

# Regional Profile Orange Free State

## ● OVERVIEW OF THE REGION

### Historical background

- 1 In the late eighteenth and early nineteenth centuries, much of what is now the Free State was inhabited by Sotho-speaking people. The first white settlers began crossing the Orange River in the south around the turn of the eighteenth century. This movement increased after 1836, when many Boer farmers moved north with the Great Trek, in search of freedom from British rule in the Cape Colony. However, the territory was annexed by the British in 1848 and remained under British rule as the Orange River Sovereignty until 1854, when it became the Boer-dominated independent Orange Free State. The territory continued to be highly contested by the Basotho, leading to many skirmishes until part of the Sotho-held territory was finally annexed to the Orange Free State. In 1900, the Orange Free State was again annexed by Britain and became known as the Orange River Colony. Boer self-government was restored in 1907, and three years later the colony became the Orange Free State province of the Union of South Africa. It remained so after 1961 when the country became a republic. Since 1994, the province has become known simply as the Free State.
- 2 Throughout this report, the province has been referred to as the Orange Free State, the name by which the territory was known during the years covered by the mandate of the Truth and Reconciliation Commission (the Commission).

### Demography

- 3 During the period under review (1960–94), the Orange Free State was the second smallest of South Africa's four provinces, covering an area of just over 129 000 square kilometres. It was land-locked, with the Vaal River forming its northern border with the Transvaal and the upper Orange River forming its southern border with the Cape Province. To the east lay Natal and the independent Kingdom of Lesotho. When the provincial boundaries were re-drawn in 1994, the borders of the Free State remained largely unchanged.
- 4 Though fertile and verdant in parts, particularly in the mountainous eastern areas, the landscape of the Orange Free State reflects harsh conditions and a semi-arid climate in the south. In the west, it gives way to sandy, desert-like terrain and successful cultivation is possible only under irrigation. With its low annual rainfall, the province experiences long periods of drought, making survival difficult.
- 5 The population of the Orange Free State makes up roughly seven per cent of the national population. The province's total population more than doubled during the period under review, from just over 1.2 million in 1960 to 2.8 million by

1993. Even so, the latter amounted to only 21.7 people per square kilometre, linking the Orange Free State with the Northern Cape as the most sparsely populated areas in the country. The overwhelming majority (84 per cent) was African, followed by whites (13 per cent) and coloureds (3 per cent). Southern Sotho was the most widely spoken language (55 per cent), followed by Afrikaans (14 per cent) and Xhosa (9 per cent). The population density tended to increase towards the north, with Bloemfontein and the north-western gold fields (centred around Welkom, Virginia and Odendaalsrus) being the most densely populated regions. Once the QwaQwa homeland was established (see below), it had a population density of 400 people per square kilometre – even though more than a third of the area was too mountainous for habitation.

- 6 Other African ethnic groups represented include the Zulu to the north-east, the Xhosa, who lived mainly in the cities, and the Tswana. Of the white population, the great majority were Afrikaans-speaking, with English-speakers tending to concentrate in the cities and industrial centres.
- 7 From the time of the Boers' arrival with the Great Trek, Afrikaners dominated both the farming life in the rural areas and the political and social life of the urban areas. The province became a bastion of Afrikaner culture, known for its austere and moralistic character. This seems to be at the root of the perception that the powerful Afrikaners of the Orange Free State were both products and originators of the conservative ideologies and laws that gave rise to the policy of apartheid. Indeed, the province's administrative capital of Bloemfontein was also the judicial capital of the Republic.
- 8 The Orange Free State was considered by many to be the most 'verkrampste' (conservative) part of the country's power base. Its rural nature and its remoteness from South Africa's largest cities seemed to isolate it from the evolving cosmopolitan identity and the sense of enlightenment associated with the large melting-pot cities of Johannesburg, Durban and Cape Town. Residents of the other provinces tended to think of the Orange Free State as a backwater, 'in the middle of nowhere'.

## Homelands

- 9 Two homelands were established in the Orange Free State: QwaQwa in the north-east and, about midway between Bloemfontein and Maseru, a small portion of Bophuthatswana incorporating the village of Thaba'Nchu. (The remaining fragments of the latter homeland were scattered in the Transvaal and northern Cape.)
- 10 QwaQwa was concentrated around Witsieshoek, near the meeting point of the Orange Free State, Natal and Lesotho. It was originally designated as the homeland for the Southern Sotho people of South Africa, but only a small percentage of its intended citizens lived there. The territory covered only 183 square kilometres and was noted for its social hardships, including overcrowding and poverty, soil erosion and a lack of natural resources.
- 11 QwaQwa became a self-governing territory in October 1974, with a Legislative Assembly consisting of twenty traditional leaders (chiefs and headmen) appointed by the two tribal authorities, and twenty elected members. In the first QwaQwa elections, in April 1975, nineteen of the twenty seats were won by members of the Dikwankwetla (strong men) National Party (DNP). The leader of this party, Mr Kenneth Mopeli, went on to become Chief Minister.

