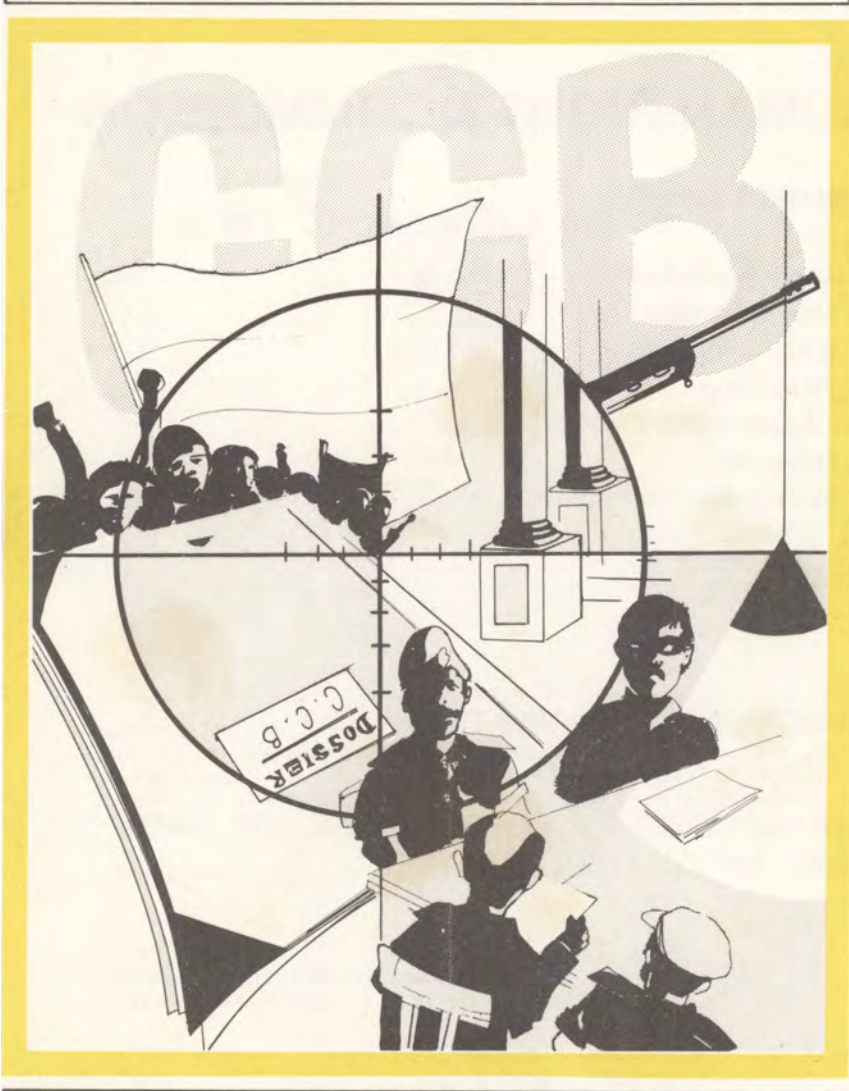


The CCB

Origin, actions and future of the Civil Co-operation Bureau



Issued by the Human Rights Commission
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Special Report SR - 9 September 1990

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THE CCB

ORIGIN, ACTIONS AND FUTURE OF THE CIVIL CO-OPERATION BUREAU

SPECIAL REPORT
SEPTEMBER 1990

SR - 9

The David Webster Trust was formed by close friends and colleagues of Dr Webster after his assassination on 1 May 1989.

Amongst the aims of the Trust are to investigate attacks on those opposed to the system of apartheid, particularly where such attacks take the form of assassination or attempted assassination.

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PREFACE

This document traces the history of the CCB, the reasons for its creation, its objectives, activities, current state and probable future.

It is largely based on the evidence on the CCB presented to the Harms Commission of Inquiry into Certain Alleged Murders, in which the David Webster Trust has had legal representation. Knowledge has also been gleaned from others who have been interviewed in the course of investigations into David Webster's death.

The evidence on the CCB presented to the Harms Commission has been unsatisfactory in a number of ways. The Commission's terms of reference have limited it to examining only events occurring inside the borders of South Africa. This meant an incomplete picture of the methods of operation and the scope of activity of the CCB. A number of witnesses who may have testified about CCB activities and accountability have not been called; among them the Ministers of Defence and of Law and Order, and also witnesses who may have given material evidence on specific CCB operations, such as Chappie Maree. Finally, the CCB deliberately hid files and documents and refused to produce them for the Commission.

Despite these failings, the evidence does paint a picture - of a chilling and deadly group of men, acting as if with complete impunity from the law.

At the time of going to press the Commission had not yet issued a report. An interim report on CCB activities is expected and the Commission is to continue to hear witnesses concerned with certain incidents.

On 1 August 1990, Chief of the Defence Force, Jannie Geldenhuys announced that the CCB had been disbanded and its personnel transferred to the South African Defence Force. But the manner and details of the disbanding remain a secret, as do details of the CCB's structure, its operatives and its projects - completed and uncompleted.

This report makes reference to the evidence of witnesses at the Commission. If required, exact page references to the Commission's hearings can be obtained by contacting the Human Rights Commission.

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CHAPTER I INTRODUCTION

The turmoil of the 1970s - after a decade of relative calm - revived old fears in South Africa's rulers. The reds were no longer safely under beds - they had emerged, armed and intent on overthrowing the state and replacing it with an unholy communist regime. A total strategy of defence was necessary against this total onslaught. So Prime Minister PW Botha's 'total strategy' was born, combining formal and informal repression of all and any opposition activities and organisations.

The formal repression, through police and army actions and the implementation of myriad security laws was direct, brutal and very evident. Informal repression took many forms - harassment, intimidation, and murder. In this secret realm the idea of the CCB was born: when and where the specific decisions were made are still secret; those who took the decisions remain - almost - faceless.

The Harms Commission did not intend to explore why the CCB was created, and it has not attempted to root out the CCB's predecessors. But investigations have indicated that over the past 15 years two significant changes in Government policy probably resulted in the conception and formation of the organisation as we know it today.

In the past there has been much speculation around a conflict of interests between the military and the police. Investigations suggest that this conflict had its roots in the dispute between the former State President, Mr B.J. Vorster, and his successor, Mr. P.W. Botha. Vorster was ardently supported by the former Head of the Bureau for State Security, General Van den Berg, whilst Botha was the patron of the military. As the conflict between these two personalities grew, the security forces became polarised, the Bureau for State Security siding with John Vorster and the military siding with P.W. Botha. Botha emerged the victor of that bitter political conflict.

However, because the police remained loyal to Vorster, Botha could not rely on the police and its sources. He thus began to use the military to fulfill functions which in normal circumstances should have been police preserve. As a result, the military gained in influence - at cost to the police.

