

# Regional Office Reports

## CAPE TOWN OFFICE

### **p INTRODUCTION**

- 1 The Cape Town regional office was located in the same building as the Commission's national office, and served the Commission's activities in the Western Cape and Northern Cape provinces. It was also given responsibility for many national events, such as political party submissions, health sector hearings and section 29 hearings. The regional information unit took responsibility for overseeing the data processing requirements of the Amnesty Committee and for the distribution of applications for urgent interim relief. Such relief was made available in terms of reparation and rehabilitation policy. These additional responsibilities created huge pressures on regional staff but, due to the high level of commitment, both regional and national demands were met.
- 2 The office did extensive work on the widespread repression that had occurred in towns in the Boland, Southern Cape, Karoo and Northern Cape. However, many rural communities (particularly farm workers) expressed disappointment that the Commission's mandate did not extend, except in exceptional circumstances, to human rights violations relating to land and labour. This was of particular concern in Namaqualand and other areas of the Northern Cape.
- 3 An issue of particular sensitivity in the region was the perception that the Western Cape was representing the Northern Cape where no staff members were employed for financial reasons. This factor also had a bearing on travel to the Northern Cape, which was largely determined by the statement taking and planning required for the Kimberley and Upington hearings.
- 4 The regional office also experienced some difficulties in attempting to document repression on the Cape Flats. A number of activists were reluctant to come forward to talk about their experiences or to refer others to the Commission. Many expressed discomfort with the fact that the legislation did not allow for formal court proceedings.

### **p IDENTITY AND EXTENT OF REGION**

- 5 A number of features distinguish the political and social terrain of the Northern and Western Cape provinces from the rest of the country. The demographic profile is unique: the majority of the population is coloured and only a minority is African. This was partly a reflection of the declaration of the Western Cape as a 'coloured labour preference area' with very restricted opportunities for African people. The region also experienced extreme social and spatial engineering through the Group Areas Act, with significant cleavages developing between coloured and African communities, as well as between rural migrants and urban residents. As a result, the Western Cape developed historically distinct political groupings and ideological approaches, which often differed from developments in the rest of the country.

- 6 The Western Cape province can be divided into six distinct sub-regions: the Cape Metropolitan Area; the West Coast; the Boland and Breede River area, including the Cape winelands; the Southern Cape, including the Little Karoo; the Overberg, and the Central Karoo. The Northern Cape includes the Kimberley commercial area, Upington and the greater Namaqualand region.

## **Population**

- 7 The Western Cape has a population of 3.6 million people, comprising 8.9 per cent of South Africa's total population. According to the 1993 census, the population composition is: 58.4 per cent coloured people, 23.7 per cent white people, 17.1 per cent African people and 0.8 per cent 'Asian' people. Sixty-eight per cent of the entire population of the province (or 2.5 million people) lives in the Cape Metropolitan Area. By contrast, the West Coast has a population of 235 000.
- 8 Although the Northern Cape has the largest surface area in the country, only 1.9 per cent of the total South African population (or 764 000 people) live there. The annual population growth rate lies far below the South African average, indicating a steady outflow of people. According to the 1993 census figures, the population composition is: 52 per cent coloured people, 31.3 per cent black people, 16.1 per cent white people and 0.2 per cent Asian people.

## **Income/poverty profile**

- 9 The Western Cape has the second highest degree of urbanisation (95 per cent) in the country. However, it also has the highest human development index (HDI) in South Africa, meaning that it is marked by extreme social and economic inequalities.
- 10 There is little heavy industry in the Cape Metropolitan Area, which supports instead light industries such as garment and textile manufacturing and small factory food processing. Over half a million people are employed in the textile industry, which is the largest single employer in the Western Cape. However, the textile industry is currently declining and experiencing job losses. Only 57 per cent of the labour force are engaged in the formal sector; the remainder work in the informal sector or are self- or unemployed.
- 11 The West Coast is dominated by agriculture, which focuses mainly on the production of wheat, wine and citrus fruit. While white farmers have flourished, African and coloured seasonal farm workers are locked into impoverished dependence, earning an average of forty-seven rand a week. Coastal towns like Saldanha Bay and Lamberts Bay are dominated by the fishing industry and provide 80 per cent of South Africa's fishing catch. Large national companies have decimated independent fishing communities through the quota system, resulting in wide-scale poverty in the area. The unionisation of the fishing industry in turn led to an intensification of industrial and political conflict.
- 12 The Karoo is predominantly a sheep farming area. There has, however, been substantial migration of coloured families out of the area and into urban areas, leading to a population decline in Karoo towns.
- 13 The major city in the Northern Cape is Kimberley. The main economic activities in this area are the mining of diamonds, asbestos and copper and agriculture, mainly cattle and maize. Industrial and commercial activity in the Northern Cape is limited to areas around Kimberley, Kuruman, Sishen and Postmasburg. Migrant labour comes mainly from the former independent homelands of Bophuthatswana, Transkei and Ciskei.

## **Languages**

- 14 The major languages in the Western Cape Province are Afrikaans (the home language for 47 per cent of the population), English (19 per cent) and Xhosa (15 per cent). The main home languages in the Northern Cape are Afrikaans (65 per cent) and Tswana (22 per cent).

## **p METHOD OF WORK**

### **Commissioners allocated to the region**

- 15 As in other regions, the Cape Town regional office included a Human Rights Violations Committee and a Reparation and Reconciliation Committee. Commissioners Adv Denzil Potgieter, Ms Mary Burton and committee member Ms Pumla Gobodo-Madikizela were assigned to the Human Rights Violations Committee, while commissioners Dr Mapule F Ramashala, Dr Wendy Orr and Ms Glenda Wildschut were assigned to the Reparation and Rehabilitation Committee.

### **Staffing**

- 16 The total staff complement was seventy-four. After some staff contracts came to an end, further appointments were made in order to cope with additional national tasks assigned to the regional office.
- 17 The regional manager and the Reparation and Rehabilitation co-ordinator started work on 18 March 1996. The statement takers and briefers started a week later and commenced immediately with training.
- 18 At this stage, recruitment was done through agencies that assisted with the work of sifting through hundreds of applications. However, the application of affirmative action policies proved problematic. This was resolved, in the main, by the appointment of people who understood the communities they were to work with. In the beginning, job descriptions often proved inadequate and staff members were re-deployed in line with needs that only became apparent after work had begun.

### **Accommodation, resources and equipment**

- 19 The national finance director managed the allocation of office space and resources for the Western Cape regional office. This removed much of the responsibility from the regional manager and allowed the region to focus on other aspects of the work such as planning the work of the region.
- 20 Although there were many advantages to being based in the same building as the national office, there were also difficulties, including a blurring of the distinction between national and regional staff. National demands often made regional planning very difficult and, despite the advantages of the close proximity of the Finance Department, it was often difficult to maintain effective cost controls.
- 21 A policy of frugality and conscientious cost saving guided the allocation of resources, and the region put in place systems to monitor the use of equipment like vehicles and cell phones.

### **Methodology and assessment of work**

- 22 The Cape Town regional office held a weekly regional management meeting, weekly regional commissioners' meetings, team meetings (for hearings and statement taking) and meetings of the Investigation Unit, Support Services Unit, statement takers and briefers.

## WORK OF THE REGIONAL OFFICE

- 23 The daily work of the Commission was divided into five areas: statement taking, information flow, investigations, hearings and co-operation with other organisations.

### Statement taking

- 24 ensure that statement takers covered the Western and Northern Cape effectively, the area was divided into eleven manageable sub-regions that were each visited by a team of statement takers over a period of two to three weeks. Where there were sufficient statements to warrant it, a hearing was held at a central point in that sub-region.
- 25 The Research Department supplied statement takers with a chronology of political events and a brief account of documented cases of gross human rights violations - giving them a useful point of entry. In addition, workshops were held for Commission staff statement takers and local non-governmental organisations (NGOs) and community-based organisations before statement takers worked in a sub-region. These workshops helped further familiarise statement takers with political events and with the people in the community who had been involved in these events, as well as engaging useful assistance from the organisations invited to the workshops.
- 26 In 1996, statement takers followed a demanding schedule of visiting the various sub-regions or, alternatively, taking statements from people at the regional office. Towards the end of the year, the sub-regional visits were near completion while, at the same time, the number of people arriving at the regional office to make statements began dropping off.
- 27 It was observed that large numbers of people on the Cape Peninsula itself were not coming forward to make statements and that a more proactive strategy would need to be pursued. The approach adopted was to research newspapers for the period under review for articles and reports on political violence as a basis for creating specific chronologies of events for each part of the Peninsula. In addition, community-based organisations were asked for information in order to locate potential deponents. The voters' roll was used to try to establish their current whereabouts.
- 28 This shift from passive to proactive statement taking involved a change in the job requirements of the statement takers. There was also a need for more caution as they were now required to approach potential statement givers, rather than receiving statements from people who had come forward of their own volition. This new direction also required more managerial supervision from an already over-stretched information manager who could not always meet the increased demands.
- 29 In line with this more proactive stance, the team of statement takers analysed the many misconceptions and fears they encountered from people who were reluctant to make statements. They tried to address these by producing a radio play, based on the enactment of a statement-taking interview. Fears that had been identified, such as the need for confidentiality in areas that were still feeling the effects of conflict, as well as the problems of facing the overwhelming publicity of a televised hearing, were talked through in the play. In this way, it was hoped that some of the reservations would be overcome. The radio play was broadcast in English, Xhosa and Afrikaans.
- 30 The Commission's narrow mandate was disappointing to some, especially in the rural areas, where many people had to be turned away from making statements on matters that fell outside the Commission's mandate. Issues such as the abuse of farm labourers, loss of land rights, police thuggery and racial beatings were raised, and it was difficult for statement takers to explain to the victims of these experiences that, in

most cases, they could not take their statements. Referrals to other organisations were made where possible. In many cases, however, there was no obvious possibility of redress of any kind.

- 31 In the small towns, statement takers found that white people generally would not even co-operate with requests, for instance, to leave pamphlets and posters at their shops. The attitude of white people was generally negative, and there was a poor turnout of white people at the hearings.
- 32 Statement takers felt that many more statements could have been taken if more resources had been available for publicity and education about the Commission. The limited media and communication budget was a true constraint.
- 33 It was also regrettable that the official designated statement taker programme did not get off the ground earlier in the region, especially in the rural areas. In 1996, a total of sixty-two community statement takers were trained in four of the eleven sub-regions in anticipation of the launch of this programme; but funding only became available in April 1997, too late to be of significant use.

### **Information flow**

- 34 Once a statement arrived at the regional office, the information contained in it was entered into the information flow process and database.
- 35 The information manager was charged with the enormously difficult task of making the 'information flow' a reality - ensuring that the material was seen by researchers, corroborated by investigators and reviewed by commissioners and committee members so that findings and recommendations for reparations could be made.
- 36 To a large extent, this process was made more difficult by the regional nature of the Commission's work. Despite the call for standardised national procedures, interaction between regions was poor, and each region tended to develop its own system. In addition, the work schedules of over-stretched commissioners and committee members made it difficult to ensure their regular attendance at 'Infocom' meetings or regional findings meetings. Many of these problems arose from the unique nature of the work of the Commission. There were no established precedents and policy, and success depended entirely on very hard work and a flexible approach.
- 37 The database evolved, as did the requirements for processing and interpreting information.
- 38 The Cape Town information manager was also required to cater for national needs, taking responsibility for centralising all documentation from the regions and for the processing of all amnesty applications (stored at the national office) on the Commission's database.

