

# George Bizos at the TRC

by Colin Kahanovitz SC, *Cape Bar*

In 2000 I was briefed as George's junior to represent a group of victims opposing the amnesty applications of General Eddie Webb, Colonel Joe Verster and other members of the curiously named Civilian Cooperation Bureau ("CCB"), a previously clandestine unit of the defence force involved in assassinations and dirty tricks. The work involved preparation for a hearing in which some CCB operatives sought amnesty for their involvement in the attempted assassination of Dullah Omar – by now the minister of Justice in democratic SA – and the bombing of the Early Learning Centre in Athlone. The applicants included Calla Botha and Ferdie Barnard who had both been involved in the assassination David Webster.

To idealistic aspirant human rights lawyers, George was a hero and I was thrilled to finally be able to meet and work with him. In 2000 George was already 73 years old, working as an in-house senior counsel for the Legal Resources Centre. Our brief was to show through cross-examination that the applicants were not telling the truth in their sworn statements accompanying their amnesty applications about the nature and extent of their prior involvement in criminal activity.

Before the dawn of the new South Africa George had devoted his life to appearing in cases where security force members would steadfastly deny their involvement in extrajudicial killings.

On the one hand George was kind and humble (unless a case required him to be otherwise). On the other hand, George was really famous, a state of affairs that imposes some limits on humility. He was not simply famous in the sense of being a big shot in the small pond of the legal profession. He was a household name. As Mandela's life-long friend and confidant he was sprinkled with the aura of "Mandela magic" in a time when the world was worshipping Mandela with religious fervour.

He was also a big picture guy. I don't know what he was like in a courtroom or



George Bizos and Colin Kahanovitz

Colin Kahanovitz collection

how he prepared when he was a younger man but I could see, without having to be explicitly told, that he was not going to be reading through thousands of pages of documents in the witness bundles in search of cross-examination gems and inconsistent previous statements. This was my job. I then had to hope that George would use some of this preparation when he cross-examined. Sometimes he did, but often he didn't: Instead preferring to cross-examine by putting bold statements coupled with rhetorical flourishes and matching body language.

In this TRC amnesty hearing all of the CCB applicants were refused amnesty. In this case, as in so many other similar cases, no prosecutions followed upon the refusal of amnesty. Although no one was prosecuted I'd like to think that George at least had the satisfaction of putting these questions to a person now finally admitting that he had enjoyed the unrestrained power of life and death over unarmed civilian opponents of the apartheid state:

"MR VERSTER: I have answered the question. I regarded it as military action and I did not regard it as a criminal offence, I regarded it as a military action.

MR BIZOS: Does that mean that in your mind the military could do no wrong?

MR VERSTER: We are all human  
Chairperson.

MR BIZOS: But the military could not commit any offence?

MR VERSTER: In war many things happen. I regarded it as a war situation.

MR BIZOS: Did you believe that the army could do no wrong?

MR VERSTER: No, that is not what I thought. I knew that the army could also

be wrong.

MR BIZOS: In your discussions apparently if you discussed the Geneva Convention, did you discuss the Nuremberg Trials against the murder committed by the Nazi army, or the German army, did you discuss that?

MR VERSTER: No, Chairperson. I take exception that we are being compared to that.

MR BIZOS: ... killing certain types of people was not an offence because they were not human, that was their excuse, what was your excuse?

MR VERSTER: I have no excuse, I think I have already answered the question.

MR BIZOS: If you did not consider that you had done, committed any offence or you had done no wrong, you don't need amnesty, do you?

MR VERSTER: No, in terms of the law I do need it and in terms of what has been said here, an Act has been laid down and I was here and I know three quarters of the previous government did not apply for amnesty and they need it, so I am trying to adhere to the law.

MR BIZOS: Yes, but the law that you are referring to says that you are only entitled to amnesty if you have committed an offence and you say that you didn't commit an offence, you justify yourself as a military officer."

When it was all over George sent me a lovely letter thanking me for the work that I had done as his junior. No other silk was ever as generous towards me.