

Victim: Chris Hani

Killers: Clive Derby-Lewis and Janusz Walus

Document A: Apartheid Inquiry is Told of Mandela Ally's Killing

Source: South African Press Association (SAPA)

After spending April 10, 1993, buying and testing bullets and silencers, Janusz Walus drove by Chris Hani's house, as he had done at least three times before, just for "reconnaissance" purposes. Although he intended eventually to kill Mr. Hani, one of this country's most popular black leaders, he still lacked special ammunition to be used with the silencer.

But when Mr. Walus saw Mr. Hani leave his house alone and head for a shopping center, the assassin decided to follow his intended victim and forget about using the silencer. Mr. Walus watched Mr. Hani, who had given his bodyguards the day off, buy a newspaper. Then, using a shortcut, he beat Mr. Hani back to his house and waited, his gun behind his back.

"I saw this was the best occasion to execute my task, and that I wouldn't have a second chance like this," Mr. Walus said today, for South Africa's Truth and Reconciliation Commission.

It was the first time Mr. Walus, a Polish immigrant and avid anti-Communist, has spoken publicly about the killing, which took place in the waning days of apartheid. Mr. Walus said the assassination was intended to throw the country into chaos so that the right wing could take over.

Mr. Walus said he did not want to shoot Mr. Hani in the back so he called out his name.

"When he turned I took out the pistol and shot him for the first time in the body," Mr. Walus said, without emotion. "He fell and I shot him a second time into his head. I shot him two more times behind the ears."

At his trial, Mr. Walus and the man convicted of masterminding the assassination, Clive Derby-Lewis, maintained their innocence and declined to take the stand.

But both men, now serving life sentences, have asked for amnesty from the Truth Commission, which was created to investigate past atrocities and help the country put its brutal past to rest. The commission must grant the pardon if all is confessed and the men are found to have had a genuinely political motive for their actions.

The case is likely to be one of the commission's most difficult decisions. The assassination, which took place on the eve of the country's peaceful transition to a non-racial democracy, remains a highly emotional issue in South Africa. An amnesty in this case is being fiercely opposed by the Hani family, by the Communist Party, which Mr. Hani headed at the time, and by President Nelson Mandela's African National Congress, which was working in alliance with Mr. Hani. Polls shortly before his death showed Mr. Hani to be second only to Mr. Mandela in popularity in South Africa.

The amnesty hearings for Mr. Derby-Lewis and Mr. Walus began two weeks ago, but have been frequently interrupted by adjournments as lawyers for the rightists have attempted to suppress a barrage of evidence introduced by the Hani family lawyer, George Bizos. Mr. Bizos, largely relying on statements the men made to the police when they were first arrested, is trying to prove that they have not been telling the whole truth about all those involved in the killing. He is also trying to prove that they never had the approval of the right-wing Conservative Party, to which they both belonged.

So far, much of the time has been spent on Mr. Derby-Lewis, who testified today that he had no intention of apologizing for the killing of Mr. Hani, which he said he considered an act of war. He also said he still believed that there should be a separate state for whites.

Mr. Walus has yet to be cross-examined by Mr. Bizos. He spent the morning describing his childhood in Communist Poland, where meat and milk were rationed and only the privileged few could buy cars. He said it was fear that Communism could come to South Africa that had made him join the Conservative Party.

The hearing is to continue in November with the cross-examination of Mr. Walus.

Document B: Hani Killer Discussed Murder With CP Leader, TRC Told

Source: South African Press Association (SAPA)

The late Conservative Party leader Dr. Andries Treurnicht unwittingly gave his blessing to a plot to assassinate SA Communist Party Leader Chris Hani, the Truth and Reconciliation Commission's amnesty committee heard on Wednesday.

The committee also heard one of the plotters, former CP politician Clive Derby-Lewis, had tea with friends and then went shopping with his wife after learning of Hani's assassination. Derby-Lewis had confessed to jointly planning Hani's murder with Polish immigrant Janusz Walus, and supplying the weapon Walus used to shoot the SACP leader outside his Boksburg home in April 1993.

The two right-wingers, who were sentenced to death for the murder, are seeking amnesty. Derby-Lewis told the amnesty committee in Pretoria he sought a meeting with Treurnicht, a doctor of theology, before Hani's assassination, in an attempt to resolve several issues that were troubling him.

"One of the things that concerned me was that, in terms of the teachings of the Bible, it was our duty to fight the anti-Christ.