Even before this conflict, whilst P.W. Botha was still Minister of Defence, the military began to show signs of unrestrained and "independent" conduct. General Van der Berg claimed P.W. Botha's war on Angola was without cabinet approval. He also said that on two other occasions P.W. Botha wanted full scale invasion of Rhodesia (Van der Berg and Brand Fourie advised John Vorster who ordered P.W. Botha out of Rhodesia) and Mozambique (Van der Berg again had advised Vorster who instructed P.W. Botha to terminate his invasion plans) .

Pieter Botes, an ex-CCB operative, in his evidence to the Harms

Commission, suggested that although the military had begun to perform functions which were otherwise reserved for the police, there had at least been some attempt to demarcate geographical areas to allow the security forces to operate at parallel levels.

It is clear however that during P.W. Botha's reign, the military became a multi-functional security organisation - and one of its functions was the elimination of Government opponents, both inside and outside the Republic of South Africa.

CHAPTER II THE HISTORY OF THE FORMATION OF THE CCB

The CCB then emerged during a decade-and-a-half of growing preoccupation with security in South Africa. Importantly, for those in power, the emphasis clearly shifted from a so-called "legitimised war" situation outside the country (such as in Angola) to "executions" within the borders of the country. The justification - that South Africa was embroiled in a situation of "internal war".

The ambit of CCB activities was spelt out by former Lt. Abraham 'Slang' Van Zyl, a CCB operative with specific briefs to kill a number of individuals actively opposed to the apartheid government :

"I was advised that the unit would disrupt the enemies of the Republic of South Africa. He (Joe Verster) further advised me that the South African Army would create an internal region being region 6 in order to disrupt the enemy of the Republic of South Africa internally. The following general motivation was given to me by Verster which facts were also personally known to me. During the last few years of the 1980's the emphasis in South Africa moved from criminal cases to security cases. I was given an opportunity to join an elite unit of the SADF which I considered to be a great honour. I was aware of the fact that the enemies of South Africa had launched a bitter attack on the country in order to bring the Government to its knees. I was of the view particularly pursuant to my discussion with Verster, that the security forces of the Republic of South Africa were involved in a clandestine war with the enemy. The situation engendered sympathy and interest in the name of survival. It became clear to me that conventional war outside the borders of the country was not effective and that action in a clandestine manner was required against the enemy."

Such specialised military units - attend to the assassination of political leaders during periods of conflict and war - are not new to Southern Africa. The Selous Scouts in Rhodesia, Koevoet in Namibia and the Recces in Angola, were all similar security operations manned by tough, uncompromising soldiers and professional killers who would strike at political opponents of the regime they served.

Commander Dieter Gerhardt, imprisoned for life for passing on South African naval secrets to the Soviets, maintains that there was a distinct policy change in the late 70's: South African Security Forces decided they would no longer play a defensive role but that they would, as it were, "take the fight to the enemy".

This statement was echoed by Major General Eddie Webb in evidence to the Commission. Webb stated that the focal point of the CCB became White activists within South Africa who supported the ANC. The military, he said, was not prepared to allow activities of ANC members and activists to be the subject of police investigation and prosecution. The military considered these political

activities to be under their jurisdiction - a jurisdiction which could sanction the elimination of the activists.

The logical evolution of the process dictated the following identifiable steps: the creation of military assassins to attack political rather than military targets in Southern Africa in the early 70's; a policy of escalated armed conflict against the ANC, the PAC and SWAPO outside the borders of the country - based on the principle that the battle would be taken to the enemy of South Africa wherever he was to be found. This policy evolved to include not only military operations, but also covert actions against these enemies of the state. Aside from military targets, outside targets included civilians and members of the administrative and political structures of the ANC, the PAC and SWAPO. To facilitate these activities, the jurisdictional lines between the military and the police became blurred around dealings with ANC activities. Gradually the military began to play an increasingly aggressive role. Finally, ANC, PAC, SACP and various white activists were identified as targets inside the borders of the country, for harassment and then assassination. Essentially, the military could now operate outside the law.

In 1988, the activities and structures which carried out these various military assassination functions were consolidated into the vehicle through stage of this process evolved to produce the vehicle through which the army would operate in future, the Civil Co-operation Bureau. This military organisation has a civil facade. We believe that the reason is the recognition that its covert activities were, and remain, illegal, and the SADF did not want its name tarnished by illegal conduct. The CCB was therefore separate and distinct from the SADF, but remained under its command. This organisation would commit acts of arson, intimidation, sabotage and murder.

The CCB's major objective is to disrupt the enemies of the Republic of South Africa to the maximum possible extent. This has been defined as being anything from breaking windows to the elimination of people. As 'Slang' van Zyl said:

(At the official instruction course) "We were advised that the disruption of the enemy could, for instance, be anything from the breaking of a window to the killing of a person and that this depended on the target's priority classification. The chairman would determine the priority classification for action allocated within these classes, namely the breaking of a window to the killing of a person."

CHAPTER III THE CHAIN OF COMMAND

The Civil Co-operation Bureau was a division of the Special Forces which, in turn, is a division of the Operations Section of the SADF.

Each of the CCB's ten regions was run by a co-ordinator and a regional director. And in each region, cells of operators of between 6 and 26 persons, made up the basic task force. These 'guesstimates' are based on evidence before the Harms Commission.

The CCB worked on a so-called "need to know" basis, with operatives and controllers being given only enough information to carry out specific tasks. This meant that CCB 'managing director' Joe Verster, assumed de facto control of the CCB, directing the flow of instructions and information to those both above and below himself. 'Slang' van Zyl said that often CCB operatives carried out a task with no idea as to its purpose.

Individual operators were provided with basic information regarding the structure and existence of the organisation. They knew only those people with whom it was absolutely essential to co-operate, and normally communicated with one another under the guise of assumed names. Ideally, an operator's knowledge would be restricted to the people and activities of his own cell.

However, it appears that the CCB operated in a somewhat chaotic fashion and that the command structure was not capable of control .

The CCB operated in eight active regions. Those outside South Africa included Swaziland, Lesotho, Namibia, Zimbabwe, Mozambique, Angola, South Africa and Europe. Each region had an Area Manager and its own Co-ordinator who reported to the Managing Director. Sections 9 and 10 were logistics and administration. Region 6 - the Republic of South Africa - was only activated in 1988, although the CCB blueprint had originally made provision for this area of operation. CCB director Joe Verster claimed that this region only gathered specialist information. The evidence indicates that this is untrue. 'Slang' van Zyl and Botha were emphatic that they were told that the CCB's primary task was "maximum disruption of the enemy". The nucleus of the Region 6 CCB was formed on 1 June 1988 when Verster hired four police officers, Staal Burger, 'Slang' Van Zyl, Chappie Maree and Calla Botha, all previously of the infamous Brixton Murder and Robbery Squad.

