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SUPPLEMENTARY REPORT OF THE SECURITY COUNCIL COMMISSION OF INQUIRY
ESTABLISHED UNDER RESOLUTION 496 (1981)

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Letter of transmittal

LETTER DATED 17 NOVEMBER 1982 FROM THE SECURITY COUNCIL COMMISSION OF
INQUIRY ESTABLISHED UNDER RESOLUTION 496 (1981) ADDRESSED TO THE
PRESIDENT OF THE SECURITY COUNCIL

In our capacity as members of the Security Council Commission of Inquiry established under resolution 496 (1981), we have the honour to transmit herewith the supplementary report of the Committee, prepared pursuant to paragraph 12 of resolution 507 (1982). This report was unanimously adopted today, 17 November 1982.

We avail ourselves of this opportunity to express the hope that the Commission of Inquiry has fulfilled its mandate to the satisfaction of the Security Council and our deep appreciation for the confidence shown by the Council in designating our respective delegations to be members of the Commission.

(Signed) Carlos OZORES TYPALDOS, Panama
(Chairman)

Jeremy M. CRAIG, Ireland

Nobutake ODANO, Japan

INTRODUCTION

A. New mandate of the Commission

1. On 15 March 1982, the Security Council Commission of inquiry established under resolution 496 (1981) with a view to investigating the origin, background and financing of the 25 November 1981 mercenary aggression against the Republic of Seychelles as well as assessing and evaluating economic damages submitted its report to the Security Council.

2. The Council examined the report (S/14905) between 20 and 28 May 1982 and, at its 2370th meeting, on 28 May 1982, adopted resolution 507 (1982). Under paragraph 12 of the resolution, the Security Council decided to mandate the Commission of Inquiry to examine all further developments and present a supplementary report with appropriate recommendations by 15 August 1982, which should take into account, inter alia, the evidence and testimony presented at any trial of any members of the invading mercenary force.

B. Organization of work

3. The members of the Commission held a number of informal meetings for the purpose of examining the Commission's organization of work and reviewing the means at its disposal for the fulfilment of its mandate.

4. By a letter dated 5 August 1982, the Permanent Representative of Japan to the United Nations informed the Chairman that Mr. Nobutake Odano of the Permanent Mission would serve as Japan's representative on the Commission following the reassignment of Mr. Kazumi Sezaki to the Foreign Ministry in Tokyo.

5. The Commission concluded that the main source of additional information was likely to be the proceedings, including the judgements, of the trials being held in both Seychelles and South Africa.

6. Accordingly, the Chairman of the Commission informed the representatives of Seychelles and South Africa of the desire of the Commission to receive, at the appropriate time, the full court records of the trials.

7. On 12 August 1982, at the request of the Chairman of the Commission and in order to allow the Commission more time to receive and study the record of the evidence and testimony presented at the trials, as called for in paragraph 12 of resolution 507 (1982), the Security Council agreed that the date of submission of the supplementary report should be extended to 31 October 1982.

8. The representative of Seychelles, by a letter dated 7 September 1982, made available to the Commission a copy of a transcript entitled "Criminal complaint - Complaint upon oath in the Supreme Court of Seychelles - the Republic versus
1. Robert Charles Sims, 2. Susan Josephine Ingle, 3. Frank Vincent Brooks,
4. Roger William England, 5. Jeremiah Cornelius Puren, 6. Bernard Stanley Carey,
7. Martin Dolinschek". 1/

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9. The representative of South Africa, by a note verbale dated 10 August 1982, transmitted a copy of the judgement and, subsequently, by a letter dated 5 October 1982, a copy of the record of court proceedings in the matter of the State versus Michael Hoare and 42 others. 1/
10. The Commission devoted a good number of informal meetings to the examination of those documents and the preparation of its report.
11. Following a request by the Commission for more time to complete its work, the Security Council agreed, on 31 October 1982, to a further extension of two weeks, until the middle of November 1982, for the submission of the Commission's report.
12. The present report was adopted at the Commission's seventh formal meeting on 17 November 1982.
13. The present report is largely based on an examination of the records which the Commission received, inasmuch as they related to the Commission's mandate. It does not purport to be a legal interpretation of those documents.
14. The Commission wishes to express its gratitude to the Governments of Seychelles and South Africa for making the above-mentioned court records available to it.
15. The Commission did not seek to elaborate further on the economic consequences of the mercenary aggression against Seychelles. The need for economic assistance to rehabilitate the economy is both serious and urgent. The Commission noted, inter alia, that, in pursuance of paragraph 9 of resolution 507 (1982) of the Security Council, a Special Fund had been established, through which assistance should be channelled for economic reconstruction. It noted further that, in accordance with paragraph 10 of the same resolution, an Ad Hoc Committee had been established to co-ordinate and mobilize resources for the Special Fund and that an appeal had been made to all States and international organizations, including the United Nations specialized agencies, for assistance to be extended to the Republic of Seychelles.

I. REVIEW OF RELEVANT DEVELOPMENTS

A. The trial in Seychelles

16. The seven captured mercenaries were tried on charges of treason in contravention of section 39 (1) (a) of the Penal Code, which reads as follows: "A person who levies war or does an act preparatory to levying war against Seychelles is guilty of treason". The trial commenced on 16 June 1982. The Chief Justice overruled a preliminary objection made by the defence counsel to the effect that a person who is not a citizen or a permanent resident of Seychelles could not be tried and punished in Seychelles under that section.
17. In respect of two of the accused, Robert C. Sims and Susan J. Ingle, there was entered a nolle prosequi. 2/ The remaining accused, with the exception of

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Martin Dolinschek, on the advice of their counsel, pleaded guilty to one or more counts against them. Dolinschek, who chose not to be represented, tendered a plea which was considered to be ambiguous. The Chief Justice directed that a plea of not guilty be entered.

18. On 5 July 1982, the jury unanimously found all five guilty as charged. Following addresses in mitigation, the Chief Justice sentenced Frank V. Brooks, Roger W. England, Jeremiah C. Puren and Bernard S. Carey to death. Martin Dolinschek was sentenced to 20 years' imprisonment, the Chief Justice announcing that he had concluded that Dolinschek was an accomplice rather than a principal party and had shown a spirit of contrition. The accused were given the opportunity to appeal against their conviction. 3/

19. As a consequence of the guilty pleas by the other four defendants, only Dolinschek gave testimony in the course of the trial. Dolinschek specifically read out, as the main evidence in his defence, the complete record of his hearing before the United Nations Commission (S/14905, annex VI).

20. During the proceedings a technician in Radio Seychelles stated that an examination of the partially burnt pre-recorded tapes left behind by the mercenaries at the airport indicated that they had contained not only a message by James Mancham, as reported in the United Nations Commission report (S/14905, para. 63) but two other voices which the technician identified as those of two other Seychellois in exile, Gerard Hoareau and Paul Chow (ibid., paras. 250-254).

21. Since the Commission, in the course of its visit to the Seychelles, had earlier had the opportunity of questioning the captured mercenaries and had been furnished with much information by the Government of Seychelles, the proceedings of the trial generally served to confirm information already contained in the Commission's first report. Consequently, little additional information of significance emerged as to the origin, background and financing of the aggression.

B. The trial in South Africa

22. In March 1982, 45 men were charged in the Supreme Court of South Africa, Natal Provincial Division, Pietermaritzburg, on four specific counts under the South African Civil Aviation Offences Act No. 10 of 1972, which deals with hijacking or other unlawful interference in the safe operation of a civil aviation aircraft. The 45 men comprised the group of mercenaries who arrived in Durban, South Africa, early on 26 November 1981 aboard an Air India aircraft which had earlier landed in Seychelles on a scheduled flight from Salisbury (now Harare), Zimbabwe, en route to Bombay, India.

23. Before the trial began, two of the mercenaries, van Huysteen and de Wet turned State's witness and had the charges against them withdrawn. They did not testify in court. The remaining 43 entered pleas of "not guilty".

24. Judgement was delivered on 27 July 1982: 2 of the accused (Hoare and Duffy) were found guilty on three of the four counts; 6 on two counts and 34 on only one of the counts; 1 (Dukes) was acquitted on all counts, on the ground that he had been seriously wounded in the early stages of the fighting at the Seychelles airport and was in no physical or mental condition to participate in the arrangements leading to the hijacking of the plane. 4/ Sentences were subsequently imposed, ranging from 20 years' imprisonment (of which 10 years were suspended) for Michael Hoare to five years' imprisonment (of which 4 1/2 years were suspended) for those convicted on one count only. Leave to appeal was refused.

25. During the trial, reference was made to legal provisions which would restrain witnesses from referring to certain matters in the course of their testimony. On 16 June, an affidavit from the Minister of Defence, under section 29 of the General Law Amendment Act (No. 101) of 1969, 5/ was produced in court, prohibiting the production of information regarding certain operations of the South African Army prior to 24 November 1981. Subsequently, a number of the defendants and witnesses declined on that ground to answer certain questions that were put to them. Reference was also made to the Official Secrets Act (No. 16 of 1956), under section 3 of which it is an offence to reveal certain information.

26. Early in the proceedings, the question was raised whether the security of the State might be prejudiced by the discussion of certain matters in open court and whether these should be discussed in camera. Following an exchange in camera with counsel, the judge directed that if and when evidence was to be given relating to three specific items (not identified in open court), it should be done in camera. A limited number of in camera hearings was held. However, before the testimony of the accused was heard, the judge narrowed the scope of his ruling to only one of the three items; there is no indication that there were in camera hearings subsequently.

27. In the course of a lengthy trial, testimony was given by airport, police and security officials who were at Durban airport on 26 November, by passengers on board the plane and by almost all the accused. The Court arranged for testimony to be heard on commission in the Seychelles from the Air India captain, Mr. Saxena, and from the Seychelles Director of Civil Aviation, Mr. Lalanne.

28. The Commission has examined the trial record 6/ but does not intend to give a complete account of the proceedings, as much of them relate to the hijacking charges and not directly to the Commission's mandate. However, it considers it useful to include a summary of, and extracts from, certain testimony.

29. Given the central role played by Michael Hoare in the mercenary aggression, his testimony is of considerable importance. The Commission has therefore presented a summary of the main points relevant to its mandate, without judgement as to the reliability of the testimony, which will be assessed later in the present report.

30. In the course of the testimony offered by the other accused and elicited in cross-examination, a great deal of information was presented on a number of points relating to the Commission's mandate, including the recruitment of the accused,

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their motivation for joining, their individual roles in the mercenary operation and the briefing they received on a number of questions, including alleged official involvement.

31. Selected extracts of relevant testimony are presented in annex IV of this report. Given the length of the proceedings, it is possible for the Commission to reproduce only a small part of the relevant testimony. Any such selection is inevitably somewhat arbitrary. The Commission has endeavoured to select those portions of testimony that serve to illustrate particular points with the greatest clarity. In view of the role which they played, fuller extracts have been included in respect of certain individuals.

32. Finally, the Commission has summarized those portions of the judgement of the Court which have relevance to the Commission's mandate. The principal relevant passages in the judgement are reproduced in annex II, below.

Evidence of Michael Hoare

33. Michael Hoare stated in his testimony that he had started to make preparations for an operation aimed at overthrowing the Government of Seychelles almost immediately after his meeting in September 1977 with Gonsalves d'Offay, formerly a Minister in the previous Government headed by Mancham. Shortly thereafter, he had flown to Seychelles for six days on a reconnaissance mission. He had then submitted the outline of a plan for the operation to d'Offay and had estimated the cost of operation at \$US 5 million. He had also written a letter to d'Offay in May 1978 to offer his services to Mancham for the purpose. He had subsequently met Mancham in London in early 1979.

34. Hoare further stated that early in 1979 he had begun to keep the Bureau of State Security (BOSS), later called National Intelligence Service (NIS), informed about the possibilities of a mercenary operation against Seychelles through Dolinschek, his link with that organization. He had then had a meeting with the head of BOSS, Alec van Wyk. The latter had informed Hoare in due course that a minute had been submitted to the Cabinet but that the Cabinet was unable to do anything. Hoare had made a second trip to Seychelles in June 1980.

