
CONFIRMATORY AFFIDAVIT

I, the undersigned,

JACOB GABRIËL CILLIERS VAN DER MERWE

do hereby make oath and state the following:

1. I understand that this is an affidavit confirming the references to myself and the tragic killing of my father, Mr Jacob Gabriël van der Merwe, mentioned in the affidavit of Mr Carl Martin Kriel dated and submitted to the Khampepe Commission on 27 October 2025.
2. My wife and I consulted with Mr Kriel, Adv Nel and members of the AfriForum Private Prosecution Unit on 30 October 2025. I was advised to confirm and supplement Mr Kriel's affidavit.
3. I am one of the five children born to Jacob Gabriël and Susanna Johanna van der Merwe, who were better known as Jaap and Susan van der Merwe.
4. My father was shot and killed on 1 November 1978. Forty-seven years later, his body remains undiscovered, nor has anyone ever been prosecuted for his murder, despite police reports indicating that he was shot and killed by four members of uMkhonto weSizwe (MK). Despite our mother's representation at the Truth and Reconciliation Commission (TRC) and her call upon the


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perpetrators of this callous deed to make representations, no one applied for amnesty, and no inquest was ever held. The act bears all the hallmarks of a premeditated murder of an innocent family man, carried out with deliberate deception, cruelty and disregard for human life.

5. My father was a humble, supportive and well-respected man within several communities; he was well-spoken in several indigenous languages, earning him the respected name of Rra Setswana. Similarly my mother, a teacher, was called Mma Setswana.
6. At the time of his murder, we were 21, 19, 17, 16, and 11 years old. I was 16 years old and attending high school.
7. My mother, who testified before the TRC, passed away on 16 April 2022 and my brothers Jan Petrus and Petrus Gysbertus van der Merwe passed away in 2005 and 2014.
8. Our mother testified before the TRC on 23 September 1996 in case number 01539, and I have attached the transcribed record as **Annexure JGC1**. Apart from the heartache of not having been able to bury my father and the financial and other difficulties the murder imposed on my family, it is significant that she testified:

"My story wants to put this question to you. Would these people that were responsible for the deed, now that the liberation struggle has been completed, be able to answer us what was achieved by this, who benefitted from this, what purpose did it all serve? From a military strategic point of view or from the viewpoint of the struggle..."

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9. My mother believed that while she would accept the perpetrators' version and their indemnity, she wanted to be able to bury my father's remains and understand the circumstances surrounding his murder. My mother and our family, including myself, believe that in the absence of indemnity, the murder remains callous and senseless, and that a detailed and due investigation process and prosecution should deservedly have been conducted a long time ago and in line with our Constitution.
10. Her sentiments and those of our family align with those of Mr Kriel and AfriForum, who believe that as a country, we should close the book on the past and, if not, apply the principle of equality before the law without exception. We contend that it is inherently unfair to prosecute apartheid era government officials who failed to obtain indemnity but not those, such as my father's murderers, who did not even apply for it, especially where their whereabouts have been known for the past forty odd years.
11. The Office of the Attorney-General informed us on 24 February 1997 that they had decided not to prosecute due to insufficient evidence, but that the investigation was still ongoing. I attach the letter as **Annexure JGC2**. The so called grounds for declaring a lack of evidence have never been communicated to us.
12. I am aware that at one stage, Col. Vreugdenburg investigated this matter, and that currently Col. Heidi van der Schyff is the investigator. She told me that the case docket had been handed over to Adv. Singh at the NPA for the purpose of preparing it and submitting it to a Magistrate to consider holding an inquest into my father's death – this, after 47 years. To that end, I have instructed Advocates

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Nel and Vorster to represent the family's interests during the Inquest proceedings. It will be urged that a formal inquest be held and *viva voce* evidence presented to determine who is *prima facie* responsible for the murder.

13. We are deeply concerned that the identity of the perpetrators has been known to the SAPS since at least 1981. Still, no steps have been taken to ensure a prosecution, particularly since the suspects did not participate in the TRC process. Our family has also not been informed of any details about why evidence was deemed insufficient at the time, or whether these known MK operatives have ever been investigated or interviewed, aside from the limited actions taken over the past eight years since we last checked in on the status of this case. Adv Van der Kooy, who I believe is from the Office of the State Attorney in Polokwane, told me verbally three years ago that the investigation documentation was incomplete, but since his involvement, he has attempted to provide direction on filling the gaps, which has been extremely difficult due to the passage of time and the deaths of some of the suspects and their families.
14. We sympathise and identify with the trauma, heartache and prejudice that the families of "freedom fighters" have had to endure, and have followed the re-opening of inquests and prosecution of members of the armed forces. We believe our father's case has not received the full and timeous attention it deserves, especially if Captain Jan Karel Coetzee's affidavit dated 23 December 1981 is taken into account, amongst others. I will discuss this in more detail later, but I have attached the statement and our translation as **Annexure JGC3**.