However, the CCB's "internal activities" were not carried out only by those members specifically recruited for the Region 6 internal wing. Operators responsible for regions beyond the borders of South Africa, but who were part-time or full-time residents of the Republic were, according to evidence, employed in at least two instances to plan the assassination of alleged ANC supporters: Mr K.E. Mhlaba in Durban, and Dr Fabian Ribiero and his wife, who were murdered, it appears, by members of the Botswana region.

It is assumed that these discussions were communicated to the Minister of Defence, but this fact could not be established in the Commission - Malan and other senior defence force officers have not yet testified. Both Van Zyl and Botha stated that they believed the previous State President was aware of CCB the activities. They did, however, subsequently retract these statements.

In this regard, it is probable that CCB members were promised an indemnity against prosecution, an action which would also be in line with the Minister's policy. Van Zyl told the Commission:

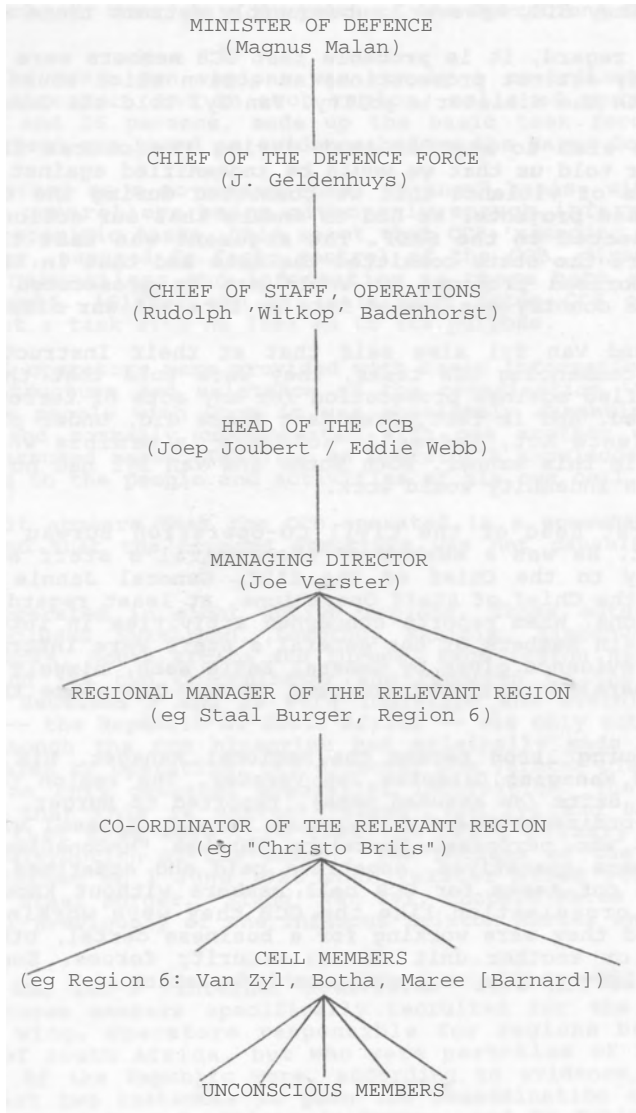
"I also wish to mention that during the course the managing director told us that we would be indemnified against prosecution for acts of violence that we committed during the execution of authorised projects. We had to ensure that our actions could not be connected to the SADF. The argument was that the SADF and therefore the State committed the acts and that in the execution of authorised projects we would not be prosecuted considering that the country was locked into an internal war situation".

Botha and Van Zyl also said that at their Instruction Course, before commencing CCB tasks, they were told that they would be indemnified against prosecution for any acts of terror which they committed. And in fact, President Botha did, under provisions of the Defence Act, indemnify soldiers in Namibia who committed murder in this manner. Both Botha and Van Zyl had no idea at all how this indemnity would work.

The first head of the Civil Co-operation Bureau was General Joubert. He was a member of the general's staff and reported directly to the Chief of the SADF, General Jannie Geldenhuys, and/or the Chief of Staff Operations, at least regarding external operations. When reports concerned activities in internal Region 6, certain members of the general's staff were informed, according to evidence given by General Eddie Webb, himself a member of the general's staff and chairman of the CCB since the beginning of 1989.

Staal Burger soon became the Regional Manager. His direct boss was CCB Managing Director Joe Verster. The region Co-ordinator, Christo Brits (an assumed name), reported to Burger. Both the Co-ordinator and the Regional Manager liaised with the cell members who performed functions through "unconscious" members. These were operatives, sometimes paid and sometimes unpaid, who carried out tasks for CCB cell members without knowing that it was an organisation like the CCB they were working for. Some believed they were working for a business cartel, others for the police or another unit of the security forces. Sometimes they didn't know they were passing on information.

There is good reason to believe that responsibility for the CCB could have been structured as follows:



CHAPTER IV THE CCB MODUS OPERANDI

The CCB operated as a system of independent cells all co-ordinated by the various co-ordinators who reported to a common Managing Director.

There is no doubt that it existed as a politically focussed organisation and that its goal was the disruption and elimination of political figures which its leaders considered to be enemies of the State. No CCB members received formal political instruction, but the organisation was obviously right wing. Although it professed to act against all "enemies of the State", both to the left and the right of the political spectrum, no evidence of a single instance of action against the right wing has emerged.

The CCB developed what it termed the "blue plan", in which CCB members would lead legitimate civilian lives and businesses would be set up or bought to provide civilian business cover for a cell member or his cell. The Matthysen Busvervoer is one such business. In this manner the CCB infiltrated industry, local government and the private sector at various levels. These open activities were referred to as the "blue plan".

The "red plan" targeted victims and detailed action to be taken against them. The scenario was as follows:

Step 1: A person or a target would be identified as an enemy of the State. A cell member would then be instructed to monitor the "target".

Step 2: A project - ie the elimination of a target - would be registered with the Co-ordinator. The Co-ordinator would then have the project authorised by the Regional Manager and the Managing Director.

Step 3: The CCB member would then do a reconnaissance to study the target's movements with a view to eliminating him or her.

Step 4: The operative would propose the most practical method to the Managing Director. If the director felt this method was efficient, he would sign the proposal at what was called an "in-house" meeting. There adjustments could be made to the plan before it was approved. The budget would be considered and finance would be made available for the project. The finance would come from the budget the Defence Force allocated to CCB activities. Indications are that money was always paid in cash.

Step 5: The Co-ordinator would be requested to make available the necessary arms and ammunition such as limpet mines, poison and/or live ammunition or other logistical support such as transport, etc.