“I had to make it clear to in my own mind that the act of war that I was finally prompted into doing was justifiable.”

He said he enjoyed a close relationship with Treurnicht and they had often met to discuss deep theological issues. When he met the CP leader to discuss the issue of murder, he mentioned no names, he said.

“The impression I got from (him) was that under certain circumstances it would be permissible to kill in the battle against the anti-Christ.” Treurnicht died shortly after Hani’s murder.

Derby-Lewis said it was hoped Hani’s death would plunge the country into chaos, allowing the right-wing to seize power.

The National Party had betrayed its mandate by first scrapping its separate development policy and then unbanning the liberation movements, opening the way for a communist takeover of the government.

Walus and he discussed the worsening situation in the country after meeting for the first time during a by-election in Harrismith in the Free State.

“We discussed how best we could strike a crippling blow against the communist leadership as the real enemy. It was obvious to us that Chris Hani, as the leader of the Communist Party, was the real threat to our future and that of the Republic of South Africa.”

It was agreed Walus would handle the logistics of carrying the assassination. Derby-Lewis furnished him with Hani’s address from a list of political figures and journalists his wife had obtained.

Derby-Lewis said he obtained an unlicensed Z88 9mm automatic pistol from close friend Faan Venter, ostensibly for his own protection, since he had already survived several attempts on his life.

When he went to Cape Town on March 19, 1993 to attend a meeting of the President’s Council, of which he was a member, he took the pistol with him to have a silencer fitted.

“The reason for the silencer was to allow me to practice with it at home without disturbing the neighbors, and also to supply me with some element of surprise in the event of an MK or APLA attack on my home.”

It was this pistol that he was later to give to Walus during discussions on a date for the assassination.

“We ruled out an attempt over the Easter weekend because that was when people would be at home and in their gardens. This could cause a dangerous situation.”

On April 10, the day of the murder, he and his wife Gaye went to the Venters' for tea after he tried unsuccessfully to get hold of Walus.

"We had just about finished having tea on the lawn when the telephone rang. Faan's wife went to answer it. She let out a shriek. She shouted that Hani had been shot dead...it had come over the news."

"I got a terrible shock. I thought, jeepers, has something come to our rescue. We don't have to do what we planned.

We finished off our tea and then we left to do some shopping."

It was only the next day, when he saw Walus' photograph in the newspapers that he realized the right-winger had jumped the gun and gone ahead with the assassination.

He planned to call an urgent meeting of the CP parliamentary caucus to confess to his involvement in the assassination, but was arrested before he could do so.

Questioned by committee members on the CP's reported condemnation of the murder, Derby-Lewis said the party had set up a legal aid fund to pay for the costs of his criminal trial.

"The actions of the CP were all I needed to indicate their support for me," he said.

Document C: CP Called For War In Months Before Hani Murder: Derby-Lewis

Source: South African Press Association (SAPA)

Conservative Party leaders repeatedly threatened violence through the party's official mouthpiece, Die Patriot, in the months prior to the murder of Communist Party leader Chris Hani, one of his killers said on Wednesday.

Former CP politician Clive Derby-Lewis spent nearly 90 minutes reading aloud Die Patriot articles and editorials at this amnesty hearing in Pretoria.

Derby-Lewis and Polish immigrant Janusz Walus are seeking amnesty for the April 1993 shooting of Hani outside his Boksburg home.

In one of the articles, he quoted CP leader Dr. Ferdi Hartzenberg as saying: "In a freedom struggle for whites, the CP will focus on the leaders, and Nelson Mandela, the leader of the ANC, will be the first."

In an editorial on October 18, 1991, the newspaper said: “The moral right of self-discrimination must be backed by power which can include violence.”

A newspaper report published in June of that year quoted the CP general-secretary as saying: “If the government refuses a general election for whites it will create for the CP a moral basis for an armed struggle against the government.”

On Tuesday, Derby-Lewis testified that the plot to kill Hani was sparked by the National Party’s betrayal of the Afrikaner, first by abandoning the policy of separate development and then by unbanning the liberation movements, “We were involved in a freedom struggle against an illegitimate regime.” He said.

