

Cable

Declassified Under Authority of the
 Interagency Security Classification
 Appeals Panel, E.O. 13526, sec. 5.3(b)(3)
 ISCAP Appeal No. 2017-190, document 3
 Declassification Date: May 2, 2022



PREC: IMMEDIATE

CLASS: ~~SECRET~~

LINE1: OAASZYUW RUEHSAA8662 3131119-SSSS--RHEHAAX.

LINE2: ZNY SSSSS ZZH

LINE3: O 081119Z NOV 00

LINE4: FM AMEMBASSY PRETORIA

OSRI: RUEHSA

DTG:

ORIG: AMEMBASSY PRETORIA

TO: RUEHC/SECSTATE WASHDC IMMEDIATE 5863

INFO: RUEHAD/AMEMBASSY ABU DHABI IMMEDIATE 0070

1.4(c)

RUCNFB/FBI WASHDC IMMEDIATE

RHEHNSC/NSC WASHDC IMMEDIATE

SUBJ: SAG WANTS BUTT -- SEEKS FURTHER INFORMATION

TEXT: ~~SECRET~~ PRETORIA 008662

DEPT. FOR AF, AF/S, AND INL

E.O. 12958: DECL: 11/08/2010

TAGS: KCRM, PREL, PINR, SF

SUBJECT: SAG WANTS BUTT -- SEEKS FURTHER INFORMATION

REF: STATE 210471 (NOTAL)

CLASSIFIED BY AF DAS WITNEY SCHNEIDMAN. REASONS 1.5 (B) AND (D).

1. ~~(S)~~ DEPUTY ASSISTANT SECRETARY FOR AFRICAN AFFAIRS WITNEY SCHNEIDMAN MET LATE NOVEMBER 1 WITH DEPARTMENT OF FOREIGN AFFAIRS OFFICIALS TO DISCUSS THE VICTOR BUTT (SPELLED BOUT BY SAG OFFICIALS AND PRONOUNCED BOAT") ISSUE SCHNEIDMAN WAS JOINED BY ACTING LEGAL ATTACHE GREG GROVES, POLOFF CHRISTOPHER KRAFFT (NOTETAKER), AND WASHINGTON ANALYST. DFA'S TEAM TASKED BY DEPUTY FOREIGN MINISTER AZIZ PAHAD TO LOOK INTO BUTT'S ACTIVITIES INCLUDE PETER GOOSEN, CHIEF DIRECTOR IN DFA'S MULTILATERAL AFFAIRS BUREAU FOR DISARMAMENT AND NONPROLIFERATION AFFAIRS; ROBIN (ROB) WENSLEY, DEPUTY DIRECTOR FOR REGIONAL ARMS MATTERS; KAREN LOCKE, DEPUTY DIRECTOR IN DFA'S OFFICE OF UN POLITICAL AFFAIRS, AND JOANNA SCHNEEBERGER, AN ATTORNEY IN DFA'S OFFICE OF THE LEGAL ADVISOR. ALL WERE PRESENT FOR THE MEETING.

2. ~~(S)~~ DAS SCHNEIDMAN BEGAN THE MEETING BY NOTING THAT EARLIER THIS YEAR THE BODY OF EVIDENCE INDICATING BUTT'S INVOLVEMENT IN SANCTIONS-BUSTING AND ARMS-RUNNING ACROSS AFRICA HAD BECOME SO OVERWHELMING THAT THE USG HAD COME TO THE CONCLUSION THAT IT WAS TIME TO TAKE STEPS TO SHUT DOWN HIS OPERATION. SCHNEIDMAN POINTED OUT THAT IT WAS GOOD THAT THE INTERNATIONAL COMMUNITY WAS ALREADY AWARE TO SOME DEGREE OF BUTT'S ACTIVITIES, REFERRING TO HIS NAME APPEARING IN THE

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UNSC'S FOWLER REPORT AND NOTING THAT THE SAG ITSELF HAD ALREADY FORCED HIS OPERATION TO LEAVE SOUTH AFRICA, BUT HARASSMENT HINDERING BUTT'S ACTIVITIES WAS NO LONGER SUFFICIENT IN THE VIEW OF THE U.S. WE NOW HOPE TO BE ABLE TO ARREST HIM AND HIS BROTHER SO THAT THEIR OPERATION CAN BE EFFECTIVELY SHUT DOWN.