- 12 The DNP dominated official political life in QwaQwa throughout the 1970s and 1980s, though a splinter group left to form the National Party of QwaQwa in 1978. The leader of the new party, Mr JM Mohlahli, challenged the DNP to hold elections to prove its credibility, efficiency and competence. Five parties nominated candidates for the elections, held in March 1980, but opposition parties accused the ruling DNP of various forms of electoral malpractice and threatened to have the results declared invalid. In the event, Mopeli and the DNP won all twenty seats and all opposition candidates lost their deposits.
- 13 Numbers swelled in the territory as many people were forcibly removed to the homeland in the mid- to late seventies and many others were compelled to leave urban areas because of lack of employment. The resettlement township of Phuthaditjhaba at Witsieshoek was developed to accommodate families of migrants who commuted daily to work in Bethlehem or Harrismith. In October 1974, more than 2 000 families were relocated to Tseki at Witsieshoek. Most of them had been ordered out of Kromdraai, Bophuthatswana, by the homeland authorities there; others were evicted from farms. Tseki lacked any health and education facilities, even basic necessities like clean water. The people erected rough corrugated iron shelters and dug pit latrines. No local employment opportunities existed. Chief Minister Kenneth Mopeli campaigned vigorously throughout the 1970s for more land to be allocated to the territory, but only a relatively small area of adjoining land was added.
- 14 In the 1970s and 1980s, a police force and a defence force were established in QwaQwa to see to law enforcement and to protect the homeland from internal opposition. The homeland security forces also assisted the South African Defence Force (SADF) in local and regional military operations against the opponents of apartheid. QwaQwa defence structures formed a vital part of Pretoria's defence system, especially in view of the homeland's proximity to the South African border with Lesotho. QwaQwa security forces joined the South African Police (SAP) in skirmishes with insurgents of the liberation movements. It should also be noted that the Lesotho Liberation Movement, the armed wing of the Basotholand Congress Party, which was forced underground after the abortive 1970 general elections in Lesotho, established a command in QwaQwa, where it received increasing support from the South African government and security forces.

#### *Botshabelo*

- 15 Between May 1979 and January 1980, an estimated fifteen to twenty thousand non-Tswanas (excluded by ethnic background from the nearby Bophuthatswana homeland) were resettled on the farm 'Onverwacht', some sixty kilometres east of Bloemfontein, near Thaba'Nchu – and some 330 kilometres from QwaQwa, of which it was designated to become a part. The farm, later renamed Botshabelo, had been acquired by the South African government for the purpose of 'relocating' people from white farms and from the deproclaimed townships of the Orange Free State. The terrain consisted of rocky, barren veld on which plots were marked out by tin toilets. Employment opportunities were few. Residents were forced to travel the ten kilometres to Thaba'Nchu or the sixty kilometres to Bloemfontein if they were lucky enough to have a job. Schooling and health facilities remained totally inadequate.
- 16 Botshabelo became the largest single relocation area in the country. Most of its residents were Southern Sotho-speakers who came from the Kromdraai squatter area near Thaba'Nchu, where they had been rejected by the

Bophuthatswana authorities. Children who were not Tswanas had been barred from attending schools in Bophuthatswana.

- 17 A report of the South African Council of Churches (SACC) noted that Botshabelo amounted to no more than a rural slum from which three stakeholders stood to benefit. QwaQwa stood to gain additional territory – although separated by three hundred kilometres from the homeland centred at Witsieshoek; the Bophuthatswana authorities were able to evict the thousands of non-Tswana squatters who had refused to accept Bophuthatswana citizenship, and the central government was able to consolidate its policy of ethnically based homelands.
- 18 Although Botshabelo had been earmarked for incorporation into QwaQwa almost from the outset, the process was dogged by misinformation and rumour. All moves towards incorporation were vigorously opposed by Botshabelo residents, particularly students, who protested and boycotted schools. The issue became a further cause for conflict between the DNP and its opposition. In February 1987, Chief Minister Mopeli, apparently in an attempt to avoid exacerbating student protests, issued a statement denying rumours of incorporation. In the same month, however, the *New Nation* reported him as telling a DNP meeting in Excelsior that he would “act mercilessly” against anyone opposing incorporation.
- 19 In July 1987, the DNP party organised a ‘secret ballot’, getting people to sign a petition stating: “We the residents of Botshabelo want to be incorporated into QwaQwa homeland of peace this year”. When, in spite of DNP efforts to keep them in the dark, high school students came to hear about the petition, they boycotted school in protest. Further rumours of incorporation set off a series of protests, some of which became violent.
- 20 Those who signed the petition, mostly senior members of the party, said that they had been given to understand that a refusal to sign might put their pensions in jeopardy. Chief Mopeli claimed that 11 000 people had signed a petition in favour of incorporation, which was favoured by most Botshabelo residents. A Human Sciences Research Council survey found, however, that most were opposed to it.<sup>1</sup>
- 21 Botshabelo was incorporated into QwaQwa by presidential proclamation in December 1987. In response to a court challenge by Botshabelo teacher Gauta Lawrence Lefu, the Bloemfontein Supreme Court found in August 1988 that the incorporation had been invalid. The proclamation had not been authorised by the statutory powers on which the State President had purported to rely when he issued it. Justice JP Malherbe said that the incorporation did not accord with the intention of the legislature as expressed in the enabling provision of the its Constitution Act of 1971, as it did not promote the political development of Botshabelo residents in their national context. While 70 per cent of Botshabelo residents were indeed Southern Sotho, their culture and way of life differed radically from that of the inhabitants of QwaQwa, which had no historic claim to Botshabelo. QwaQwa had progressed through the various constitutional stages attached to homeland status, whereas Botshabelo had been established as a town with little development of political structures and had undergone very different political processes.
- 22 The State President and the QwaQwa administration appealed against this decision, and Botshabelo remained incorporated into QwaQwa until, on 2 March 1990, the Appellate Division of the Supreme Court upheld the earlier judgement and declared the incorporation invalid.