Document D: Bizos Highlights Discrepancies in Amnesty Application

Source: South African Press Association (SAPA)

One of the killers of SA Communist Party leader Chris Hani, Clive Derby-Lewis, made material changes to his amnesty application late last year to improve his chances of getting amnesty, the Hani family’s lawyer alleged on Tuesday. Lawyer George Bizos quizzed Derby-Lewis on discrepancies between his original application, submitted last April, and an amended application handed in during November.

The former Conservative Party politician said he filled out the April 1996 application without consulting his lawyers, He decided to alter it later that year after receiving legal advice.

Derby-Lewis and Polish immigrant Janusz Walus are seeking amnesty for the April 1993 slaying of Hani outside his Boksburg home.

“There were material changes of fact between the two applications, both under oath, in order to assist you in the success of the application, without any regard to the truth,” Bizos charged.

Derby-Lewis, who has claimed that he regarded Hani as a legitimate target, described the SACP leader as a former commander of Umkhonto we Sizwe (MK) in his original application. MK was the military wing of the African National Congress.

Bizos said the right-winger later changed this to read “...as the senior commander of MK (he was) a prime military target”. Derby-Lewis said he made the amendment on the advice of his lawyers.

Bizos also closely questioned him on the silencer which he claims to have obtained to allow him to practice with his pistol at home without disturbing his neighbors.

Derby-Lewis testified earlier that the silencer would also have given him the element of surprise should his house have been attacked.

Bizos: “For anybody to contend that a silencer was obtained for the purpose of protecting yourself from any attacker is hardly believable. Have you ever heard of anybody having silencer for the purpose...of better self-defense?”

Derby-Lewis: “In view of the attempts on my life in the past I think it would be reasonable for me to take reasonable precautions to protect my family.”

Document E: Bizos Grills Derby-Lewis on Discrepancies

Source: South African Press Association (SAPA)

Former Conservative Party politician Clive Derby-Lewis was closely questioned on the role of his wife, Gaye, in the conspiracy to assassinate SA Communist Party leader Chris Hani at his amnesty hearing on Friday.

Derby-Lewis, 61, complained of feeling tired after the Hani family’s lawyer, George Bizos, subjected him to intense cross-examination on his amnesty application and incriminating statements his wife made to police after her arrest. The right-winger, along with Polish immigrant Janusz Walus, has applied for amnesty for the April 1993 shooting of Hani outside his Boksburg home.

Bizos, drew applause from the audience packing the Pretoria City Hall, as he fired off a barrage of questions casting doubt on Derby-Lewis’ truthfulness as a witness.

“Let us find out if you are a man prepared to commit perjury without any qualms,” Bizos said, as he began his cross-examination.

He said the right-winger had misled the court when he applied to reopen his trial, by claiming to be innocent of Hani’s murder, for which he and Walus were sentenced to death.

“You went on oath and said that you would go into the witness box and say under oath again that you were innocent.”

Derby-Lewis: “That is correct. I was busy with the armed struggle and I was determined to give as much opposition as possible.”

Bizos: “If you were prepared to lie under oath once, can you give the committee any yardstick by which they could judge that you are not possibly lying during these proceedings as part of the armed struggle?”

Derby-Lewis: “Anyone attending these proceedings would be an absolute idiot to lie to this committee. What would I gain from lying?”

Bizos: “To go free in order to continue the struggle Mr. Derby-Lewis.”

Although Gaye Derby-Lewis was acquitted of Hani’s murder, Bizos read out portions of a statement she made to police while in detention which, he said, suggested she had been party to the assassination plot.

“Clive and I made vague plans at the beginning to eliminate one or more leaders of the ANC and SACP . . . Clive and Kuba (Walus) decided on Chris Hani to be eliminated because of his particularly brutal record and position within the SACP . . .,” her statement read.

Derby-Lewis insisted that his statement could not be correct as he had never discussed his plan to kill Hani with his wife.

“We did not want to involve our womenfolk,” he said.

Bizos also challenged Derby-Lewis’ claim that the assassination was carried out on behalf of the CP.

Derby-Lewis told the amnesty committee this week that he had interpreted the CP’s call to its supporters to mobilize against the National Party government in August 1992, as a call to arms.

However, Bizos pointed out that in October 1992, the CP had distanced itself from CP MP Koos Botha after he was convicted of blowing up a school earmarked for black pupils.

“Do you remember Mr. Botha complaining that the CP hierarchy was full of bluster but when it came to actions they did nothing?” Bizos asked.

Derby-Lewis said he remembered the statement.