3. ~~(S)~~ SCHNEIDMAN SAID THAT THE USG'S EFFORTS IN THIS REGARD HAVE THREE FOCAL POINTS, NAMELY SOUTH AFRICA, RUSSIA, AND THE UNITED ARAB EMIRATES. HE NOTED THAT BECAUSE OF OUR STRONG BILATERAL RELATIONSHIP WITH SOUTH AFRICA, THE ABILITY WE HAVE TO SPEAK FREELY WITH ONE ANOTHER, AND THE FACT THAT SOUTH AFRICA HAD ALREADY TAKEN ACTION AGAINST BUTT'S OPERATION ONCE BEFORE, WE HAD DECIDED TO APPROACH THE SAG EARLY ON TO SEEK COOPERATION IN SHUTTING DOWN BUTT. SCHNEIDMAN EXPLAINED THAT "IN A PERFECT WORLD" WE WOULD HOPE THAT SOUTH AFRICA COULD ISSUE A WARRANT FOR BUTT'S ARREST BASED ON HIS PAST ACTIVITIES HERE, WHICH WE COULD THEN UTILIZE TO GET THE UAE TO EXPEL HIM, AND WE (THE USG) WOULD HELP TO GET HIM DOWN TO SOUTH AFRICA FOR PROSECUTION. HOWEVER, AT THIS STAGE, SCHNEIDMAN STRESSED, WE ARE MERELY AT A STAGE OF "HAVING TALKS ABOUT TALKS."

4. ~~(S)~~ GOOSEN RESPONDED THAT THE SAG IS QUITE INTERESTED IN SEEING THAT BUTT'S OPERATIONS ARE ADVERSELY AFFECTED -- HOPEFULLY SHUT DOWN ENTIRELY BUT, IF NOT, AT LEAST HARASSED. HE INDICATED THAT IN THE SHORT TIME HE AND THE DFA TEAM WORKING ON THE ISSUE HAD BEEN INVESTIGATING BUTT'S BACKGROUND AND ACTIVITIES, THEY HAD UNCOVERED SOME INFORMATION BUT NOT ENOUGH TO PROSECUTE HIM. HE ALSO INDICATED THAT THE SAG HAD HAD INORDINATE DIFFICULTY IN GETTING BACKGROUND EVIDENCE FROM THE UN SANCTIONS COMMITTEE, DESPITE THE FACT THAT ONE OF THEIR OWN, BENNIE LOMBARD, HAD PARTICIPATED IN PORTIONS OF THE FOWLER COMMITTEE'S INVESTIGATIONS. GOOSEN EXPRESSED CONCERN THAT MEMBER STATES WERE NOT PRIVY TO ALL INFORMATION AVAILABLE, PARTICULARLY THOSE STATES THAT WERE ACCUSED OF NOT MOVING AGAINST ALLEGED SANCTIONS BUSTERS BUT COULD NOT DUE TO LACK OF EVIDENCE.

5. ~~(S)~~ GOOSEN SAID THAT SOUTH AFRICA HAS SEVERAL LAWS THAT THEY HOPE MIGHT BE USED TO PROSECUTE BUTT, HOWEVER WHETHER THEY ACTUALLY MIGHT BE ABLE TO DO SO IN THE END WOULD DEPEND ON THE EVIDENCE AVAILABLE AND THE TIMING OF ANY OFFENSES. GIVEN THAT BUTT'S OPERATIONS IN PIETERSBURG, SOUTH AFRICA WERE SHUT DOWN IN 1998, THE ONLY LAW LIKELY TO BE APPLICABLE WOULD BE THE FOREIGN MILITARY ASSISTANCE ACT, WHICH WAS PASSED IN MAY 1998, PRINCIPALLY AS A WAY TO SHUT DOWN THE OPERATIONS OF EXECUTIVE OUTCOMES, THE MERCENARY CONCERN. ACCORDING TO LOCKE, WHILE SOUTH AFRICA DOES HAVE LEGISLATION DEALING WITH INDIVIDUALS WHO HAVE COMMITTED OFFENSES RELATED TO SANCTIONS-BUSTING, AGAIN THE KEY QUESTION WILL BE ONE INVOLVING JURISDICTION SINCE THE LAWS ARE NOT RETROACTIVE AND HAVE VERY LIMITED EXTRA-TERRITORIALITY.