## Overview of Violations

- 23 The KwaZulu-Natal regional office of the Commission was allocated the task of administering the submissions received from victims of violations in the Orange Free State. To this end, officers of the Commission were assigned to sub-regional offices in the Free State, and teams of statement-takers were sent to towns around the province in order to gather a wide range of evidence of violations. The Amnesty Committee and the Human Rights Violations Committee of the Commission held hearings in the main towns in the province. Comparatively few statements were received from the Orange Free State, the total representing no more than a fifth of all the statements received and administered by the Commission's Durban office.
- 24 Most of the reports of human rights violations from the Orange Free State were received for the late 1980s and early 1990s, when resistance to apartheid structures and policies was at its most intense in the province and in the country as a whole.
- 25 Up to 68 per cent of statements referred to violations that resulted from police action. Of these, 45 per cent of cases related to shooting by the police (40 per cent fatal), and 27 per cent to torture and assault, predominantly of detainees. Families often bore the brunt of this conflict as they suffered bereavement and loss, often of economically active members or potential breadwinners. A remarkable number of violations perpetrated by the police resulted in permanent physical disability and psychological damage. Twelve cases of blinding as a result of police shooting were reported.
- 26 Other areas of social and political life in which violations were recorded by the Commission focused on civil conflict due, *inter alia*, to local councils imposing rental and service charge increases on township residents, vigilante activities and the conflict surrounding attempts to incorporate the township of Botshabelo into QwaQwa. Violations were also recorded in clashes between protesting students and the police during school boycotts, and between workers and the police, together with other groupings, in the course of labour activities. By the mid-1980s, young people (aged thirteen to twenty-four) were at the front line of resistance activities that resulted in clashes with the security forces.
- 27 Many deponents from the Orange Free State told the Commission that they had been victims of assault and attack, including social and economic deprivation, purely on the basis of race. The Commission was not always able to make a positive finding in respect of such cases, particularly when no clear-cut political motive was identifiable. There was a substantial number of reports and allegations of the frequent eruption of conflict between white farmers, white political organisations and the security forces on the one hand, and ordinary black farm workers and township residents on the other. This supports the impression that race relations in the province were particularly strained and social conditions deeply repressive in the province. It is against this background of racial tension, inequality and polarisation that the Commission has considered the submissions received from victims of violations in all spheres of social life in the province.
- 28 A review of the violations reported by victims in the Orange Free State reveals a steady increase in the number of politically-motivated killings and cases of severe ill treatment throughout the 1980s, both peaking in the nineties. Perpetrator groups appear to become more diversified towards the end of the 1980s and in the early 1990s. Whereas

most reported violations in the 1960–83 review periods are attributed to the state security forces, later periods show an increase in the number of abuses perpetrated by groups allied to the liberation movements – the African National Congress (ANC) self-defence units (SDUs), the Azanian People's Liberation Army (APLA), vigilante groups and other surrogate forces.

## ● 1960–1975

### Historical overview

- 29 The wave of political repression that followed the April 1960 banning of the ANC and the Pan Africanist Congress (PAC) ushered in a period of demoralisation in the political life of the Orange Free State that persisted throughout the sixties. Members and supporters of the resistance movements found themselves the victims of security force brutality that ranged from harassment to extreme torture and even death in police custody. Statements from victims of severe ill treatment expose the variety and severity of torture methods used by the police.
- 30 During this period, key apartheid legislation was enacted to crush resistance to the National Party (NP) government's policy of dividing and subjugating the people of South Africa. ANC and PAC supporters were detained and sometimes convicted for furthering the aims and objectives of these banned organisations, as well as for mere membership.
- 31 One of the principal arenas of conflict in the Orange Free State was a growing popular rebellion against the imposition, over the years, of various local government bodies. Although no violations in this regard were reported for the 1960s, it is noted that most township residents responded with increasing resentment to the creation, in 1961, of Urban Bantu Councils (UBCs) which were to take over the administration of townships from white local authorities. The UBCs, situated at Bethlehem, Bloemfontein, Kroonstad, Odendaalsrus, Parys, Virginia and Welkom, failed to offer black citizens meaningful political representation at local levels. When these bodies failed to meet their mandate to provide and sustain adequate services in townships, and later imposed hikes in rentals and service charges in order to meet their budget deficits, the protests erupted into conflict and violence, resulting in loss of life and the destruction of property.
- 32 It is important to note concurrent political developments in the Kingdom of Lesotho, which shares a substantial border with the province. South African activists and political refugees crossed at various points along this border to join the liberation movements in exile, and insurgents returned to conduct operations in the country. Equally, and increasingly, members of the South African security forces crossed the border to conduct raids on refugee camps and what they believed to be operational cells of the ANC military wing Umkhonto weSizwe (MK) based in Lesotho.
- 33 In 1970, during the first general elections held in Lesotho since its independence in 1966, Prime Minister Chief Leabua Jonathan intervened to declare the electoral proceedings invalid, simultaneously suspending the constitution and declaring a state of emergency in Lesotho. He did so at a time when the opposition Basotholand Congress Party (BCP) appeared to be leading in the polls. Jonathan claimed that there had been voting irregularities, intimidation of voters and violence at the polls and promised that free elections would be held under a new constitution.

- 34 In the same year, South African Prime Minister BJ Vorster declared that the Republic would not interfere in the internal affairs of Lesotho. However, hostilities arose when it became clear that the South African security forces were rendering military and other support to the now banned BCP and its military wing, the Lesotho Liberation Army (LLA). The fact that the Jonathan administration was favourably disposed towards the South African refugee community in Lesotho exacerbated the hostility, and both ANC and PAC refugees became increasingly vulnerable to abduction and attack by the security forces. The Commission received several reports of exiles and cadres of the liberation movements being abducted from Lesotho to be tortured at police stations in the Orange Free State.

## Overview of violations

- 35 During this period, several activists were charged with attempting to leave the country to join the ANC and MK in Lesotho.
- 36 The Commission received relatively few reports of violations from the Orange Free State during this period. Most cases concerned police brutality.

## State and allied groupings

### *Torture in custody*

- 37 The few reports of detention and torture of detainees in the Orange Free State received by the Commission for this period present a particularly severe picture of police brutality. Assault and torture of detainees by means of electric shocks was commonplace.