Van Zyl provides the most extensive and the most credible evidence regarding the functioning of the CCB.

"We were advised as follows regarding the structure of the CCB:

(1) An inner circle and an outer circle exists.

(2) The inner circle are members of the CCB in the true sense of the word. This means that we work for the SADF on a full time basis and that we are also aware of the fact that we were employed by the SADF on a full time basis. These were the so-called "conscious members". They form the nucleus of a cell.

(3) In the outer circle there are persons who are used by us that are not full time members of the SADF and who also do not know that they are working for the SADF or the CCB. They were referred to as "outside workers". These are the so-called "unconscious members" and do not form part of the cell.

(4) The immediate unit within which we worked was a cell and the inner circle existed of a number of members as referred to here above as well as a co-ordinator who was the link between the cell and the managing director of the CCB. He mainly worked with financing projects, etc.

(5) The regional manager was the head of the area and spoke directly to the managing director and the chairman. The regional manager was the immediate superior in the true sense of the word and we received our instructions from him or from the managing director. These instructions were orders that had to be obeyed.

(6) The managing director was the head of all the regions and was in fact in charge of the CCB.

(7) The chairman was a member of the SADF and a member of the general staff and also in charge of the CCB. We were advised that our functions consisted of the gathering of information, the drafting of reports and the execution of orders in the form of authorised projects. The CCB had a priority classification which was assigned to enemies and had identified as the enemy the South African Communist Party, the ANC and other banned organisations and their members from both the left and the right."

Van Zyl also described how a CCB project would be decided on:

"A conscious member would gather information by virtue of which the project would be allocated to him which would contain identification of a target with details and a commensurate motivation. This was called a pre-study ... In the event of the area manager authorising the pre-study, he would give it to the managing director with his recommendation. At that stage if a project was authorised an in-house would be held with the area manager, the managing director and the member ... at the in-house a discussion would take place and the managing director, if he authorised the project, would submit it to the chairman of the CCB. The chairman of the CCB would have a second in-house with the managing director and the co-ordinator after which the chairman would either accept or reject the project. All projects had to be authorised by the chairman."

General Eddie Webb said that when it came to important decisions relating to the elimination of members of the ANC, the Chief of the Defence Force had to be consulted. When 'certain other cate-

gories' of people were considered for elimination, the Chief of Staff, Operations was advised, Webb told the Commission. General Badenhorst, the Chief of Staff, Operations said that where strategic and political considerations had to be taken into account, the Minister of Defence would be consulted.

Step 6: The project would be carried out and the target would be eliminated. To do this the cell member could engage the assistance of what were termed "unconscious members". These were essentially underworld criminals who would, for money, kill as instructed. These "unconscious" members were never told of the motive or the SADF connection -- a false motive was usually supplied.

THE DATA SYSTEM

It was apparent from the evidence before the Commission that the CCB faced a major difficulty when it became a civilian organisation -- it was removed from the information gathering fraternity of Military Intelligence, National Intelligence, the Security Police and the Police. There could no longer be frequent exchanges of information between the organisation and these security fraternities. The Managing Director of the CCB then became the only channel to the agencies. This meant that members were not able to verify information which, in many circumstances, had been obtained from unreliable sources.

A case could be made for the claim that the managing director, Joe Verster, hijacked the CCB to a large extent for his own political ideals. Verster admitted that the CCB had, despite orders to produce them, hidden project files from the State, because CCB members believed their own safety was at risk. He also stated that CCB members viewed current political reforms with a great deal of suspicion, and hinted that the CCB's political agenda differed from that of the Government.

Given the lack of easily available channels for information, cell members were left to generate their own information. Very often this proved to be unreliable. Also, their ability to verify the information was based on Verster's co-operation - as the channel to the official sources of intelligence. But Verster's own political agenda seemed to dictate that verification was unnecessary.

Neither Van Zyl nor Botha were capable of giving any substantial information about their intended victims or the reasons for their elimination. So, for instance, one of the factors that contributed towards the decision that Dullah Omar should be killed was that he defended terrorists and was a member of Lawyers for Human Rights.

Van Zyl "didn't know" why Gavin Evans should be murdered. He claimed to have inherited the project from someone else and never bothered to enquire. Anton Lubowski was to be monitored because he was a member of SWAPO. At no stage were any of the CCB members able to provide a comprehensive profile of any of their victims despite the fact that some operatives claimed the CCB was a data gathering organisation.

The CCB operatives were also unable to provide comprehensive

profiles of any of the left-wing organisations targeted for attention, or the reasons they had become targets. They confined themselves to allegations that these organisations were ANC fronts.

All this seems to indicate that the CCB operatives were, in a very material sense, cut off from the security information gathering fraternities and that their own data gathering processes were inadequate.

The fact that organisations such as End Conscription Campaign and the Five Freedoms Forum were targeted is an indication that this organisation was more concerned with the political agenda than with so-called "security risks".

The CCB also deliberately distanced itself from the security fraternity because it did not wish to divulge any facts about its existence or activities to these security bodies. Regular contact with Military Intelligence and other intelligence gathering operations increased the risk of such disclosure.

After Verster took over the CCB the organisation lapsed into chaos. Pieter Botes confirms the impression that operations were based on poor information.

"It concerns poor planning of murder targets. In the past there would be a complete dossier on the target, on the personality and would include a detailed report about his identity and everything relevant thereto. At that stage (once the CCB was created under Verster) there was chaos..."

CHAPTER V PROJECTS

THE EXTERNAL FACTORS

It is fair to assume that apart from eliminating its opponents, the CCB also meddled in the internal politics of the neighbouring states. Botes, former Regional Manager of the CCB's Region 2, namely Swaziland and Mozambique, claimed that a Mozambican Cabinet Minister had received a bribe of R300 000,00. Further evidence -- that plans were afoot to purchase an island in the Mozambican Channel with CCB funds -- were never disputed by the CCB or the SADF in evidence before the Harms Commission.

Despite these financial schemes the principal aim of the CCB remained the maximum disruption of the enemy. Attacks such as the one on Albie Sachs in Maputo and upon ANC supporters in Gabarone, and in Zimbabwe and Zambia, were committed by the CCB.

Even after CCB operations were allegedly suspended in February 1990, pending the report by the Harms Commission of Enquiry, it was clear that these projects had not been abandoned. Both General Badenhorst and General Webb alleged that the disclosure of the identity and even the true appearance of CCB witnesses could endanger what was referred to as "existing projects". This implies that the Civil Co-operation Bureau could resume its activities as soon as the present irritation of the Harms Commission of Enquiry has disappeared -- unless its winding down is publicly visible.