6. ~~(S)~~ FOLLOWING THE BRIEFING BY THE WASHINGTON ANALYST ON BUTT'S OPERATIONS AND ACTIVITIES, GOOSEN COMMENTED THAT IT WAS A GOOD AND FAIRLY USEFUL COMPENDIUM OF MOSTLY PUBLIC SOURCE INFORMATION. HE WONDERED ALOUD WHETHER THE USG IS IN

POSSESSION OF ANY FURTHER, MORE DETAILED INFORMATION REGARDING SPECIFIC ACTIVITIES CARRIED OUT BY BUTT'S OPERATION, PARTICULARLY IN SOUTH AFRICA. HE NOTED THAT THE SAG WANTS AND NEEDS AS MUCH INFORMATION AS POSSIBLE CONCERNING BUTT, INCLUDING ABOUT ACTIVITIES OUTSIDE OF SOUTH AFRICA SO THAT THEY CAN BUILD AS COMPLETE A PICTURE AS POSSIBLE ABOUT HIM. GOOSEN SAID THAT THE SAG WANTS TO WORK CLOSELY WITH THE USG ON THIS ISSUE, NOTING THAT IT FIT INTO THEIR LONG TERM POLICY OF WORKING MORE CLOSELY WITH THE U.S. ON ARMS CONTROL ISSUES. HE REITERATED THAT THE SAG'S STRATEGY (USING THAT TERM LOOSELY, HE SAID) ON BUTT RIGHT NOW IS BASED UPON INFORMATION GATHERING AND HE NOTED, FRANKLY, THAT THEY HAD SEEN THIS PARTICULAR MEETING AS AN IMPORTANT PART OF THAT EXERCISE. HE ADDED THAT T HE INFORMATION THAT WE HAD PROVIDED WAS, HE HAD TO ADMIT, INFORMATION WITH WHICH THEY WERE ALREADY FAIRLY FAMILIAR. NONETHELESS, HE REQUESTED A WRITTEN COPY OF THE BRIEFING PROVIDED TO ENSURE THAT THERE WERE NO DETAILS THAT MIGHT FALL THROUGH THE CRACKS.

7. ~~(S)~~ DAS SCHNEIDMAN SAID THAT, UNFORTUNATELY, THE INFORMATION PROVIDED IN THE BRIEFING REPRESENTS FOR THE MOST PART ALL THAT WE HAVE ON BUTT'S OPERATION AND ACTIVITIES AT THIS TIME. HE EXPRESSED THE HOPE THAT WE MIGHT EVENTUALLY GET TO A POINT WHEN WE MIGHT BE ABLE TO HAVE OUR LEGAL AND PROSECUTORIAL AUTHORITIES MEET WITH ONE ANOTHER TO EXCHANGE IDEAS OF HOW THE U.S. AND SA MIGHT BE ABLE TO GO AFTER BUTT. GOOSEN AGREED BUT SAID THAT IS CLEARLY PREMATURE AT THIS STAGE GIVEN THE LEVEL OF INFORMATION WE ALL HAVE AT THE MOMENT.

8. ~~(S)~~ GOOSEN CLOSED BY INDICATING THAT HE AND HIS TEAM WILL CONTINUE THEIR EFFORTS IN THE COMING WEEKS, TO INCLUDE A THOROUGH SCREENING OF RECORDS THROUGHOUT THE SAG SUCH AS FILES KEPT BY THE LAW ENFORCEMENT AUTHORITIES ON "OPERATION JACUZZI" AFTER WHICH BUTT'S OPERATIONS HERE WERE SHUT DOWN. THEREAFTER, THEY WILL PUT THAT INFORMATION TOGETHER WITH WHAT WE HAVE PROVIDED AND ANY ADDITIONAL UPDATES THAT WE MIGHT BE ABLE TO PROVIDE AND SEE WHETHER ANYTHING IS ACTIONABLE.

9. ~~(S)~~ COMMENT: ALTHOUGH SAG OFFICIALS' HOPES MAY HAVE BEEN UNREALISTICALLY HIGH REGARDING THE DEPTH AND NATURE OF USG KNOWLEDGE ON VICTOR BUTT, EFFORTS TO BRING HIS ACTIVITIES BACK ONTO THE SAG'S RADAR SCREEN HAVE BEEN UNDENIABLY SUCCESSFUL. GIVEN DEPUTY FOREIGN MINISTER PAHAD'S INSTRUCTIONS TO FORM A TEAM TO INVESTIGATE BUTT, OUR EFFORTS HAVE CLEARLY CAUGHT THE ATTENTION OF THE SAG. WHETHER THAT LEADS TO AN EVENTUAL PROSECUTION REMAINS TO BE SEEN BUT THE SAG IS DEFINITELY READY TO JOIN THE FIGHT TO SHUT DOWN BUTT. LEWIS

TOR: 11/08/00 06:33:41

DIST: SIT: NSC