### **The case of Leepo Lawrance Moleke**

*Mr Leepo Lawrance Moleke told a hearing of the Human Rights Violations Committee that, in 1972, he was detained and severely tortured in Bloemfontein for his membership of the ANC. In custody, he was accused of conspiring to overthrow the government, was blindfolded, had his hands and feet cuffed together and was repeatedly electrocuted by means of an electric cord connected to the running engine of a car.*

*He was held in custody for a further two weeks and told the Commission that, as a result of his torture, he suffered permanent paralysis in the right leg as well as significantly impaired hearing and sight [KZN/TDM/006/KRS].*

IN REVIEWING EVIDENCE OF GROSS HUMAN RIGHTS VIOLATIONS PERPETRATED BY THE STATE IN THE ORANGE FREE STATE DURING THIS PERIOD, THE COMMISSION FINDS THAT THE SAP PERPETRATED ACTS OF ASSAULT AND TORTURE ON DETAINEES AND OPPONENTS OF THE SOUTH AFRICAN GOVERNMENT, ESTABLISHING A PATTERN OF ABUSE THAT INCREASED IN INTENSITY THROUGH SUBSEQUENT PERIODS.

## Resistance and revolutionary and groupings

- 38 Most of the security trials, restrictions and detentions in this period occurred in response to political activism in organisations, such as unions and community organisations, rather than from sabotage and related acts. People were prosecuted for membership of banned organisations, for possession of banned literature, for recruiting for banned organisations and for undergoing military training.

## ● 1976–1982

### Historical overview

- 39 The 1976 Soweto uprising triggered a surge of student protests in centres around the Orange Free State, bringing young people into the frontline of anti-apartheid protest. A number of influential student organisations were formed during this period. 1978 saw the establishment of the Azanian People's Organisation (AZAPO) whose aim was to work, within a Black Consciousness framework, towards a common education and political system for all people. The Congress of South African Students (COSAS) was formed in June 1979 with the aim of striving for an education system that would meet the needs and aspirations of the post-1976 situation. In the Orange Free State, both organisations involved themselves in a range of community concerns, such as organising commemoration and funeral services for students shot by police and participating in marches to protest against removals, increases in rent and bus fares, and detention without trial. These activities often brought them into direct clashes with the police.
- 40 Early in 1980, boycotts started in black secondary schools in Cape Town and gradually spread countrywide. Although initial grievances concerned mainly the quality of education offered to blacks, it became clear that students were challenging not only the educational system but also the political system. Indeed, student organisations like COSAS promoted the idea that the struggle for quality and equality in education went hand in hand with all other struggles in society.
- 41 Students continued with sporadic protest and boycott actions and, in November 1980, the Department of Education and Training closed seventy-seven secondary schools across the country. Three of the five secondary schools for black pupils in Bloemfontein were amongst those that were closed indefinitely. Schools in that city had responded to the call for a schools boycott in April 1980, leading to several outbreaks of violence. Violence also broke out in schools in Onverwacht (later known as Botshabelo) at Thaba'Nchu in July 1980, where up to 600 pupils boycotted classes. Boycott action also occurred in schools in QwaQwa during 1980.
- 42 Disturbances, protests and boycotts spread to schools around the country and many students experienced intimidation, harassment and detention at the hands of the police. In the Orange Free State, student organisations came to play an important role in representing the interests of victims of police brutality, since only a few of the many hundreds of non-governmental organisations which took root in centres around the country during this period were established formally in the Orange Free State. The Commission received several reports of students who were detained and tortured during this period.



- 43 There were a number of convictions under the Terrorism Act for, amongst other things, sabotage and conspiracy to commit sabotage, receiving military training outside the country, possession of firearms and ammunition and the possession of 'terrorist' propaganda. In some cases, activists were allegedly assaulted and forced to make statements before being charged. Many convicted activists from the province were sent to Robben Island to serve their sentences.
- 44 In May 1977, Ms Winnie Mandela's banning order restricting her to Orlando, Soweto, was changed to an order restricting her to Brandfort in the Orange Free State. During her eight-year banishment to Brandfort, Ms Mandela became an important political figure for many students and youth in the area.
- 45 The Community Councils Act of 1977 replaced the Urban Bantu Councils Act and gave the community councils more duties and power than previously enjoyed by the UBCs. Community councils had a mixed reception in the Orange Free State, being accepted in Bloemfontein, for example (though with a 29 per cent poll), but rejected from the outset by UBC councillors in other townships, because of a lack of proper consultation with local representatives.
- 46 The Black Community Development Bill No 112 of 1982 proposed yet further changes to black local authorities, expanding the functions of community councils to include tasks previously undertaken by administration boards and town councils. One of the purposes of the Act was to bolster the status and autonomy of the black authorities. They were vested with specific powers and responsibility for services including waste disposal, sewerage, electrification, health, sport, recreation, housing and so on, but without commensurate sources of revenue. Finance had to be raised from a number of sources including increases in service charges, site rent, fines for infringing by-laws and the sale of sorghum beer. It was the efforts of councils to raise finance, particularly by increasing rent and service charges, that eventually brought them into direct conflict with township residents (see below: 1983–89).

## **Overview of violations**

- 47 The Commission received twice as many reports of violations in the Orange Free State for this period as for the preceding period. Most reports referred to police brutality, including torture and assault in detention. Two of these incidents resulted in deaths in custody.
- 48 Many detentions were recorded for this period, arising largely out of the 1980 school boycotts and the disturbances that preceded them. Students and student leaders were detained, including members of AZAPO, the Young Christian Workers (YCW) and the Bloemfontein Students' League. Some students detained during this period reported to the Commission that they were tortured in detention.