35. Hoare testified that in 1981 the express mandate to mount an operation had been verbally conveyed to him by Mancham through Gerard Hoareau, who had recently arrived in South Africa from Seychelles. The Seychelles Resistance Movement, according to Hoare, had had great difficulty in raising the money he needed for the operation, Hoare had eventually scaled down his budget to \$US 500,000, but had been told that only \$US 400,000 had been raised. In the event, only \$US 320,000 had been made available to him.

36. In June or July 1981, according to Hoare, he had entrusted Moneta, who had served with him in the Congo (now Zaire), with the task of recruitment. In the following month Hoare had asked Moneta to set up a meeting with some men who might be interested. Moneta had introduced him to the commanding officer of a Citizen Force unit who, Moneta thought, could provide 40 men. He recalled having met Captain (later Major) Ward at one of the early meetings.

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37. Hoare stated that he had discussed his plan with a couple of senior NIS officials in Durban on 25 September 1981. He had been told that his plan would be submitted to the Cabinet. A few days later he had received a call from Claassen, a senior official at NIS headquarters, to meet him in Pretoria. According to Hoare, Claassen had said that the Cabinet had given its approval, in principle, but that the matter had had to be handed to the army. He had then been introduced to Brigadier Hammon and Brigadier Knoetze of military intelligence and had given them a list of the arms and ammunition that he needed.

38. Hoare further stated that the army had agreed to provide a military base in the Northern Transvaal for training purposes. In the event, however, there had been no time for the training.

39. On 6 October 1981 the weaponry had been delivered in crates by an army sergeant in a civilian lorry to his residence. Hoare said that the crates had contained certain heavy weapons he had not asked for and that those had been returned later, as they would have been difficult to use.

40. Hoare stated that his plan had involved the use of only extremely highly trained and experienced soldiers. He said that the question of make-up, nationalities etc. of that force had been discussed with military intelligence towards the beginning of October. Hoare had envisaged the use of 73 South African soldiers for the purpose, but the military intelligence had wanted to restrict the number of South Africans to 15 or, possibly, 12 so that the majority should be holders of foreign passports. Another source of recruitment had then been found through Dalgliesh, who had served in the Rhodesian Defence Force and settled in Durban after the independence of Zimbabwe and owned a hotel where ex-Rhodesian commandos used to meet.

41. He said that he had discussed, in general terms, with potential recruits what the operation might be before actually recruiting them at meetings held in Johannesburg and Durban. Hoare said he had met all recruits personally and given them R1,000 (one thousand Rand) as an advance. In the case of the ordinary recruits, the total remuneration was to have been R11,000. His own reward was to have been R100,000; Moneta, his second-in-command, was to have received R50,000; and other "officers" were to have received remuneration varying from R30,000 to R20,000.

42. According to Hoare, his initial plans had involved the transportation of weapons by sea. In the end, he had had to opt for a high-risk plan which had resulted in the carriage of weaponry by the main body of mercenaries on the Air Swazi flight on 25 November. An advance group of eight had managed to get to Seychelles with their weapons by various routes without any problem.

43. As regards possible official support for the operation outside South Africa, he had made an approach to an agent whom he knew in the United States Central Intelligence Agency (CIA). According to Hoare, he had tried to persuade the Americans to take an interest in the matter but had not succeeded.

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44. Late, in 1981, he had caused representations to be made to CIA through Gerard Hoareau on the specific point of whether he could expect an early American recognition of the new government, which he felt was vital to the success of the operation. Hoareau had told him later that he had secured the American assurance of an immediate recognition to the new government. He had not checked Hoareau's statement with the CIA man he knew.

45. Hoare said that his plan had envisaged the arrival from Kenya of the new government by aircraft shortly after the successful execution of the operation. He admitted that he had given the mercenaries the impression that not only the American Government but the Kenyan Government would grant immediate recognition to the new government. He did not elaborate on the basis for that statement.

Judgement by the Court

46. The following is a summary of points relevant to the mandate of the Commission made by the judge in the introduction to his judgement.

47. As a preliminary, the judge emphasized that the accused stood charged with certain offences relating to the hijacking of civil aircraft and not with any offence arising directly out of the attempt to overthrow the Government of Seychelles. However, he added that because certain of the accused claimed to have believed that the whole operation was a South African Defence Force operation and that the fact that it was to be commanded by a well-known mercenary leader and that they were to receive substantial payments from a foreign source for their services was only a kind of cover plan to disguise their operation, it was necessary for the Court to consider what the accused believed, the grounds for that belief, the source of their information and the reliability of that source.

48. The judge summarized the circumstances in which the accused had been recruited. Following earlier contacts relating to the possibility of a mercenary operation directed against the Seychelles, Hoare had received clearance to put together an operational plan. He had approached Moneta (accused No. 22) to make contact with certain members of the Second Reconnaissance Commando, 7/ with a view to recruiting them. He had acted largely through Dunlop Paul (accused No. 44) who, in turn, had contacted a sergeant in the Commando named Brian Walls and, through him, a certain Major Willy Ward who had, at one stage, been in the Commando but had subsequently been given an independent command.

49. The judge added that, according to witnesses, at a meeting on or about 28 October 1981, when Hoare had outlined his plan, Major Ward had said that he would see to the recruiting of the necessary 70 men from his own unit. However, a few days after that, Moneta had been informed that Major Ward had been called away for a military operation and could not take any part in the planning.

50. A new source of recruits was found in Durban as a result of the connections that Dalgliesh (accused No. 27) had had with men who had seen service in the former Rhodesian forces and had come to settle in South Africa. About the same time, members of the Second Reconnaissance Commando had been recruited. Each person had been paid R1,000 in cash on signing an undertaking to join, with a promise of a

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further \$US 10,000 8/ on successful completion of the operation. Certain senior personnel had been promised more.

51. The judge then analysed what Hoare had told potential recruits in the course of meetings in the Transvaal and in Durban. There seemed to be no dispute that he had said

(a) That he had a mandate to mount the operation on behalf of Manham;

(b) That the participants would not have to take weapons with them, as those would already be on the island.

52. The judge focused on what Hoare was supposed to have said about knowledge by and support of the operation by the South African and other government authorities. His analysis of the testimony by witnesses, which he found varied somewhat, may be summarized as follows:

(a) Some stated that Hoare had told them that the scheme had the backing of the South African Government and NIS; others that they had merely been aware of the operation. Some recalled Hoare's having said that he had been in contact with two army brigadiers; others recalled that a general and the Prime Minister had been mentioned. The use of a training ground in the Northern Transvaal had been mentioned;

(b) Some said that they had believed the scheme to be an undercover operation in their capacity as members of the Defence Force; others stated that they had had the impression that, if something went wrong, the South African authorities would distance themselves from it;

(c) Some said that Hoare had indicated that CIA was aware of the proposed operation; others that he had had personal contacts with the President and the Secretary of State of the United States;

(d) Some recalled that he had said Kenya would recognize a new government, following the success of the operation; others that Kenya would fly in troops afterwards.

53. The judge then analysed Hoare's own account. Hoare had first denied that he had, at any stage, specifically implicated the Prime Minister, the Government or the Defence Force of South Africa in the operation, but he had subsequently admitted that he had told some of the recruits

(a) That the South African Prime Minister knew and approved of the venture;

(b) That he had negotiated with two brigadiers (but not a general);

(c) That they could look for the support of the Kenyan and United States Governments, as both would give early and instantaneous recognition once a new Government was installed;

(d) That he had had contacts with CIA.

Hoare denied that he had ever said that he had negotiated with the President or the Secretary of State of the United States.

54. The judge concluded that he had little or no doubt that Hoare

(a) Had done his best to convince recruits that the projected operation had the tacit support of the South African Government and the Defence Force and had told them that CIA was sympathetic, that the United States and Kenya would give necessary recognition to the new government and that James Macham would fly in his new government from Kenya.

(b) Had painted the picture of a Marxist government in the Seychelles and had mentioned the need to restore a Western-oriented government in the interest of South Africa and the West.

55. The judge pointed out that most of Hoare's evidence regarding the knowledge of or involvement in his plans of various Governments, government agencies and individuals was unsupported. The judge had little or no belief in any unsupported statement made by him, for reasons that would emerge later in his judgement. 9/ Statements about the Kenyan Government and CIA were based on his word alone. He had not even claimed to have met the President of the United States or the Secretary of State; nor had he claimed to have met the Prime Minister of South Africa.

56. The judge also noted that de Jager, a member of the Reconnaissance Commando, who had declined to participate further when required to smuggle his weapon into Seychelles in his baggage, had no doubt that the operation was a mercenary one and that the South African Defence Force was not involved. Further, the majority of the accused appeared to have accepted that once they had embarked on the operation, they could expect no assistance or support from the South African Government or the Defence Force.

57. Accordingly, the judge found that the accused had failed to show that the operation was an official one in terms of the South African Defence Act (No. 44 of 1957, sects. 1 and 95 (2)) and the Republic of South Africa Constitution Act (No. 32 of 1961, sects. 16 through 19).

58. The judge, however, made the following observations regarding the extent of the knowledge or support of the operation by officials of the South African Government:

(a) It must be accepted that Dolinschek 10/ was an employee of NIS of South Africa, and it would be naïve to suggest that NIS had not been aware, through Dolinschek's agency, of Hoare's projected mercenary expedition in general terms, even if it had not taken positive steps to support it.

(b) It was impossible to escape the conclusion that the delivery of the AK-47s and other equipment to Hoare's house on 6 October 1981 had followed on contacts with Brigadiers Hammon and Knoetze. It had never been suggested that the delivery by a sergeant major in the Defence Force had been made in error or that

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the articles had been delivered from another source. 11/ The judge, therefore, accepted that certain members of the South African Defence Force had lent aid and support to the operation. The judge added that there was nothing in the evidence to suggest that they or any other members of the Defence Force had had anything to do thereafter with the planning of the operation, the recruiting, the provision of transport or the payment of wages, or to suggest that they had been aware of the date of the operation.

59. Other points relevant to the Commission's mandate mentioned in other parts of the judgement were:

(a) The judge found some basis for the claim by at least some of the accused that the police authorities, during initial interrogation at Sonderwater, had been more concerned with the events in the Seychelles and the recruitment of persons for that operation - particularly whether members of the Defence Force had been involved - than with activities relating to the mercenaries' departure on the Air India aircraft. 12/

(b) The very fact that de Beer (accused No. 26) had been prepared to falsify call-up papers to enable fellow members of the Reconnaissance Commando to take leave in order to join the operation, and that others had been aware of it, was a strong indication that they had realized that the operation was not a government one disguised as a mercenary one. 13/

II. FINDINGS AND CONCLUSIONS OF THE COMMISSION

60. In its first report (S/14905), submitted at the end of its visit to the area, the Commission noted that the information available to it at that time was far from complete but did not exclude the possibility that further significant information relating to its mandate might become available, particularly in the course of the trial on hijacking charges then under way in South Africa. Further information did, in fact, emerge.

61. The Commission, however, noted a number of limitations on the value of the trials in Seychelles and South Africa as a source of information.

62. First, the trials conducted in Seychelles and South Africa related to specific charges under the domestic laws of each country. The trial in South Africa focused on the hijacking charges, and the information relevant to the Commission's mandate emerged incidentally rather than as the central part of the trial.

63. Second, owing to the legal constraints referred to in paragraphs 24 and 26 above, some witnesses were restricted in their testimony in respect of certain subjects.

64. Third, a considerable amount of the available additional information relevant to the Commission's mandate derived from Hoare's testimony, much of which was not corroborated by other witnesses. The Commission therefore has had to treat what he said with the utmost caution when that testimony has not been independently

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confirmed. Furthermore, the Commission did not have the opportunity of directly questioning any of the mercenaries in South Africa, in particular, Hoare.

65. Subject to the foregoing and to the other constraints to which the Commission referred to in its first report, the Commission wishes to draw the following conclusions on the basis of information contained in both its first report and the present supplementary report.

66. The Commission has no reason to alter the substance of the findings contained in paragraphs 276 to 286 of its earlier report, particularly with reference to the object, immediate preparation, planning and financing of the mercenary aggression. The following elaboration on certain points should be read in conjunction with the findings in the first report.