### **Investigations**

- 39 The regional investigation unit was assigned to conduct investigations on behalf of the Human Rights Violations and Amnesty Committees. Because the national Human Rights Violations Committee did not set guidelines on levels of corroboration, the process of investigation devolved on the investigation units themselves. This accounts for regional variations in the investigative process.
- 40 Each investigator was assigned to the corroboration of cases by collecting and analysing information. Information was obtained by interviewing complainants and witnesses and retrieving a wide range of documents. These included inquest records, medical records, institutional records - for example, those of the South African Police (SAP), the liberation movements and the South African Defence Force (SADF) - commission reports, legal records, newspaper reports and *post mortem* reports.

- 41 The South African Police Service (SAPS), the South African National Defence Force (SANDF), the African National Congress (ANC) and other structures each established a central nodal point through which requests could be filtered. In the case of the SAPS, security police and police stations in the region were generally approached directly for records, and the nodal point used only where problems were experienced with document retrieval. This worked, except where documentation had been destroyed - either in terms of specific legislation, such as that governing the National Archives, or sometimes without authorisation. Specific mention must be made of the serious lack of co-operation from the SANDF which, to a significant degree, did not comply in supplying documentation concerning gross human rights violations.
- 42 Section 29 enquiries proved a valuable mechanism for conducting investigations. Due to logistical, budgetary and resource constraints, they were limited in the regions to cases chosen for in depth investigation such as the 'Gugulethu Seven' (3 March 1986), KTC (9/10/11 June 1986) and the 'Trojan horse' killings (15 October 1985).
- 43 The 'Gugulethu Seven' enquiry initiated a significant sequence of events which began with statement taking and culminated when two people who had been *subpoenaed* applied for amnesty. An important result of the investigation was the discovery of involvement by security police operatives based at Vlakplaas in the killing of these seven young black men. In addition, it was revealed that some of the alleged perpetrators still occupied senior positions in the command structure of the SAPS in the Western Cape.
- 44 Other special investigations undertaken in this region included: the death of Coline Williams and Robert Waterwich (1989); the national gun-running project in the 1990s (which was implicated in the destabilisation of Khayelitsha) and the taxi conflict (a national Investigation Unit project to which all regions contributed); the Civil Cooperation Bureau (CCB) killing of Peaches Gordon (1991); the killing of Ashley Kriel (1987); the *Amasolomzi* in the Boland (so-called vigilantes in these areas in the 1980s); the St James Church massacre (1993); the Heidelberg Tavern attack (December 1993) and the killing of Pro Jack (1991).

## Hearings

- 45 In order to reach as many people as possible and to involve local communities and organisations, the regional office held as many hearings as it could. These covered the Peninsula, Boland, Southern Cape, Karoo, Northern Cape and West Coast. Decentralised hearings were also held in many suburbs and rural towns.
- 46 For hearings purposes, the region was divided into six geographical areas: the Northern Cape, the Peninsula, the Boland, the south-western Cape, the Karoo, and the West Coast/ Namaqualand. Staff and commissioners were divided into three teams, each consisting of a Human Rights Violations and a Reparation and Rehabilitation commissioner or committee member, two statement takers, a briefer, a driver, a researcher and a logistics officer, later joined by an investigator. Each team was co-ordinated by the logistics officer who was responsible for administration and logistical support, and a commissioner who was largely responsible for information flow ('Infocom') and helping to set themes for the hearing. Administrative staff members were not officially part of the team, but were integrated at different levels to ensure the smooth running of the hearing. At times, for example in the rural areas, the media (whose presence was crucial at hearings) were treated as part of the team.
- 47 Each team worked within a ten-week cycle that consisted of a pre-hearings, hearings and post-hearings phase. During the pre-hearings phase, the team held meetings with strategic people in the various towns. It also held public education and information meetings and set up the process of collecting statements from

witnesses. Researchers prepared information to help each team decide where to focus on statement taking and in which towns to hold hearings. Each team passed on the statements it collected to the 'Infocom' group for processing.

- 48 During the hearings stage, the team planned, set up and held hearings in selected towns. The availability of suitable venues and the need to accommodate the needs of the media determined where hearings were held. Occasionally, however, the chosen location proved inaccessible. This limited the participation of communities. For example, it was decided on the basis of the aforementioned criteria to hold the southern Cape hearing in George, without taking into account the fact that human rights violations took place predominantly in Oudtshoorn. This limited the involvement of members of the Oudtshoorn community and informed a later decision to hold a reparation and rehabilitation programme in Oudtshoorn in February 1997.
- 49 The post-hearings stage included individual follow-up of people who had testified, as well as referrals. In addition, community workshops were held after each of the public hearings. These focused on the community's experiences of the Commission's activities in the area, possible ways forward and workshopping of possible human and financial solutions that could be implemented using local resources. In many instances, these workshops became the vehicle to start addressing the issue of reconciliation in a community. For example, the hearing in Paarl and the special reparation and rehabilitation programme in Oudtshoorn focused specifically on ways in which reconciliation and rehabilitation could be addressed, and on how to initiate discussions and make constructive links to the everyday experience and life of people in these communities.
- 50 The teams met weekly to plan, implement and evaluate the various stages of work. Special attention was paid to ensure that commissioners were as prepared as possible for hearings in regions where it was believed there might be an additional opportunity for investigation. Participating commissioners were provided with a 'case file', which contained statements, the Investigation Unit report and research notes. Commissioners were given a final briefing on the eve of each hearing. In the case of the event hearings, commissioners on the panel were also furnished with a specific set of questions for the witnesses assigned to them.
- 51 During 1996, the work of the Commission was largely driven by hearings. Later in the year, this strategy came under criticism because of the low number of statements collected in comparison to other regions. The Commission found that a hearings-driven approach militated against the collection of statements, since the team was only able to set aside two of the ten weeks of each cycle to statement collection.
- 52 The introduction of the designated statement taker programme was seen as one way to overcome this problem. In addition, in November 1996, the region decided to divide its workforce into two teams - one for hearings and one for statement taking - in order to ensure equal attention to and promotion of proactive statement taking. Thereafter, the hearings team became responsible for all the hearings which had been diarised by the region earlier that year.
- 53 Two hundred and eighty-nine cases were investigated for presentation at twelve public hearings. In general, cases at these public hearings were chosen to highlight human rights violations that had been committed in each sub-region. There was criticism that the Cape Town office showed a bias towards investigations and hearings on violations committed by the security forces rather than those committed by the liberation movement. However, 90 per cent of statements demonstrated the involvement of the security forces in human rights violations.

- 54 Hearings were scheduled to fit into the national schedule that allocated one week per month to each region to avoid competition for the media, commissioners' time and other resources. Some hearings (in the south-west Cape, West Coast and central Karoo) were cancelled because there were not sufficient statements to justify a hearing. Research had already indicated that these geographical areas would not yield a significant number of statements on gross human rights violations. In addition, the statements collected reflected a number of violations falling outside the Commission's mandate.
- 55 Area hearings dealt with a variety of human rights violations cases. Some of the hearings focused on specific events or themes.

a Durban 7-10 May 1996 **Peninsula (Cape Flats) (24 - 26 April 1996).**

This was the second hearing to take place nationally and the first to be held in the Western Cape. The cases heard were drawn from events spanning the three decades under scrutiny by the Commission and were examples of the widespread resistance which took place. Some of the better known events referred to in the hearing included the ambush and killing of the 'Guguletu Seven', the shoot-out and killing of Anton Fransch in Athlone and the shooting of Yvette Otto in Valhalla Park. The hearing also drew attention to the death of Looksmart Ngudle, the first detainee to die in detention, and also to human rights violations committed by the liberation movement, such as the St James Church massacre.<sup>1</sup>

b **Northern Cape (Kimberley) (10 - 11 June 1996).**

This hearing focused on events that happened in the towns surrounding Kimberley, drawing particular attention to the indiscriminate shooting of civilians in this region. Other cases heard included the shooting and torture of Umkhonto weSizwe (MK) cadres, and the confession by Walter Smiles that he was responsible for a hand grenade attack for which two men were then serving a jail sentence (the Smiles case became the subject of an amnesty hearing).

c South East Cape (George) (17 - 19 June 1996).

This hearing focused on the human rights violations committed by *kitskonstabels* and the torture of young teenage activists who had their testicles, penises or breasts slammed in drawers. The hearing also heard about human rights violations committed by perpetrators from political organisations fighting apartheid, such as the killing of a community councillor and the attack on a Plettenberg Bay teacher.

d Boland (Breëriviervallei, Worcester) (24 - 26 June 1996).

This hearing focused on the actions of the *Amasolomzi* (vigilantes supported by municipal police), the recurrent shooting and killing of youths by the police and torture in police cells.

e **Peninsula (Helderberg/Tygerberg) (5 - 7 August 1996).**

This hearing focused on women, of whom two were activists and another had been caught in the crossfire. The hearing also highlighted violations committed against the Bonteheuvel Military Wing, the killing of the MK cadre Ashley Kriel and the Pollsmoor march.

f **Karoo (Beaufort West) (12 -14 August 1996).**

This hearing focused on community violence, such as the burning of residents who did not support the comrades, and the arrest and incarceration in 1968 of 100 men who allegedly conspired to poison the Victoria West water supply. Another case highlighted the torture of a young woman whose breast was slammed in a drawer.

g **Northern Cape (Upington) (30 September - 2 October 1996).**

The first day of the hearings was dedicated to the killing of the policeman, Jetta Sethwale, and the trial of the 'Upington Twenty Six'. The hearing gave valuable insights into conditions in prison and the trauma of being on death



row. Investigation of the Uppington cases showed that the police records of political cases between 1985 and 1993 are no longer available. The panel also heard evidence from the mother of the policeman who was killed, shedding light on her alienation and isolation. The case demonstrated the fact that, in communities as small as Pabalello, perpetrators and victims continue to live in close proximity to each other.

**h Kroo (Colesburg) ( 7 - 9 October 1996).**

The cases dealt with the torture of youth, attacks on *impimpi* (informers) on community councillors and police officers. The hearings were decentralised and held in De Aar, Hanover and Colesberg to make them more accessible to the communities concerned.

**i Boland (Paarl & West Coast) (14 - 16 October 1996).**

This hearing was accompanied by an exhibition at the museum that provided insight into gross human rights violations. A particularly moving exhibit concerned a conscript who died in combat. A statement of apology from the Nederduitse Gereformeerde Kerk was read. The hearing also focused on the clashes between the United Democratic Front (UDF) and Azanian People's Organisation (AZAPO), the 1960 killing of a suspected informer, and the killing of Vivian Matthee and others in the 1985 cross-border raid. This hearing was unique in that the pre-hearing preparation was specifically geared towards the process of building reconciliation in the community.