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15. Col van der Schyff has informed me that she and a prosecutor interviewed one of the suspects in our father's killing and reduced his version to writing. We have not received further details, but according to our understanding, it is possible that over the years he (and the others) may have been sheltered from investigation and prosecution due to his employment in the South African Secret Service. If so, his Top Secret Security clearance must have revealed the incident and the status of any TRC amnesty.
16. Capt Jan Karel Coetzee provided a statement that was used in the application to declare my father deceased in the Supreme Court of the Transvaal Provincial Division (as it was then), confirming that my father was shot and killed by four members of MK and that he later discovered a rifle telescope that was in my father's possession at the time of his killing, with an arms cache pointed out by a leading figure in MK known as Mr X
17. Mr X's version indicated that it was a senseless killing, with the only possible motive being that my father was white. He was shot in the back, then turned over and shot in the face. It is worth noting that Mr X denied that the intention of the infiltration into South Africa across the border was to kill civilians, making this a senseless, callous killing in the absence of any explanation from the suspects.
18. If we are mistaken and the killing was executed in furtherance of the armed struggle, then the failure to apply for amnesty demands a prosecution.
19. Although Mr X revealed the identities of the perpetrators and confirmed that they were members of Umkhonto We Sizwe and infiltrated South Africa in execution of the armed struggle, it is unclear what the SAPS did to investigate the case. I know that initially, steps were taken to find my father's body, but we are unaware

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of any further follow up investigation to identify the killers, since 1994.

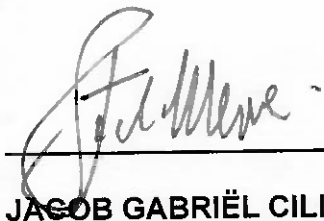
20. My family, particularly our now-deceased mother Susan, is astounded and extremely disappointed that neither the SAPS, Mr X, nor the MK command revealed the facts surrounding my father's murder or applied for amnesty.
21. The NPA, I have been informed, used the "excuse" that my mother never demanded a prosecution during her evidence at the TRC as a reason for not pursuing the matter.
22. As a family, we acknowledge the struggle against oppression and accept the necessity for our nation to move forward in the spirit of healing and reconciliation. In that spirit, my mother expressed a willingness to "let it go", on a mutual basis, understanding that our collective/mutual progress depends on forgiveness and unity. However, moving forward cannot mean excusing the deliberate killing of innocent civilians, outside of the ambit of the law and the process created through the TRC. We must be mindful of the lessons we teach our children and the example we leave for those who come after us — that such acts, whenever they fall outside the ambit of the law, must have consequences. If the killing of our father remains unsanctioned and justified by law, it warrant full unbiased investigation and accountability. Only by confronting these truths can we ensure that our freedom rests on justice as well as forgiveness.
23. Given the apparent disregard of both the law and our family's loss, with no meaningful representation made at the TRC, no proper investigation with the urgency and thoroughness it clearly deserved that we are aware of, these failures create the deeply troubling impression that the authorities may for whatever

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reason have delayed or deliberately stalled investigation — whether through neglect, political influence, or an abuse of power. The pattern of delay and inaction gives rise to a perception that the process was intentionally drawn out so that, over time, crucial evidence would erode and accountability would become impossible. In effect, justice for this murder has been denied, and those responsible have been allowed to escape the consequences of their actions.

24. Given this, although we, as a family, can understand the political realities and needed transformation into a new democratic dispensation, we implore the Commission to include victims like us in their recommendations and to investigate why the investigations were not focused on apprehending and prosecuting suspects who identified innocent civilians as legitimate targets of violence .
25. We unreservedly accept that the murder of our father and our consequential struggle to rebuild our lives is not unique and therefore implore the Commission to, with its recommendations, ensure equality before the law in the treatment of this death and those of the deceased who may have died at the hands of the government of the time.

SIGNED AT PRETORIA ON ____ NOVEMBER 2025



JACOB GABRIËL CILLIERS VAN DER MERWE



Thus sworn and signed at Pretoria on this 04 day of November 2025, before me,
PA Monkgop, Commissioner of Oaths, the
 deponent having acknowledged that he understands the contents of this affidavit, has
 no objection in taking the oath and regards the oath as binding on his conscience after
 complying with the requirements of Government Notice R1258, dated 21 July 1972,
 as amended.

BEFORE ME:

 PA Monkgop

COMMISSIONER OF OATHS

NAME: Phuti Achibold Monkgop

CAPACITY: Sgt

ADDRESS: 22 Johny Claassen
 Oorstander Pretoria





TRUTH AND RECONCILIATION COMMISSIONHUMAN RIGHTS VIOLATIONSSUBMISSIONS - QUESTIONS AND ANSWERS

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DATE: 23.09.1996 NAME: SUSAN J VAN DER MERWE

CASE NUMBER: 01539 KLERKSDORP

DAY 1

DR RANDERA: While Mrs Van der Merwe is taking her place, I would like to welcome a few other people. We have Senator Rasmani who is sitting next to the Premier - if you will just stand, Sir. Councillor Henry Moleme from Klerksdorp - has he gone out already? Okay. Sandra Mahamba, the chairperson of the Joubertin CPF, Father August Lekhoko, Anglican Church, Kuma. Then we have a number of councillors from Stilfontein, Klerksdorp and Orkney, Joyce Matshayana, Mr Mojobe and Tosa Molempukana. Thank you. We have Father Goleng from Stilfontein, the Anglican Church and Daniel Molema, the deputy-secretary of the ANC. Thank you very much.

Mrs Van der Merwe, good morning to you.

MRS VAN DER MERWE: Good morning.

DR RANDERA: You had a friend accompanying you, are you sure you don't want him to be there with you on the stage?

MRS VAN DER MERWE: That is not necessary, thank you very much.