## **State and allied groupings**

### **Torture in custody**

- 49 The first reports of torture at the 'Adami House' police premises in Bloemfontein were recorded in this period.

### **The torture of Alfred Raymond Thabo Pieterse**

*The Commission heard that, in June 1978, Mr Alfred Raymond Thabo Pieterse of Young Christian Workers was detained by the Security Branch in Bloemfontein and taken to Adami House where he was questioned about the activities of his organisation and was tortured. He was later taken to a police station in Vredefort where he was again tortured. In December of the same year, Pieterse was detained again in Bloemfontein and tortured by means of electric shocks [KZN/PJM/032/FS].*

### *P u b l i c   o r d e r   p o l i c i n g*

- 50 In April 1980, following a national call to students, students in Bloemfontein engaged in protest and boycott actions. The police appeared initially to act with restraint in their response to these school boycotts. However, reports soon emerged of the use of unnecessary force to break up crowd demonstrations, including the use of baton charges and mass arrests. Student protests in Bloemfontein and Thaba'Nchu were dispersed by police. In May, police dispersed a crowd of 2 000 demonstrating pupils at Witsieshoek in QwaQwa.
- 51 Police shootings were also reported in the course of policing the 1980 student protests, often resulting in injury and, in some cases, death.

### **The death of Daniel Thabo Malotolo**

*Sixteen-year-old Daniel Thabo Malotolo was shot dead on 21 May 1980 while participating in a student march in Bloemfontein [KZN/TIS/008/BL].*

IN REVIEWING EVIDENCE OF GROSS HUMAN RIGHTS VIOLATIONS COMMITTED BY THE STATE SECURITY FORCES IN THE ORANGE FREE STATE DURING THIS PERIOD, THE COMMISSION FINDS THAT THE SAP ASSAULTED AND TORTURED DETAINEES AS PART OF A SYSTEMATIC CAMPAIGN TO SUPPRESS AND SILENCE OPPOSITION TO THE APARTHEID POLICIES OF THE SOUTH AFRICAN GOVERNMENT. THE SAP IS FOUND TO HAVE ACTED WITH LESS AND LESS RESTRAINT AGAINST PUBLIC DEMONSTRATIONS AND PROTESTS AND RESORTED READILY TO THE UNJUSTIFIED USE OF DEADLY FORCE, FIRING ON CROWDS WITH LIVE AMMUNITION, RESULTING IN DEATHS AND INJURIES TO MEMBERS OF THE PUBLIC.

### *C r o s s - b o r d e r   a c t i v i t i e s*

- 52 Refugees and exiles living in Lesotho were increasingly subjected to surveillance, raids and bombings during this period. In July 1978, six South African exiles were seriously injured when one of them opened a parcel bomb disguised as copies of an ANC publication.
- 53 Reports of cross-border abductions were also received. Witnesses were not always able to tell the Commission who was responsible for the disappearances of individuals from the exile community in Lesotho. However, several applicants for amnesty told the Commission that they had been personally involved in targeting individuals in exile, some of whom were known to be MK operatives.

### **The attempted assassination of Chris Hani**

*In his application for amnesty, Eben Frederick Coetzee told the Commission that, in 1980, he was given the order by senior members of the Security Branch to kill Mr Chris Hani, then MK commander in Lesotho, because of Hani's perceived growing influence in the ANC/South African Communist Party (SACP) alliance. At the time, Coetzee was a department head of the SAP Security Branch in the Orange Free State.*

*An attempt was made to place an explosive in Hani's car in Maseru, but the explosive went off prematurely, injuring Mr Tumelo Ernest Ramatlala (Ramotalo), who was responsible for placing it. According to former senior Security Branch member Dirk Coetzee, Ramatlala was a Lesotho national and a member of the Lesotho Youth Organisation. He was an informer for the Bloemfontein Security Branch and allegedly a close confidant of Chris Hani.*

*Ramatlala spent three months in hospital under police guard and was charged for the explosion. On being granted bail he fled to South Africa and was taken to Vlakplaas to prevent him from revealing information about the planned killing [AM4079/97].*

#### **The kidnapping of 'Comrade A'**

*Amnesty applicants Mr Almond Nofemela [AM0064/96] and Mr Dirk Coetzee gave information about the attempted killing of 'Comrade A' (Lehlohonolo) in Maseru in 1981. Coetzee, then stationed at Ladybrand Security Branch, near the Maseru Bridge border post, said he equipped Nofemela and another police officer with firearms and a hand grenade and instructed them to enter Lesotho via Ficksburg Bridge. They were to go to the Maseru home of 'Comrade A' and to shoot him when he opened the door in response to their knocking. In the event, the victim did not open the door. The hand grenade was thrown through a window, injuring both 'Comrade A' and a child.*

#### **SADF Raid on Maseru**

*The most significant cross-border attack launched by members of the South African security forces from military bases in the Orange Free State was the SADF raid on Maseru on 9 December 1982, in which forty-two people were killed, twelve of whom were Lesotho nationals. (This event is documented elsewhere in the Commission's report.)*

54 LLA attacks were also reported, involving cross-border activities between Lesotho and the Orange Free State.

#### **The case of Seisa Seisa and others**

*In November 1981, LLA member Seisa Seisa, with others, bombed a bus stop at Motshepang, Magogoeng, in Butha Buthe. The Commission heard that they then went to Clarens in the Orange Free State where, ironically, they were arrested and taken to Bloemfontein. Here they were beaten and tortured because police thought they were members of MK.*

*When it was discovered that their commander, Mr Ntsu Mokhehle, was working with officers of the South African security forces, the authorities tried to negotiate with Chief Leabua Jonathan to exchange them for Chris Hani. Jonathan refused. They were then given a limpet mine and driven through a roadblock by Dirk Coetzee to undertake an LLA mission in Lesotho [KZN/SMB/102/LB].*

THE COMMISSION FINDS THAT THIS PERIOD WAS CHARACTERISED BY A DRAMATIC INCREASE IN ILLEGAL CROSS-BORDER ACTIVITIES BY THE SAP AND SADF, AND AN INCREASING NUMBER OF COVERT OPERATIONS IN LESOTHO WHICH RESULTED IN LARGE NUMBERS OF GROSS HUMAN RIGHTS VIOLATIONS FOR WHICH THE SAP AND THE SADF ARE HELD ACCOUNTABLE.