56 After the Boland hearing, the Cape Town regional office held event hearings. These focused on events that had attracted a great deal of public interest or had involved extensive legal proceedings. They were significant because they confirmed long held beliefs about the role of the state in fomenting violence (as in KTC), the involvement of the police in provoking unrest in order to kill (as in the 'Trojan horse' incident) and the involvement of security forces based at Vlakplaas in the Western Cape (as in the 'Guguletu Seven' incident). All these hearings provided a window into understanding human rights violations during the period of intense resistance and repression that characterised the 1980s. These violations included:

- a 'Guguletu Seven' (Peninsula, 25 -27 November 1996 and 18 - 19 February 1997). The hearing concerned the ambushing and killing of the Guguletu Seven cadres and highlighted the Vlakplaas connection.
- b 'Trojan horse' (Peninsula, 20 - 21 May 1997). The Trojan Horse hearing highlighted the killing of three youths. Evidence was led to show that the police were not reacting, but deliberately set out to provoke unrest in order to kill.
- c KTC (Peninsula 9 -11 June 1997). The hearing highlighted *witdoek* and police complicity in an attack on the KTC community.

57

The region also organised other hearings, some of which were initiated at a national level. These included:

- a a health sector hearing
- b submissions by the SADF
- c political party submissions and recall
- d the Oudtshoorn reconciliation programme
- e section 29 hearings (national and regional)
- f children and youth
- g chemical and biological warfare

## **p WORKING WITH OTHER ORGANISATIONS**

- 58 From the start, the Cape Town regional office sought to develop meaningful and constructive interaction with different organisations and structures in order to maximise the Commission's activities in all areas. In the Western Cape, a strong lobby of interested NGOs had already expressed its desire to be involved in various aspects of the Commission's work. At the outset, it seemed likely that relationships with organisations could be built to assist the Commission in various ways. First, such organisations could help communicate the Commission's aims and objectives to local communities. Second, they could help it arrange public hearings, take statements or provide support for statement taking. Third, they could support people who testified before the Commission by providing individual and community support networks. Finally, they could help the Commission think through problematic or contentious issues at research seminars.
- 59 The Cape Town regional office benefited in particular from three experiences in formulating its strategies and determining its relationships with NGOs and community based organisations in the region: first, a workshop held with major stakeholders on 20 July 1996; second, on the ground experience gained during the first ten week hearing cycle and, third, lessons drawn from training sessions with designated statement takers. As a result of these, the region identified five categories of organisations it could work with.
- a those interested in providing mental health support: social welfare officers, psychiatric nurses, religious groupings, respected local community workers and organisations such as the Trauma Centre for Victims of Violence and Torture and Ilitha Labantu;
  - b those interested in promoting human rights: including advice offices, the Human Rights Commission, religious organisations and institutions and the Land Commission;
  - c those interested in promoting and supporting the Commission in general: Re-construction and Development (RDP) forums, local councils and political parties;
  - d those interested in the debates and policy issues that arose in the course of the work of the Commission;
  - e academics and others.
- 60 When the Commission moved into an area, an initial workshop was held to bring people together in order to find out how they could assist. Groups that were interested in supporting the work of the Commission helped logistics officers set up pre-hearing meetings and organisations volunteered to assist in the hearing preparation process. A similar gathering concluded activities in the area, including people who had made statements to the Commission. Support was solicited from a wide range of role players and stakeholders. These included the local councils, NGOs and community-based organisations, religious groupings and community leaders. As a result of such workshops, organisations assisted with communication (pamphleteering, putting up posters and loud-hailing) and logistics (helping to find and prepare venues for hearings and assisting with catering), and community briefers were trained to provide support to witnesses and to assist with debriefing and follow-up work.
- 61 The national office provided general communications materials and event-specific material for distribution by local organisations. The regional office produced posters, pamphlets (in the language(s) spoken by local people) and banners for each of the areas in which a hearing was held or where statement taking took place. Logistics officers often used loudhailers to inform community members of the time and venue for hearings.

Community-based organisations and NGOs distributed pamphlets and posters and directed the logistics officers to the most appropriate places to call people to hearings.

- 62 It became clear that the pamphlets distributed were not necessarily reaching potential statement makers, so the communications strategy was broadened through the use of radio. Radio was used as a means of communicating with the public at large and with potential statement makers. Talk shows became a popular way to address specific issues that related to statement taking. Radio Xhosa, Bush Radio, Radio 786 and Voice of the Cape gave the Commission regular slots.
- 63 In general, the regional office found it difficult to draw white South Africans to hearings. The Paarl hearing provided an opportunity to try new ways to encourage members of that community to participate. As noted earlier, the hearing was preceded by an exhibition held at the local museum, which included material from conscripts, newspaper clippings and photographs which told of the struggles of the people of Paarl and the surrounding communities. In addition to the exhibition, the Commission organised a number of church services in Paarl, Pinelands and Bellville.
- 64 Organisations repeatedly expressed the need to know about the work of the Commission and how they could assist. A national newsletter was issued, and teams working in different communities made efforts to keep interested role players informed. Similarly, many schools and churches, university and women's groups invited commissioners to make presentations at their meetings.
- 65 A recurring theme was that of payment for services rendered. The Commission's policy was that it could not raise funds on behalf of organisations, but could provide letters of support for organisations that did work that assisted the Commission. Despite a decision to pay for the performance of or assistance with core tasks, this too proved impossible.
- 66 The socio-economic realities in rural areas added a particular dynamic to partnerships with NGOs and community-based organisations based there. NGOs in the vast rural areas of the Karoo, the southern and northern Cape and the West Coast and Namaqualand are severely under-resourced in contrast to NGOs in urban areas. They were particularly concerned to receive payment for their work. They were also often less able to provide the necessary services. It proved, for example, very difficult to set up support networks for deponents in the Karoo, where there was no NGO working in the mental health care field and where government services were scarce.<sup>2</sup> Thinly spread Commission, church and other resources made it impossible to provide coherent services in these areas.
- 67 Organisations (especially in rural areas) assisted with logistic arrangements for statement taking and hearings. These were normally conducted on a very short-term basis and were event focused. Unlike relationships with support networks, these contacts were normally short-lived, and the Commission found it difficult to arrange long-term assistance.
- 68 In all areas where the Commission worked, it identified advice office structures, as well as organisations and individuals that would be able to provide mental or medical health care and support to deponents. In most cases, the Commission negotiated an agreement that they would provide services to people referred by the Commission.
- 69 In the early stages, the Cape Town regional office identified the possible positive aspects of using designated statement takers recruited from local organisations. Local statement takers enjoyed levels of trust in their communities and had a good understanding of and were proficient in the language of the community involved. Thus, the regional office gave the go-ahead for the training of volunteers in the Peninsula as well as in the areas where the first three hearings were planned (George, Worcester, and

Kimberley). The regional office also spearheaded the training manual for statement takers. Lack of resources, however, led to the suspension of most of these activities until the formal introduction of the designated statement taker programme.

- 70 Support networks extended not only to people invited to testify at hearings, but enabled statement takers to refer people who made statements to appropriate organisations and individuals. Informal referrals were also discussed at case conferences on a basis of urgency. A good example of such a network was the Mental Health Response set up in the Cape Peninsula. Unfortunately this type of network only functioned in the greater Cape Town area because of the lack of resources in rural areas.
- 71 Community briefers were also identified and trained to assist at all public hearings. These people were normally linked to community or NGO structures and provided their services free of charge. This strategy provided a positive answer to the lack of language representivity on the part of the briefers employed by the Commission. It had the further advantage that, after the Commission had left an area, people in the community could themselves provide support or set up peer support groups.
- 72 The regional office also developed post-hearing follow-up workshops in response to the 'circus-left-town syndrome' experienced after the first hearings. The close involvement of NGOs was the key to the effort to link people who made statements to existing support services in their immediate vicinity. Post-hearing workshops also provided feedback and a way of challenging individuals and organisations to take control of the ideas developed at the workshops. The issue of reconciliation was discussed, and it was made clear that the Commission could only initiate this process. Ultimately, reconciliation was something that the community would have to come to terms with itself.
- 73 Finally, research seminars took place on a monthly basis. These were the responsibility of the Research Department. The seminars took the form of panel discussions on issues of public interest, focusing largely on reconciliation and amnesty. Invitations were circulated widely amongst academic institutions and human rights organisations in the Peninsula and Boland areas.

# Regional Office Reports

## DURBAN OFFICE

### **p INTRODUCTION**

- 1 The Durban regional office operated across the two provinces of KwaZulu-Natal and the Free State – each with widely differing political and social dynamics. Although the office served a total population of just over ten million people (over 25 per cent of the total population of South Africa), KwaZulu-Natal has almost three times the population of the Free State. For this reason, the greater part of the work was concentrated in KwaZulu-Natal, where some eighty permanent staff members were employed, while a satellite office with a staff of seven people was set up in the Free State.
- 2 The Commission was designed to be implemented in a society in which transition had at least begun, and in which there was a degree of political tolerance. In KwaZulu-Natal, the ruling Inkatha Freedom Party (IFP) had not been party to many of the transitional negotiations and had, in fact, only come into the election process days before 27 April 1994. From its inception, the Commission was treated with mistrust and scepticism by the IFP and, in spite of written representations and personal requests by the most senior members of the Commission, it was not willing to encourage its members to take part in the process. However, at a very late stage, approximately one month before the cut-off date for submission of statements, the IFP called on its members to apply for reparations. Some 5 000 people subsequently made statements, a small percentage of whom were declared members of the IFP.

### **p IDENTITY AND EXTENT OF REGION**

- 3 The total area of KwaZulu-Natal (comprising the former KwaZulu homeland and the Natal province) is just over 92 000 square kilometres, with a sub-tropical coastline on the eastern border and the Drakensberg Mountains to the west. The province includes two large industrial areas: the 'Durban Functional Region' (the third fastest growing urban area in the world in the past decade) and Richards Bay. Together, these two ports are responsible for the bulk of sea-based export and import for southern Africa.
- 4 The Free State is larger than KwaZulu-Natal and occupies a total area of 129 000 square kilometres. Its major urban centre is Bloemfontein, which is the judicial capital of South Africa.

### **Population**

- 5 KwaZulu-Natal has a population of just over eight million people. The Durban area has the largest population of Asians outside of the Indian sub-continent, many of whom came to South Africa as labourers to work on the sugar plantations during the last century. In terms of the categories created by apartheid

legislation, 81 per cent of the population of the province is African, 9.6 per cent Asian, 6.2 per cent white and 3.2 per cent coloured.

- 6 The Free State is much more sparsely populated and, although a larger geographical area, the population is under three million people. Approximately 83 per cent of people living in the Free State are African, 12 per cent white, and 5 per cent coloured. Very few Asians live in the Free State because, historically, apartheid legislation forbade their settlement in the area.

## **Languages**

- 7 Most of the people in KwaZulu-Natal speak Zulu as a home language, and the majority of the white population is English-speaking. Other prevalent languages are South Sotho, Xhosa, Gujarati and Hindi.
- 8 In the Free State, the majority of the population is South Sotho speaking. Most of the white population is Afrikaans-speaking; ten times more people speak Afrikaans as a home language than English. Other major languages spoken include Xhosa, Zulu and Tswana.

## **Income/poverty profile**

- 9 In KwaZulu-Natal, about 50 per cent of the economically active population is unemployed. The annual per capita income is R3 288. Nearly two million people in the 'Durban Functional Region' still live in informal settlements. Many people depend on informal employment, such as street trading, for their survival.
- 10 The Free State has an average annual per capita income of R4 416 and an unemployment rate of approximately 30 per cent. Many of the inhabitants of this province work as farm labourers under very poor conditions of employment or as contract labourers or migrant workers on the mines in other provinces.