67. The Commission still does not have full knowledge of the background of the mercenary aggression. The Commission, however, has reason to believe that there had been contacts between Hoare and Seychelles exiles since 1977 with a view to overthrowing the Seychelles Government. The Commission also has reason to believe that Moneta was involved in contacts for that purpose, as was Dolinschek. The fact that there were such contacts is clear from other sources, including Dolinschek and the South African Government (see S/14905, para. 187).

68. The Commission is satisfied that Hoare initiated specific preparations for the mercenary aggression following further contact in 1981 with Seychelles exiles, in particular, Gerard Horeau, in which Hoare received assurances of financial support.

69. Among those also involved in preparatory discussions were Dolinschek, Captain Ward (a South African army officer) and non-commissioned officers from the Second Reconnaissance Commando.

70. The plans for the operation as developed by Hoare changed substantially from when they were first outlined to others in September 1981 to their actual execution in November 1981. This was most strikingly demonstrated by the decision that the weapons should be carried individually by the mercenaries in their luggage instead of being shipped to the island.

71. Recruitment in the first instance was through Moneta's connections in Johannesburg, mostly of individuals attached to the Second Reconnaissance Commando, many of whom were used to being called up for special operations and to carrying out such operations outside South Africa.

72. Later, recruitment was undertaken in the Durban area of individuals who had served with the former Rhodesian forces prior to the independence of Zimbabwe, many of whom had also served for a time in the South African Defence Force following their departure from Zimbabwe. A number of other individuals also participated, including some who had previously been involved in mercenary operations.

73. It is not now disputed that Hoare approached officials of NIS for logistical support and that those officials referred him to officials of the South African Defence Force; nor is it disputed that the weapons and other equipment used by the

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mercenaries were provided to Hoare by officials of the South African Defence Force. It seems reasonable to presume that they were supplied from stocks in the possession of the Defence Force.

74. Clearly NIS was aware of the preparations for the mercenary aggression from their inception through Hoare's admitted contacts with NIS and through Dolinschek, who, it is now evident, was an official of the service.

75. Given the nature of intelligence and military operations and the Commission's lack of information, the Commission is obviously not in a position to determine the full extent and level of involvement and responsibility of the South African NIS and Defence Force.

76. As regards the financing of the operation, the Commission maintains the view that the expenses incurred in the mercenary operation and those which would have been incurred had it been successful would have amounted to at least \$US 750,000. However, because only R1,000 was paid to those involved, the balance to be paid after completion of the operation, the actual expenditure of which the Commission has knowledge does not exceed \$200,000. Hoare testified that a sum of \$320,000 had been placed at his disposal by Seychelles exiles, although they had promised him \$US 400,000 towards the operation. Paul Chow, in his statement to the Commission, stated that the sum of \$400,000 had been paid to Hoare (see S/14905, para. 251).

77. From the information available to it, the Commission thinks it quite likely that the additional necessary finances would have become available following a successful completion of the operation; but it cannot exclude the possibility that there might have been other prior sources of financing.

78. The Commission wishes to draw attention to the following, which it considers as clearly established regarding South African involvement:

(a) The arms, ammunition and other equipment were supplied by South African Defence Force personnel;

(b) An army officer participated in the preliminary discussions;

(c) The Government was generally aware of attempts by Seychelles exiles seeking support to overthrow the Government of Seychelles;

(d) NIS was aware of Hoare's plans from their inception;

(e) Members of the Second Reconnaissance Commando, an élite unit, took part in the operation.

79. The Commission notes that, while admitting certain facts, the Prime Minister of South Africa, in his statement on 29 July 1982, said that "neither the South African Government, the Cabinet nor the State Security Council were aware of the coup". 14/ In the light of the facts as set out above, the Commission must conclude that, if responsible ministers were not at least aware of what was going on, this indicates both a remarkable lack of control by the South African

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Government over its own agencies and a lack of awareness that is hard to reconcile with the tight and effective control exercised by the security authorities in South Africa to which the Commission referred in its first report.

80. Concerning the allegations of involvement by other Governments, the Commission notes that all statements in this regard of which it is aware derive directly or indirectly from Hoare. Furthermore, by his own admission, much of what he said in this connection was not known to him directly. In these circumstances, the Commission can base no findings on such statements.

81. As indicated in paragraph 15, the Commission did not seek to elaborate further on the economic consequences of the mercenary aggression. It believes that the need to help overcome those consequences is serious and urgent.

III. RECOMMENDATIONS OF THE COMMISSION

82. The Commission, at this concluding stage of its work wishes to reaffirm the continuing validity of recommendations 2 through 5 contained in its first report (S/14905, para. 293).

83. In particular, in view of the continuing threat which mercenary aggressions represent for the sovereignty and independence of States, especially small developing nations, as illustrated in the letter dated 2 November 1982 from the Chargé d'Affaires of Seychelles (S/15477):

(a) The Commission wishes to stress the need to bring the work at present under way on an international convention against the recruitment, use, financing and training of mercenaries to a speedy conclusion, so that the convention may be opened for signature as soon as possible;

(b) The Commission wishes again to emphasize that States should make every effort to prevent mercenary operations, in particular, by communicating without delay to the Governments concerned any information they might have regarding possible mercenary activities.

84. In the light of the conclusions it has reached on this issue, the Commission considers that South Africa has a particular obligation to take all necessary steps to insure that mercenary operations are not launched from its territory.

85. Having in mind the continuing adverse effects of the mercenary aggression of 25 November 1981 on the economy of the Republic of Seychelles and the need for further assistance, the Commission wishes to commend to the attention of Member States the appeal made recently by the Ad Hoc Committee established under paragraph 10 of resolution 507 (1981) for contributions to the Special Fund for Seychelles established pursuant to paragraph 9 of the same resolution.

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Notes

1/ In both cases the Commission received the transcript of proceedings, including judgements, but not documents produced in court as evidence.

2/ Mrs. Ingle's bank account and R28,000 in cash were forfeited, however, as the Court found evidence that they might have been used or intended to be used for committing an offence of which the five others were convicted. Some of the accused were separately charged with illegal importation of arms; Sims was sentenced to prison on that charge.

3/ According to press reports, the four mercenaries sentenced to death decided not to appeal but, instead, to petition the President of Seychelles for clemency.

4/ The body of a 46th mercenary, J. Fritz, killed at Mahé airport, Seychelles, in the evening of 25 November 1981, had been flown to Durban aboard the aircraft.

5/ Under that Act, the Prime Minister of South Africa or anybody authorized by him, or any other Minister may issue a directive, notwithstanding anything to the contrary contained in any law or the common law, prohibiting any person from giving evidence or furnishing any information in any proceedings in any court of law or before any body or institution established by or under any law, as to any fact, matter or thing or as to any communication made to or by such person. According to press reports, provisions of that section were invoked for the first time during the trial of the 43 mercenaries in South Africa.

6/ The record appeared to be complete, except for the statements (addresses) made immediately prior to the judgement by counsel for the defence and by those accused who had not legal representation. Those were stated not to have been recorded. The record was in the original language, portions being in Afrikaans.

7/ The South African Defence Force is believed to include among its components:

- (a) The permanent Force;
- (b) The Citizen Force;
- (c) The Commando Force of a home-guard nature.

The Reconnaissance Commando (RECCE) is an élite force composed of volunteers who have previously completed their two years of military service. Members of that unit are professional part-time soldiers who undergo rigorous training and are called upon, as required, to mount special operations.

8/ References were made in the course of the trial to both rand and United States dollars. At the time, the value of the rand and that of the United States dollar were roughly the same.

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9/ In the course of the judgement, the judge, on a number of occasions, declined to accept Hoare's testimony when it conflicted with that given by other witnesses.

10/ One of the mercenaries captured by the Seychelles Security Forces in the aftermath of the mercenary aggression of 25 November 1981, who had stated that he was an officer of NIS (see also sect. I A, above, and the Commission's first report, S/14905, paras. 79 and 281).

11/ An official receipt for the delivery signed by Hoare was produced in the Court as an exhibit.

12/ Following the arrest of the accused in Durban and their transfer to
n 22 of article 62 of 1966

Annex I

LIST OF THE ACCUSED IN THE SOUTH AFRICA TRIAL a/

<u>Accused No.</u>	<u>Name</u>	<u>Age</u>	<u>Nationality</u>	<u>Substantive occupation (when given)</u>	<u>Military experience and other remarks</u>
1.	Thomas M. B. Hoare	62	Irish	Self-employed	Ex-British army, former mercenary leader in the Congo b/
2.	Charles W. Dukes	25	United States	-	Ex-Rhodesian army, ex-member, V RECCE, South Africa
3.	Vernon A. Prinsloo	31	Zimbabwean	Manager in business firm	Ex-Rhodesian army (captain)
4.	Robert Jones-Davies	23	British	University student in South Africa	Completed national military service, South Africa
5.	Andrew T. Standish-White	22	Zimbabwean	University student in South Africa	Ex-Rhodesian army (Special Air Services) (lance corporal)
6.	Patrick J. Eurelle	32	South African	Owner of advertising concern	Completed national military service
7.	Christo Hillebrand	27	South African	Insurance broker	Member II RECCE
8.	Bernard de Vos	27	South African	School teacher	Member II RECCE
9.	Louis A. Boucher	22	South African	-	Reservist V RECCE, ex-member I RECCE
10.	John V. Mackay	25	British	Electrician	Ex-New Zealand army, ex-Rhodesian army (Special Air Services) and ex-member I RECCE

<u>Accused No.</u>	<u>Name</u>	<u>Age</u>	<u>Nationality</u>	<u>Substantive occupation (when given)</u>	<u>Military experience and other remarks</u>
11.	Sven H. Forsell	38	Austrian	Television producer	-
12.	Jan O. Sydow	41	South African	Proprietor of a security company	Formerly of Swedish military intelligence
13.	Stephen J. Biddlecombe	23	Zimbabwean	Employed by an engineering firm	Ex-Rhodesian army and ex-South African army
14.	Richard J. Stannard	28	Zimbabwean	-	Ex-Rhodesian army (captain) and ex-South African army (captain) ex-member VI RECCE
15.	Nicholas Wilson	23	British	Part-time employee	Ex-Rhodesian army (Special Air Services) (lance corporal), ex-member RECCE
16.	Peter A. D. Hean	30	South African	Company manager	Ex-South African and ex-Rhodesian army (major)
17.	Kevin T. Beck	27	South African	Administrative manager in a firm	Ex-member I and IV RECCE
18.	Theodoros D. van Huyssteen c/	-	-	-	Member II RECCE
19.	Jochemus L. Dekker	27	South African	Lecturer, Institute of Production Management	Reservist RECCE
20.	Fredrick L. Gouws	22	South African	Apprentice instrument technician	Reservist V RECCE

<u>Accused No.</u>	<u>Name</u>	<u>Age</u>	<u>Nationality</u>	<u>Substantive occupation (when given)</u>	<u>Military experience and other remarks</u>
21.	Kevin N. Barnes	23	British	Sales representative for a civil security company	Ex-Rhodesian police and ex-South African army (lance corporal)
22.	Tullio Moneta	42	South African	Actor	Former mercenary in the Congo
23.	Barry F. Gribbin	26	United States	-	Ex-Rhodesian army (corporal) and ex-member I RECCE
24.	David C. Greenhalgh	22	Zimbabwean	Sales representative of a firm	Ex-Rhodesian army (Lieutenant)
25.	Charles G. Goatley	27	Zimbabwean	Diamond broker	Ex-pilot (Lieutenant) in Rhodesian air force
26.	Johannes L. P. de Beer	25	South African	Operations planning manager of a company hotel	Member II RECCE
27.	Kenneth H. Dalgliesh	32	British	Hotel proprietor	Ex-British navy intelligence officer (sub-lieutenant) and ex-Rhodesian army
28.	Patrick G. B. Henrick	25	South African	Estate agent	Member II RECCE
29.	Ernst L. Dettlefs	24	South African	University student in South Africa	Ex-South African army, 32nd Battalion
30.	Keith Macleod	26	South African	Self-employed	Member II RECCE
31.	Desmond Walker	27	South African	Nature conservationist	Member II RECCE