## **Resistance and revolutionary groupings**

### *Sabotage attacks*

- 55 The national sabotage campaign launched by MK in the 1960s was felt in the Orange Free State during this period. A series of explosions, mostly in and around Bloemfontein, caused considerable damage to key installations and various sites associated with the apartheid administration, among them:
- a The destruction of eight fuel tanks in a series of blasts at Sasol and Natref on 1 June 1980. While no injuries were recorded, damage was estimated at R58 million.
  - b The cutting of power lines at Vrede as part of anti-Republic Day protests on 25 May 1981.
  - c An explosion at the Fort Street railway bridge at Bloemfontein station on 27 January 1983, shortly after a passenger train had passed. One man was found fatally shot at the scene.
  - d The bombing of the South Free State Administration Board offices in Bloemfontein on 8 February 1982, killing two people and injuring seventy-five.
- 56 On 7 February 1979, YCW members Mpho Peterose Makae and Jacob Mosiuoa Tlelima, both from Kroonstad, were charged with conspiring to commit sabotage. The state alleged that they had planned to blow up the Kroonstad power station, a military camp, the magistrate's court, a police station, an office of the Security Branch and other buildings during a general strike of black workers. They were convicted and sentenced to five years, but the conviction was set aside by the Orange Free State Supreme Court in November 1982.<sup>2</sup> In July 1982, Elliot Zulu, Jacob Thabethe, Alfred Malema and Frans Kekana were also charged with conspiracy to sabotage a power station and a training college in Kroonstad<sup>3</sup>.

THE COMMISSION FINDS THAT MEMBERS OF THE ANC PARTICIPATED IN ACTS OF SABOTAGE AGAINST STATE INSTALLATIONS AND THAT SOME OF THESE ACTS LED TO DEATHS OF AND INJURIES TO INNOCENT PERSONS. SUCH DEATHS AND INJURIES WERE GROSS VIOLATIONS OF HUMAN RIGHTS FOR WHICH THE ANC IS HELD ACCOUNTABLE.

### *Banishment of Winnie Mandela*

- 57 At the beginning of the period under review, Ms Winnie Nomzamo Mandela, who had been restricted under various banning orders since 1961, was restricted to her home township of Orlando, Soweto. In May 1977, a new order was served on her during a dawn raid, banishing her to the Orange Free State town of Brandfort. She was taken there immediately, together with her daughter Zindiswa (Zindzi), and was allocated a three-roomed house without electricity or sanitation. She was to remain at Brandfort for eight years.
- 58 Soweto had become a boiling cauldron of political tension in the months following the June 1976 uprising. Mandela's banishment to the remote town of Brandfort was apparently intended to weaken the ties between the influential community leader and the Sowetan youth who looked to her for political leadership.
- 59 However, from 1977 to 1985, Ms Mandela made her mark on the small community of Brandfort and became a particularly important political figure for young activists in the township. When she defied her banishment order by returning to Soweto in 1985, she left behind her a legacy of resistance upheld by a militant group of 'comrades'.
- 60 During her time in Brandfort, Mandela contributed to the life of the local community through a variety of projects. She initiated a feeding scheme and a day-care centre for the children of working mothers and set up a small clinic in her back yard. She also encouraged township residents to plant their own food gardens. Her efforts did not go unnoticed by her detractors, however. In 1980, white residents of Brandfort applied to the Minister of Justice to have her presence in the town reconsidered as it was causing 'unhappiness'.
- 61 The parents of township children also expressed ambivalence. By the 1980s, Ms Mandela had established herself as an influential figure in the township and her presence was beginning to have a polarising effect on the community. Some residents felt anxious about her influence over the children and their powerlessness to intervene. Her home had become a hub of activity for township children and youth.
- 62 Brandfort became one of the more volatile urban centres in the Orange Free State. The Commission received reports of brutality by the police and by the so-called 'anti-comrade' groups associated with the police and municipal structures in the Brandfort area.
- 63 In addition to her banishment to Brandfort, Mandela's banning orders prevented her from meeting with more than one person at a time and from talking to any other listed person. To monitor her compliance with these orders, a police sergeant was specifically assigned the task of keeping surveillance on her movements and was assiduous in the harassment of her friends and visitors. Zindzi Mandela, though neither banned nor banished, was also harassed and intimidated while she lived with her mother at Brandfort. This compelled Mr Nelson Mandela, then imprisoned on Robben Island, to bring an urgent restraining order against two police officers to prevent them from harassing his daughter and her friends.
- 64 By the 1980s, police were using methods that were insidious. In particular, a number of secondary school students were recruited into a gang to undertake vigilante-type actions in the township. The activities of this gang persisted well after Ms Mandela's departure from Brandfort, and are discussed in more detail below.

65 In August 1985, Mandela's home in Brandfort was petrol-bombed. Mr Mphithizeli Nelson Ngo, formerly a member of the SAP, told a hearing of the Amnesty Committee that all instructions to target Mandela's property in Brandfort came from Security Branch headquarters in Bloemfontein. The attacks had been intended "to scare her a bit". He said that it was known in Security Branch circles that Mandela's house was being used for meetings. The clinic was also believed to be a meeting place.