DR RANDERA: Thank you. Mrs Van der Merwe, you have come here today to talk about your husband. Adv Denzil Potgieter who is sitting there at the table next to you, is going to be helping you as you tell your story. But before you do that, will you please stand to take the oath.

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SUSAN J VAN DER MERWE: (Duly sworn, states).

DR RANDERA: Thank you, Mrs Van der Merwe, I hand over to Commissioner Potgieter.

ADV POTGIETER: Thank you, Dr Randera. Good morning, ma'am. Welcome here. I would like you to relax and there is absolutely nothing to worry about. The evidence which you will be giving is about the disappearance of your husband, Mr Van der Merwe in 1978. Is that correct?

MRS VAN DER MERWE: Yes.

ADV POTGIETER: Just before you tell us about the disappearance itself, maybe I could put a few questions to you, just to get an idea of your personal circumstances. You are currently living in Potchefstroom, is that correct?

MRS VAN DER MERWE: Yes, at the moment I live in Potchefstroom.

ADV POTGIETER: I wonder if you cannot move the microphone a bit closer to you, to enable us to hear, because we can't all hear you very well if you don't speak into the microphone.

MRS VAN DER MERWE: Is that better?

ADV POTGIETER: Yes, that is a bit better, thank you. We were saying that you are currently residing in Potchefstroom. Is that correct?

MRS VAN DER MERWE: Yes.

ADV POTGIETER: But in 1978 at the time when your husband disappeared, you were living in the Thabazimbi region.

MRS VAN DER MERWE: Yes, we lived in that region. The regions are so close to each other, because I was teaching at Swartklip.

ADV POTGIETER: And what was your husband doing?

MRS VAN DER MERWE: At the time we were living in Swartklip. KLERKSDORP
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I have got it all written down in my statement.

ADV POTGIETER: Yes, but I would like you to repeat it in your evidence so that we can hear about the background and so that the audience can hear your evidence and your story. Once again, you will attempt to speak into the microphone. Come as close to the microphone as possible.

You have five children from your marriage to Mr Van der Merwe. Is that

correct?

MRS VAN DER MERWE: Yes, that is right.

ADV POTGIETER: Are they all over the age of minority?

MRS VAN DER MERWE: The eldest was 21, my son was 21, my daughter was 19, we had a son of 17, a son of 16 and the youngest was 11 at the time.

ADV POTGIETER: We are talking about an incident that happened approximately 18 years ago. So at the moment they are all adults.

MRS VAN DER MERWE: I beg your pardon?

ADV POTGIETER: You say at the moment they are all adults.

MRS VAN DER MERWE: Yes, they are all adults.

ADV POTGIETER: And are they self-sufficient?

MRS VAN DER MERWE: Yes, they are independent.

ADV POTGIETER: In 1978, you said that the eldest child was 21 and your second eldest daughter was 19 years old. They were at university at the time.

MRS VAN DER MERWE: Yes, they were at the university at the time.

ADV POTGIETER: And have they completed their studies since?

MRS VAN DER MERWE: My daughter could not complete her studies, the boy, my son was working in the evenings and he was a full-time student, but he used to do part-time work at restaurants and wherever else he could find employment, but

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my daughter could not and the other children, the youngest one was at primary school and the two others were in high school, but the third child could not proceed with the normal life before they found out what happened to their father. He just couldn't live a normal life.

ADV POTGIETER: Just to go back to the incident itself. On the 1st of November of 1978, that morning was the last occasion on which you actually saw your husband, Mr Van der Merwe.

MRS VAN DER MERWE: Yes, that's right.

ADV POTGIETER: Could you just tell us about the happenings of that morning of the 1st of November 1978?

MRS VAN DER MERWE: Do you mind if I read it, please?

ADV POTGIETER: Certainly.

MRS VAN DER MERWE: Is that better, can they hear me clearly? On the 1st of November 1978 and the works thereafter, on the 1st of November I saw my husband for the last time. We had breakfast together at the house where we living at the house in Swartklip. At approximately seven o'clock the morning I left home to the school where I was teaching. My husband would have gone to the farm called Doringlaagte that day, a farm which belonged to his mother, because he intended to shoot a goat for us. That farm is approximately 60 kilometres from our home. I was never to see him again.

That same afternoon I received a report that my husband's mother had suddenly passed away. I immediately tried to make arrangements to trace my husband to inform him about the report about his mother's death. A neighbour at

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Doringlaagte, Mr Jan Smit, found my husband at Doringlaagte and informed him. I was not worried when he did not return home on the evening of the 1st of November, because I assumed that he had gone to his sister's house where his mother was staying, to make the funeral arrangements. It was only five days later that my husband's car was found near the border at Buffelsdrift. At the time of the anxiety, there was an even bigger sad news waiting about my husband. What had happened to my husband? And this uncertainty hung over us like a dark cloud. Excuse me.

I had to compose myself as quickly as possible so that I could support my children. What happened to me and my children since the 1st of November; the uncertainty and the worry about my husband's disappearance was to get worse in the months that followed. There were three possibilities. His disappearance could have been due to a sudden loss of memory or kidnapping or his killing. Thereafter we placed our hopes on the fact that he could possibly have been found alive.

At this stage my children were as old as I had indicated earlier. All of a sudden I was alone and I was responsible for their maintenance. There were no funds, except for my monthly salary which was approximately R600,00 per month. We were expected to survive on that. Two children were at university and three were at school and I had to keep myself together in order to give my children emotional support in a world which had suddenly crushed and fallen apart around them due to the death of their father.