<u>Accused No.</u>	<u>Name</u>	<u>Age</u>	<u>Nationality</u>	<u>Substantive occupation (when given)</u>	<u>Military experience and other remarks</u>
32.	Pieter Doorewaard	28	South African	Draughtsman	Ex-military police, Pretoria, and member II RECCE
33.	Donald P. Kenny	45	British	Garage operator	Ex-Rhodesian army (warrant officer) ex-member VI RECCE
34.	Michael F. Webb	32	British	Insurance consultant and, later, barman	Ex-British army (captain), ex-Rhodesian army and ex-South African army
35.	Peter B. G. Duffy	40	British	Professional photographer	Former mercenary in the Congo
36.	Desmond J. Botes	52	South African	Estate agent	Ex-Rhodesian police
37.	Kenneth J. Kelly	33	Australian	-	-
38.	Kurt G. H. Priefert	38	Federal Republic of Germany	Poet and entrepreneur, Johannesburg	Ex-member RECCE
39.	Peter Rowhein	43	Federal Republic of Germany	Cotton farmer, Chipinga, Zimbabwe	Served twice as mercenary in the Congo, the first time under Hoare
40.	Steyn de Wet c/	-	-	-	Member II RECCE
41.	Simon T. Willar	25	British	Consultant for a construction firm	Ex-Rhodesian army (captain)
42.	Jacob A. du Toit	22	Zimbabwean	Worked with his father in the construction business	Ex-Rhodesian army (Special Air Services) and member RECCE

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<u>Accused No.</u>	<u>Name</u>	<u>Age</u>	<u>Nationality</u>	<u>Substantive occupation (when given)</u>	<u>Military experience and other remarks</u>
43.	Alex Deacon	25	South African	Sales representative	Member II RECCE ex-member I RECCE
44.	William D. Paul	46	South African	Health studio business	Member II RECCE
45.	Alan A. Mann	30	South African	Electronics technician	Member II RECCE

a/ Immediately prior to the mercenary aggression all the accused, except Rowhein, were resident in South Africa.

b/ Now Zaire.

c/ All charges were withdrawn prior to trial and, therefore, the accused was not put on trial.

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Annex II

EXTRACT FROM THE COURT JUDGEMENT IN THE SOUTH AFRICA TRIAL

I think it will be convenient if the Court deals shortly with the history of the recruiting for the operation to ascertain, in particular, whether any of the accused had any reasonable basis for believing that the South African Government or Defence Force and certain foreign Governments were involved in this operation and the extent to which this would lead them to the belief that this was a covert South African operation.

The circumstances in which the accused were recruited may be summarized as follows:

Ever since the overthrow of the Mancham régime in the Seychelles, Mancham and others of like opinion, in an effort to return to power, began considering the possibility of a coup d'état with the aid of mercenaries. Colonel Hoare was first approached on Mancham's behalf in 1978, and, at about the same time, approaches were also made, according to Tullio Moneta (accused No. 22) to a man named Schroeder, who had also been a mercenary leader in the Congo [now Zaire] after Colonel Hoare had withdrawn from the scene. Schroeder had approached Moneta in the hope that he would be able to make contact with suitable recruits for a mercenary operation, but Moneta had close connections with Hoare, under whom he had served in the Congo, and kept him informed of Schroeder's plans. Eventually, the way was cleared for Hoare to put an operational plan together, and he approached Moneta to make contact with certain members of the Second Reconnaissance Commando, with a view to recruiting them for a mercenary operation designed to overthrow the René Government in the Seychelles. He acted largely through Dunlop Paul (accused No. 44), who, in turn, contacted a sergeant in the Commando named Brian Walls and, through him, a certain Major Willie Ward, who had, at one stage, been in the Commando but had subsequently been given an independent command. As a result of these contacts a meeting was held on or about 28 October 1981 at the Kyalami Ranch Hotel. This was addressed by Colonel Hoare, and there were present at the meeting Major Ward, Sergeant Walls, Moneta, Dunlop Paul (accused No. 44), Pieter Doorewaard (accused No. 32), Alan Mann (accused No. 45) and Kurt Priefert (accused No. 38), who was present because he was a close personal friend of Dunlop Paul.

According to Dunlop Paul, Colonel Hoare revealed at that meeting that he had a mandate from Mancham to stage a coup d'état in the Seychelles, that the American Central Intelligence Agency (CIA) was aware of the proposed operation, that the South African Government was aware of the operation and would not go against it and that "the men at the top" were aware of it and that he had been in contact with two brigadiers. He also told them that they would not have to take weapons with them, as they would be waiting on the island, that the coup would be staged before the end of December and that a training ground in the Northern Transvaal would be made available to them. He revealed that 70 men would be needed, and Major Ward said that he would see to the recruiting from his own unit. Pieter Doorewaard's recollection of this meeting was substantially the same, save that he claimed that Hoare had said that the South African Defence Force knew of the operation and were

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supporting it, but not openly, as if something went wrong the authorities would distance themselves from it. The recollection of Alan Mann (accused No. 45) was that the South African Government and the Defence Force and the NIS were aware of the operation and approved of it. A discussion regarding what the volunteers of varying rank were to receive for their participation also took place at this meeting. Doorewaard, for instance, expected to receive R30,000 (if the operation was successful) and Moneta R50,000.

A few days after this, Moneta was informed that Major Ward had been called away for a military operation and could not take any part in the planning of the coup. It became obvious at that stage that a different policy regarding recruitment would have to be adopted, and, at about this stage, a new source of recruits was found in Durban as a result of the connections that Kenneth Dalgliesh (accused No. 27), who owned a hotel, had with men who had seen service in the Rhodesian war and had come to settle in South Africa. At the same time, Doorewaard sought to recruit fellow members of the Second Reconnaissance Commando, while Dunlop Paul and Moneta also assisted. In due course, each of the accused met Hoare at one meeting or another, and all signed an undertaking to join, were paid R1,000 in cash, with a promise of a further \$10,000 on the successful completion of the coup.

Now, the question that at once arises is what Colonel Hoare told the potential recruits in the Transvaal and what he told them in Durban.

At meetings in the Transvaal subsequent to the meeting at the Kyalami Ranch Hotel, it is alleged by various accused that Colonel Hoare told them substantially what he had said at the Kyalami Ranch meeting, but, as the evidence of the accused belonging to the Second Reconnaissance Commando proceeded, there was a noticeable tendency for the story of the involvement of the State in the operation to be extended and embellished. For example, Alex Deacon (accused No. 43) claimed that, at one stage, Hoare had told them that he had been in touch with a general and two brigadiers in the South African Defence Force, while Johannes de Beer (accused No. 26) went further and said that, in addition, Hoare had said that he was negotiating with a general and two brigadiers who would investigate Hoare's plans in order to approve of them. He added that CIA was aware of it and that if an emergency occurred, there was a plan to fly a plane in from Kenya to help, and that as soon as the coup was completed the Kenya Government would recognize it and would fly in Kenyan troops to enable the accused to fade away among the tourists. Colonel Hoare had furthermore added that he had entered into personal negotiations with President Reagan and Secretary of State Haig. De Beer said that he regarded the whole operation as a South African operation which was being shrouded behind a mercenary front. Keith MacLeod (accused No. 30) also gave evidence to the same effect. Their case amounted to this - that although they were going on the operation under a mercenary leader and were being paid a substantial sum of money by a source other than the defence force, the whole coup was a South African Defence Force operation and that they were effectively undertaking an undercover operation in their capacity as members of the Defence Force and, accordingly, had a good defence to the charges. Colonel Hoare denied that he had, at any stage, specifically implicated the Prime Minister, the Government or the Defence Force in the operation but had informed the meeting that he had some backing for the

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operation, without mentioning names. However, he subsequently admitted that at the final briefing he told some of the group that they could look for the support of the Kenyan and American Governments, as they would give early and instantaneous recognition, once the Mancham government was installed.

Now, although Colonel Hoare initially denied that he had at any stage made a specific statement to the Transvaal recruits that the Government and the Defence Force were giving support to the operation, he conceded that he had told one or two of them that the Prime Minister knew and approved of the venture, that he had told them that he had negotiated with two brigadiers (but not a general) and that they had said that they would only approve of the operation if it made provision for an escape plan if things went wrong. He conceded that he had said that the Central Intelligence Agency would give immediate recognition to the new government but denied that he had ever said that he had negotiated with President Reagan and General Haig.

The Court has little doubt that Colonel Hoare did his best to convince the Transvaal recruits that the projected coup had the tacit support of the South African Government and the Defence Force and that he also told them that the Central Intelligence Agency was sympathetic, and that America and Kenya would give recognition to the new government as soon as the coup was successful and that Mancham would then fly his new government in from Kenya. We also have no doubt that he painted a picture of an illegal Marxist government operating in the Seychelles and mentioned the need to restore a western-orientated government in the interests of South Africa and the West generally and persuaded the recruits to believe that their participation in the coup would be in the best interests of South Africa. This is an important factor in this case, but it is hardly relevant to the question of guilt or innocence but rather to the question of sentence, if the accused are to be convicted. In this regard, the evidence of Chris de Jager, who was called by the State, is of some importance. He was a member of the Second Reconnaissance Commando and actually signed on for the coup operation but left the group at Ermelo because, against earlier assurances, he was required to smuggle an AK-47 automatic into the Seychelles in his baggage. When he gave evidence, and he attended a number of meetings with some of the other accused attached to the Reconnaissance Commando, he gave very positive evidence that he was left in no doubt that the operation was a mercenary operation and that the South African Defence Force was not involved. This evidence of his was not seriously challenged in cross-examination, and the majority of the accused appeared to accept that this was, in truth, the position and that once they had embarked on this operation they could expect no assistance or support from the Government or the Defence Force. The Court is quite satisfied that the claim by de Beer and MacLeod that they believed that this was really an overt Defence Force operation concealed behind a mercenary operation is not based on any good grounds and without entering at this stage upon a critical analysis of their evidence, it is satisfied that it was not honestly made. The Court agrees with Mr. Rees's submission that if the accused are to succeed on the basis claimed, they must show that the Seychelles operation was an official one in terms of the Defence Act - a most formidable task which they made no attempt to undertake. See sections 1 and 95 (2) of the Defence Act, No. 44 of 1957, and sections 16, 17, 18 and 19 of the Republic of South Africa Constitution Act, No. 32 of 1961.

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It must also be pointed out that most of Colonel Hoare's evidence regarding the knowledge or involvement in his plans by various Governments, government departments and individuals is unsupported, and the Court, for reasons that will emerge later in this judgement, has little or no belief in any unsupported statement made by him. The allegation that the Kenya Government knew about this operation and was ready to support it depends on his word alone; he claims that he learnt about the involvement of the Central Intelligence Agency in the matter from one Hoareau, who was one of Mancham's principal agents, and it is hearsay. His alleged contacts with General Haig appear to have been based on the fact that he and General Haig have a mutual friend, and he does not claim to have met either General Haig or President Reagan. Even on accused No. 1's own story, he heard indirectly through Dolinschek that the Government had refused to be involved in the affair many months before it took place. It is clear that Colonel Hoare does not claim to have had any direct contact with Mr. P. W. Botha and the Cabinet, and any allegation that he has made about their involvement in the affair is purely hearsay. It must, however, be accepted that Dolinschek was an employee of the National Intelligence Service, and it would be naïve to suggest that the National Intelligence Service was not aware, through Dolinschek's agency, of Hoare's projected mercenary expedition in general terms, even if it did not take positive steps to support it. In this regard, it is of significance that Dolinschek was obliged to take leave from his employment to go to the Seychelles as a paid mercenary and did not go in his official capacity. There remains the question of the involvement of the Defence Force in this matter. In this regard, Colonel Hoare has spoken of interviews with Brigadiers Hamman and Knoetze, although he agrees that his last contact with them was on 27 September 1981. It is impossible to escape the conclusion that the delivery of the AK-47s and other equipment to Colonel Hoare's house at Hilton on 6 October 1981 followed upon his contacts with these brigadiers, and it has never been suggested that their delivery by a sergeant major in the Defence Force was made in error or that the articles were delivered from another source. The Court must therefore accept that certain members of the South African Defence Force had lent aid and support to this operation. However, Colonel Hoare says that his last contact with the two brigadiers was on 27 September 1981, although he seems to remember one telephone call to Hamman subsequently, and there is nothing in the evidence to suggest that they or any other member of the Defence Force had anything to do thereafter with the planning of the operation, the recruiting of volunteers, the provision of transport and the payment of wages or to suggest that they were aware that the coup attempt was to begin on 25 November 1981. The matter is, however, peripheral to the central problems in this case, which relate to the accused's departure from Mahé on the Air India plane, and none of the accused has had the temerity to suggest that whatever degree of support they might have received from the Defence Force or its members for the coup, this would ever justify them in commandeering an international plane to escape when the coup failed.