Bizos also reminded him of the speech by CP MP DP du Plessis to Parliament, in the aftermath of the bombing, in which the politician had stressed the party’s opposition to violence.

Quoting du Plessis’ speech from Hansard, Parliament’s official record, Bizos said. “Our honorable leader Dr. Andries Treurnicht has said nothing gives a person the right to commit crimes of misdeeds. If he does so, he does so at his own peril.”

Document F: Hani's Name Chosen From So-Called Hit List, TRC Told

Source: South African Press Association (SAPA)

SA Communist Party leader Chris Hani was selected as a target for assassination from a list of nine names and addresses of prominent politicians and journalists, one of Hani's killers, Janusz Walus, said on Thursday.

His evidence to the Truth and Reconciliation Commission's amnesty committee appeared to contradict the earlier testimony of co-conspirator Clive Derby-Lewis.

The former Conservative Party politician testified that list had been drawn up by his wife Gaye for journalistic purposes and had not formed part of the planning of Hani's assassination. He said it was used only to obtain Hani's address.

On Thursday Walus testified that the SACP leader's name had been selected directly from the list. He said he had numbered the names on the list, in order of priority of enmity to the right wing, on the instructions of Derby-Lewis.

The only names familiar to him were those of Hani, who was number three, President Nelson Mandela, former foreign affairs minister Pik Botha and Constitutional Court judge Richard Goldstone.

"After I had numbered the list Clive told me that we would concentrate on the elimination of number three, name Chris Hani. This elimination was supposed to be by shooting.

We wanted to stop the communists from coming to power, which we saw as unavoidable."

In his amnesty application, Walus, a polish immigrant, said it was his experiences under communist rule in Poland which prompted him to agree to assassinating Hani.

Earlier on Thursday, he testified that he had attended a CP rally at the Voortrekker Monument in 1990, addressed by the late CP leader Dr. Andries Treurnicht. He said he interpreted Treurnicht's call for the start of the third freedom struggle as a call to arms. "I know from the history of the Boer that the first two freedom struggles were struggles with the use of arms."

Walus also spoke of his feeling of bewilderment after the CP lost the 1989 elections, and the National Party unbanned the African National Congress and SACP in 1990.

Accusing NP leader FW de Klerk of political dishonesty, he said the NP's 180-degree turn away from its apartheid policies had disillusioned him. He also claimed De Klerk manipulated the 1992 referendum, in which whites were asked to vote on multi-party negotiations.

He said he was shocked when the referendum showed that voters gave their support for the negotiations process: "I could not understand how people who had a democratic choice had created for themselves such a fate."

Walus said he had considered immigrating to Paraguay, a country with a strong anti-communist record, but decided against it.

Document G: 'I felt cheated by P W Botha'

Source: South African Press Association (SAPA)

Hani's killer breaks his silence in bid for amnesty.

Janusz Walus says in his amnesty application that after PW Botha introduced the tri-cameral parliament in 1983, it was his fear of a communist government coming to power in South Africa, which led him to assassinate Chris Hani.

The man who shot dead SA Communist Party leader Mr. Chris Hani outside his Boksburg home in 1993 broke his long silence yesterday when he spoke for the first time of the events which led to the murder.

Polish immigrant Janusz Walus, who is serving a term of life imprisonment for the murder, never testified at his trial.

Since the start of his amnesty hearing in the Pretoria city hall 10 days ago, Walus has listened to co-conspirator Clive Derby-Lewis attempt to explain the political motivation for Hani's murder.

Derby-Lewis' rambling testimony yesterday caused his wife Gaye to doze off and prompted ANC Women's League president Ms. Winnie Madikizela-Mandela, who has been attending proceedings daily, to call him arrogant.

"There is no remorse. To have the nerve to sit here and say he doesn't have to apologize (for Hani's death)," Madikizela-Mandela said.

Finally, at 3:30pm, as Derby-Lewis wrapped up his testimony, Walus, 44, took the stand, while Hani's widow Limpho and children watched silently from the front row of the hall.

Speaking through an interpreter in a clear, measured voice, Walus told of the hardships he suffered under communist rule in Poland. In particular, the food rationing, indoctrination and harassment he experienced.

“The police had unlimited powers, there was a total collapse of the economy due to corruption, lack of competition and the open stripping of the country’s minerals by the Soviet Union.

“The overtaxed private sector was constantly harassed by the receiver of revenue and police. My late father had to start from scratch at least six times after his business was closed down (because) it was so prosperous.”