My two eldest children failed their November exams at the Potchefstroom University. The university had understood the position in such a way

that they allowed the children

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to write supplementary exams.

At the beginning of 1979 the two children wanted to go and reregister at the university, but the bank manager informed me that I did not have any security. The circumstances were such that I was completely dependent on my husband. He was the one that was running all the financial matters and from November to January circumstances were such at my house that I did not even think about money. It was a question of trying to survive on a daily basis, from day to day. It never occurred to me that because of the way in which my husband had died, that if there were any funds available from him, that it would have been taken away from me because we were not married in community of property.

The bank manager informed me that I did not have any security and thus I would not have any funds to enable my children to reregister at the university.

With the greatest of difficulty and worry, I managed with the assistance of the children to get them to complete their studies, but they could not all do that. I had to remind myself constantly that I should not let my emotions affect my children, and at the same time I had to do everything in my power to answer the questions that were running through my mind and try and fill the vacuum that had been left by the disappearance of their father.

This uncertainty and the utter feeling of helplessness that was caused by the disappearance of my husband, was probably worse than receiving news of his death one time. If I could put it this way, it would have been better for me just to hear that he had an accident with a gun or he had a car accident. It would have been better for me to digest KLERKSDORP HEARING TRC/GAUTENG

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the news, but the fact that there was no body even to bury, led to the fact that there was no official evidence of his death. This led to me not being able to conduct financial transactions such as buying a house. The Transvaal education department which I was working for and the financial institutions did not regard me as a breadwinner as such. My whole life was then an uncertainty.

The South African Police's findings of what happened after the 1st of November 1978 in the Supreme Court of South Africa, were that due to he - was due to that, that the investigations had revealed that four

Freedom fighters had gone to the region of Thabazimbi in November 1978 and their instruction was to make contact with the farmers there and also identify places where there were possible bases that could be used to their advantage.

An interview with a leading figure with regard to the infiltration figures to Botswana, in the report, someone known as Mr X revealed the following. The four Freedom fighters went to stop next to the road and were hiking when a White man in his car appeared on the scene. He stopped for them and they got in the car and they forced him at gun point to go back in the opposite direction from which he had come from and go and load some things.

Thereafter they led him into the bushes, whereafter two of them who were known in the MK unit as Pedro and John Msibe, shot him from behind. Thereafter Pedro turned the White man around who had fallen on his face, turned him around and shot him in his forehead. After these findings the Supreme Court certified my husband as dead, left my children in another vacuum of uncertainty. Why was such a horrendous deed done to my husband, which cost him his life. KLERKSDORP HEARING TRC/GAUTENG

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For what purpose, what were they hoping to achieve by that? Mr Chairperson and honourable members of the Truth Commission, you have heard so many stories of horrible deeds. Stories of people who have hurt others without batting an eyelid. You have gone into the hearts and minds of people whose wounds have shattered their lives.

My story and that of my children is but a minor story in comparison with these others for whom we feel sympathy. Our pain is but a mere drop in the ocean of South Africa's suffering.

Even if we do not want to use this opportunity to highlight our problems, and looking for sympathy, that is not what we want to do. In doing this we have done that in all the years. That is why I sat and thought about it for a long time before I came to you.

My story is the story about a woman with five children, whose husband was a peace-loving citizen, who, wherever he lived or worked, was also respected by the Blacks in those communities. A man who was killed unnecessarily in a cowardly and cruel manner, while he was helping his murderers. They abused the best of humanity.

I would like to add to this, that my husband had the trust of the local community. He was fluent in Tswana, he was known all over as someone with a big heart, who would not leave a stone unturned in a quest to assist other people. This way he would take Blacks to the hospital if they needed it and some other times he would take his family's food and medication and dish it out where it was necessary.

Now I would like to say to you, that the years that we were living in Botswana, were years of extreme drought. The

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same as our people are suffering today. People used to come to us, come walking to us. I can remember one particular incident where a father had come, had walked for days with his little daughter until they got to us. The man told my husband that this was his only surviving child and that this child had also taken ill and that he was now looking for help. My husband took all the medicines that the doctors had given to us, because we were living in such a remote area, he took all those medicines and used them to help get that child healthy again. We kept the father and child there until the child was completely recovered.

At another time an entire family turned up on our doorstep, where they were on the road for days, because where they had come from there was no food any longer. Their crops had all failed and they had come to ask my husband for work. My husband showed them that there is nothing on this farm, but at the same time there were extreme problems and the crops were destroyed due to the drought, but in spite of all that, it was a family of seven, and he took that entire family and kept them on the farm. There was no work for them, but he told them that he was keeping them on the farm and that they could eat with us. They would share what we had with us every day and that was the man, that was the man I married, that was my husband.

The Tswanas in the region gave him the nickname RasiTswana, that means father of the Tswanas. Ironically enough, it was his fatherliness that led to his death.

My story wants to put this question to you. Would these people that were responsible for the deed, now that the liberation struggle has been completed, be able to answer us what was achieved by this, who benefited from

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this, what purpose did it all serve? From a military strategic point of view or from the viewpoint of the struggle, if these questions could contribute to answering the questions of the senselessness of what took place and this one deed in isolation could highlight the folly of what took place then, then this story has a humble contribution to bringing our country to where it is today, and will have made a contribution to the liberation.

If we could learn from this that violence does not provide any answers, and that each and every person that commits violence with a revolver in

his hand, could start all over again and just think about the consequences of what a single shot could do.