The position of the recruits from Durban does not differ greatly. They were also informed of the need in the interests of South Africa and the West generally to overthrow the Marxist Government of the Seychelles. Colonel Hoare stated that he assured these recruits that the Government knew about the plan. Peter Hean (accused No. 16) gave evidence that Colonel Hoare told them that the scheme had the backing of the South African Government, the Central Intelligence Agency and the

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Kenya Government (in much the same manner in which the information was given in the Transvaal meetings). However, what Charles Goatley (accused No. 25) and Vernon Prinsloo (accused No. 3), among others, were concerned with most was whether, if the operation were to fail, they would still be welcome to remain in South Africa. These accused men had been involved for many years actively in the bush war in Rhodesia; they had recently come to the Republic to settle and they were vitally concerned that if the operation went wrong, they would still be welcome to remain in South Africa and would not be returned to Zimbabwe. Colonel Hoare gave them an assurance that his authority went "right up to the top" and invited them to check with Security at a high level, if they doubted him. According to Goatley, Hoare spoke with considerable authority, and, in view of his reputation, they accepted his assurances and joined up. Although the promise of a substantial payment for their services was a very important factor in the case of these men, the desire to do something positive for what they conceived to be the interests of South Africa and the Western world by substituting the previously elected Government in the Seychelles for President René's régime also influenced them considerably. However, as Peter Hean said, they did not wish to be out on a limb if things went wrong, and they wanted to be sure that they could return to South Africa whether the operation was successful or not. Bearing in mind that this was, to Hean's knowledge, a mercenary operation commanded by a well-known mercenary leader and that Hean was being well paid for it, the Court rejects Hean's assertion that the backing of the South African Government was of such a nature that he believed that the whole expedition was a South African operation. It, however, accepts that if Hean had not believed that the South African Government was giving tacit support to the operation, he would not have gone.

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Annex III

TEXT OF THE STATEMENT MADE BY THE PRIME MINISTER OF SOUTH AFRICA
ON 29 JULY 1982

1. During the just completed trial in the Maritzburg Supreme Court of the hijackers of an Air India Boeing during the abortive coup attempt in the Seychelles, several allegations about State involvement were made in evidence. During the trial the Government had to respect the sub-judice rule and could not comment. Now that justice has taken its course and the case has been completed, I want to comment as follows:

2. Departmental inquiries were instituted to investigate the allegations of involvement. In the light of the inquiries' results I can say:

(a) Colonel Hoare approached officials of National Intelligence for limited logistical support for a coup in the Seychelles.

(b) The request was referred by officials of NIS to officials of the South Africa Defence Force. Defence Force personnel provided Colonel Hoare with hand-weapons, ammunition and radios.

However, I wish to emphasize unequivocally that:

(a) Neither the South African Government, the Cabinet nor the State Security Council were aware of the coup. No authorization was therefore given for any action,

(b) No money was used by officialdom for this purpose,

(c) The involvement in the attempted coup of Mr. Martin Dolinschek and others was unauthorized,

(d) The attempted coup was executed without the knowledge or approval of officials or departments concerned, with the exception of those who took part directly.

3. As the Government regards the unauthorized assistance in a serious light, the following steps are being taken:

(a) Departmental action will be taken against those officials who exceeded their authority,

(b) Suitable control measures have been instituted to prevent a similar situation from occurring in the future,

(c) Draft legislation will be introduced by the Minister of Defence during the next session of Parliament to make the use and recruitment of South African citizens as mercenaries, or the instigation thereof, punishable offences,

(d) The use of call-up instructions to certain mercenaries is being referred to the Attorney-General.

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Annex IV

EXTRACTS FROM TESTIMONY BY SOME OF THE ACCUSED IN THE SOUTH AFRICA TRIAL

Thomas Michael Bernard Hoare (accused No. 1)

Age 63

Occupation Self-employed

Nationality Irish. Permanent resident of South Africa.

Previous experience Served in the British Army from 1938 to 1946 and participated in action in Burma and Malaysia during World War II.

He became a chartered accountant for two years in England and then in South Africa. Then, after a short business career, he went to the Congo, where he led a mercenary force in support of Tschombe and Mobutu in the mid-1960s. He wrote a book, Congo Mercenaries.

Motivation "My motivation as a mercenary soldier generally can be answered by describing myself as essentially anti-Communist." ... "Although I have fought as a mercenary soldier it has been in the main for an ideal. "... "I see nothing immoral or wrong in any attempt to overthrow a totalitarian State ... and even more particularly, a Marxist totalitarian State which, itself, came into power by the use of violence to overthrow a democratically elected government."

Origin of aggression (Hoare stated that he started preparations for the coup in September 1977. He was approached by Gonzalves d'Offay, an ex-Minister of Mancham's government which was replaced by that of René in June 1977). "The intention was that President Mancham would be reinstated and, after a short period in which he would settle in, he intended to have free and fair election." ... "My immediate response was that this thing was possible, given ample funds for the execution of any plans which I might decide, and that the first necessary move was a reconnaissance of the island." "Shortly after that meeting I visited Seychelles for a period of 6 days." (After the visit Hoare submitted the "outline of a plan and an appreciation and also a budget", involving \$5 million. Hoare also wrote a letter to d'Offay in May 1978 "to let him [Mancham] know that my services are entirely at his disposition should he need them".)

(Towards the end of 1978 Hoare went to London on his return from the United States of America to meet Mancham, but Mancham

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failed to keep the appointment. The meeting took place several months later in early 1979. The "express mandate" for the operation was verbally conveyed to Hoare through Gerard Hoareau, who had become, in effect, Mancham's second-in-command after his departure from Seychelles in 1981.)

Financing
of operation

(The resistance movement was formed in June 1980 but) "it seemed impossible for the resistance movement to raise the money in the order of five or even three million dollars" ... "it seemed to me that if this thing was to be done, it would have to be done extremely soon" ... "and we would have to find men who would be prepared to be paid not as much as mercenaries are normally paid in advance but in arrears. I would then need to find men who were motivated by something other than money".

"The budget I asked for was \$US 500,000. In the event, they told me they had raised \$US 400,000 and they made available to me \$US 320,000."

(Asked whether this venture was being financed by Mancham and not by the South African Government, Hoare said: "that is, in fact, the truth".)

Planning of
the operation

(Several plans were prepared), "each of which had to be abandoned on the basis of their being too expensive" ... "For example one plan I had was to buy a boat in Durban and to transport a certain number of arms on it." ... "There was another plan which involved a sending of the equipment etc. by sea which had to be abandoned for other reasons, so that, ultimately, I was left with only one possibility." (Hoare had to opt for a high-risk plan which would involve the mercenaries' carrying the weaponry with them on a scheduled Air Swazi flight to Seychelles.) "Part of the plan allowed for the arrival within one hour of the coup having taken place of the new government, who would have flown in and for this purpose, it was necessary for me to have my own man in the control tower [at Mahé airport] armed with the necessary code words."

(Asked whether Hoare had told some of the accused that he had R55,000 available that he could use for employing the services of a pilot, Hoare said: "At that stage the plan involved the hiring of a DC-7B from another country which was going to bring in the new government".)

Q.: "Did you mention the availability of R55,000?"

A.: "And the \$55,000 was for that purpose and the escape plan at that moment was that that plane which brought the government would take up out in the event of the coup going wrong".

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Reported official
involvement of
South Africa

(a) Intelligence

(In a letter to d'Offay on 12 May 1978 Hoare stated that "I also have some pull with BOSS in this country". (Hoare told the Court that his link with the National Intelligence Service, which replaced the Bureau of State Security, was Martin Dolinschek, alias Donaldson. "Dolinschek first introduced himself to me in 1974 when he came to inquire of my involvement in the Angola affair".)

"Over the course of years I have found it prudent to confide very closely with the NIS on such activity as I might have been contemplating. I began telling him about the possibilities of Seychelles early in 1979."

"As a result of my meetings with Dolinschek, I asked him to arrange a meeting between myself and the head of Bureau of State Security, Mr. Alec Van Wyk".

(They met and) "Van Wyk was sympathetic and said he would submit a minute to the Cabinet and inform me in due course. In due course, he telephoned me to say the Cabinet regretted they were unable to do anything." ... "I continued to have contact with Dolinschek to meet other branches of the Government." (After Gerard Hoareau arrived from Seychelles, he contacted Hoare.)

(At Hoare's suggestion, Hoareau "was going to try and get assistance from that department (NIS)". Shortly thereafter a meeting with senior NIS officials took place to discuss Hoare's plan.)

(b) Recruitment

(The plan that Hoare had drawn up involved the use of "only extremely highly trained and experienced soldiers". Towards the beginning of October, Hoare said he discussed with the military intelligence the question of make-up, nationalities etc. of the force. Hoare's suggestion was that "we should have 73 South African soldiers, because their motivation, in my view, would have been the right one". The military intelligence, however, wanted to "restrict the number of South African soldiers to 15 and possibly to 12, and that they would prefer the majority to be foreign passport holders", in order, as Hoare assumed, to keep South African involvement to a minimum.)

(There were two main channels of recruitment: one was Moneta, Hoare's second-in-command, to whom the first approach was made in June or July 1981.)

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"At a later stage, when I had received the first substantial payment for the operation for expenses and asked him to set up a meeting with some of the possible men. We had a meeting - I imagine towards the end of August - at which he introduced me to the commanding officer of a Citizen Force unit, and he gave his opinion that given time he could provide me with 40 men [Johannesburg group]." (Another channel was Dalglish, the owner of a hotel which was "the watering-hole for ex-Rhodesian SAF and commando types [Durban group]").

"I held a meeting in Johannesburg, on the one hand, and in Durban, on the other, at which I met the men and discussed in general terms what the operation might be before actually recruiting them."

(The leader of the Johannesburg group was Moneta; that of Durban group was Webb.)

Q.: "Captain Ward [of South African Defence Force] was present ... at one of the meetings?"

A.: "At a very, very early stage, before the recruitment I can recall meeting probably Captain Ward."

Q.: "Is it also possible that the persons at the meeting were told that he would assist with the recruitment?"

A.: "This was the purpose of the meeting."

Q.: "That is, at Kyalami. Is that correct?"

A.: "That is right, it was at the Kyalami Ranch Hotel."

(Hoare told some of the participants of those meetings that "the South African Government knew and approved of the operation but would not openly support it".)

"I gave them solid grounds to believe the Government were behind it but not necessarily the Defence Force".

(c) Provision
of weaponry

(The plan was discussed with a couple of senior NIS officials at the Elangeni Hotel in Durban on 25 September 1981.)

"Their attitude was very optimistic and they said that the matter would be submitted to the Cabinet on the following Tuesday - this was a Saturday morning ... they felt 90 per cent certain that it would receive favourable consideration." (On Wednesday morning Hoare got a phone call from Claassen, probably No. 2 in NIS, to meet him in Pretoria. Mr. Claassen told him that "the Cabinet had given its approval, in

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principle", and that they should now discuss details, whereupon Hoare presented him with a list of arms and ammunition. The next day Claassen told Hoare that he "had received a communication from the Prime Minister that the whole matter had to be handed to the army".)

"He undertook to introduce me to the necessary department in the army. I was taken round to a building in Pretoria ... called the Zansa building ... I was introduced there to Brigadier Hammon and Brigadier Martin Knoetze." (The two brigadiers wanted to know "on what authority Claassen was acting and asked a written minute from the PM's office." (Claassen promised to do so in due course, and, in view of the urgency of the matter, he requested that they should examine Hoare's plan and consider what was required. Mr. Claassen then withdrew and details of the operation were discussed at length.)