The implications are disturbing:

(a) The South African Government, and more particularly, the SADF still has the ability to destabilise its neighbours;

(b) The SADF has by no means accepted that "peace has broken out" and that the liberation organisations are no longer an enemy to be dealt with with maximum aggression. It hardly needs emphasis that continued destabilisation of neighbouring states, and in particular a covert continuation of the aggressive war against the ANC must jeopardize future negotiations severely;

(c) The SADF is not prepared to consider integrating the MX forces into a new South African Defence Force. This much has been made clear by the Minister of Defence, General Magnus Malan, indicating the SADF is opposed to a normalisation of the relationship with the external and military wings of the African National Congress;

(d) The ANC cannot accept the guarantee from the South African Government that hostilities are in fact at an end.

THE INTERNAL FACTORS

The CCB regarded it as its duty to "in exceptional circumstances" eliminate opponents of the present Government who could not be successfully prosecuted by the South African Police -- because they had insufficient evidence. The CCB has also alleged that there were other "exceptional circumstances". These arose when

the information about these government opponents could not be given to the South African Police because it was necessary to disclose the source of such information.

So far, the evidence before the Commission has not disclosed any such circumstances where an internal murder was in fact planned by the CCB. But there can be no doubt that the Civil Co-operation Bureau did in fact create a hit squad for the internal region. Whether or not this was done with official approval or whether the general's staff of the South African Defence Force was aware of it, is another question.

CCB Managing Director Verster indicated that the CCB's political agenda differed from that of the government. Given the right wing political convictions of its members, as well as the ruthlessness of its character, the fear that the Civil Co-operation Bureau may translate its opposition to Government policy into active interference in the negotiation process, is realistic. The chaos which would result if one of the principal negotiators were to be "eliminated" by a hit man with CCB connections would probably make it impossible to resurrect the negotiation process during the course of this century.

TARGETS OF THE CCB

While a number of CCB projects were uncovered, it is clear that the Commission has only seen the tip of the iceberg. The only conclusion that can be drawn from the CCB's failure to produce its project files is that its members do not want to testify about the organisation's many internal projects. The following are the organisations and individuals that CCB members testified they believed to be enemies of the Republic of South Africa:

ORGANISATIONS

The Five Freedoms Forum
The End Conscription Campaign
The South West African People's Organisation
Lawyers for Human Rights
The Kew Town Youth Movement
The Congress of South African Trade Union
The South African Council of Churches
The United Democratic Front
The African National Congress
The South African Communist Party
The Pan African Congress

PERSONS

Anton Lubowski
Dullah Omar
Gavin Evans
Roland White
Archbishop Tutu
Reverend Frank Chikane
Andrew Boraine
Allan Boesak
Albertina Sisulu

Laurie Nathan
Joseph Honga
Theron
Essa Moosa
Lionel Louw
Trevor Manuel
Jonny Issei
Jay Naidoo
Moses Mayekiso
K.E. Mhlaba
Hamutenya
Dr and Mrs Ribiero
Hein Grosskopf
Daniel Tshongarero
Buti van der Merwe

From the evidence it is clear that there were projects for the elimination of the following individuals:

(i) According to Van Zyl, Dullah Omar was to be eliminated either by shooting him and/or by poisoning him.

(ii) Gavin Evans was to be murdered by multiple stabbing, according to the evidence from Van Zyl and Peaches Gordon.

(iii) Peaches Gordon stated on affidavit that Andrew Boraine was to be shot.

(iv) Gordon claimed that Van Zyl requested him to find out when Allan Boesak and Archbishop Tutu would go overseas so that they could kill them there.

The CCB admitted either to the commission or the planning of the following acts of sabotage:

The bombing of the Early Learning Centre
The planned burning of a kombi in the Cape
The planned destruction of kombis in Namibia
The planned burning of a printing works in the Cape

They were questioned about, but denied involvement in:

The burning of the vehicle of Mr Roskam
The attack on a bus of students going to Delmas

The evidence indicates intimidation or attempted intimidation of:

Archbishop Tutu
Trevor Tutu

CHAPTER VI WHO IS ACCOUNTABLE FOR THE CCB'S ACTIVITIES?

Who can be held accountable for the activities of the CCB? The evidence before the Harms Commission indicates that many senior SADF and government officials - including the Minister of Defence - were aware of CCB activities. It is not known how much they knew of the day to day detail of CCB projects. Nonetheless, as senior officials responsible for all activities under their command, they must surely be held responsible for the CCB's actions.

General Eddie Webb testified that members of the general staff of the SADF did know of the CCB's existence. The general staff includes the Chief of the Army, General Kat Liebenberg (recently promoted to Chief of the Defence Force), the Chief of Staff Operations, General Witkop Badenhorst and General Joep Joubert, previously the commanding officer of Special Forces.

Eddie Webb was the overall military commander of CCB activities. As commander, he must accept responsibility for everything that went on in the unit, even if - as he claims - he was unaware of some of the more atrocious projects.

However, it is very possible that the whole top structure of the Military, including General Jannie Geldenhuys, was aware of the CCB and its activities inside the Republic of South Africa. Webb's evidence clearly indicated that he reported to both General Kat Liebenberg and General Witkop Badenhorst about CCB activities. Exactly what was reported is not known.

General Webb refused to answer any questions about the bombing of the Early Learning Centre - which indicates that he probably did know a fair amount about the project. One would imagine that superior offices such as General Geldenhuys and General Malan must have been informed about a project of this magnitude.

As far as the Minister is concerned, he is absolutely accountable for CCB activities. The evidence, and his position in the hierarchy, indicate that he may have had knowledge of CCB activities and he failed to stop them. If he did not know what the CCB was up to, he must be found to be incompetent.

The principle of ministerial accountability forms part of South African constitutional law, although this convention has been honoured more in the breach than in the observance under successive National Party Governments. Probably the most memorable such failure to observe this convention was Minister Jimmy Kruger's infamous reaction to Steve Biko's death, and Prime Minister John Vorster's failure to dismiss him from his Cabinet immediately. A welcome break with this precedent would be if State President de Klerk responded to pressure to act against Magnus Malan and dismiss him from the Cabinet.

It remains unclear as to when Magnus Malan, Adriaan Vlok and the State President were informed of the existence of the CCB. Botes, in his evidence to the Commission, alleged that he informed Vlok of the CCB's existence in August 1989. This appears to be the case, although Vlok has refused to be drawn on the issue, and has

suggested - through his counsel's cross-examination of Botes - that he was given a very superficial impression of what the CCB was all about. He did refer the matter to his senior generals, but does not appear to have followed it up at a later stage.