My submission to you is not a prosecution, Mr Chairperson. I have no need to have anyone prosecuted. My submission is a plea for reason. If your Commission could be put in the state to put our country under the impression of the folly of the violence of the past, then every bit of evidence that could contribute to that, should be submitted to you. If you could find the faults of the system, then it is good, but if you can show that violence is primarily a waste and that it has no part in a system, that would be even better, because we in this country have to show that each and every person has to accept responsibility.

A system cannot be used as an excuse for violence. How else are we supposed to, if we are not to take responsibility for our own deeds, going to take responsibility for others. The Tswanas have an idiom which I learnt from my husband which goes "a person is a person by other people, a person is only a person with other people". We do have this duty to each other. The survival of our

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people in this country depends on our co-operation with each other.

My plea to you is, help people to throw their weapons away. Ask the State to do this by implementing effective rules, an efficient police force and an efficient judicial service, because no person's life is a waste. Every person's life is far too precious.

My story, Mr Chairperson and Commissioners is but a story of a woman who could not bury her husband because there was no corpse. Thank you very much for having listened to me.

ADV POTGIETER: We would like to say thank you very much to you, Mrs Van der Merwe. We appreciate you having come to share your story with us. I would like to put one or two questions to you.

MRS VAN DER MERWE: Certainly.

ADV POTGIETER: It seems as if the actual pain in your experience was the fact that you never really got the remains of your husband, in order for you to bury him.

MRS VAN DER MERWE: That is correct. That left such an immense, indescribable feeling of a vacuum and you cannot explain it to anybody else. One's one life, your whole life is incomplete.

ADV POTGIETER: It is now approximately 18 years after his disappearance, have you accepted now at this stage, that your husband is indeed dead as it became apparent from the investigation of the

police as submitted to the Supreme Court?

MRS. VAN DER MERWE: Yes, that is correct. The evidence which came to light was sufficient to convince us that he had lost his life and that he was gone.

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ADV POTGIETER: Have you reconciled with that and do you accep[t today that he is dead?

MRS. VAN DER MERWE: Yes, I have accepted it, but I would love to receive any of his remains, just to be able to say I have buried him.

ADV POTGIETER: What was the statement made by the police with regards to the fact that they could not find his remains in the area where the MK cadre had shown them where they had shot this person?

MRS. VAN DER MERWE: This Mr X, I know some of the people's names today, but this Mr X who was the leader said they did not explain to him precisely where they had left his body, but that they said to him that they left his body where they had shot him. If you know that region or if you know anything about that region, then you will realise that if a person walks in those bushes, you could probably pass a corpse like that approximately two feet from there, because that is how dense that bush is. In spite of the police having looked in that region, they went to the farm Doringlaagte and they fine-combed the area but the people, the employees on the farm who were in the farm, said that that night, the Wednesday evening, it was late afternoon. He had left the farm after he had received the message of his mother's death and they heard his car from camp to camp as he would stop, they would hear the car stopping and starting up again and leaving. So he left the farm, but evidence which surfaced later, showed that he used the Rooibokkraal road and this is where he stopped for these people. It was something natural for him to do. If somebody had to ask him why he stopped, then I would be able to say that it was habit, it was habit for him. We were living in

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such a place that the place where we lived was far from Thabazimbi and he would have assumed that the people were on their way to Thabazimbi, and that is why he would have stopped for them, to grant them the opportunity, a lift, to get them a lift to Thabazimbi. That is what he would have done.

ADV POTGIETER: You spoke about what things were like there. What about wild animals with regards to his remains.

MRS VAN DER MERWE: Could you please repeat the question?

ADV POTGIETER: What is the situation with regard to wild animals in that region?

MRS VAN DER MERWE: There are many wild animals.

ADV POTGIETER: And what would happen to the remains that get left in the veld?

MRS VAN DER MERWE: It is improbable that a corpse like that would remain there, so that there is quite a good chance that the wild animals would then eat the remains, yes.

ADV POTGIETER: How old was your husband when he disappeared?

MRS VAN DER MERWE: He was 57 years old.

ADV POTGIETER: And was he politically active or militarily inclined?

MRS VAN DER MERWE: No, not at all. One of the things that surfaced in the matter was that he did not take part in politics at all. We lived in Botswana for years and even when we came back to the Republic he did not participate in any political activity. He was merely a farmer.

ADV POTGIETER: And just one last question. What happened to the ...
(END OF TAPE - SIDE A).

SIDE B:

MRS VAN DER MERWE: He was a vegetable farmer here and he

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was not happy with it, because livestock farming was part of his life. He grew up with livestock farming and he wanted to go back to Botswana to go and do livestock farming once again, and that is why he sold the farm. He always spoke about specifically about the farm which we had in Botswana. He used to speak about God's own country, because this land was so unscathed and he was somebody that loved the open veld, and that he would always say that for him it is the most wonderful thing to farm with livestock, because that is God's own country.

ADV POTGIETER: And the fact of the whole matter is that the disappearance of your husband left you in financial difficulty? It left you financially stranded, even though were earning a salary as a teacher.

MRS VAN DER MERWE: Yes, my salary at that stage - I taught merely to earn extra income, because we could not maintain our family on that, so

it was merely to help.

ADV POTGIETER: Just lastly, psychologically speaking, what is the position with your children, were there any psychological scars that have been left in their lives or have they reconciled with the fact that your husband has disappeared in the probable circumstances as you have sketched here?