Q.: "Now was it decided by, I assume Hammon and Knoetze, acting as military intelligence, to back the coup in any way or the attempted coup in any way?"

A.: "Inasmuch as they acceded to my request for arms and ammunition, I would answer yes."

(It was agreed that the equipment should be sent no later than 7 or 8 October 1981.)

"We agreed mutually that the best arms for the operation would, in fact, be the paratroop version of the AK-47 [so that they could not be traced to a South African source".]

"On 6 October, a civilian 5-ton lorry driven by a gentleman who later introduced himself as Sgt. Major Vander Merwe and one other arrived at 9 o'clock at my house." (Hoare placed the crates containing the weaponry in the cellar of his house and signed a receipt. Some of the weaponry, like rocket-propelled grenades, were considered unnecessary for this operation and returned later to the army).

(d) Training Q.: "If some of them [the mercenaries] were to tell the Court that you had informed them that the Defence Force were to make available to you a military base somewhere in the Northern Transvaal, would that be correct?"

A.: "That would be correct, with the proviso that it wasn't made known to anybody at large but certain people; that is correct."

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Q.: "You hadn't got time for any kind of training together and so on; you had to pick your people by experience and sort things out as you went along?"

A.: "Yes, speed was of the essence."

Reported other
official
involvement

(Asked about the interest of various countries in a projected coup of this kind, Hoare replied: "I can assure you that whilst they [CIA] are interested, as a result of the upheaval in that organization, they are remarkably timid about taking on any commitment of this nature.")

Q.: "And what did you try and persuade the Americans? What would be their interest in a matter of this nature?"

A.: "Their interest in this matter stemmed from a strategic appreciation of the Seychelles Islands."

Q.: "Did you succeed in persuading the American that they had some interest?"

A.: "I did not, sir."

Q.: "Well, what did you tell them [the recruits] at all stages?"

A.: "The final briefing, which would be within 24 hours of our departure, I told them that we could look for the support of the Kenya Government and the American Government, inasmuch as early and almost instantaneous recognition of the new government would take place."

Q.: "But you had no assurance from the Americans that they would do so?"

A.: "I had an assurance."

Q.: "From whom?"

A.: "Through a meeting with Gerard Hoareau and a member of the CIA mission in Pretoria."

Q.: "You and Hoareau met a member of the CIA mission in Pretoria?"

A.: "That is not what I said, sir. I said I had this information through Hoareau."

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Q.: "Mr. Hoare, you have been giving quite a lot of information here hearsay. I want to know, did you personally have this information from a member of the Central Intelligence Agency?"

A.: "No sir."

Q.: "So you had no direct dealings with the Americans on this part at all?"

A.: "I had direct dealings with the member of the CIA, but at no time did he give me that assurance."

Q.: "But Hoareau was an interested party - interested in misleading people if it suited him, didn't it?"

A.: "I do not agree with that proposition, sir."

(In answer to a question as to why Hoare did not check Hoareau's statement with the Americans themselves, since he knew a CIA man in Pretoria, Hoare replied: "In the few days that were left to me before this operation was mounted, I was averaging four hours sleep per night." Hoare denied that he told mercenary recruits that although the CIA had withdrawn the offer of financial aid made initially, they were still going to give information for the purpose of this exercise.)

Q.: "If it should be suggested that you have either said or suggested to any of these accused when you recruited them that you had the support also of President Reagan and/or Mr. Haig of the United States, what would you say to that?"

A.: "No, sir, that would be incorrect."

Q.: "Did you say anything which could have given any of the other accused the impression that you had such support?"

A.: "Not the impression but I could have said, I have a friend in the United States who is friendly with General Haig."

"I tried to give them [the mercenary recruits] the impression that the American and Kenya Governments would give immediate recognition once we had pulled off the coup."

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Tullio Moneta (accused No. 22)

Age 42

Nationality South African citizen

Occupation Actor

Previous experience During 1965/1966 served under the command of accused No. 1 in the Congo as a mercenary with the rank of a full lieutenant

Earlier involvement "That was 1978. A certain Mr. George Schroder" ... "approached me, and he told me that two gentlemen who were members of the ... [indistinct] government of the Seychelles approached him with the intention of re-stating the previous president, James Mancham." ... "I contacted Colonel Hoare." ... "He told me to go back to him (Schroder); enquire as much as I could."

Q.: "Did you meet up with Mr. Schroder later?"

A.: "Yes." ... "He phoned me from the Rand International Hotel in Johannesburg" ... "I took a man, Mr. Dunlop Paul, he is a personal friend of mine and a member of the South African Defence Force RECCE Commando." ... "We went to the meeting" ... "we pressed Schroder for more information, but [he] was very vague about it." ... "He actually got annoyed when we pressed him ... [indistinct], and he said" ... "I'll find my own men." ... "I reported back to Colonel Hoare. He told me to drop the matter."

Recruitment "Accused No. 1 phoned me regularly" ... "He kept me informed from time to time about this particular project." ... "He inquired if I was interested, my reply was I was all the time." "He asked me I must keep in touch with members of the Reconnaissance Commando."

"While the things is going on, I kept Dunlop Paul informed about the developments without going into detail. I then had a meeting in my house with Kurt Priefert, Dunlop Paul and another." "I then instructed Dunlop to get in touch with Brian Walls and his commanding officer of his unit, Major Willie Ward." ...

/...

Q.: "Major Ward was he initially going to be one of the leaders of this expedition?"

A.: "That's correct, sir, Major Ward actually was going to recruit the whole lot."

Q.: "And he fell out of the picture at some stage, is that correct?"

A.: "Well he was moved out by the Defence Force. He was taken away in some operation."

Q.: "And who then had to take his place?"

A.: "Well, I think Piet Doorewaard was the next in line."

Planning of
the operation

"The first time I saw Colonel Hoare [about this project] was ... it could have been July or August 1981, in Sandtan at the Balalaïka Hotel."

"Colonel Hoare generally explained a plan concerning a possibility of a coup d'état in the Seychelles."

"He had in mind" ... "to infiltrate the island slowly and then attack from inside the island."

"He [Colonel Hoare] says he wanted arms and ammunition of Communist origin."

Particular
role in
the operation

Q : "Were you directed by anyone as to from where you had to recruit men?"

A.: "Yes, from the RECCES."

"We had this meeting in Kyalami Ranch. I think toward the end of October." ... "That was a meeting among the leaders. Present were Major Ward, Brian Walls, Dunlop Paul, Kurt Priefert, Piet Doorewaard and Alan Mann. Colonel Hoare disclosed the plan and all the details."

"I let my place at the disposal of Colonel Hoare, where he had several meetings with members of the RECCCE Commando, where maps and photos and other things were shown."

"I think at the end of August - I think 1981 - I received a telephone call from Colonel Hoare. He say to me now the time has come for you to go and visit the island and he made all the arrangements."

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"[on the 11 September], the day prior to our departure" ...
"Colonel Hoare told me that he was going to fly to the Seychelles to introduce me to the members of the resistance movement."

Financing of
the operation

"He told me then about the financial position, telling me that he was given a certain amount of money. All the members of the exiled government had given" ... "they say the money is coming but all these members kept it all over here in South Africa, and it would have taken a long time to put the money that Colonel Hoare required."

"The question of money was also raised from either the United States or the South African Government, but Colonel Hoare felt that this was a very delicate issue at this stage, you know, nothing was done. The American was very keen, and they were prepared to come up with a contribution, but he says subsequently the contribution wasn't passed."

Reported official
involvement

"I said, look, I am interested because this is the kind of things that I enjoy and provided that he had backing from the South African Government or at least they wouldn't jeopardize it."

"He told me at that stage that he already made contact with certain officials of the, I think it was NIS, I am not familiar with these bodies."

"He told me that Gerard Hoareau, a member of the exiled government, introduced him to certain" ... "I don't remember the name" ... "in a building in Pretoria."

"And one of the security officer phone me from time to time, mentioning the name of Anton, a/ and he [Anton] told me on couple of occasions that certain people didn't comply with the" ... "I don't know exactly" ... "he mentioned one particular name and several ones at a later stage, and he say those two cannot trust to be taken to the island" ... "On this operation." ... "I say, well" ... "I'm going to tell them. He says no leave it to me and I never heard of these two guys ever again."

"When I came back [from Seychelles] Colonel Hoare" ... "a few days later - invited me to Hilton at his house for planning the new developments"

"When I saw his cellar and that was enough to convince me that the plan was moving in the right direction. Well, in the cellar, there was full of arms and ammunition, including AK's

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of Hungarian and Romanian types and there were RPG-7's, rocket-propelled grenades, and he told me that all the arms were supplied by the South African army." ... "He told me that he was dealing with the Security at one stage and then he was told that this was a matter for the army and both branches, you know, the army and the Security were interested, but this particular exercise had to be controlled or backed by South African army."

"Colonel Hoare told me that he was working this plan since 1978, and he had various meetings and a lot of correspondence from a member of the exiled government."

"The letters were from d'Offay and I think from Habib Kamil, and in these letters there were a lot of other names mentioned." ... "The name of James Mancham was mentioned." ... "And then he had the letter from an American" ... "Who was running for Congress." ... I saw it [the letter]."

"I heard the name of General Haig dropped, and I don't think General Haig knew about it." ... "I read the letter of a famous American writer addressed to Colonel Hoare. The only thing is that this particular person was running for Congress was a neighbour of General Haig and he was going to discuss with the General, he was a good friend."

"He [Hoare] told me that the CIA would support the coup. And the one stage, they were even considering financial support."

Q.: "And who was this representative of the CIA that he spoke to?"

A.: "I was under the impression he was the local CIA representative." ... "Through him or his Agency, they were going to inform us about movements about ships."

Q.: "What kind of ships?"

A.: "Well, battleships."

Q.: "Battleships of what country?"

A.: "Oh, oh, I see, mainly Russia."

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Kenneth H. Dalgliesh (accused No. 27)

Age 32

Nationality British, permanent resident of South Africa

Occupation Hotel owner (hotel sold during trial)

Previous experience Was a permanent member of the Royal Navy in United Kingdom before immigrating to South Africa in 1975. Then went to Rhodesia (now Zimbabwe) for a couple of months for a mining company and then invested in a small farm. He was attached to the Special Branch in the Police in Rhodesia for four years. Returned to South Africa in May 1980.

Recruitment (He was approached in September 1981 in Durban by 'X' in his hotel.) b/

"I realized right at the beginning that he was sounding me out"... "eventually, he mentioned that with my contacts in South Africa and with people I knew who had come down from Rhodesia that it might, in the near future, be necessary for him to look for fully trained personnel." ... "It sounded like that there was an external military operation possibly coming up. He did also convey to me that he was connected with Colonel Hoare."

(On his return from Seychelles 'X' stated that he "had gone over the final targets on the island and he had come back and reported to Colonel Hoare and Colonel Hoare had then asked him to see me and see if I could then put a recruiting operation forth. At that stage what he wanted was six highly trained members of preferably the Rhodesian SAS." c/)

"There were quite a lot of people at that stage who had been with the SAS. After Rhodesia or Zimbabwe became independent, the SAS moved down here basically as a unit" ... "but I think this initial contract was for one year with the SADF d/ and quite a lot of them did not renew their contracts."

"Every Thursday night in my hotel I had what had become known as 'Rhodesian night', where many of these ex-Rhodesians" ... "used to come for their entertainment."

(On the basis of his contacts, Dalgliesh produced a list of six people, but when it was shown to X, X mentioned that "initially

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the whole unit was to be made up of Reconnaissance Commando" ... "for some reason he could recruit only a third of the amount which was originally required" ... "he just informed me that could myself and Mr. Webb please as quickly as possible get as many people as possible" ... "he said a minimum of twenty". Dalgliesh stated that he was able to recruit about 18 people eventually.)

Planning of
the operation

"With the initial six [himself, Prinsloo, Goatley, Webb, Hean and des Botes] I held one meeting - I think 7 or 8 November - in my flat at the hotel" ... "I just said there is an operation being mounted; if you're interested please let me know and we will carry it on from there."