What has not been explained is why Vlok did not inform Malan that trouble was brewing in the CCB after a serious disagreement between CCB managing director Joe Verster and operative Pieter Botes. Verster had threatened Botes with death, prompting Botes' resignation from the CCB. Shortly afterwards the offices from which Botes worked were bombed. Botes stated that he immediately suspected that the bombing was Joe Verster's work, and that he informed Minister Vlok his dispute with Verster.

Malan claims, and alleged in Parliament, that he was only informed about the CCB's existence and activities during November 1989.

SADF INVOLVEMENT IN THE CCB

GENERAL EDDIE WEBB

General Webb was both chairman of the Civil Co-operation Bureau and a member of the General's Staff. He headed CCB operations since the beginning of 1989.

When he appeared before the Harms Commission Webb refused to answer questions about his personal involvement a number of activities: the attack upon the Early Learning Centre in Athlone; the 'monkey foetus project' where a monkey foetus was hung outside Archbishop Tutu's house, and the "blue plan", which Christo Brits outlined to the Commission. The evidence suggests that General Webb was aware of some of the unlawful activities of his underlings. As commander he could, if he wished, have prevented further unlawful activities. The fact that he knew - in general - that the CCB was involved in illegal activities aimed against left-wing activists, should have been enough to prompt him to stop these activities. It was not necessary for him to wait for details of the exact nature of these actions.

Around 1986 the SADF embarked on a campaign of aggression against the End Conscription Campaign (ECC). Its actions formed the basis of a court action which the ECC brought against the Minister of Defence. As a member of the General's Staff, Webb was aware of the policy of aggression formulated by the Minister of Defence against left-wing activists. It seems fair to assume that if General Webb, as commanding officer of the CCB, was aware of this policy, so were the other members of the Civil Co-operation Bureau.

Webb reported to the Chief of the army, General Kat Liebenberg, on all CCB activities aimed at ANC members, and he reported to the Chief of Staff, Operations in those instances where other targets were considered. Operations Chief of Staff, Lieutenant General van Loggerenberg, was also the officer entrusted with the execution of the Minister's policy of aggression against left-wing activists. When Van Loggerenberg left his post, his successor, General Badenhorst must have been made aware of the existence of this policy, which he would in turn have communicated to

General Webb. All this combined evidence seems sufficient to conclude that General Webb was at all times aware of the Civil Co-operation Bureau's actions against left-wing activists.

GENERAL JOUBERT

General Joep Joubert was Eddie Webb's predecessor as chairman of the CCB. Joubert's evidence confirms that the creation of the CCB was authorised at ministerial level. He testified that while General Viljoen was the Chief of Army, a decision was taken to deal with the ANC outside the borders of the country. This action included the creation of a covert organisation which would be divided into regions. This organisation would be designed - by Viljoen and the Minister of Defence - to avoid any structural association with the SADF.

In terms of the blueprint approved by the minister, personnel of the SADF had to identify their opposite number, enemies of the state had to be disrupted to the maximum extent, and a special auditing system was introduced to cater for this covert organisation.

General Joubert's evidence regarding the aims of the CCB is not the same as the evidence from Van Zyl, Botha, Webb and Verster. In the absence of his cross-examination, the following conclusions can be drawn:

- He was aware of the CCB, its aims, objectives and activities, in his personal capacity as well as in his capacity as a member of the General Staff and previous OC of Special Forces.
- It must be assumed that there was co-operation and discussion between himself and the Minister of Defence regarding the CCB and its activities because he was OC of Special Forces when the CCB was created.
- It is probable that he was aware of the Minister's policy of aggression toward the left-wing - and presumably informed the CCB members of it.

GENERAL KLOPPER

General Klopper, together with Brigadier Pfeil, the CCB's book-keeper, conducted an internal inquiry into the modus operandi of the CCB and into its front organisations. This was a secret report submitted to the Minister of Defence on 5 March 1990.

General Klopper acknowledged that Region 6 of the ten CCB areas of operation is South Africa. He stated that the CCB's objective was to disrupt the enemy externally. There is no indication in his evidence or in the evidence of any of the other generals that Region 6 was different in any respect - administrative, structural or logistical - from any of the other regions.

GENERAL BADENHORST

General Badenhorst was at all relevant times a member of the General's Staff. He succeeded Lieutenant General Van Loggerenberg as Chief of Staff Operations on the 1 July 1988 and held this post until the 30 March 1989. He too must have been aware of the policy of aggression against the left opposition formulated by the Minister of Defence, a policy which he was obliged to continue once he succeeded General Van Loggerenberg.

In his evidence before the Commission, General Badenhorst claimed that he only became aware of the existence of the Civil Co-operation Bureau during November 1989 as a result of his discussions with General Joubert of the South Africa Police. General Webb's uncontradicted evidence is that he reported to, and obtained authority from the Chief of Staff Operations in regard to attacks involving targets other than the ANC. General Badenhorst was Chief of Staff Operations for a period of at least three months while General Webb was chairman of the Civil Co-operation Bureau. Is it possible that the existence of a whole unit for whose actions he was partially responsible would have remained a secret to one of the most experienced officers of the General's Staff?

Badenhorst himself states that he knew, without having to be told by others, how a CCB project was approved. He probably learned this while he was Chief of Staff Operations.

Badenhorst, assisted by Brigadier 'Krappies' Engelbrecht of the South African Police, conducted the internal inquiry into the CCB ordered by the Minister of Defence after the detention of 'Slang' van Zyl and Ferdie Barnard. They reported orally to Ministers Coetzee, Vlok and Malan on 11th January 1990. The notes made by Badenhorst in interviews conducted in the course of the inquiry were destroyed.

This investigation into CCB activities was very superficial. Badenhorst deliberately elected not to check project files, although he was aware that they existed and must have appreciated their significance. He knew that projects had to be approved in writing. He was fully aware that, had any of the superior officers been involved in or authorised the unlawful activities of the CCB, this fact would emerge from the project files. This would also have been the surest way of establishing the involvement of each and every CCB member in the CCB's criminal activities. Badenhorst explained that he preferred to question the CCB operators themselves without checking the files.

THE GENERAL'S STAFF

Members of the General's Staff would be privy to the Minister's policy decisions. Several members of the staff, namely Generals Joubert, Badenhorst, Klopper and Webb, were aware of the CCB's existence. Of the four named at least three, namely Joubert, Badenhorst and Webb were in fact involved in the Civil Co-operation Bureau's activities.

General Webb's evidence that he reported to the Chief of Staff Operations or the Chief of the Army on the CCB activities was never challenged. So it is probable that members of the General's Staff would have been aware not only of the existence of the Civil Co-operation Bureau, but also of its activities.

MINISTER VLOK

Minister Vlok's involvement in this matter stems from the disclosures made to him by the witness Pieter Botes. Botes spoke to Vlok after his disagreement with CCB manager Verster, and the threats Verster made to Botes' life.