66 At the time of the attack, Ms Mandela was in Johannesburg for a medical examination. She moved back to her house in Soweto and did not return to Brandfort in spite of a letter from the police saying that the house had been repaired and that she was required to return there by 4 November of that year. On 20 May 1987, the Brandfort home was attacked again, causing extensive fire damage to both the house and the clinic. As with the 1985 attack, no one was injured.

## ● 1983–1989

### Historical overview

67 This period saw the emergence of several youth and civic organisations, many of which were affiliated to the United Democratic Front (UDF), formed in 1983. AZAPO and student organisations such as COSAS were particularly active in organised protests against apartheid in general and in activities focusing on student grievances.

68 From 1984, many towns in the Orange Free State, particularly Bloemfontein, Parys and Welkom, experienced the worst civil unrest since the Soweto uprising of 1976. Continuing student dissatisfaction with the education system was the primary focus of conflict. As in the previous period, the youth and particularly the students bore the brunt of police brutality in the course of school boycotts and other protests, as well as being disadvantaged academically by the disruptions.

69 In the industrial sphere, striking workers, too, came up against heavy-handed security force action. The Commission received a total of twenty-three reports of alleged police brutality against striking workers in the Orange Free State, involving assault, torture and shooting, and resulting in two deaths. Fourteen of these cases were reported for the period 1983–89.

70 The South African Institute of Race Relations documented more than 1 000 strikes across the country in 1987, involving over half a million workers most of whom were concentrated in the mining industries. Twenty thousand workers in the Orange Free State gold fields went out on strike during 1986/87. Reports received by the Commission indicate that striking miners in the province suffered harassment, assault and dismissal by mine-owning companies, by the police and by vigilante groups. The vigilantes, referred to as 'the Russians' on some mines and 'witdoeke' on others, appeared to be working with the common purpose of repressing all strike action by workers.

- 71 Economic hardship also played a part in fomenting conflict in black townships. The announcements of service charge and rental increases were not welcomed by black consumers already hard-hit by inflation and the rise in sales tax from 6 to 7 per cent.
- 72 Black South Africans expressed growing dissatisfaction with their exclusion from the system of government ushered in by the 1983 introduction of the Tricameral Parliament. Protest activities ranged from boycotts of elections for new black local authorities to violent attacks on local government buildings and the homes and businesses of councillors in townships.
- 73 When local authorities sought to increase rents and service charges in the early 1980s, township residents protested by refusing to comply with the increases or by withholding all payments to the local authorities. Even before the increases, rent and service costs had been financially crippling. Many residents were falling behind with payments; some in the poorest communities had never paid for township services at all.
- 74 Rent boycotts were often accompanied by demands from township residents and community organisations for the resignation of local councillors. Later, this action erupted into more militant forms of protest, sometimes including violence. Rent boycotts occurred around all the main towns of the province in 1984, particularly in Tumahole (Parys), Zamdela (Sasolburg) and other Vaal triangle townships, and continued throughout 1985. The Commission heard accounts of brutality on the part of councillors themselves and on the part of groups or gangs apparently organised by councillors and deployed in vigilante activities. These activities took place in response to the growing militancy of residents, usually associated to some extent with the UDF, who rejected local government in communities. Vigilantism became a widespread phenomenon in the province during this period. The Commission heard claims that vigilante groups such as the *Phakathis* (or 'A-Team') in Thabong, the 'A-Team' in Tumahole, the 'Eagles' in Brandfort and the 'Three Million Gang' at Kroonstad created a reign of terror in these areas.
- 75 Former SAP member Mphithizeli Nelson Ngo told a hearing of the Amnesty Committee that the unlawful use of gangsters to attack political activists was not only sanctioned by the police, but that three vigilante groups were recruited and trained by Security Branch officers posted to Brandfort for special duty in 1985/86. These three groups were the Eagles, the 'Anti-comrades' and the Three Millions. The Commission also heard of the activities of several other vigilante groups known simply as 'anti-comrade' groups, many of which appeared to be unchecked or even openly supported by members of the SAP.
- 76 By the mid-eighties, civil protest and resistance had reached new levels of intensity in the Orange Free State. The July 1985 proclamation of a state of emergency affected only one area in the province, namely Sasolburg, and this was lifted after six months. However, the whole province was affected by the June 1986 emergency, which was renewed annually until February 1990. The emergency regulations empowered police to detain any person for up to fourteen days if, in the arresting officer's opinion, the maintenance of public order justified such detention. Restrictions were placed on public gatherings and funeral ceremonies.

## Overview of violations

- 77 The overwhelming majority of violations reported in the Orange Free State occurred in this period, 1983–89. Around 70 per cent of the reports implicated members of the police force, including members of the Bophuthatswana and QwaQwa security forces, in assault, torture, shooting and arson.
- 78 For this period also, the Commission received reports of violations allegedly perpetrated by political organisations, including members of the Afrikaner Weerstandsbeweging (AWB), the UDF/ANC and members of the DNP. Reports were also received of violations perpetrated by white farmers acting in concert with members of the police force and of the civilian right wing.
- 79 The first reports of aggression by and towards local councillors in Orange Free State townships referred to this period. Reports included several violations by members of vigilante groups, corresponding with the rise of vigilantism in 1985. The overwhelming majority of such reported violations was allegedly committed by the A-Team of Thabong, also known as the *Phakathi* group. Reports of attacks on vigilantes by members of civic organisations were also received.