(At the second meeting 'X' addressed them, giving further details as follows: "It is to be a clandestine operation supported by the South African Government" ... "We gathered from him that he was, in fact, second in command to the Colonel (Hoare)" ... "He didn't say what the target would be, just explained basically" ... "that it is a Marxist-oriented country and it would be beneficial to South Africa and the West if the Government was changed.")

(A further meeting was held at Coastlands, where Colonel Hoare addressed them. Dalgliesh met Hoare for the first time, Colonel Hoare disclosed "the political reasons why the Seychelles had to be overthrown - the Government there" ... "From there, he showed us a few maps of the island. He showed us photographs of the targets. He stated that it was to be a clandestine operation. It had the backing of various ... Governments" ... "He mentioned South Africa and the United States" ... "He said he had been working on the operation for, I think, three years - three or four years - and he had been doing so with" ... "the Department of National Intelligence, which we know as NIS. He said he had the full co-operation of military intelligence, and he had the backing of the Cabinet, although they could not openly back it but the backing was there.")

Motivation

Q.: "Do you consider that going into a foreign country and trying to take it over by force is not a crime?"

A.: "Depending on the country m'Lord." ... "is it a crime to go into Angola? Is it a crime for military units to go into Zimbabwe? Is it a crime for military units to go into Tanzania? They are now all Communist countries or Marxist in their belief. The Seychelles is also. I do not consider that a crime."

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(Dalglish expressed his belief that if any Government was hostile to South Africa and was "trying to destroy us", it was justifiable to bring it down for self-preservation.)

Q.: "That is a matter to be decided by Parliament isn't it and not by any individual group under the leadership of a foreign mercenary, is it?"

A.: "If the Government had decided that this was a legitimate operation and it was the Government that made that decision and we did it for South Africa, with South African backing."

Michael Francis Webb (accused No. 34)

Age

32

Nationality

British (Permanent residence in South Africa)

Occupation

Barman at Riviera Hotel (Durban)

Previous
experience

Joined an Armour Regiment in the British Army in 1969 till 1974, held rank of full lieutenant. Then signed on with the Sultan of Oman's armed force as a captain until March 1975. Went back to England for a couple of months and then emigrated to Rhodesia. Joined the Rhodesian army, took part in external operations from time to time. Emigrated to Republic of South Africa in April 1980.

Recruitment

"I was introduced" ... "to Mr. X b/ by Ken Dalgliesh at the Riviera Hotel" ... "He [Mr. X] questioned my military background. As he left, he said 'I shall see you next week'" ... "Then he came back, and with Ken Dalgliesh and myself he explained that he was connected with Colonel Hoare and that there was an operation coming off in the very near future." ... "He asked if I was interested and [I] said yes." ... "I got the impression he was very closely connected with the planning of the operation."

"He said most of the people were coming from Johannesburg, and he required from us about 6 men, which we found." ... "A couple of days later, he rang us up" ... "he wanted 10 and then he increased it to approximately 20, then he said 30, and we at that stage got about 18, and he closed the figure off at 18 [that was] the Durban contingent."

Q.: "Could you give the number please?"

A.: "Okay."

- Accused No. 2. Charles Dukes
" 3. Vernon Prinsloo
" 5. Andrew Standish-White
" 10. John Mackay
" 13. Stephen Biddlecombe
" 15. Nicholas Wilson
" 16. Peter Hean
" 21. Kevin Barnes
" 23. Barry Gribbin
" 24. David Greehalgh

/...

- " 25. Charles Goatley
- " 36. Desmond Botes
- " 41. Simon Willar
- " 42. Jacob du Toit

"Ken Dalgliesh [No. 27] is already with us, my Lord."

"And that's the list, my Lord."

(At a third meeting, Mr. X explained that "there were people ... other people being recruited from Johannesburg." ... We were aware" ... "when we met Colonel Hoare, that people from Reconnaissance Commando were being recruited.")

Q.: "You activated yourself in bringing people into this. Was this" ... "to help people out who were a bit short of money" ... "What was your motive?"

A.: "The reason was to have the right type of person that we knew of or through other people, who were considered reliable, for the particular type of operation."

Planning of
the operation

(A few days later "there was a meeting at the Riviera hotel which I didn't attend.")

"There was another one which I did attend, where Mr. X also presided." ... "Ken Dalgliesh, Peter Hean, Simon Willar, Vernon Prinsloo, Charles Goatley and, I think, a few more people whom I can't remember [were present]."

"We were then invited to Coastland Flats to meet the Colonel for the first time" ... "Colonel Hoare" ... "explained to everyone what was going on."

"I had a further meeting at Colonel Hoare's house up at Hilton, Pietermaritzburg. At that meeting we were introduced to [Gerard] Hoareau, who was supposed to be the Vice-President elect" ... "Mr. X was there, Colonel Hoare, Peter Duffy and Hoareau, and another chap who was supposed to be the leader of resistance from the island" ... "That was the last meeting."

Particular role
in the operation

"I was the group leader of Group 3. There were three groups." ... "Peter Hean, Vernon Prinsloo and Simon Willar (were my subgroup leaders). Our particular task was the airport and the southern barracks itself."

Financing of
the operation

"He [Mr. X] also ... I am not too sure exactly when he quoted how much money was involved." ... "He did indicate, at some stage or another, that quite a lot of money had been deposited into a Swiss bank account."

/...

Q.: "Did he say by whom or not?"

A.: "No, he did not, and he did not indicate where the money come from."

(At a subsequent meeting, at the Riviera Hotel Mr. X "mentioned the money involved, which was R1,000 down and R10,000 at the end of the operation, on completion.")

"At a further meeting with the advanced party, prior to their leaving for the Seychelles, at that meeting they were signed on and paid."

"And there was a third meeting which I also attended, where the main party were briefed and signed up and paid."

Reported
official
involvement

Q.: "Now back at the meeting at the Riviera Hotel, addressed by Mr. X, what further was said by him?"

A.: "Questions were asked with relation to the legality of the operation" ... "Mr. X explained quite categorically that the Government was aware of the operation and also the CIA were involved."

/...

William Dunlop Paul (accused No. 44)

Age 46

Nationality South African

Occupation Courier and intermediary in semi-precious stone business, karate instructor and proprietor of health studio.

Previous experience About 1976 joined II RECCE as volunteer and underwent special training. After completion of training he remained a member of the unit in the support group. He was assigned "on other external operation, but not for" II RECCE.

Recruitment "Because of my relationship with Tullio Moneta who [had been a student at his health studio] "he invited me to meet an ex-Congo leader who, he said, had some idea of doing something" ... "We went to the Rand International Hotel in Johannesburg; I met him [George Schroder] and took an instant dislike to him." ... "He wanted to put something together." ... "There was no mention of the place, but he more or less inferred that this was something in Africa, and he wanted to pay a down payment of something like R 20,000 and R 20,000 on return; and I asked him to prove the bona fides of what he was saying. He said ... did I know who he was, and I said no and asked Moneta to leave" ... "and we left together."

Subsequently, he [Schroder] contacted Moneta, who, in turn, asked me if I knew of any chaps who might be interested, and I contacted members of First RECCE Commando" ... "and they were also not impressed, because he (Schroder) was unable to prove to them that what he was saying was correct."

"[During the course of 1981] Tullio Moneta contacted we and he said there was a possibility of a job - no place was given - and he asked me if I knew of any of the chaps from my unit that would be interested. At that stage a money figure was mentioned to me, which was 5,000 up front and 5,000 on completion of it, and with that information I approached the sergeant of my unit."

Q.: "Who was that?"

A.: "Sergeant Brian Walls, who, on a normal call-up system, would have [telephone?] numbers of other members of Second Reconnaissance Commando. I explained as little as I knew to Brian Walls, and he, in turn, contacted Major Willie Ward."

Q.: "How do you know that?"

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- A.: "We were a very close unit, and Major Willie Ward and Brian Walls had ... [a relationship going] right back to the days of Angola, where they were operational buddies" ... Major Willie Ward, as far as we are concerned at Second Reconnaissance is a very honourable person and a person that we would go with anywhere, if he said it was okay."
- Q.: "Right. Now what happened subsequent to this?"
- A.: "I contacted one other person and that was a buddy of mine in Second RECCE, Kurt Priefert." ... "[Later] I was contacted by Tullio Moneta, and he said that it would appear that everything was okay and could we please get together and meet with Colonel Hoare? We subsequently did this and we met at Kyalami Ranch. Present was Piet Doorewaard, Alan Mann, Kurt Priefert, Brian Walls, Tullio Moneta and myself."
- Q.: "Was Willie Ward there or not?"
- A.: "Correct, Willie Ward was also present."
- Q.: "Sorry, was it Ward or Walls?"
- A.: "Ward and Walls, both of them" ... "Colonel Hoare was introduced to us by Tullio Moneta" ... "He [Colonel Hoare] addressed most of his remarks to Major Willie Ward, who, in actual fact, was already aware of the proposed coup."
- Q.: "Why do you say that?"
- A.: "While Tullio Moneta was on the island [Seychelles], doing a reconnaissance, there was an apparent breach of security in South Africa, and he returned" ... "The breach was cleared up" ... "in actual fact, the leak was not serious."
- Q.: "Continue from after the last meeting you had when you spoke to Ward [Walls?]"
- A.: "A few days later I contacted Brian Walls to find out what was happening with the recruiting by Willie Ward. Brian Walls informed me that Ward had been pulled out on a special operation."
- Q.: "Well what happened? Was a further meeting held?"
- A.: "There were further meetings called for and planned, and we attended a meeting where the Colonel presided at Tullio Moneta's house, where I met quite a few of my friends from 2 Reconnaissance that stay in other areas of the country."

/...

Q.: "Who were they? Do you remember their names?"

A.: "Paddy Henrick, Vic de Beer, Stephen [?] Crouch, Louis Boucher, Louis Dekker, Bernie de Vos, Frik Gouws, and ... sorry, Des Walker and ... [inaudible] ... that I hadn't seen for quite a while."

Q.: "Did you have anything to do with the recruiting of any of these mentioned persons or not?"

A.: "The members present, negative. The only person that I contacted at a later stage was an ex-member of Parachute Battalion who I felt might work in well with the rest of the boys. They would accept him because he'd also fallen out of aeroplanes, and that was Pat Eurelle."

Q.: "Now, when is it that you personally decide to enlist and become a member of this proposed operation?"

A.: "When the meeting broke up, the boys from 2 Reconnaissance went outside to discuss things around the swimming pool, and we discussed the involvement or the alleged involvement of the South African Government, and we felt that with Major Willie Ward knowing all about it before we even knew about it, and because of where he operates from and what type of work he does, we eventually came to an agreement that we'd be looked after. And that the South African Government was aware of this proposed coup."

Planning for
the operation

Q.: "Were you told at this [Kyalami] meeting by Colonel Hoare how long it was intended that the operation would last or the time it would take?"

A.: "Actual working time, half an hour; actual time away would be approximately 10 days."

Q.: "Were you also told how big the operation would be number-wise?"

A.: "Yes, originally it was suggested that we have a complement of 70" ... "and Major Willie Ward said that he would do all the recruiting." ... "We were told [by Colonel Hoare in the presence of Willie Ward] that we were going to a training camp" ... "to spend a week, possibly longer, depending on what we had to do" ... "[the camp] is provided by the army somewhere in Northern Transvaal."

Q.: "Were you told when it was intended that the proposed operation would begin or take place?"

A.: "No, we were just told that it would be before the end of December [1981]."

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Reported
official
involvement

Q.: "What further is said at this meeting [at Kyalami Ranch] by accused No. 1?"

A.: "At the meeting, Colonel Hoare said that he had mandate from Jimmy Mancham and that the American CIA were aware and were assisting logistically. He had been unable to receive any funds from them for the proposed coupe and that there was one stipulation that the Americans wanted, and that was that the \$US 14 billion tracking station was not to be touched. He further went on to say that the South African Government was aware of the proposed coupe and would not go against it at all. He also said that the men right at the top were aware of it and that he was in contact with two brigadiers operating out of a building in Pretoria, that I am conscious of."

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Piter Doorewaard (accused No. 32) e/

Age 28

Nationality South African

Occupation Draughtsman

Previous experience Completed national service and was posted with military police, Pretoria, 1972-1973. Since 1977 member of II RECCE and had participated in 15-20 special operations.