In his amnesty application, Walus says it was his fear of a communist government coming to power in South Africa that led him to kill Hani.

“The applicant tried to halt this coming to power and thus to influence the course of South Africa’s political direction,” the application reads.

The glasscutter told of his immigration to South Africa in 1981 and his move into right-wing politics after the 1983 referendum, when former state president Mr. PW Botha introduced “policies completely different to those he had promised”.

“I felt cheated by PW Botha and the NP,” he told the amnesty committee chaired by Mr. Justice Hassen Mall.

“After the 1983 referendum (when whites voted on the introduction of a tri-cameral parliament), it was clear to me that the NP government was moving to the left,” he said.

When he had applied for his permanent residence permit, Department of Home Affairs officials had assured him that the changes introduced by Botha were cosmetic and would not alter the government’s anti-communist stance or its separate development policy.

“All of this appeared less and less convincing,” he said.

He first met Derby-Lewis in Pretoria at a right-wing gathering addressed by controversial British historian Mr. David Irving.

Derby-Lewis invited him to his home, where he met Gaye Derby-Lewis, and introduced him to the Stallard Foundation, which produced a newsletter aimed at conservative English-speaking South Africans.

“After meeting Clive and Gaye I gave whatever free time I had towards the promotion of the Conservative Party and the Stallard Foundation.”

He also met Afrikaner Weerstandsbeweging (Afrikaner Resistance Movement- Right Wing white group that threatened civil war if white rule ended) leader Mr. Eugene Terre’-Blanche, who encouraged him to join the organization.

After testifying for less than 30 minutes, proceedings were adjourned until today. SACP supporters left the hall chanting “Walus, what you have done is not right, it is wrong”, and waved placards which read: “Janusz Walus...rot in jail...You are a cold-blooded murderer.”

Document H: I didn’t want to shoot Hani in the back so I called him

Source: South African Press Association (SAPA)

Janusz Walus, the polish immigrant who pulled the trigger on the fateful day South African Communist Party chief Chris Hani was shot outside his Dawn Park, Boksburg, home in 1993, yesterday, for the first time, spoke about how it happened. These are extracts from his testimony before the Truth and Reconciliation Commission’s amnesty committee in Pretoria yesterday.

On April 10, 1993, I planned to go to Johannesburg to the Stan Schmidt sports centre where I was training. After that I planned to reconnoiter the house of Mr. Hani. I went to the sports centre but the instructor told me there was no training that day.

I left the centre and went to the Gun Exchange shop in Corlett Drive where I bought 25 rounds of ammunition of Czech origin, 9mm Parabellum. I loaded the Z88 pistol.

Then I went to Dawn Park, planning to do the last reconnaissance before the final moment. Next to Mr. Hani’s house I noticed a Toyota Corolla. I saw a man similar to Mr. Hani going from the house and getting into the Toyota.

I followed the Toyota to the Dawn Park shopping centre. I watched the man get out of the car, and recognized him as Mr. Hani for sure. He entered the supermarket and was back after a few minutes with a newspaper.

At that moment, I decided that this was the best chance to execute my task, and that this chance may never be repeated. I decided not to do it at the shopping centre because there were lots of people I waited for Mr. Hani to get into his car. When I was sure he was going in the direction of his house, I chose another way.

I was in the street of Mr. Hani’s house before him. Mr. Hani got out of his car. I put the Z88 pistol into my trousers behind my back. I didn’t want to shoot him in the back. I called: Mr. Hani,’ and when he turned around I shot him the first time in the body. His body turned and as he fell down. I shot a second shot into his head. When he had fallen on the ground I shot two times behind his ear, then I got into my car and I moved away, trying to do it quickly without being noticed.

On the way to Boksburg a white Nissan Sentra with three policemen passed me at quite a speed. I understood this as a sign that I was safe. But when I entered Boksburg, the policemen had been blocked by traffic and the white Nissan came next to me. One of the policemen showed me to turn off to the side of the road.

I was thinking that nothing will happen; they just want to talk to me. I didn't want to show any nervousness. One of the policemen asked me if I had a firearm. I showed them my registered CZ 9mm pistol. The policemen opened the gun and smelled the chamber at that moment I knew my time was counted.

I was still hoping that they would not find the Z88 in their search but they found it in my sports bag where I had put it after shooting Mr. Hani.

I was arrested.