## **p METHOD OF WORK**

### **Commissioners allocated to region**

- 11 Two of the national commissioners were allocated to this region: the Revd Dr Khoza Mgojo and Mr Richard Lyster. Both had a record of extensive work in KwaZulu-Natal.
- 12 The Commission appointed four committee members to support its work in the region: Mr Mdu Dlamini, Ms Virginia Gcabashe and Mr Ilan Lax<sup>1</sup> for the Human Rights Violations Committee and Dr S'Mangele Magwaza for the Reparation and Rehabilitation Committee. In addition, Judge Hassen Mall and Judge Andrew Wilson of the Amnesty Committee were both based in the Durban office, although they travelled widely throughout the country for amnesty hearings. Ilan Lax also served on the national legal working group and acted as the regional legal aid committee representative.

### **Staffing**

- 13 Several hundred applicants submitted *curriculum vitae* for consideration for employment. A personnel agency initially assisted with short-listing applicants, but the region soon took full responsibility for the staff selection process to ensure that appointments responded to political sensitivities and followed affirmative action criteria.
- 14 Of the first thirty people appointed, twenty had been unemployed and, of these, many had never worked previously. They were employed for their potential to do good work. This policy was maintained, with

preference given to unemployed people where possible. The racial mix at all levels strongly reflected that of society. In addition, a gender balance of 50 per cent men and 50 per cent women was maintained. A staff member with a disability was also employed.

- 15 The Durban office came to employ a permanent staff of eighty. The satellite office in the Free State employed a staff of seven, including a manager.
- 16 A regional manager and an information manager were appointed in March 1996. The region appointed a head of the Investigation Unit who was functionally responsible to the national office, but administratively responsible to the region. A support services manager was appointed in April 1996 and was responsible for the administrative functioning of the office. A regional bookkeeper was appointed together with three logistics officers. Other staff included an information manager and an assistant to the Human Rights Violations Committee. The Reparation and Rehabilitation Committee was supported by a regional co-ordinator and briefers, and the Amnesty Committee was supported by two secretaries. Three logistics officers were responsible for organising hearings and venues for statement taking, workshops, briefings and amnesty and section 29 hearings.

### **Accommodation, resources and equipment**

- 17 The regional office was based in Durban and, despite some initial difficulty in finding suitable premises due to the tense political climate<sup>2</sup>, a lease was finally signed for two floors of a new building. A corporate interior designer assisted with the design of the offices and acquisition of furniture and fittings.
- 18 The necessity for a satellite office in Bloemfontein quickly became evident. Staff from the main regional office tried to visit the satellite office regularly and to keep in touch, but staff in Bloemfontein often felt unsupported, under-resourced and out of touch with regional work. Despite these drawbacks, work done in the Bloemfontein office was extremely effective.

### **Methodology and assessment of work**

- 19 The regional manager oversaw work in the region, made sure that national decisions were implemented regionally, ensured the control of finances, and regularly reported on regional work to the chief executive officer.
- 20 The core of planning took place at weekly management meetings. Other meetings supplemented these. The Reparation and Rehabilitation and the Human Rights Violations committees held regular meetings and, about every six months, there were regional strategic planning meetings to prepare for briefings and hearings, and devise an overall vision for the region.
- 21 An attempt was made to evaluate the work of the region regularly, using procedures where staff, colleagues and managers evaluated themselves. However, time constraints made this process rather difficult to implement.
- 22 The Commission was, in many respects, a very hurried process. To investigate and produce a satisfactory product in only two years was very difficult both in terms of time and resources. Even at a very late stage of operations, attempts to interpret the Act revealed that practical implementation of some aspects was impossible, despite several changes to the Act and to the regulations. Furthermore, owing to delays in appointments of staff and in the full operation of the database, the office only began working at full capacity in June 1996. Then, in July 1997, hearings and proactive statement taking had to stop, as the Commission

began to release staff in the gradual process of closing down. This meant that, although the legislation provided for a two-year life span, the Commission was only fully operational for just over a year.

- 23 As in other regions, groups of staff left at the end of July 1997, at the end of September 1997 and in mid-December 1997. This roll out plan was managed as sensitively as possible, with assistance given to staff to find jobs where feasible, to improve their interviewing skills and to prepare *curriculum vitae*. A four-week course by a counselling psychologist also helped staff to cope. There was also an attempt to fill longer-standing posts where staff resigned. The roll out plan left the region very short staffed in some departments.
- 24 The regional office was granted two extensions, however, initially until March 1998 and then to the end of June 1998. Most of the remaining staff stayed on until the end of May, and a small staff component remained until the end of June in order to provide support for the commissioners, the Amnesty Committee and investigators.

## **p WORK OF THE COMMISSION**

### **Statement taking**

- 25 Eight regional statement takers worked throughout the region, often spending days out of the office as they visited rural areas. Preparation included briefings, pamphlet distribution and radio publicity. In many areas, hostility was shown towards the statement takers and, on several occasions, they had to be withdrawn when their safety could not be assured. In some cases, the Public Order Policing Unit of the South African Police (SAP) was asked to accompany statement takers, and arrangements were made with local *indunas*<sup>3</sup> for permission to enter certain areas.
- 26 The designated statement taker programme was launched in Durban in April 1997. Archbishop Tutu made a special plea for the involvement of the IFP, either directly with the Commission or through the non-governmental community. Once again, the success of the plea was limited.
- 27 The designated statement taker programme employed two community liaison officers, one in Bloemfontein and the other in Durban. By forging contractual relationships with over forty organisations, they greatly increased the statement taking capacity of the office and its ability to reach out to remote areas in the two provinces.

### **Information flow**

- 28 The Information Department was responsible for the collection of statements, the control of all documents within the regional office, data capturing, coding and processing, as well as the maintenance of the database. Later, the capturing, coding and processing functions were combined.
- 29 Information meetings were held weekly to discuss the development and implementation of the information flow policy and to evaluate cases, the quality of statements taken and progress made.

### **Investigations**

- 30 The Investigation Unit was divided into sections dealing with general investigations, corroboration, amnesty applications and special investigations. The Investigation Unit employed four members of the police and four civilians, two of whom were seconded from the Department of Justice.



- 31 A sub-unit dealing specifically with corroboration was formed in early 1997 and employed a co-ordinator assisted by seven staff members. Separate funding was raised nationally for this purpose. This unit was later enlarged to include twenty staff members. It had the enormous task of corroborating all the late statements, many of which related to arson and were difficult to prove. Victims had been unwilling to report such instances to the police for fear of further retaliation.
- 32 Three police observers from Denmark and Sweden were assigned to this unit and played an important role in its functioning.
- 33 The Investigation Unit held weekly meetings to share information, plan work and report on progress.

### **1996 hearings in the KwaZulu-Natal/Free State Region**

- 34 There were only two commissioners assisted by four committee members in the region and the burden of the public hearing schedule was heavy. Commissioners and most of the committee members attended most hearings. This was particularly demanding during 1996 when there was more than one hearing a month.
- 35 In the early days, briefings and workshops were held in many areas, and it was difficult to fit all the events into the programme. Yet, despite the regular planned briefings, there were many additional requests for briefings from rural and urban communities who felt that they were insufficiently informed about the process.
- 36 The IFP criticised commissioners, committee members and some staff members in this region throughout the process. From the time that the first hearing took place, when several deponents gave evidence of IFP involvement in violence, hostile accusations of bias were received by letter and in newspaper articles, many in the form of personal attacks on certain commissioners and committee members. As indicated, the IFP refused to take part in the process and, despite many approaches, the Commission in the region had very little success in changing its attitude. Representation at the hearings was, therefore, inevitably skewed.

- a **Durban (7-10 May 1996).**

The first human rights violations hearing in this region took place at the Jewish Club in Durban. The hearing was organised so as to give as wide a view as possible of human rights violations which occurred in the two provinces, and forty-three cases were heard from all over the region. Testimony was heard about the killing of the parents of a one year old child in a cross border raid into Lesotho and a bomb in central Durban which killed the parents of a young boy. The Commission also heard the testimony of the mother of Stompie Seipei, who was killed in Soweto, as well as a submission on difficulties with the justice system.

- b **Bloemfontein (2-4 July 1996).**

The second hearing took place in Bloemfontein, where forty cases were heard from all over the Free State with the aim of painting a broad picture of human rights violations in that province.

- c **Pietermaritzburg (23-25 July 1996).**

The third hearing took place in the City Hall, Pietermaritzburg. Forty-nine cases were heard, including testimony relating to the murder of prominent trade unionists in Mpophomeni Township. The hearings were very well attended.

- d **Port Shepstone (12-14 August 1996).**

At the Port Shepstone hearing, thirty-nine cases were heard from an area torn apart by political violence, especially in the rural areas surrounding the town. Evidence was heard of close co-operation between the police and the IFP in

this region. It was difficult to find a suitable venue for these hearings because people feared reprisals, and very few community members attended.

**e Durban (28-30 August 1996).**

The second hearing in Durban took place at the Christian Centre. Witnesses described incidents such as the death of fifteen young people who were amongst the mourners attacked after the killing of activist attorney, Victoria Mxenge. Of the thirty-six cases heard, twenty-four were directly associated with murders. The majority of the victims were members of the African National Congress (ANC), but four were from the IFP, and eleven were of uncertain political affiliation. Most of the cases dealt with were from Umlazi in the Durban region, and there was much evidence to demonstrate a relationship between the police (both the SAP and the KwaZulu Police (KZP)) and the IFP. Many of the deponents were women, but only two spoke of their own experiences. The rest spoke of crimes against their families.

**f Northern Natal (10-12 September 1996).**

The sixth hearing took place at Newcastle. Twenty-nine cases were heard, including that of the brutal slaying of trade unionist and ANC activist, Professor Hlalanathi Sibankulu, whose burnt body was found in his car. Most of the cases involved murder, harassment and detention at the hands of the Security Branch of the SAP or the KZP, sometimes in collaboration with the IFP in the region. There were also cases where the Special Branch worked in the townships without the participation of the KZP. In the case of the Hlobane Mine massacre, where eleven people were killed, witnesses implicated mine management in addition to the Special Branch and the IFP. Another trend that emerged at this hearing related to disappearances. Some children had not been seen by their families since they went into exile, which left unanswered questions as to their whereabouts.

**g Welkom (8-10 October 1996).**

The focus of this Free State hearing was on the roles played by black vigilante gangs in fomenting violence. Allegations were made against the A-team, the Eagles and the 3 Million gang, all of which operated with the collusion of the SAP against the United Democratic Front (UDF) in the area.

**h Hearing on assassinations, Durban (24 October 1996).**

This event focused on specific assassinations. Ms Daphne Mnguni spoke about the death of her brother Mr Msizi Dube, who had been an activist since the 1950s and was shot in 1983 on his way home from a meeting. Four men served prison sentences for his murder, and one received the death penalty. Fatima Meer and Harold Strachan told of attempts on their lives, allegedly by the Security Branch, and several members of the family of leading anti-apartheid intellectual Rick Turner gave testimony about his death. He was shot through a window of his house in the presence of his two young children.