Recruitment "In October 1981, I met Brian Walls, a sergeant in the II RECCE Commando. He told us that a coup was being planned under the direction of Colonel Hoare and also that the coup would be supported by the Government of South Africa."

"A week later, Sergeant Walls told me that the operation had been temporarily suspended because of a leakage" ... "On the third occasion [of our meeting] on 28 October 1981, Sergeant Walls told me that there would be a meeting [connected with the operation] at Kyalami Ranch and that among those expected to attend would be Colonel Hoare, Dunlop Paul, Alan Mann and Major Ward."

Q.: "Did you see Brian Walls that day [of the meeting at Kyalami]?"

A.: "Yes."

Q.: "Where did you see him?"

A.: "He was present at the meeting."

Planning of the operation "At that meeting [at Kyalami], Colonel Hoare give various details of the planning and preparations for the operation. He said, for instance, that about 70 men would be needed for the operation" ... "He also said that a military base would be provided to the group somewhere in the Transvaal, that the group would meet there and start training from 7 to 14 November 1981. The group would then leave in small subgroups of 3 or 4 men each and infiltrate into Seychelles between 14 and 21 November 1981."

"There were several other matters discussed at that meeting, including the Russian Embassy in the Seychelles, the 105 KGB agents on the island, the American tracking station on the island, the patrol boat Topaz etc."

"At a subsequent meeting in Tullio Moneta's house on 8 November 1981, Colonel Hoare told us that the base facilities in the Transvaal would no longer be available."

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Q.: "Why?"

A.: "Because it was decided not to risk the security cover of the South African Defence Force." ... "The travel plans had also been changed such that the group would now travel together to Seychelles via Swaziland."

Financing of
the operation

"[At the Kyalami meeting] Colonel Hoare said that we were to be given initially R1,000 each before travelling to Seychelles; later, the new government of Seychelles would pay us at various rates, according to rank: Willie Ward and Tullio Moneta, the two chief group leaders would each receive R35,000 to R40,000; captains, R25,000 to R30,000; lieutenants R15,000 to R20,000 and ordinary soldiers R10,000 to R15,000 each."

Reported
official
involvement

"[At the same meeting] Colonel Hoare told us that the Prime Minister of South Africa, the Defence Force and the National Intelligence Service knew about the operation and supported it." ... "They would have supported it, but not openly; if anything went wrong, they would disown the operation." ... "Colonel Hoare also mentioned that the American and Kenyan Governments were prepared to give recognition to the new Government in Seychelles within 24 hours of a successful operation of the coup."

/...

Alan Ashton Mann (accused No. 45)

Age 30

Nationality South African citizen

Occupation Electronics technician

Previous experience In 1970 did national service in the South African Air Force; in 1974 volunteered to join RECCE, became an operation member of the II RECCE from August 1975 until the date of the trial.

Recruitment "I received a telephone call from a Mr. Brian Walls on a Wednesday, informing me that there was a job on the go and that we would be receiving a lot of money from this particular operation. I asked him if the Defence Force was aware of this particular operation" ... "He informed me that the military authorities did know of this particular job." ... "Mr. Walls is a sergeant in Second Reconnaissance Commando."

Reported official involvement "[At a meeting at the Kyalami Ranch] [Mike Hoare] told us that the South African Defence Force knew of the plan and gave its approval and that it had the approval of the Government at a very high ministerial level. He said the CIA were also aware of the attempted coup and although they would not take part in it at all, they were supplying information to Colonel Hoare in connexion with certain strategic movements of the enemy in that particular area and that he was also receiving information from the National Intelligence Service of South Africa." ... "If I had any inclination that the Government or Defence Force were opposed to this or did not have any knowledge of this particular operation, I definitely would not have gone."

Limitation of testimony "There are further details I would like to bring out, but I am unable to because of article 29 which the Minister of Defence has imposed upon this Court."

Johannes Lodewicus Pretorius de Beer (accused No. 26) e/

Age 25

Nationality South African

Occupation Operations planning manager, South African Breweries and, second lieutenant, II RECCE.

Recruitment Through telephone contact by Alex Deacon (also of II RECCE.

Particular role in the operation (De Beer issued call-up papers to members of the RECCE units so as to enable them to take part in the military operation.)

Q.: (by the Judge) "Tell me" ... "What particular job did you have at this time?"

A.: "I would like to explain. I was an operational member at the time of Second Reconnaissance Commando as many of the accused here as well, but I also did fulfil some administrative jobs at our headquarters on a weekly basis in the evenings and in or among these administrative duties were the issuing of call-up papers."

Q.: ("On issuing the call-up papers) "I find it inconceivable" ... "that you did not contact your superior and find if it was correct. Will you give me an answer?"

A.: "Yes, I can. When I was first contacted by Deacon" ... "I assumed it was not through my commanding officer and I assumed he did not know about this. I accepted later on, after I had heard from Colonel Hoare, that he (my commanding officer) had been by-passed because Colonel Hoare assured us that he was talking and negotiating with a general and two brigadiers of the South African Defence Force in Pretoria" ... "If they decided to by-pass my commanding officer it is not for me to go and talk about this."

Q.: "By what authority did you start issuing these orders? Where did you get the authority?"

A.: "I took it upon myself, but I would like to explain this. Because of circumstances and past experience and things which have happened in the past, which are unfortunately covered by the Minister's ruling, f/ which are not only similar to this but very much gave me the assurance or made me feel assured that the proper authority would be given at a later stage, if necessary, and on these grounds I took it upon myself to issue these call-up instructions."

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Q.: "Did you deliver all the papers personally?"

A.: "For the most part, yes."

Financing of Q.: "Do you know the person responsible for financing the
the operation operation?"

A.: "I didn't know who would be financing the whole operation, but I know that the money we were to receive at the completion of the operation would be paid by the Government of Mr. James Mancham."

Peter Bruce Gay Duffy (accused No. 35)

Age 40

Nationality British citizen, permanent resident of South Africa

Occupation Free-lance photographer with the press

Previous experience Served as a mercenary in the Congo under a Colonel Peters and first met Colonel Hoare in 1967.

Recruitment "Initially I was approached by Colonel Hoare [by telephone] at the beginning of October 1981" ... Later I had a social call from somebody else [eventually identified as Dolinschek]" ... "He seemed very curious to know what Colonel Hoare had said to me. I didn't elaborate, and he left" ... "A few days later he came back again and said I should re-approach Colonel Hoare and tell him that I was interested in the operation." (Dolinschek called a fourth time and asked if Duffy had contacted Colonel Hoare and advised him to "get your passport up to date; get your inoculations up to date; get an international driving licence etc., as soon as possible." ... "So this I did, then I phoned Colonel Hoare and said, 'I believe the operation ... was a short duration, I might possibly be interested.' I think it was at the beginning of November.")

Motivation (At a meeting held at Coastlands Flats, Durban, Colonel Hoare "produced a contract and said we would be paid R10,000" ... "and get an advance of R1,000, paid in cash.")

Q.: "So you were not going there as a crusader?"

A.: "Well, when I phoned Colonel Hoare initially he said to me on the phone that I had to be interested in the morals involved, and knowing Colonel Hoare as I do, I understood this was an anti-marxism operation."

Particular role in the operation "Colonel Hoare said that I would be going as the tour leader" ... "the representative of the Ancient Order [of Froth Blowers]" ... "I was to handle anybody we came into contact with - hotels, staff and booking-in etc., particularly on the island."

Q.: "Have you any idea whose brain-child [this cover to disguise as tourists] that was?"

A.: "Dolinschek explained to me that Colonel Hoare was a straight soldier. He knew nothing about" ... "operations" ... "so he [Dolinschek] had suggested a cover."

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"[Just before arrival at the Durban airport] I went to Colonel Hoare and said, 'Colonel, you realize there is going to be stink about this when we get back to South Africa, that there is going to be an international incident blown out of all proportion over this attempted coup. And if you like, when we get there, I will explain to the authorities exactly what's happened and why we have returned' "... "He said 'Fine'."

Q.: "How did it come about that you took it upon yourself to have said those words to accused No.1?"

A.: "Well, at this stage I had accepted that I was tour leader for liaison with anybody, and the Colonel was a little bit depressed to say the least about the failure of the coup and having lost a man."

"[When the Plane touched down at Durban airport and came to a stand-still] a Colonel Mouton came up the stairs followed by a doctor. I said, 'Are you a senior Security Police officer?' and he said 'I'm Colonel Mouton.'" ... "I said, 'Who is the other gentleman?' and he said, 'He is a doctor.' So I said, 'I would rather not tell you what I have to tell you in his presence'" ... "and he dismissed the doctor." ... "I presented to Mouton the situation and I said, 'there's been an attempted coup in the Seychelles' ... 'that we had failed'" ... "and that he [Colonel Mouton] had better get through Pretoria and explain the situation" ... "that there were a number of RECCE Commando people on board" ... "and I felt that they should attempt at a cover-up."

"Colonel Mouton said, 'Can you keep everybody on the aircraft until I find out what decisions must be taken. And don't speak to anybody junior in rank. Speak to nobody till I come back'. At that stage he also said, 'What do you suggest we do to cover up?' I said, 'I don't know, but the problem is that the Air India passengers are going to see a group arrive back in South Africa, and if we all walk away, or whatever, they're going to wonder what's going on'".

"Colonel Mouton came back and said, 'Pretoria has been informed'. We had to wait before we knew what the decision is they were to make."

Reported
official
involvement

Q.: "Was anything further said by Colonel Hoare [at the meeting at Coastlands Flats] about this venture? Whether it was his own private little frolic or whether he was being supported by anybody or not?"

A.: "No. He said the Government was 100 per cent behind us. That the Kenya Government was behind us. That the American Government knew about it and was going to give the new government in Seychelles instant recognition when reinstated."

/...

Peter Rohwein (accused No. 39)

Age 43

Nationality Citizen of the Federal Republic of Germany

Occupation Cotton farmer, Chipinga District, Zimbabwe

Previous experience Completed military training in the Federal Republic of Germany and afterwards went to South Africa in September 1964. Later, served twice in the Congo as a mercenary, the first time under Colonel Hoare.

Recruitment "Mr. Peter Duffy phoned me [in Zimbabwe]. He told me [that] ... I have to do a bit of travelling; I have to have a passport and cholera injections." ... "He invited me to come down to Johannesburg."

Planning of I was met by Mr. Kelly [in Johannesburg]." ... "November the 22nd [1981] I think it was; we go there to Moneta's house [attended by about 40 people]" ... "Colonel Mike Hoare addressed us." ... "[He said] we had to overthrow the Government of President René and replace him with Jimmy Mancham, who was actually, in fact, the legal President of this island."

Particular role in the operation Q.: "Were you told what your function would be, into which group you you would fall?"
A.: "Yes, I would fall under the group of Mr. Mike Webb. Our function was to take the airport and the barracks - the southern barracks."

Reported official involvement "[At the meeting at Moneta's house] Somebody asked about the South African Government; how we are backed or not, and he [Colonel Hoare] said, 'Gentlemen', if I recollect his words correctly, 'don't worry about that. We have very strong backing from the South African Government, the CIA know about it. A few hours after the successful revolution, President Mancham will come from Kenya. He is on stand-by there, with a load of Kenyan troops that will replace the Tanzanians'."

"I made friends with Mr. Richard Stannard, and he was talking about previous military operations, and there already I found out that some of the men were involved in South West Africa, going over the border to Luanda, close to Luanda; then some in Maputo, in Mozambique. A lot of them were previous Rhodesian ex-army men, and RECCE commandos; so I was quite impressed. That made me actually believe that it was a completely legal operation, but we were told just to keep quiet about it."

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Notes

- a/ Anton Lubic alias Martin Dolinschek.
- b/ The name of the person was not revealed in the record, but the judge had his name written down, presumably because he was one of the mercenaries captured in Seychelles and awaiting trial there.
- c/ Special Air Service - an élite commando unit.
- d/ South African Defence Force.
- e/ The following excerpts of the testimony are based on unofficial translation from Afrikaans.
- f/ The prohibitory order issued by the Minister of Defence under sect. 29 of South Africa's General Law Amendment Act (No. 101) of 1969 (see para. 25 of the present report).