During a discussion lasting at least five minutes, Botes told the

Minister that his office had been bombed. Vlok conceded that Botes may have mentioned the CCB. The Minister appointed two senior officers, Generals Joubert and Van der Merwe to take a detailed statement and investigate the matter. According to Botes, he advised the Minister that he was a member of the CCB, that he was working for Joe Verster who was connected to General Webb.

It is clear that the Minister was, at the very least, advised of a form of terror which was being perpetrated. Given the general political climate it should have been an issue of some concern to him.

Vlok's version of the story is that the CCB could have been mentioned to him. Neither did he contest the fact that the CCB had military connections. It must be assumed that the Minister followed up this critical information. Indeed General Van der Merwe and General Joubert investigated the matter, and it is clear that Joubert did establish, soon after this incident, the nature and basic activities of the CCB. Presumably part of his brief was to report his findings to the minister. It has not been explained when this communication took place, what Vlok did with the information and whether or not he brought it to the attention of the Minister of Defence.

THE MINISTER OF DEFENCE

As the Minister in charge of the South African Defence Force, General Magnus Malan is clearly politically responsible for the CCB's actions. He was clearly not an innocent bystander when it came to aggression against left-wing activists. For example, the policy he developed against the End Conscription Campaign implicitly allowed for the possibility of violent action against the members of that organisation. There can be little doubt that this policy created the atmosphere in which an organisation such as the CCB could take root and flourish.

The Minister must thus at all relevant times have been aware of the specialised nature of the Civil Co-operation Bureau and its activities, and must also have been aware of the creation of the CCB's internal wing. He must at least have appreciated, or ought to have appreciated, that his implicit condoning of potential violence by members of the South African Defence Force against left-wing activists would serve as encouragement for the CCB to target members of organisations such as the ECC or the Five Freedoms Forum.

CHAPTER VII DISMANTLING THE CCB

On 1 August 1990 Defence Force Chief Jannie Geldenhuys announced that the CCB had been operationally disbanded and its personnel were being transferred to the South African Army. In argument before the Harms Commission on 2 August, the legal counsel for the David Webster Trust and others, made the following response:

"At first blush, the announcement appears to raise more questions than it in fact answers:

1. What does the term "operationally disbanded" mean? Is it thereby intended to convey that each and every CCB project inside and outside the Republic of South Africa has been discontinued? Is it intended to convey that none of the CCB's functions have in fact been abandoned but that the operations which the CCB was engaged in, have been transferred lock, stock and barrel to the army? Have some of the CCB's tasks been taken over by other units in Special Forces? What has become of those projects which were "tans van stapel gestuur" as General Webb testified on the 6th March before the Honourable Commission?

2. Was the Commission informed of this "operational disbanding"? (Judge Harms informed those present that he had been made aware of this by the radio news bulletin that morning.)

3. If not, why did the South African Defence Force not regard it as necessary to inform the Commission of this development?

4. If so, was the Commission given access to the documentation which would necessarily have been involved in the operational disbanding of the Civil Co-operation Bureau?

5. According to the announcement, members of the CCB have been transferred to the army. Does this include all members of the CCB, including those of Region 6?

6. More particularly, does this include people like Mr Joe Verster?

7. Does this mean that the army accepts Mr Verster's refusal to obey a lawful command, namely to produce the CCB's project files?

8. Does this mean that the army is prepared to accept Mr Verster in spite of the fact that he testified that his refusal to obey the command to hand over the CCB files was based upon the disquiet with which the CCB members viewed the present political developments?

9. What has happened to the CCB's assets, business fronts etc?

10. What has happened to the CCB's project files? Must we conclude that the army is prepared to take the CCB members up in its ranks while the CCB members still refuse to produce the project files?

11. Has a full report been prepared which will be presented to Parliament?

12. Does the army intend to prepare a full account of the CCB's disbandment, its liquidation and the disposal of its assets to the Commission?

13. What has happened to the CCB's unconscious members?

14. What administrative documentation became available when the CCB was disbanded?

15. Who on behalf of the army attended to the disbanding of the CCB?

16. Was the disbanding of the CCB executed with Ministerial approval?"

Apart from the matter of informing the Commission, these questions have still not been answered.

Surely, given the secret nature of the CCB's operations, an announcement about its disbanding is not proof that it has been dismantled and its activities halted. The statement would only become believable if the CCB's accounts, structures and assets were publicly dismantled and a full account made to parliament.

Despite the 1 August announcement, it appears that:

- all "ex-CCB" members are still receiving payment by the Defence Force. Various businesses continue to generate funds for members of the CCB;

- the CCB has an arsenal of weapons which have been brought from outside the country into the country which are not all registered;

- the CCB is currently in possession of project files relating to projects which have been "suspended". The CCB could continue with its operations at any time.

Public disbanding of the CCB should involve the following steps:

LISTING OF ALL PERSONNEL

The CCB must list and disclose the identities of all members of its personnel, both conscious and unconscious. These members should be registered with the SADF and their contracts with the CCB terminated. Since most CCB agents have done only this job for many years and are effectively not qualified to do anything else, their natural inclination would probably be to regroup. It may well be that a kind of rehabilitation programme has to be introduced in order to deal with the existing personnel. The only way in which this can effectively take place is if the SADF has full control over all members.

REALISING OF ASSETS

It is clear in terms of the evidence that the CCB has accrued assets which consist of:

- (i) Real estate in the form of farms and residential properties;

- (ii) Motor vehicles;
- (iii) Equipment;
- (iv) Liquid Cash Assets.

Obviously the CCB or its constituent members should not be entitled to these assets and/or to access to these assets, particularly as these resources may allow their operations to continue. In the circumstances, an auditor should assist in winding up the CCB's assets in order to ensure effective termination of the organisation.

MILITARY EQUIPMENT

One of the more alarming aspects of the CCB is that controlled large caches of military weapons ranging from air to ground missiles through to limpet mines, live ammunition for automatic weapons and finally smaller Russian manufactured weapons, such as the Makarov and Tokarev pistols.

From the evidence it would appear that no proper register was kept of these weapons. It may even be that there are arms caches which the CCB purchased which are still awaiting delivery. The winding down procedure must include an order that weapons be collected and properly registered.

PROJECTS

It is absolutely critical that all CCB files be traced by the SADF. The CCB members must be given an opportunity to make these files available. If they fail to do so they should be liable for prosecution and incarceration. If necessary, an act must be passed in order to deal with the liquidation of the CCB, in terms of which it would be an offence to maintain or harbour any existing project files of the CCB.

