

# South Africa: Judge exonerates Dr. Death

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The last major trial relating to South Africa's Truth and Reconciliation Commission (TRC) ended in a failure to prosecute on April 11. Dr. Wouter Basson, known as "Dr. Death", a chemical weapons expert and head of germ warfare programme in the South African army during the Apartheid era, was cleared of 46 counts of murder, fraud and drug dealing. It was the longest and most expensive trial in South Africa's history. South African government investigators had spent six years investigating Basson's activities and called 153 witnesses during the case.

The trial judge Willie Hartzenberg conducted the trial with blatant bias in favour of Basson, making clear that he would accept no criticism of crimes committed by the former Apartheid regime. The trial became a travesty of judicial procedure as prosecuting lawyer Anton Ackermann attempted to have the pro-Apartheid judge removed after key evidence was ruled inadmissible. Hartzenberg refused to travel to Britain to hear testimony from a former British secret agent. Eventually Ackermann refused to continue questioning and left the case with a junior colleague.

Basson, a Medical Corps Brigadier and a cardiologist, ran *Project Coast*, the Apartheid regime's secret chemical and biological programme for 12 years before he was forced to retire in 1993. South Africa's government was by that time mired in an economic crisis and faced an insurrectionary mass movement of the black working class.

The trial detailed some of the most brutal methods the regime were perfecting in its attempt to stave off its overthrow, as well as in pursuing its war effort against the South West African Peoples Organisation (SWAPO) liberation movement in Namibia and the governments of Angola and Mozambique. Basson boasted, "medicine is my profession, war is my hobby," and declared that he was proud he had done everything in his power to prevent black majority rule.

He organised an international network of spies, mercenaries, sanctions busters and like-minded scientists to gather together the chemicals, toxins, viral cultures and

expertise to run *Project Coast*. Front companies registered in various countries were set up to funnel the large sums supplied to him by the South African authorities.

The detail of the trial against Basson read like a particularly sick and gruesome horror story-cum espionage novel. He was accused of murdering 46 black people, using them as guinea pigs to test out the regime's chemical and biological warfare project. He was accused of developing objects such as screwdrivers, walking sticks and umbrellas to inject poisons to carry out assassinations. One of the dismissed charges included the use of a poison tipped umbrella and screwdriver in an attempt to murder African National Congress (ANC) leaders Pallo Jordan and Ronnie Kasrils in London in 1988.

The comparisons between the Apartheid regime's attitude to blacks and the Nazi pogrom against the Jews are all too obvious. Other methods developed under *Project Coast* included the attempt to develop chemicals that would sterilize black people and plans to introduce cholera through the water supply. There were tests made for the use in crowd control of drugs such as cocaine, Ecstasy and Mandrax, as well as BZ gas.

*Project Coast* built up supplies of anthrax, cholera, salmonella, botulism and even experimented with HIV, Ebola, and deadly nerve gases. Even as it was on the brink of collapse, the racist regime was planning revenge. A plan had been drawn up to put thallium, a heavy metal that impairs the brain, into African National Congress leader Nelson Mandela's medication before his release from prison in 1990.

Many of the witnesses for the prosecution were members of the army, state agents and Basson's scientific collaborators. One such witness, Johan Theron, a former military intelligence operative, testified that Basson had provided him with deadly muscle relaxants to kill hundreds of SWAPO prisoners. Also according to Theron, Basson visited Namibia to monitor the murder of a group of prisoners to check how well his drugs worked. Prisoners were tied to trees and a substance was smeared on their bodies to cause suffocation—those that were found

alive were injected with a muscle relaxant. Prisoner's bodies were then taken in aircraft to be dropped into the Atlantic Ocean.

Basson was originally charged with 67 counts, but Judge Hartzenberg disqualified 21 charges. The judge, whose brother was a leader of the extreme right-wing Conservative Party, repeatedly supported Basson's claim that he was merely acting under orders.

At the beginning of the trial Hartzenberg decided to do without lay assessors, South Africa's version of a jury. On the first day of the trial Basson's counsel announced that the South African administrator of Namibia had granted a previously unheard of amnesty on the eve of its independence in 1990. This secret amnesty absolved the South African armed forces of their crimes against Namibian liberation fighters, disregarding the fact the South African administrator had no such power. The judge took the defence counsel's word as good coin and dismissed six of the most serious charges against Basson.

Although the prosecuting counsel repeatedly attempted to cast Basson as a pathetic character, prone to boasting and lying about his accomplishments, there can be no doubt about the deadly seriousness of the projects he carried out and the backing he received from intelligence agencies throughout the world. Basson claimed in court, "My Libyan and East German principals, the English, Russian, and Swiss intelligence services had put me in contact with international drug dealers." He also stated he was able to enter top-secret germ warfare laboratories in the United States, Britain, and Moscow. Consequently, the London *Times* newspaper reported: "Britain, the USA, Germany, France, Israel and a host of Middle Eastern and Asian Governments have been following the trial with trepidation, fearing it might expose the labyrinth network of contacts between Apartheid South Africa and the international chemical and biological arms trade."

An ANC spokesman described the verdict of the Dr Death trial as an "outrage". Yet it was the outcome of the "reconciliation" process agreed to by the ANC and could not have resulted in Basson being cleared of his crimes without a measure of connivance on the part of the ANC government. Hartzenberg was allowed to take the case as a representative of the pro-Apartheid clique who still dominates the judiciary. Out of 201 judges, 139 are white and 62 are black.

When the ANC was brought into government in 1994, classified information on South Africa's biological warfare programme, developed with the assistance of US and British intelligence services, was passed over from

outgoing National Party leader and president, F. W. de Klerk, to the incoming government of Mandela. The prosecution investigators in the Basson trial never had access to the results of the chemical warfare programme, which still today remains under lock and key. After Basson was forced to retire in 1993, he was re-hired in 1995 to head the heart transplant program at Pretoria's main military hospital by Mandela. It was reported that Britain and the US had leant on Mandela to keep Basson on board and keep his knowledge secret.

The Truth and Reconciliation Commission set up by the ANC government after 1994, was purposefully designed to head off popular anger and demands for justice from the tens of thousands of black workers and youth murdered or tortured under the Apartheid regime. Pledges were made that politicians and big business backers of the Apartheid system would not be prosecuted. Amnesty would be granted to those who committed crimes for political reasons on behalf of the state or a known political group, provided they made a full confession of what took place. It was only Basson's refusal to collaborate with the TRC—he never accepted the end of Apartheid—which led to a court case being taken against him at all.

Apart from insisting that a small black elite share power with the former white rulers of South Africa, the ANC were determined to preserve the existing social relations in South Africa and to prevent revolution. As Archbishop Desmond Tutu wrote in the introduction to the 1998 TRC report: "Had the miracle of the negotiated settlement not occurred, we would have been overwhelmed by the bloodbath that virtually everyone predicted as the inevitable ending for South Africa."

Few details emerged in the trial of the victims on the receiving end of South Africa's chemical warfare programme, yet many of those whose relatives died at the hands of Apartheid are not likely to forget. Like the TRC itself, the trial of "Dr Death" did nothing to further justice against the murderers of the Apartheid regime but instead has only further discredited the ANC regime in the eyes of millions of South Africans.



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