MRS VAN DER MERWE: I would say that some of my children reconciled well with the fact but others were not able to work through this whole thing. A lot of them are independent people, as I said, some of them were extremely affected, deeply disturbed by the whole thing. So much so that some of them could not even complete their studies, some of them could. As I said, although today you can still see that there are emotional scars with some of them, but some

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of them have managed the whole thing a bit better.

ADV POTGIETER: Thank you, ma'am, I have no further questions.

CHAIRPERSON: We have listened to everything you have said, thank you very much. Are there any questions? Dr Randera?

DR RANDERA: Mrs Van der Merwe, I would like to from myself, commend you in the way you have come forward today in an honest and open way and without any malice whatsoever. Shall I repeat what I said?

MRS VAN DER MERWE: I do understand Afrikaans, but I can't hear it all the time.

DR RANDERA: Shall I repeat what I said?

MRS VAN DER MERWE: Please put it in English.

DR RANDERA: Afrikaans is on one.

MRS VAN DER MERWE: I do understand English, it did not come through very clearly.

DR RANDERA: Did you hear me, ma'am?

MRS VAN DER MERWE: Yes.

DR RANDERA: Mrs Van der Merwe, I just want to come to my question which is that it seems that this issue of the MK soldiers involved or allegedly involved, hinges around the testimony of a Mr X, who happened to be an ANC person himself at the time. Could you please tell us the name of the security policeman who was involved in investigating this

issue, the death of your husband?

MRS VAN DER MERWE: The security policeman who took the statement was Jan Karel Coetzee.

CHAIRPERSON: Yasmin Sooka?

MS SOOKA: I would just like to ask you, you talk about the information that you were given, being given to you at court. Ma'am, the facts which were given to you, at court,

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did you get all the facts at court?

MRS VAN DER MERWE: I saw this in the report, I had this in the report from the police, it was in 1982. I cannot remember the date too well, when I applied for a report regarding his death and at the time of his certification of death. After the certification of death the police, in fact the attorney who did this for me, sent me the police report.

MS SOOKA: (Speaker's mike not on).

MRS VAN DER MERWE: Yes, that is correct.

MS SOOKA: What was his name, ma'am?

MRS VAN DER MERWE: It was the firm Dyason & Odendaal who were acting for me. They are today known as Dyason only.

MS SOOKA: (Speaker's mike not on) ... this question, because you are using the name Mr X. It seems that the person who is probably testifying in the capacity as an informer, and I would just like to know if you know anything about what actually transpired when Mr X gave his evidence?

MRS VAN DER MERWE: The only information which I have is what was in the report. I do not have any - I never saw the person, except for what was written in the report. That is the information which I have.

MS SOOKA: Thank you, ma'am.

CHAIRPERSON: Mrs Van der Merwe, firstly I would like to say that we appreciate the fact that you have come to come and give evidence here and also, we would like to express our sympathy towards you and your family. It is, one could say, it is, but in English they say that it is easy to praise someone that is fasting on a full stomach, because you do not feel the pain and suffering, the pain and the suffering is not yours, it is that of the other person. But I hope that the feeling itself when you gave evidence here, that

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you felt that people in the audience sympathised with you. The first witness whom we heard this morning, spoke in the same vein, about if only they could find the remains of their son, that they would like to be able to bury him. Here you come along and I believe that it is something wonderful for our country, to be able to experience and accept the fact that we are all but human, Black or White, we all feel the same pain, we all feel the same anguish. When you said here that a person can only be a person by other people, for all the people here to hear that, they are all standing with you. We hope that the truth will surface one day, about what exactly happened to your husband.

We would also like to say that we appreciate the fact that you are not bearing any grudges, and that you could say the way you did, that your story is about pain and you say that it is but a drop in the ocean, when one takes into account the other pain which so many of our other people experienced.

The fact remains, it is still pain, it is your pain, it is something that happened to you and we pray firstly, that God will annoint the wounds with His Holy Spirit and soothe it in that way, and in that way bring about healing. But also, that now that we have a new system, that we all will be determined that things like these, which you have told us about, will not happen again in our country. That each and everyone of us will say I have decided that I will work with everyone who wants to rid this country of violence and keep it out of this country.

Thank you very much for what you have said about weapons and so forth, and we hope that those who have heard your evidence will take cognisance of it. Thank you very

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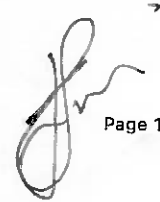
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much. Thank you.

MRS VAN DER MERWE: Thank you very much.



KLERKSDORP HEARING TRC/GAUTENG




KANTOOR VAN DIE
PROKUREUR-GENERAALOFFICE OF THE
ATTORNEY-GENERAL

REPUBLIEK VAN SUID-AFRIKA • REPUBLIC OF SOUTH AFRICA

☎ 'Prokgen'	☎ 3253780	Faks Fax 218176	Verwysing Reference	PVT960730
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Mev S van der Merwe
Retiefstraat 24
POTCHEFSTROOM
2531

Privaatsak X300
PRETORIA 0001
28 Oktober 1996

Mevrou

U VERTOË

Dit is my deur die Prokureur-Generaal opgedra om van u te verneem wanneer hy die inligting kan verwag wat deur Sy Edele die Minister van Justisie, mnr A M Omar, op 19 September 1996 van u aangevra is.