**i Hearing on women, Durban (25 October 1996).**

Following the testimony on assassinations, a second day was set aside to hear testimony from women. It had become apparent that, although many women gave evidence at the hearings, very few spoke about their own experiences. The hearing was open only to women; even the technicians on site were women. Ten women spoke very eloquently about their own suffering and brutal treatment at the hands of men. In two of the three rape cases heard, the women had never spoken about their experiences before. In one of these instances, a woman was gang-raped by some ANC youths over a period of a month and conceived a child. She reported that one of the men who raped her began visiting her home regularly and claimed parenthood of the child, which she was finding very difficult. Some of the women targeted were not themselves activists, but were family members of activists. Nosizwe Madlala-Routledge, Phyllis Naidoo and Marie Odendaal-Magwaza read special submissions on their experiences as

women activists. A large number of deponents asked for psychological counselling to assist them in dealing with their trauma.

**j Empangeni (4-6 November 1996).**

Testimony was heard from twenty-five people in the highly volatile Empangeni area. Of the eighty deponents whose cases could potentially be used, only twenty-eight were prepared to appear in public, which was an indication of the political intolerance and intimidation in this region. In addition, one-third of the selected witnesses failed to arrive at the hearings because of intimidation. Testimony was heard about three massacres that resulted in twenty-three deaths. One of the cases concerned the death of Dr Henry Vika Luthuli, who was gunned down in his surgery. In that instance, the investigating officer was killed, and other detectives were afraid to pursue their investigations. Ms Mary de Haas of the University of Natal gave a background submission on the political history of the area, and the failure of the SAP and KZP to investigate properly and deal with the situation.

**k Hearing on the 'Seven Day War', Pietermaritzburg (November 1996).**

The eleventh and final hearing of 1996 took place in Pietermaritzburg. This was an event hearing that heard evidence on the 'Seven Day War', which took place in March 1990. Evidence pointed to very close co-operation between Inkatha members and the riot unit of the SAP, leading to the deaths of hundreds of people. Tensions at this hearing ran high when a local IFP leader, David Ntombela arrived, accompanied by his lawyer and several IFP members. Ntombela's lawyer read a statement as to why his client would not testify.

**l Vryheid (16-17 April 1997).**

The Vryheid hearing attempted to reflect a cross section of human rights violations. Evidence pointed to collaboration between the KZP and the IFP in collective action against the ANC and the UDF in over 85 per cent of the cases.

**m Parys hearing (28-30 April 1997).**

Many witnesses alleged that there was state complicity in violence in the form of police involvement with black vigilante gangs working to destabilise communities.

**n Children's hearing (14 May 1997).**

A special hearing for children was held. During the two days before the hearings, children who had been affected by violence were given the opportunity to express themselves through art and drama workshops. Their stories were presented at the hearing by caregivers, and some recordings of the children's voices were played.

**o Bruntville (27-29 May 1997).**

The Bruntville hearing dealt with political violence in the area and also with the 'Bruntville massacres' where Inkatha hostel residents attacked local township residents, killing many women and children. Because of the unwillingness of the IFP to appear at these hearings, Human Sciences Research Council (HSRC) researcher Dr Anthony Minnaar was asked to give an overall impression of what happened in this part of the Midlands.

**p Hearing on the 'Caprivi trainees' (4-15 September 1997).**

A special hearing was scheduled to deal with the role of the Caprivi trainees. Owing to the volume of advance research and preparation needed, this hearing – vital to an understanding of violence in this region - was twice delayed. Witnesses alleged that the South African Defence Force had trained members of Inkatha for the purposes of forming a covert offensive para-military unit to be deployed against the political enemies of the state. Evidence also indicated that this group was responsible for killings and attacks in many communities and showed, too, that very few convictions for these attacks had succeeded.

**q Second children's hearing (June 1997).**

A further special hearing was held for children in the Free State.

r **Ladybrand (24-26 June 1997).**

The final hearing of the Durban regional office took place at Ladybrand, which dealt with evidence regarding cross-border raids.

- 37 In addition to these hearings on human rights violations, section 29 hearings (*in camera* investigative enquiries) were held at the regional office. Several amnesty hearings were also held in various centres in the two provinces.
- 38 As was the case for national events, media coverage of the hearings was excellent. The media liaison officer had very good relationships with the print media and television, and there was thorough press coverage of hearings and other work over the entire period, often on the front pages of several publications.

### **Reparation and rehabilitation**

- 39 The region's four briefers were supervised by co-ordinators in the Durban and Free State offices. Briefers provided support and counselling services to victims and witnesses who had made statements, especially to those who appeared at hearings. They also set up structures to continue to provide support for victims after the life of the Commission.
- 40 It was noted in the second Durban hearing and the Northern Natal hearing that the material expectations of those testifying were low. Most expressed a wish for an investigation into deaths that had occurred to establish who had committed the violations and why. Many requested assistance with schooling and expenses for families of victims, assistance with tombstones and pensions for the elderly. At the women's hearing, counselling was requested. Very few people asked for direct financial compensation.

### **p WORKING WITH OTHER ORGANISATIONS**

- 41 Workshops were held with non-governmental organisations (NGOs), community-based organisations, relevant government departments and churches to ensure a close relationship with organisations in the region. Areas of co-operation included planning, policy formulation for reparation and rehabilitation, and trauma counselling and support for victims.
- 42 The regional office established a close association with the Programme for Survivors of Violence, the Diakonia Council of Churches, the Natal Church Leaders' Group, and other NGOs and community based organisations involved in providing psychological and legal support and advocacy. Many members of staff had come from and had close ties with these organisations, and existing relationships were strengthened in this way.
- 43 The Natal Church Leaders' Group was involved in getting a Reconciliation Committee working in the region, as it was felt that the churches should be part of the process and would, indeed, carry on the work after the end of the official life of the Commission.
- 44 A very close relationship developed with the Mennonite Central Committee, represented by Dr Karl and Ms Evelyn Bartsch, which trained Commission staff and associates from the NGO communities in trauma counselling. Their book on healing for victims of trauma was also widely distributed to support groups in KwaZulu-Natal and in the Free State.

# Regional Office Reports

## EAST LONDON OFFICE

### **INTRODUCTION**

- 1 The East London regional office of the Truth and Reconciliation Commission (Commission) faced its first real challenge with the announcement that the launch of the Human Rights Violations Committee hearings would be held in the Eastern Cape. This was met with threats of legal action and interdicts aimed at preventing the event from taking place.
- 2 There was some popular discontent as well. People had difficulty in understanding some of the changes that were taking place, particularly with regard to the integration of the security forces of the former Ciskei and Transkei with the South African Defence Force (SADF), Umkhonto weSizwe (MK) and the Azanian National Liberation Army (AZANLA). In addition, the redeployment of numbers of former security police meant that many perpetrators of human rights abuses were now in the service of the new African National Congress (ANC)-led government. Considerable bitterness was expressed by those who had suffered abuse at the hands of the former state and who felt that the 'negotiated settlement' (of which the Commission was a product) had benefited people other than themselves. Not only did they feel that they had not seen justice done concerning perpetrators of human rights abuses but, in some cases, those same perpetrators were still in positions of power. This scenario was not particularly conducive to the desired culture of respect for human rights and a positive attitude towards the work of the Commission.
- 3 Some families of victims of human rights violations, such as the family of Steve Biko and Griffiths and Victoria Mxenge, were deeply suspicious of the Commission's ability to address their deeply felt grievances towards those responsible for the deaths of their loved ones. At the time of the launch of the Commission, the Azanian Peoples' Organisation (AZAPO) and members of some of the victims' families repeatedly and publicly voiced their objections. The same organisation, together with the Biko and Ribeiro families, took the matter to the Cape Provincial Supreme Court Division for an order to restrain the Commission from conducting hearings until the Constitutional Court had ruled on the validity of their constitutional challenge. Former members of the security forces also launched a legal action. Human Rights Violations Committee was legally justified, in the course of its public hearings, in receiving evidence from witnesses adversely implicating any person as a perpetrator without prior notice being given to them.
- 4 This legal action took its toll on the Commission's work, both in the region and nationally. Apartheid victims resented the fact that they could not mention the names of those they alleged were their persecutors without giving them warning. Some were further embittered by the fact that the legal challenges imposed incalculable expense on the taxpayer. Under the principle of vicarious liability, the new government continued to be financially responsible for the defence and litigation of those who served the previous government if the matter or criminal charge related to acts committed in the execution of their duties. The

Commission, however, was obliged to abide by the ruling of the courts and sought to uphold what were seen as the natural justice rights of alleged perpetrators.

## **p IDENTITY AND EXTENT OF REGION**

- 5 The East London regional office was located at a central point in the region. It served an area stretching from the KwaZulu-Natal border to the Tsitsikama forest on the border of the Western Cape province. It incorporated the eastern part of the old Cape Province, the former 'independent homelands' of Transkei and Ciskei, and the so-called 'border corridor', a strip of land between the two homelands which previously formed part of white South Africa. East London and Port Elizabeth are the two main industrial centres in the region, and Grahamstown, Bisho and Umtata serve as judicial and administrative centres.

### **Population**

- 6 The region has a population of about six million, the third largest in the country. While roughly half of the total population is urbanised, the majority of the African population lives in rural areas that previously fell under homeland administrations.
- 7 The overwhelming majority of the population (approximately 87 per cent) is African. Six per cent of the population is made up of white people who live mainly in the industrial cities and generally in the western half of the province. Coloured people constitute 6.7 per cent of the population. A small number of Indians also resides in this province.

### **Languages spoken**

- 8 African people in the area are almost entirely Xhosa-speaking. White people are fairly evenly divided between English and Afrikaans speakers, and the coloured population consists of both Afrikaans and English speakers.

### **Income/poverty profile**

- 9 The Eastern Cape Province is the second poorest of the nine South African provinces (following the Northern Province). Unemployment is estimated at 65 per cent of the economically active population. The 1991 Development Bank figures show that over half the adult population received no formal education. Levels of literacy and life expectancy are lower and levels of poverty higher in the Eastern Cape and Northern Province than in any other provinces. This poverty is concentrated in the former homeland areas, which are under-resourced and lacking in infrastructure and basic health care facilities.

## **p METHOD OF WORK**

### **Commissioners allocated to region**

- 10 The regional office was allocated a single commissioner, the Revd Bongani Finca, formerly of the Border Council of Churches. Four committee members were assigned to it: Mr Ntsikilelo Sandi, Ms Judith 'Tiny' Maya and Ms June Crichton for the Human Rights Violations Committee and Archdeacon Mcebisi Xundu for

the Reparation and Rehabilitation Committee. Ms Motho Mosuhli was later appointed to replace Ms Maya, who resigned from the Commission.

### **Staffing**

- 11 The total staff component in the region was seventy persons, although numerous vacancies were experienced throughout the life of the Commission. Several organisations helpfully released staff to the Commission without insisting on proper notice periods. Some staff members were seconded to the Commission, but most were hired directly. The lack of skilled persons was severely felt in the East London office and a large staff turnover was experienced.
- 12 The Investigation Unit was hardest hit by staffing problems, enduring three different heads of unit. Its work was further hampered by the lack of proper hand-over between the successive co-ordinators. It also proved extremely difficult to find and retain suitable investigators. All this had a serious effect on the unit's work.
- 13 Bonding between staff who came from different political, work and racial backgrounds was a challenge, and major efforts were made to build relationships, trust, communication and understanding. A staff association played an invaluable role and enjoyed support from almost all members of staff.