METHOD OF DISMANTLING

Since the CCB was formed and operated as a structure of the state. In order for the public to have confidence that the process of dismantling really means the demise of the structures and operations of the CCB, it is necessary that this task is not left to agents of the state who themselves are at least partly to blame for its existence in the first place. A "Working Group" consisting of both members of the African National Congress and members appointed by the South African Government has been set up to look into issues relating to political prisoners and to the question of amnesty. This body would be ideally placed to oversee the dismantling of the CCB.

In addition, the Working Group could appoint outside assistants, such as an auditor and a military advisor, to help with the task.

A date should be set by which members of the Civil Co-operation Bureau be given an opportunity to co-operate with the Working Group, failing which they will be subject to prosecution under a number of Acts.

BRINGING THE CULPRITS TO BOOK

Evidence before the Harms Commission clearly shows that a number of CCB members ought to be prosecuted for numerous and diverse

offences. The least of these offences is Joe Verster, Christo Brits and Braam Cilliers' consistent refusal to obey the command of the Chief of the South African Defence Force to co-operate with the Commission and to produce the project files. This was wilful defiance of authority in terms of Section 19(1) of the Military Disciplinary Code.

A charge of treason may be brought against those members of the CCB who openly defy the authority of the State President because of their political conviction and their opposition to the present political programme of reform.

Further investigations should be carried out into particularly the role which any member of Region 6 of the Civil Co-operation Bureau may have played in the murder of David Webster.

Evidence was led linking the CCB and one of its operatives, Noel Robey, to the death of Dr and Mrs Ribiero. Robey is believed to be in London. The matter should have been referred to the Attorney General and proceedings for the extradition of Robey should have begun.

Charges of attempted murder could definitely be laid against those CCB operatives involved in activities against Adv. Omar. Gavin Evans, Mr Mhlaba and Roland White. Should the evidence not be sufficient to prove an attempt, the evidence would certainly support a charge of conspiracy to commit murder.

Slang van Zyl, Calla Botha, Ferdie Barnard, Staal Burger, Joe Verster and General Webb were all involved in these actions and ought to be prosecuted.

The attack upon the Athlone Early Learning Centre may amount to sabotage. Consequently, Van Zyl, Burger, Botha and Isgak Hardien could all face prosecution for this. An alternative to this charge would either be terrorism or malicious damage to property. Joe Verster and Eddie Webb made use of their privilege against self-incrimination and refused to answer questions about this incident. Similar charges of sabotage, intimidation, malicious damage to property, even attempted murder or attempted sabotage or attempted malicious damage to property could be laid against Van Zyl, Burger, Barnard, Botha, Verster and Webb for various acts testified to before the commission. Despite the denials by members of the CCB and their refusal to testify before the commission regarding their alleged involvement in these acts, the lawyers for the David Webster Trust argued that these matters should be placed before the Attorney General.

There have also been several suggestions that financial irregularities took place in the management of CCB funds. Surely the Attorney-General could take this matter further?

CHAPTER VIII PREVENTION OF A REBIRTH OF THE CCB

The overwhelming impression that the Harms Commission evidence gives about the Civil Co-operation Bureau is that there was no control at all over the CCB. Millions of rands were spent annually to establish the CCB and to finance its activities both at home and abroad. It appears that none of the CCB's activities were ever reported to Parliament and that no audit of the funds spent was ever placed before anybody else but the Auditor-General, who had no choice - in the face of no evidence at all - but to accept whatever explanation was dished up by the Military.

The reason for the CCB's existence can be found in the style of the P.W. Botha regime. Botha considered the military to be a government within a government. Because the military could "justifiably" run covert operations, Botha was able to deal with the less palatable aspects of its functions without interference from other government departments. The military is not an organisation which ordinarily liaises with other government departments and therefore, in the ordinary course, the level of interference is fairly low. Awkward questions can always be answered with the blanket assertion that operations are "very sensitive". For this reason, the army has been in a position to keep its information and its actions secret. This is definitely a very undesirable state of affairs. A possible check on this kind of abuse of power could be to make the head of state, the President, responsible for all actions of the army.

One of the by-products of the evidence before the Harms Commission has been a sad history of waste and unauthorised spending which evidence has not been contradicted. Thousands of rand were spent on criminals for unsuccessful investigations of Mr Dullah Omar and Mr Gavin Evans. General Eddie Webb claims the CCB was accountable, but there is no evidence whatsoever that any checks and balances did apply to the internal activities of the CCB. Nor did Brigadier Heinrich Pfeil, the CCB bookkeeper who testified about financial controls within the CCB, provide any evidence of accountability. Pfeil was completely dependent upon the veracity the CCB operators.

If Parliament had controlled the funds available to the SADF, it is virtually certain that the CCB could never have happened. Unfortunately, the Botha era left us with the legacy of a SADF which had become a law unto itself - a state within a state, owing accountability to nobody and wasting millions of rands.

Surely it is imperative that all Defence spending must be fully accounted for to the State President personally as well as to a body such as a standing committee of Parliament upon defence, upon which committee all parties in Parliament should be represented. Defence spending must, even if it is under the cloak of confidentiality, be accounted for completely and accurately, and no military ventures of whatever nature may be embarked upon without the express approval of the State President. The Defence Act ought to be amended immediately to make provision for such control by Parliament. (Any future constitution for South Africa

must contain provisions permanently subjecting the South African Defence Force to broad and formal government control at the highest level. A departure from these provisions ought only to be allowed if the country is engaged in a genuine, formally declared external war. Any departure should in any event only be countenanced for the duration of such formally declared war.)

For the moment however, a parliamentary committee should be appointed to assist the President in making these defence-related decisions. The committee could be sworn to secrecy, but it should be made up of the broadest possible spectrum of men and women, with differing attitudes and differing sensibilities. This committee should have the right and, indeed, the obligation to discuss policy with the Ministry of Defence and should, to that end, be in a position to inspect the finances of the Ministry of Defence and, in certain circumstances, to request the State President to give it access to any documentation which might be relevant for assessing the conduct of the SADF and/or its policies. This committee should also be provided with full reports from the various Heads of army and the Joint Chiefs of Staff as well as the General's Staff, the Head of Military Intelligence, the Head of Staff Operations and Special Forces and any other major divisions. It should, in particular, also have access to information regarding logistics, i.e. the manufacture and sale of arms, particularly the despatching of military equipment, ammunition and funds.

In essence, this civilian committee would liaise with the Defence Force in order to ensure a 360 degree perspective rather than the rather more conventional military-style tunnel vision which can lead to the creation of such bodies as the CCB.

A recurrence of the CCB phenomenon should also be avoided by providing in the future constitution that units of the Defence Force may only be created with the express approval of the State President. The necessity for the creation of such units must be fully explained and motivated to the State President. And the principle of ministerial accountability ought to become entrenched in any new constitution. Ministers who fail to "know" what goes on in their departments should be recalled immediately.

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