Geliewe die besonderhede van die voorval so spoedig moontlik aan die Prokureur-Generaal te stuur sodat hy die aangeleentheid kan ondersoek.

Die uwe

Steenkamp

P J Steenkamp
namens HOOFKLERK VAN DIE PROKUREUR-GENERAAL

\rb

[Handwritten signature]

INSAE

KAPLEIN Vreugdenburg.

J 402

KANTOOR VAN DIE
PROKUREUR-GENERAAL



OFFICE OF THE
ATTORNEY-GENERAL

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PRETORIA
0001

24 Februarie 1997

U VERTOë : VERDWYNING J G VAN DER MERWE GEDATEER 6 NOVEMBER 1996

Dit is my deur die Prokureur-generaal opgedra om u mee te deel dat daar op hierdie stadium onvoldoende getuienis is om enige persoon te vervolg ten opsigte van die verdwyning van u eggenoot.

Die polisie ondersoek gaan egter steeds voort.

Die uwe

peenkamp
P J STEENKAMP
namens HOOFKLERK VAN DIE PROKUREUR-GENERAAL

/an

IN DIE HOOGGEREGSHOF VAN SUID- AFRIKA
(TRANSVAALSE PROVINSIALE AFDELING)

In die ex parte aansoek van :

SUSANNA JOHANNA VAN DER MERWE

Applikant

in re: aansoek om vermoede van dood
bevel ten opsigte van Jacob Gabriel
van der Merwe

EEDSVERKLARING

Ek, die ondergetekende,

JAN KAREL COETZEE

verklaar hiermee onder eed soos volg :

1.

Ek is 'n kaptein in die Veiligheidstak van die Suid-Afrikaanse Polisie waaraan ek die afgelope 28 jaar verbonde was. Sedert 1963 was ek verbonde aan die Veiligheidstak van die Suid-Afrikaanse Polisie soos hierbo vermeld. Ek is behoorlik gemagtig om hierdie verklaring te maak en behalwe waar anders aangedui, val die feit hierin vermeld, binne my persoonlike kennis en wete.

2.

Sedert 8 Augustus 1978 was ek persoonlik betrokke uit hoofde van my posisie soos voormeld, by ondersoeke in



2.

die Thabazimbi-distrik asook die Wes-Transvaal-Botswana grens na die moontlikheid van terroristiese infiltrasies. Voor die voorval waaroor hierdie aansoek gaan, was ek persoonlik betrokke by verskeie ondersoeke na gewapende infiltrasies uit Boswana deur terroriste in die Wes-Transvaal.

3.

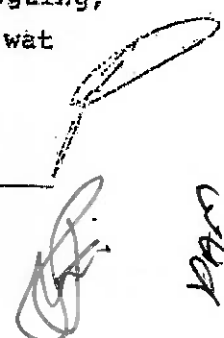
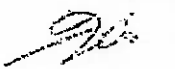
Na die 6de November 1978 het ek ook betrokke geraak by die ondersoek na die verdwyning van mnr Jacob Gabriel van der Merwe aangesien die omstandighede van sy verdwyning daarop gedui het dat terroristiese bedrywighede moontlik 'n rol kon speel en aangesien ek reeds betrokke was by ondersoeke in die verband vanaf Augustus van daardie jaar. Ek dra ook persoonlik kennis van die groot ondersoek wat geloods is deur die polisie en met hulp van die Weermag asook met polisiehonde wat in daardie gebied van stapel gestuur is ten einde mnr van der Merwe te vind. Hierdie soektog het maande geduur en het plaasgevind met honderde lede van die polisie en Weermag wat aan die soektog by tye deelgeneem het en die hele gebied waar die verdwyning van mnr van der Merwe kon plaasgevind het, is behoorlik gefynkam.

4.

Na die verloop van tyd is die intensiewe ondersoek waaraan lede van die polisie en die Weermag deelgeneem het, tydelik gestaak deur die personeel aan die bos te onttrek, maar het die ondersoek nog steeds voortgegaan deur die opvolging van verskeie leidrade deur die plaaslike lede van die polisie.

5.

Op 3 Maart 1979 het ek na die ontvangs van sekere inligting, 'n onderhoud gevoer met 'n lid van die AEC-terroriste, wat direk betrokke was in 'n leierskoodanigheid met die



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infiltrasies wat vanuit Botswana na Wes Transvaal plaasgevind het. As gevolg van die sensitiewe inligting verkry uit genoemde bron, is dit ongelukkig nie moontlik vir my om die identiteit van genoemde bron bekend te maak in hierdie verklaring nie, behalwe deur na hom te verwys as mnr X. Die doel van die onderhoud was om die strategie te bespreek waarvolgens mnr X sou defekteer na Suid-Afrika se kant.

6.

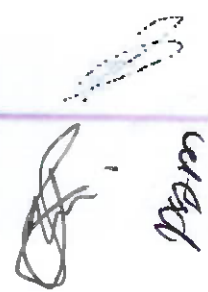
Mnr X het my onder andere meegedeel dat hy in bevel was van die logistiek ten opsigte van die terroristiese infiltrasie uit Botswana in Wes Transvaal. As gevolg van sy posisie in daardie verband, het hy persoonlik kennis gedra van die aantal infiltrasies wat ek in daardie gebied ondersoek het.

7.