### **Accommodation, resources and equipment**

- 14 After some teething problems, accommodation for the entire East London regional office was eventually located within the same building. Offices were spread across four floors, with the Commission occupying only two of these floors in their entirety. This made security of the building, people, equipment and documentation an ongoing problem.
- 15 A small satellite office was later set up in Port Elizabeth to augment the work taking place in East London.
- 16 Despite excellent computer facilities, there was a lack of computer skills in the office. An e-mail link helped communications with staff in Port Elizabeth.
- 17 A shortage of office equipment and vehicles also created problems.

### **Methodology and assessment of work**

- 18 The regional office used unit and departmental meetings to facilitate greater co-ordination and management of its work. Regular meetings included staff meetings, regional management meetings and regional committee meetings for committee members, the commissioner and the regional manager.
- 19 It took a considerable time before systems adopted by the Commission nationally were properly implemented in the East London office. This was owing in part to a lack of understanding of the systems by staff, and partly to the shortage of departmental heads. This particularly affected work on human rights violation cases.
- 20 The lack of systems and crucial personnel resulted in a lot of unnecessary initial confusion and uncoordinated work in the office. However, many staff used their own initiative to get work underway, with several staff members performing duties beyond those described in their job descriptions.
- 21 Fiscal and other controls were put in place in the office, although the absence of a regional budget undermined the effective monitoring and control of expenditure at regional level.

## **p WORK OF THE COMMISSION**

## **Statement taking**

- 22 Statement taking began early. Both statement takers and briefers helped to get the first human rights violation hearing off the ground in April 1996 by taking a significant number of statements. During the first hearing, the statement takers and briefers also helped transport witnesses to the hearing and protected them from crowds of journalists and other interested people.
- 23 The East London office eventually employed eight statement takers, based mainly in towns throughout the region (Umtata, Butterworth, Queenstown, Grahamstown and Port Elizabeth) for easy access by deponents. After a few months, however, it became clear that few people were coming forward to make statements, and a more proactive strategy was needed. By the beginning of 1997, personnel were re-deployed: one each in Umtata and Grahamstown and three each in Port Elizabeth and East London.
- 24 Poor access to vehicles impacted on statement taking programmes and vehicles were rotated in an attempt to accommodate the needs of statement takers, whose responsibilities also included fetching witnesses for the hearings on human rights violations and identifying which communities had not yet been contacted for statement taking. The shortage of vehicles meant that statements were taken largely in cities and towns and at the human rights violation hearing venues. Rural villages were, of necessity, often ignored.
- 25 Later assessment revealed that there should have been closer links between the investigation work and statement taking. Despite setbacks and problems, by June 1997 statement takers had recorded over 2 000 statements in the Eastern Cape.

## **Information flow**

- 26 The job of the data analyst was to do a basic analysis of the hand-written human rights violation statements and capture details on the Commission's database.
- 27 Because the Commission's database was not functioning until mid-1996, analysts were not hired until long after the office had been set up. There was also no clarity in the East London office about what the job entailed, which resulted in the hiring of people without the correct qualifications. In addition, with no information manager to oversee the process, work was done in a haphazard and unco-ordinated fashion for several months. This contributed to a filing crisis which dogged the East London office for much of its existence.
- 28 Despite these obstacles, the data analysts managed to work speedily through the backlog of hand-written cases, logging almost all of them onto the database by the end of 1996. Some learnt rapidly on the job, showing a remarkable determination to get the work done.

## **Hearings in the Eastern Cape**

- 29 The office held fifteen human rights violation hearings (ten during 1996 and five in 1997) in twelve different towns throughout the province. Nearly 700 witnesses were heard, including some alleged perpetrators and a small number of witnesses who made submissions on behalf of organisations or provided background information. Thus, about one-third of the people who made human rights violation statements by June 1997 were given the opportunity to testify at the public hearings.
- 30 The success of the first hearing in East London gave the office a great boost of confidence, despite a bomb scare during the morning session. Thousands flocked to the hearing and, by the end of the first day, support for the Commission and its work was confirmed. Twenty witnesses testified about their direct and/or indirect



experiences of gross human rights violations - including killings, disappearances, torture and various forms of severe ill treatment at the hands of either the state security forces or liberation movements. This set the standard for the rest of the hearings organised by the East London office.

- 31 Almost all the Eastern Cape hearings were very well attended, with crowds sometimes filling halls to beyond capacity. Generally, staff felt that the hearings had been successful both in giving victims and their families an opportunity to be heard and in working towards reconciliation.
- 32 Hearings were often logistic nightmares, and the fact that they were all fairly successful is a tribute to the hard work and dedication of the staff involved in them. The frequent changes to the schedule for human rights violation hearings - necessitated by efforts to cover as much of the province as possible - meant that planning was disrupted, often resulting in last minute rushes.
- 33 Staff went to a lot of trouble to identify different types of cases for the human rights violation hearings so that both high and low profile cases were heard, witnesses from across the political spectrum were given a voice, and both individual and group cases were heard. Occasionally alleged perpetrators were able to give their side of the story at the same hearings as their accusers. The hearing at Lusikisiki, for example, became a landmark in uncovering the history of rural rebellions from the early 1960s.
- 34 Amnesty hearings were difficult because there was no member of the Amnesty Committee in the office. There were also no clear guidelines on how to conduct the hearings. A lengthy amnesty hearing in late 1997 put a great deal of pressure on the office at a time when staff numbers and morale were low because of the roll out plan.
- 35 Inevitably, the hearings took priority, but there was a need to focus on other cases too. As noted earlier, while about one-third of the cases collected by the East London office by June 1997 were dealt with in public hearings, other cases required the same level of attention. Each case needed to be investigated and an eventual finding made by the Human Rights Violations Committee.
- 36 Following is a list of the human rights violations hearings organised in the Eastern Cape and a short description of important trends or cases dealt with:
  - a East London (15 - 18 April 1996).

This was the national launch of Human Rights Violations Committee hearings, the first of its kind. It received overwhelming media coverage and community support. For the first time, the South African community across the racial divide was exposed to the gruesome human rights violations that happened in the past. This was the hearing that was disturbed by a bomb threat.
  - b Port Elizabeth (21 - 23 May 1996).

The second hearing was equally enthusiastically received by the community, with non-governmental organisations (NGOs) giving counselling and support. The Commission's legality was also tested by a court application, lodged by the attorney of an alleged perpetrator of human rights violations, which consequently prevented the Mthimkulu case from being heard.
  - c Umtata (18 - 20 June 1996).

These hearings were a departure from the first two in that they concentrated on abuses that occurred in rural areas under the homeland system. The homelands security forces proved to have been more brutal than those of the South African state.
  - d Port Elizabeth (26 - 27 June 1996).

This was a special hearing for the Mthimkulu case, which could not be heard in May because of a court application. In another case, Mzwandile Maquina, an alleged perpetrator, was afforded the opportunity to tell his story and respond to allegations against him.

e Queenstown (22 - 24 July 1996).

Forty cases, which included the massacre of eleven people in a church hall, were heard.

f Uitenhage (26 - 28 August 1996).

This was an event hearing and looked at the 1985 'Langa massacre' in which forty-three people were killed. The conflict between the United Democratic Movement (UDM) and *Ama-Afrika* featured prominently.

g Bisho (9 - 22 September 1996).

This hearing focused on the 'Bisho massacre'. It was the first time that testimonies of victims and those of the alleged perpetrators were heard in the same hearing. Also, the way in which submissions of the alleged perpetrators were scrutinised and interrogated was a clear demonstration of the Commission's determination to present as full a picture as possible.

h Duncan Village, East London (23 - 24 September 1996).

This event hearing focused on the killing of twenty-one people who were returning from a funeral service of the political activist, Victoria Mxenge.

i Aliwal North (21 - 23 October 1996).

The regional office tried to reach out to small, rural towns, where *kitskonstabels* operated. Sixty-one deponents from Aliwal North, Barkly East, Burgersdorp and Sterkspruit gave testimony. The Human Rights Violations Committee observed that human rights violations in small towns did not receive much publicity, and people consequently suffered in silence, without adequate legal representation, at the hands of the state apparatus.

j Bisho (18 - 19 November 1996).

This was a follow-up to the 'Bisho massacre' hearing and Brigadier Oupa Gqozo testified. After the hearing, there were allegations that the Commission's panel was biased against the perpetrators.

k Cradock (10 - 11 February 1997).

Testimony included that of two young people aged fifteen years who were caught in the crossfire when they were very young. They were, according to the records, the youngest people ever to testify before the Commission.

l **Lusikisiki (24 - 26 March 1997).**

The hearing took place in a deep rural area and was hampered by logistic problems, such as the lack of electricity. However, it was successful in giving insights into lesser-known South African history, like the 1960 Pondoland revolt.

m **Grahamstown (7 - 9 April 1997).**

A number of shooting incidents by the security forces and 'necklacings' were reported at this hearing. This was the first hearing where a number of alleged perpetrators had legal representatives.

n King William's Town (12 - 14 May 1997).

Sixty-six witnesses testified about struggles with headmen, especially when Oupa Gqozo's party in the Ciskei homeland sought to oppose progressive movements.

o Mdantsane (9 - 13 June 1997).

This hearing focused on killings that occurred during the 1983 bus boycott. Wreaths were laid at Egerton and Highgate, where Ciskei and Azanian Peoples Liberation Army (APLA) armed forces had attacked people. Human rights violations relating to women were also given a full day at this hearing.

P Youth hearing, East London (18 June 1997).

Youth structures and surrounding schools made submissions.

q Faith communities hearing (17 - 19 November 1997).

The faith communities hearing was a national hearing, hosted by the region. Prominent faith community leaders spoke about their role during the apartheid era.

## **Reparation and rehabilitation**

- 37 The Reparation and Rehabilitation Committee had a relatively small presence in the East London regional office, with a committee member based in the Port Elizabeth office and three staff members in East London. Although the size of the group made communications and sharing responsibilities easier, it meant that staff had to work under pressure, as there were large numbers of victims to deal with.
- 38 The Committee actively participated in briefing witnesses during and after hearings. It provided support and counselling services to victims and witnesses and found time for home visits in urgent cases. It focused on referrals of victims to psychological and counselling services, and worked on setting up structures to continue supporting victims beyond the Commission.
- 39 Work included the referral of children of deponents to various government departments for bursaries; accessing assistance from the Department of Health and Welfare and local universities; helping organise a youth hearing, and promoting the erection of monuments (as for the victims of the 'Ngquza Hill massacre' in Pondoland and the 'Bisho massacre').
- 40 Individual examples of the committee's work included assistance to the family of murdered activist Phumezo Nxiweni, whose bones were exhumed from a farm in KwaZulu-Natal and reburied; and the accessing from private donors of a wheelchair and physiotherapy for activist Ernest Malgas.
- 41 The Committee held workshops with interested parties to feed into national reparation and rehabilitation policy. In addition, a local psychologist was retained as support for the emotional needs of staff members.

## **p WORKING WITH OTHER ORGANISATIONS**

- 42 Public relations were crucial for the Commission throughout its life, but particularly in the difficult early months. Without either a communications or a community liaison officer, many of these tasks fell to the statement takers.
- 43 The most notable opposition came from the Biko and Mxenge families and their supporters and, while their right to oppose the Commission was respected, they continued to make their views known when they attended some of the Commission's hearings.
- 44 In general, the East London office was extremely fortunate in the support it received from communities. However, staff did encounter a number of problems in outreach and fieldwork, including a great deal of ignorance about the Commission. Amnesty issues particularly needed explanation. Many NGOs in the region were closing down, and those that remained often did not have the resources to help. Some found that communities strongly associated the Commission with the government, rather than seeing it as an independent body. Finally, statement takers found that, in some areas, branches of the ANC were promoting the Commission as an instrument of their own party rather than as something for all.
- 45 A substantial number of those who made statements to the office were illiterate, which often affected their knowledge of the process and impacted on the Commission's ability to stay in contact with them.

