesty. Immelmann was involved, but Immelmann said he don't want amnesty and finish and klaar.

I then went to Kat Liebenberg and said: Kat we should talk together. Bring old Jannie Geldenhuys because Jannie Geldenhuys was the head of the defence force in 1987, bring him in for us to tackle the problem together.

We can't apply for amnesty on our own. We got the defence force generals together and we discussed it with the police generals. Old Kat was prepared to apply for amnesty, but Jannie Geldenhuys refused. He said: No, no, their situation was different.

It was true that the process was very risky, the TRC-law was unreasonable. The requirements for members of the security forces were totally unreasonable. You firstly had to prove that you acted within the parameters of your responsibilities and operated within your powers.

What it actually meant was that you acted legally. This was the conditions and Jannie said, no, we would never be able to fulfil. They said they were not going to apply for amnesty, never.

We then decided there was no way of applying for amnesty without going in with them because we realised the first precondition was full disclosure, we couldn't fully disclose in this way. We would immediately get stuck, they would play us and the defence force off against each other and deny us amnesty. Then we were in even greater trouble.

We then said, no; let us look at negotiating a different process. Leave this. We didn't apply for amnesty. But, we were prepared to apply for amnesty, but that is why we developed this other process.

When he (Pikoli) refused to treat us according to these guidelines and only decided to prosecute Chris, Gert and Manie, although he knew of me and Mr. Vlok involvement, the trio wanted to go it alone. I said, no, not in a thousand years, this would be very immoral.

Firstly they said those evidence from Wouter Basson were worth nothing. They would never be able to convict them on it. I told them, guys, that evidence is sufficient to put you on your defence.

When they put you on your defence you have to go and lie under oath. And this is one very expensive lesson I have learnt through the years, you have to be very good to lie if you want to

go the road of lying yourself out of something.

If you are on your own, you have a slight chance. If you are three, you have no chance, because three can't lie the same. If they prosecute you on your own, you may be able to get by, but three are out of the question.

I say, secondly you have to go and lie under oath and I feel that is immoral. And thirdly means that I and Adriaan go sit quietly on the side and see you being convicted, and then we all cry together, but we can't do a thing for you. It wouldn't work.

I said, not at all. Over my dead body I will allow you to walk in here into a criminal trial. The risks were too high. I felt even with the slightest possibility that those evidence were rejected, I didn't think it was a chance worth taking. It would've meant, if they were convicted, it was the end of the road for them. Then we couldn't do anything further for them.

I went to see Adriaan and suggested we should go for a plea bargaining. Look, this was a hell of a thing for us. Not one of us knew where we were standing with a plead bargain. But, I told them, guys this is our only chance.

I believed if all of us go for a plea bargaining, that Anton Ackermann would fall over his own feet when we tell him that I and Adriaan would like a plea bargain. Without the two of us, Ackermann wouldn't fall for this move. For you he would never give you guys a plea bargain.

He didn't have a shred of evidence against us. He would never have had it. Because this man had no clue whatsoever where we fit into the bigger picture. They have never heard of us. They didn't know of this project we had approved.

They inherited the project, that is true, but where it had originated from they had no clue. They also didn't ask questions, but merely carried on with it.

In any case, when they gave us the go ahead, we brought Johan Engelbrecht around a table and Johan said, yes, he agrees with us. They went to see Anton Ackermann and decided on a plea bargain.

They decided in the process, because I pushed the issue, because Adriaan and I had in the meantime, as you know, went to see Chikane.

We went to negotiate with him in an effort to see if we couldn't put things in order.

Throughout the discussions Chikane made it clear that he didn't want any prosecution. He said he still had to receive the plea bargaining, but I think he had read it, but gave the impression that he didn't know what was going on.

After we disclosed every fact, he still gave the impression he didn't know. When we visited him, we asked him to get the information and look at it, but he indicates, among other, they were still busy looking at a system to latch on with the amnesty

process.

If I say he, then it was he, the president and other people of the national executive committee of the ANC. It would've meant that if a person made a disclosure it would be accepted and on these grounds the national director of prosecution would then refuse to prosecute.

It later became clear that he had lied about this. It did make sense to me. It would've meant that they were not going to ascertain if it were the truth being disclosed, as long as it agreed with the available information that could be linked to a political motive.

If you did provide them with facts that seemed to satisfy the conditions for political motives, it would be sufficient grounds to refuse prosecution.

If it later turns out that you lie you may be prosecuted. We thought that was an excellent idea. He was very accommodating about it. Said he didn't want prosecution. He wanted to know the truth.

When we came to the point of plea bargaining we, again went to Chikane and told him we were going into such a process. This was how the process would develop; Anton Ackerman also went to see him and told him we were going into such a process.

Thereafter the plea bargains were clinched and it was decided, while I pushed the whole idea, I would be accused number one, Adriaan would be number two and then Chris Smit and the rest. We also indicated that it was Adriaan and I who approved the project and we would get ten years and the other guys each five year all suspended.

And that is the story...