Mnr X het my in die verband meegedeel dat hy in Oktober 1978 vier terroriste in Wes Transvaal in die omgewing van Thabazimbi ingestuur het op 'n verkenningstog. Hulle opdrag was om slegs kontak te maak met bekende plaaslike bevolking en ook om plekke uit te wys waar moontlike basisse tot hulle voordeel gevestig kon word.

8.

Hierdie groep sou ongeveer drie weke in daardie gebied vertoef het, maar het mnr X my meegedeel, is hulle vroeër terug en het by hom aangemeld op Lobatsi in Botswana. Hy het gemerk dat hulle sonder hulle wapens en toerusting was en hulle het hom meegedeel dat sodanige toerusting en wapens naby die Botswana grens versteek was en hom versoek om saam met hulle die wapens en toerusting te gaan haal.



9.

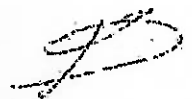
As gevolg hiervan het hy saam met hulle na die Botswana grens gegaan en in die omgewing van die Derdepoort grenspos, het hulle die wapens en toerusting versteek gevind. Ek kan net meld dat hierdie wegsteekplek naby die grens is waar mnr van der Merwe se voertuig op die 6de November 1978 gevind is.

10.

Volgens mnr X het hy tussen die wapens en toerusting twee jaggewere gevind en toe hy aan die vier terroriste gevra het hoe dit in hulle besit gekom het, het hulle hom meegedeel dat hulle dit afgeneem het by 'n blanke wie se voertuig hulle in beslag geneem het om na die grens te kom. Die vier terroriste het mnr X meegedeel dat twee van hulle langs die pad gaan staan het en geryloop het toe die blanke op die toneel verskyn het in sy voertuig. Hy het gestop en hulle opgelaaai waarna hulle hom met wapens gedwing het om om te draai en terug te gaan om hulle makkers wat langs die pad gewag het, op te laai. Daar het hulle hom die bosse laat inloop waarop twee van die terroriste wat bekend staan as Pedro en John Msibi hom van agter af neergeskiet het. Daarna het Pedro die blanke wat op sy gesig gelê het, omgedraai en 'n skoot tussen die oë geskiet het.

11.

Volgens die mededelings van die vier terroriste aan mnr X, het hulle die lyk net daar gelaat en met die voertuig na die grens beweeg waar hulle hom ongeveer 5 of 6 kilometers van die grens in die Derdepoort omgewing gelaat het en daarna oor die grens gegaan het waar hulle die wapens versteek het soos hierbo vermeld. Die terroriste het ook


die twee regterkantse wiele met bajonette stukkend gesteeke ten einde die indruk te wek dat die eienaar van die voertuig die voertuig verlaat het omdat hy met twee pap wiele en een spaarwiel eers hulp van buite moes verkry.

12.

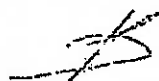
Na hierdie onderhoud met mnr X het hy my geneem na verskeie wapenopslagplekke wat deur die ANC terroriste gebruik word. As gevolg van hierdie ondersoek het ek daarin geslaag om beslag te lê op 11 trommels met wapens. Onder die wapens wat ons gevind het, was daar 'n jagteleskoop wat mnr X my meegedeel het aan een van die jaggewere vas was wat deur die vier terroriste aan hom oorhandig is soos hierbo uiteengesit.

13.

As gevolg van die inligting bekom deur my onderhoud met mnr X het die polisie weer 'n grootskaalse ondersoek geloods ten einde oorblyfsels van mnr van der Merwe se liggaam in daardie omgewing te probeer opspoor. Ten spyte van die intensiewe ondersoek wat geloods is, kon geen oorblyfsels van mnr van der Merwe se liggaam gevind word in die omgewing soos deur mnr X geskets waar die terroriste mnr van der Merwe moes vermoor het nie, en is my vermoede dat aangesien daar jakkalse en hiënnas in die omgewing te vinde is, die lyk moontlik deur hulle weggesleep en verwyder is.

14.

Volgens mnr X se mededeling aan my moes hy die twee jaggewere uitmekaar uithaal om sodoende in die trommels soos hierbo na verwys, te verpak. As gevolg daarvan

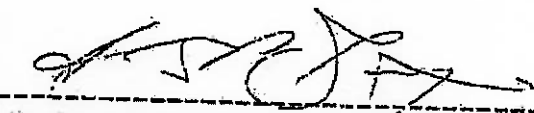




het die teleskoop in 'n ander trommel beland as die trommels waarin die gewere verpak is en het ek net daarin geslaag om die trommels op te spoor waarin die jagteleskoop gevind is. Die gewere moes in ander trommels beland het wat nie tydens hierdie ondersoek opgediep is nie.

15.

In die lig van die mededelings wat mnr X aan my gemaak het asook ander feite waaroor die polisie beskik, en die omstandighede waaronder mnr van der Merwe verdwyn het, is ek oortuig daarvan dat mnr van der Merwe wel deur die terroriste vermoor is soos hierbo uiteengesit is.

GETEKEN EN BEËDIG voor my te _____ op hierdie 22^{de}
 dag van Desember 1981 deur die deponent wat verklaar
 het dat hy ten volle op hoogte is met die inhoud van die
 verklaring en dat dit waar en korrek is.


 KOMMISSARIS VAN EDE
 1511 Daniel Prinsloo STRAAT
 Kommissaris van Ede
 Plaaslike Prokureur H.S.J.
 14^{de} Verdeling
 Johannesburg, 1400
 Johannesburg, Pretoria

 1400