- 46 In 1997, the designated statement taker programme was set up and became a crucial addition to internal statement taking programmes, freeing staff to work in other areas. Three NGOs were contracted to assist with the programme: Lawyers for Human Rights, through its links with advice offices and the Paralegal Association, covered the eastern half of the province and the Tsitsikama area; the Institute for Pastoral Education in Grahamstown covered the Albany area and the Eastern Cape, and the Adult Learning Programme in Port Elizabeth covered the Karoo-Midland region. These three organisations provided forty-two designated statement takers.
- 47 Training of the designated statement takers went well, and the quality of the statements was high. However, the programme was very slow to get off the ground, due to time constraints and financial misunderstandings. Moreover, there were problems and delays in getting statements to the office. Unfortunately the programme was not very successful; by mid-July, fewer than seventy statements had been received from designated statement takers.

# Regional Office Reports

## JOHANNESBURG OFFICE

### **p** INTRODUCTION

- 1 The Johannesburg regional office was located in the heart of downtown Johannesburg and served four provinces: Gauteng, Mpumalanga, the North West Province and the Northern Province. The area includes some of South Africa's biggest and most industrialised urban areas, including Johannesburg, the East Rand, the Vaal Triangle, Pretoria and Pietersburg. Yet most of the territory is rural, with vast stretches of bushveld dotted with remote villages.
- 2 A total of 6 200 statements was made to the office; twenty-five Human Rights Violations hearings were organised at which witnesses gave oral testimony of gross human rights violations, and six post-hearing follow-up meetings were held in the different areas.
- 3 The biggest challenge facing the Johannesburg office was how, with limited human and logistic capacity, to deal with the large population and the wide scope of human rights violations that occurred in this region. The office was allocated a similar staff component to the other regional offices, even though the area it served houses over half the nation's population. However, through a combination of creative strategies and hard work by the Commission's staff, the Johannesburg office managed to cover a good many areas that would otherwise have remained untouched. Yet, because of the shortage of resources, the office was not able to cover the full area comprehensively.

### **p** IDENTITY AND EXTENT OF REGION

#### **Population**

- 4 The Johannesburg office served a population of 16.9 million people, out of a total population of 37.9 million people countrywide. Its area of responsibility included the old Transvaal province and the former homelands of Bophuthatswana, Venda, KwaNdebele, Lebowa and Gazankulu.

#### **Income/poverty profile**

- 5 Poverty and deprivation take various forms in the region. In urban and peri-urban areas, nearly two million people came to live in approximately one hundred informal settlements in the central Witwatersrand region, with an estimated 2 500 homeless people in central Johannesburg alone. In rural areas, between 1.5 million and 2.5 million farm labourers and their families live in great poverty in the former Transvaal Province, vulnerable to stark hunger as a result of drought. The Northern Transvaal had the highest dependency ratio in the country (the number of people supported by one economically active person) at 4.8:1 in 1990.

## Languages

- 6 All of South Africa's eleven official languages are spoken in this area.

## b METHOD OF WORK

### Commissioners allocated to region

- 7 As the convening commissioner, Dr Fazel Randera assumed overall responsibility for the work of the office. He was also a member of the Human Rights Violations Committee. Joint deputy chairpersons of that committee, lawyers Ms Yasmin Sooka and Mr Wynand Malan<sup>1</sup> were based in this office. These commissioners were assisted by Human Rights Violations Committee members Dr Russell Ally, Mr Hugh Lewin and Ms Joyce Seroke.
- 8 Ms Hlengiwe Mkhize, a psychologist and chair of the Reparation and Rehabilitation Committee, was based in the office and was assisted by Reparation and Rehabilitation Committee members Mr Tom Manthatha and Professor Piet Meiring.
- 9 Amnesty Committee members included commissioners Ms Sisi Khampepe and Adv Chris de Jager and committee member Judge Bernard Ngoepe. Although nominally based in this office, they spent almost all of their time elsewhere.

### Staffing

- 10 A national staffing plan was drawn up for the entire Commission before any staff was actually employed. The plan distributed staff equally between the four regional offices, with an additional component for the national office in Cape Town. No cognisance was taken of the territory, population or extent of human rights violations each office was required to service. This meant that the Johannesburg office was, proportionally speaking, understaffed from the outset.
- 11 Interviews for staff were conducted in March 1996 and, by the end of April 1996, approximately 75 per cent of the envisaged staff complement had been employed. Panels of commissioners selected senior staff, and other staff were interviewed and selected by management teams (often with the participation of a commissioner).
- 12 One of the first groups to be employed were the statement takers, and a statement taking form and training programme was developed by a team of consultants. It soon became evident, however, that the training focused too exclusively on the psychological aspects of interacting with victims. As a result, a more legally orientated training course was developed. The statement takers were the only team in the office to receive any formal training at the beginning of their employment.
- 13 Almost everyone who came to work in the Johannesburg office was driven by a desire to contribute to the process of truth recovery and national reconciliation. This meant that it was possible for the office to develop a synergy in the difficult months of setting up the Commission, while the diversity of members ensured active debate on all issues.
- 14 Many recruits were unemployed at the time of coming to the Commission, which enabled them to start immediately. Many were young, and most had a background in statutory or non-governmental organisations (NGOs). Very few came from the private sector.

- 15 Recruitment policy was guided by criteria of representivity and merit. During the period of fullest employment, 44 per cent of staff were men and 56 per cent were women; 55 per cent were African, 12 per cent coloured, 26 per cent white and 7 per cent Indian.

### **Accommodation, resources and equipment**

- 16 The Johannesburg office had a particular advantage over all of the Commission's other regional offices in that it was on one floor, and the ability of office workers, management and commissioners to communicate easily with each other enhanced productivity.

### **Methodology and assessment of work**

- 17 The office had a dynamic and cohesive management team, consisting of a regional manager, a support services manager and an information manager. Regular meetings played a pivotal role in defining roles and plotting policy directions.
- 18 The smooth flow of information was central to the Commission's success. Weekly 'Infocom' meetings evaluated the work of the Information Department and monitored and charted the flow of information.
- 19 The Commission had extensive national and regional research needs that often pulled the team in conflicting directions. Fundamentally, the regional work of the Research Department fell into four areas:
- a compiling geographically-based background reports on areas to be covered by statement takers and hearings;
  - b preparing thematic surveys for use by the Commission as a whole;
  - c evaluating statements to identify trends and ascertain the political content of statements, and
  - d writing sections of the final report.
- 20 Eight statement takers were employed, one of whom acted as a co-ordinator. Although the team was initially managed by the information manager, it later became more practical for this task to be performed by the support services manager as part of the Commission's outreach programme.
- 21 The Support Services Unit dealt with office administration and outreach work.
- 22 The office bookkeeper was the backbone of the office's efficient administration and finance and was also responsible for all office supplies, maintenance and catering.

## **p WORK OF THE COMMISSION**

### **Statement taking**

- 23 Statement takers acted as the front line of the Commission's work with communities. Working in teams of up to five, their formal job description entailed only the recording of stories of gross human right violations. Yet statement takers often had to run education workshops, negotiate with local leaders, organise venues and take statements from those who arrived at hearings.
- 24 Statement taking fell under the banner of the Human Rights Violations Committee and was the primary information-gathering activity of the Commission. It was often the only channel open to victims to tell their story to the nation. The pressure this implied, coupled with having to listen to traumatic stories of victims under conditions that were often difficult, made the job of statement taking one of the most stressful in the Commission.

- 25 The designated statement taker programme was launched in 1997 in order to provide communities with greater access to the Commission. The aim was to involve NGOs, faith communities and community based organisations in taking statements and was particularly important in the light of the extremely low staff to population ratio in the office. Co-ordinated by the community liaison officer, almost 100 designated statement takers from twenty-three NGOs, faith communities and community based organisations in twenty towns and cities were involved in taking statements on gross human rights violations. Through this programme, almost 2 000 statements were collected.

### **Information flow**

- 26 The Information Department managed the flow of information in the office from the starting point of statement taking to the point at which commissioners made findings. As discussed earlier, the weekly 'Infocom' meeting co-ordinated the process.
- 27 Once statements had been recorded, they were registered on the Commission's database, and a letter of acknowledgement was sent to the deponent. Each statement was copied, the original was placed in the archives, and a copy was sent for processing and capture on the Commission's database.
- 28 The Data Unit was initially divided into processors (analysts) and capturers. Late in 1996, however, an efficiency review recommended the merging of these tasks. The efforts of the co-ordinator of this unit and the constant vigilance of the information manager ensured the high quality and quantity of work produced.
- 29 The presence of the national information systems manager meant that the unit was able to participate in the development of the database, thereby enhancing its appreciation of the database's uses and applications.

### **Investigations**

- 30 Towards the end of 1996, the concept of low level corroboration gained popularity as a way of fulfilling the Commission's promise to do some investigation on every statement.
- 31 A Dutch investigator managed the process of conducting these administrative investigations. The low level corroboration team comprised one section of the Investigation Unit, the largest department in the regional office. It took responsibility for presenting a complete product to the Human Rights Violations Committee for a finding. The team initially included two local investigators who worked on amnesty applications and substantive human rights violations cases. Later, however, the team took on board up to twenty corroboration assistants.
- 32 Amnesty investigators spent much of their time tracking down the victims of perpetrators. Despite the heavy workload caused by the large number of applications in the area, investigators often carried the increased burden of having to make logistic arrangements for victims and their families to participate in the Commission's work.
- 33 The Investigation Unit used section 29 of the Act to assist in its investigations. This section gave the unit the power to *subpoena* suspects to a hearing in which they were obliged to answer all questions.

### **Hearings in the Johannesburg region**

- 34 More by default than design, the holding of public human rights violations hearings became the dominant activity of the Commission. Very little thought had been given to the process of organising these hearings before the Commission began its work, and it was left to commissioners and management to work out a format. An eight-week cycle was devised which started with public education meetings, moved into



statement taking and logistic arrangements, and closed with a media campaign, a selection of cases for public attention and the hearing itself.

- 35 Three multi-functional teams were established to cover (1) the North West province and the West Rand in Gauteng; (2) Mpumalanga province, Johannesburg, Soweto, Alexandra and the East Rand in Gauteng, and (3) the Northern Province and Pretoria in Gauteng. These teams consisted of commissioners and committee members, a logistics officer, a briefer, two statement takers, a secretary, and a researcher. The media liaison and communications officers were members of all three teams.
- 36 In 1997 these three teams were collapsed into one. This allowed commissioners to specialise in their areas of focus (some on hearings, some on investigations). The new arrangement also provided for tighter control in organising public meetings, statement taking and hearings.
- 37 Another reason for this change of strategy was a concern that the Human Rights Violation Committee had become too hearings-driven and needed to be more statement-driven. However, with systems in motion and work already underway, the office never really succeeded in making the transition to statement taking as its prime activity.
- 38 Each member of the team played a distinct role in the hearings process. Logistics officers organised meetings with stakeholders and communities, taking care of venues, catering, security and transport. Commissioners and committee members oversaw the hearings process from the initial meetings with stakeholders up to the hearings themselves. They met with the local community, selected the cases to be heard and sat on the panel. Four to five commissioners and committee members usually attended each hearing.
- 39 Briefers were the primary interface between the Commission and witnesses at hearings. They provided emotional support to witnesses before, during and after testifying and by so doing carried out the Reparation and Rehabilitation Committee's mandate regarding rehabilitation. The Reparation and Rehabilitation regional co-ordinator oversaw the work of the briefers. The briefing team, in turn, was responsible for informing deponents that they would be testifying at hearings and ensuring that they arrived. In addition to providing individual support to witnesses who testified at hearings, briefers prepared resource lists of support services, including counselling centres, hospitals and government social workers, to which they could refer witnesses after hearings. Community briefers provided post-hearings support, complemented by the resource list.
- 40 The communications officer took responsibility for organising educational workshops, publicising hearings through posters and pamphlets and periodically liaising with the media. Unfortunately, budget cuts and problems in establishing an effective national communications office severely hampered the work of the communications officer. There was only limited success in publicising hearings in this region and almost none in educating communities about the mandate and operation of the Commission. As will be discussed below, however, a variety of community-based organisations and NGOs stepped in to help fill the gaps.
- 41 The primary work of the Media Liaison Department was to assist the press at hearings. From time to time, it arranged talk shows in the run-up to hearings.
- 42 In 1997 the Johannesburg office embarked on a series of follow-up visits to centres where hearings had been held. Briefers were responsible for organising these workshops, which focused on identifying possibilities for reconciliation and reparation in the communities. Meetings were held in Ermelo, Pietersburg, Johannesburg, Boksburg, Sebokeng and Pretoria.

- 43 Much logistic work went into the organisation of hearings. The office tried to ensure that hearings were held in as many towns as possible throughout the fourteen or so months during which they took place. Efforts were made to use venues that were accessible to the communities which had suffered violations, although this consideration was sometimes outweighed by the need for adequate facilities and to minimise expense. The Commission was generously assisted by the municipal government in each town it visited, which allowed free use of facilities, such as the town hall, for the hearing.
- 44 The Johannesburg regional office hosted the following hearings:
- a Johannesburg (29 April - 3 May 1996).

The first hearing organised by the Johannesburg office took place at the Central Methodist Church. The whole office worked on preparing different aspects of the event. Not much statement taking had taken place prior to the hearing, and commissioners tried to identify the better known cases. The hearings acted as a public showcase of the kind of work in which the Commission would be involved. Some of the cases dealt with were bombings by liberation movements, the assassinations of David Webster and Bheki Mhlange and the death in detention of Ahmed Timol.
  - b Mmabatho (8-11 July 1996).

Although this hearing took place in the former capital of Bophuthatswana, a large number of the witnesses came from Huhudi in Vryburg. Many of the cases emanated from conflict in the 1980s involving the local youth congress. Several incidents of torture by the South African Police (SAP) at 'die Lang Boom' were reported.
  - c Pietersburg (17-19 July 1996).

This was the first hearing in the Northern Province. There were reports from Pan Africanist Congress (PAC) members who had been detained and tortured by members of the South African and Lebowa police. Violations stemming from politically-related tribal conflicts in the KaMatlala area were reported by several witnesses. The Commission also heard of the death of activist Peter Nchabaleng and the disappearance of Stanza Bopape.
  - d Soweto (22-26 July 1996).

The first two days of this hearing focused on the events of the 1976 student uprising. Many activists and observers of that time made submissions about the activities and repression of the uprising. The rest of the hearing heard about a wide range of violations, including allegations of murder against Ms Madikizela-Mandela by the Sono and Tshabalala families.
  - e Sebokeng (5-8 August 1996).

Testimony at this hearing ranged from the Sharpsville massacre of 1960 to the 'night vigil massacre' of the 1990s. The Commission heard about the murders of community councillors in the 1980s and the killing of 'the Vaal Monster', Victor Kheswa, by the community. Residents from both sides told the Commission about the conflict between the Inkatha Freedom Party (IFP) and the African National Congress (ANC).
  - f Pretoria (12-15 August 1996).

The Pretoria hearing in the University of South Africa auditorium heard contradictory accounts of the murder of nine Mamelodi youths in KwaNdebele in the late 1980s. Victims of the Church Street bombing, the 'Silverton siege' and the 'Mamelodi massacre' told the Commission their stories.
  - g Nelspruit (2-5 September 1996).

The Mpumalanga provincial government provided substantial logistic support for this event by providing an office for the committee, which continued to function for as long as the Commission was active in the province. Besides human rights violations including killing, torture and harassment by the security forces, the Commission heard

testimony about the activities of the vigilante Kabasa gang, which wreaked havoc in the townships around Nelspruit in the 1980s.

h Klerksdorp (23-26 September 1996).

In this North West Province town, the Human Rights Violations Committee was told of violations carried out by white right wing extremists, often in relation to land issues. A bus and consumer boycott in several small towns in the area resulted in repression and harassment by the security forces.

i Venda (3-4 October 1996).

Allegations of torture against the SAP and former Venda security forces were frequently made to the Commission during this hearing. Victims said that their torturers sometimes accused them of harbouring activists before they went into exile. Violations flowing from politically-related chieftaincy conflicts were common in this predominantly rural area.

j Alexandra (28-30 October 1996).

This township was the site of resistance and repression for many decades. Witnesses told the Commission of violations including killings, torture and shootings at protest marches. Deponents also related events concerning political violence between the ANC and the IFP that erupted in the early 1990s.

k Krugersdorp (11-14 November 1996).

The Krugersdorp hearing covered the whole of the West Rand. The Commission heard the story of a youth killed by booby-trapped hand grenades allegedly planted by notorious hit squad member, Joe Mamasela. Residents of Bekkersdal related their community's experience of the conflict between the local youth congress and the vigilante *Zim-Zim* gang. Relatives of victims of the Swanieville massacre told the Commission how IFP-aligned hostel residents attacked their informal settlement one night.

l Tembisa (26-28 November 1996).

Commissioners heard stories of state repression in the 1980s in this township and in the neighbouring Ivory Park informal settlement. In the 1990s, the IFP-aligned Toaster gang committed many violations in the context of violence between the ANC and the IFP.

m Moutse (2-5 December 1996).

For the first time, victims, perpetrators and analysts appeared at the same hearing to tell their different versions of the same conflict. The hearing focused on the strife generated by the incorporation of Moutse into the KwaNdebele homeland. In particular, violations allegedly committed by the Mbokodo vigilante group were discussed. Testimony was given on the murder of KwaNdebele government minister Piet Ntuli.

n East Rand (4-7 February 1997).

This week-long hearing took place in Duduza, Benoni and Vosloorus. The East Rand experienced more intensive violence between the ANC and the IFP in the early 1990s than any other part of the country. For this reason, the Commission went out of its way to collect statements from IFP-aligned victims. Testimony relating to this conflict covered incidents such as attacks on hostels, train violence, activities of the Khumalo gang and battles between ANC-aligned 'self-defence units' and IFP-aligned 'self-protection units'. The Commission also heard about the Duduza hand grenade incident in which several youths were killed by a booby-trapped hand grenade allegedly given to them by Vlakplaas operative Joe Mamasela. The first victim of the notorious necklacing method, Maki Skosana, was killed in response to the hand grenade event. A white mother told the Commission how the South African Defence Force continued to feed her disinformation about the death of her son in Angola.

o Messina, Louis Trichardt and Tzaneen (8-10 April 1997).

Situated in the far north of the country, many farmers in these districts had been the victims of landmines laid by the liberation movements. However, although the Commission was in possession of statements by some of these victims, and despite extraordinary efforts to persuade them otherwise, only three victims (Johannes van Eck, Lindiwe Mdluli and Johannes Roos) were willing to testify in public. The Commission heard about the torture and harassment of activists and how the security forces had fired on a protest march, killing at least one person.

p **Zeerust, Rustenburg, Mabopane (6-8 May 1997).**

This three-day hearing in different towns in the North West Province focused on the violations committed by the erstwhile Bophuthatswana government.

q **Piet Retief, Ermelo, Balfour (21-23 May 1997).**

In this part of southern Mpumalanga, the Commission heard about the Black Cat gang of IFP-aligned vigilantes. In Balfour, several victims spoke about their pain following the explosion of a bomb planted by the ANC. Violations associated with forced removals and land issues were also discussed at the hearing.

r **Witbank, Leandra (3-5 June 1997).**

At this hearing, the Commission heard about members of a unit of Umkhonto weSizwe (MK) who were killed while on their way to Swaziland and about life in the liberation movement's underground. Members of the PAC made a submission on the Bethel treason trial. Relatives of former community councillors testified about attacks on them by activists aligned to the ANC.

s **Children's hearings (12-13 June 1997).**

Very few child victims testified at this hearing, which consisted mainly of submissions from organisations that had dealt with children and children's issues for many years. The Commission heard about the physical and mental abuse of children when they were detained and about the efforts that were made to assist these victims.

t **Women's hearings (28-29 July 1997).**

Women suffer different forms of human rights violations, and these were the focus of this two-day hearing.

Deponents told of rape and other forms of sexual harassment. They also related the difficulties of being the family breadwinner when state repression had resulted in the deaths of husbands and sons.

u **National hearings.**

The regional office provided logistic support for several national hearings that were held in Johannesburg. These focused on prisons (21-22 July 1997), the media (15-17 September 1997), the legal system (27-29 October 1997), business (11-13 November 1997), and the State Security Council (14-15 October 1997).

v **Mandela United Football Club hearing (24 –28 November, 1 – 4 December 1997).**

The hearing focused on allegations of gross human rights violations by members of the Mandela United Football Club, including the death of Stompie Seipei.

## **p WORKING WITH OTHER ORGANISATIONS**

- 45 Without the co-operation of civil society organisations, the Commission would not have been able to do its work. Before every hearing, in many small towns, Commission representatives met with local faith communities, NGOs and community organisations. These organisations took the word of the Commission to the people on the ground. They put up posters, organised meetings, accommodated staff in emergencies, distributed pamphlets, made use of loudhailers and even assisted with logistical requirements such as finding venues and caterers.

- 46 Several organisations in the area ran workshop programmes aimed at educating members of different communities about the Commission. The Centre for the Study of Violence, for example, developed its own audio-visual educational materials for this purpose. The communication officer met frequently with these organisations in order to co-ordinate their workshop programmes with the Commission's publicity needs.
- 47 Local organisations helped the Reparation and Rehabilitation Committee provide psychological support by counselling witnesses at hearings. These community briefers would attend a one-day training course about a week before a hearing. Social workers, priests, nurses and Life Line counsellors provided invaluable comfort to victims during and after hearings.
- 48 As discussed earlier, statement taking was greatly enhanced by the contribution of local organisations. During 1996, the office ran a voluntary statement-taker programme in which local organisations assisted the in-house statement takers to reach as many victims as possible. These local statement takers proved invaluable in identifying and reaching victims in both urban and rural areas and gathered most of the statements in preparation for the Vaal Triangle hearing in Sebokeng. This voluntary programme became formalised in 1997 as the designated statement taker programme.