### *P o l i c e   b r u t a l i t y*

- 80 It is difficult to draw clear distinctions between types of threatening and violent behaviour on the part of the police. What became clear through the testimonies of many victims of violations in the Orange Free State is that psychological battery on the part of the police, including verbal and emotional abuse and threatening, degrading and humiliating treatment, often produced post-traumatic symptoms similar to those of physical harm.
- 81 Many individuals told the Commission that they had never lodged complaints or reports with the police of incidents where police were culpably implicated.
- 82 Submissions by many families who lost loved ones in police custody or as a result of police shooting indicated that families were, by and large, ignorant of their rights in respect of the deceased. They did not know of their rights to a proper investigation into a death, to a *post mortem*, to the issuing of a death certificate and to custody of the corpse in preparation for burial. In fact, many families reported that they had never heard whether investigations had been conducted, suspects identified or charges laid, or whether an official inquest was held and what the findings might have been.
- 83 Equally, it is difficult to separate police brutality in a *politicised* context (such as the shooting of protesters in the street or the torture of activists in detention) from police brutality in a *related* context, where victims are not the direct targets for attack, but become targets accidentally.
- 84 Some activists claimed that the police attempted to co-opt the support of their families as a means of pressurising them to stop their political activities or to return from exile. At least two witnesses reported that police had offered them money to travel to Lesotho and persuade their sons, exiled in that country, to return home. Reports were also received of detainees who were threatened with the lives of their families and friends at home if they failed to co-operate under interrogation. Family homes were regularly subjected to police raids in search of members who were



politically active. Many reports described the personal injury and extensive damage to property resulting from such raids.

### **The case of Polediso Motsoeneng**

*Perhaps one of the most moving cases of the disruption of family life to emerge from the Orange Free State is the story of Mr Polediso Hubert Dihlelele Motsoeneng, who was detained without trial in Bethlehem for a total of eleven months during the 1986 state of emergency.*

*In detention, he was beaten and threatened with death. The first period of detention was for six months in 1986, the second for five months in 1987. During the latter, he said, police threatened to throw him from the third or fourth storey of the building in which he was detained.*

*Motsoeneng told the Commission that the security police, including Major Stephenson, forced his father to beat him in front of the police. His father gave him fifty lashes. The victim was denied medical assistance after the beating. He said that his parents' marriage broke up as a result of the incident and his mother disappeared. He still did not know where she was [KZN/MR/268/FS].*

### *The children's hearing in Bloemfontein*

- 85 At a hearing convened in Bloemfontein on 23 June 1997 especially to hear the stories of children, the Commission heard of the effects of political conflict, unemployment, forced removals, poverty and inadequate education on the lives of children in the Orange Free State. In order to attend farm and township schools, children would often have to travel long distances and many would have to endure a day at school, and sometimes a time of working in the fields, without adequate nutrition to sustain them. Bereavement and displacement of families owing to political conflict would often produce trauma symptoms and behavioural disorders such as truancy, crime and aberrations of conduct in children. The inadequate social services were not equal to supporting the children and families in need.
- 86 The Commission heard from children whose parents were detained, tortured or shot by police and who were subsequently unable to fulfil the ordinary emotional and financial responsibilities of a parent in the home. Two reports were received from children whose homes were firebombed because their fathers were members of the police force.

### **State and allied groupings**

#### *Torture in custody*

- 87 In September 1982, the Detainees Parents' Support Committee presented the Minister of Law and Order with seventy statements from detainees and ex-detainees claiming that systematic and widespread torture was being used by police in detention cells around the country. The claims listed the following types of torture and abuse: sleep deprivation, electric shock torture, mid-air suspension, suffocation, enforced standing, enforced exercise, punching, kicking, slapping, beating with sticks, batons, hosepipes or gun butts, assault on genitals, being kept naked for long periods during interrogation, being subjected to humiliating and degrading experiences such as deprivation of toilet

facilities, verbal abuse and ridicule, 'hooding' to produce disorientation and fear, death threats, having a cocked firearm held in one's mouth, and threats of harm to one's children, spouse or close friends. Almost all the above forms of abuse were represented in the reports received from victims of police brutality in the Orange Free State for the 1983–89 period.

- 88 Poisoning was increasingly favoured as a method of torture during this period. Dirk Coetzee, who was based with the Security Branch in Bloemfontein in the early 1980s, told the Commission that a senior Security Branch member, described by Coetzee as "one of the meaner security police stalwarts", discussed with him the use of poison as a means of "disposing of activists".

#### **The poisoning of Samuel Malie**

*Poisons were used in the torture of Mr Samuel Mokhele Malie [KZN/SMB/119/FS] in a Bloemfontein police cell where he was held in 1983. He was allegedly forced to drink poisoned liquor and was rushed to Pelonomi hospital where he died the same day.*

- 89 Members of the student organisations, AZAPO and the local civic organisations were particular targets of the police in their attempt to repress student resistance in the province. The police response to student protests often involved dogs, tear gas and baton charges, and sometimes shooting directly at demonstrators with live ammunition. Police also detained large numbers of people in an attempt to isolate and remove student leaders from the community.

#### **The case of Richard Sello**

*One of the most humiliating forms of brutality perpetrated by the police against a student activist is found in the story of Mr Richard Retshidisitswe Sello who was actively involved in the Students' Representative Council (SRC) at his school in Mamafubedu, Petrus Steyn in 1987.*

*Sello told the Commission that, when student protests broke out at the school on 12 August 1987, the police raided the homes of SRC members. They kicked down the doors of the Sello family home and assaulted Sello's mother.*

*Sello was detained and tortured during interrogation. His arms were tied behind his knees, his face covered with a cloth and an electric device placed around his stomach. He was kicked and his head was hit against a wall, and he began to bleed heavily. He was thrown into a van with Lesotho registration plates and taken to a police station in Kroonstad. Police then took him to a kraal where they stripped him naked and poured milk over him. A calf was made to drink from his penis. The victim resisted and was detained in Kroonstad where he received medical attention whilst in prison [KZN/JRW/057/PET].*

- 90 The Commission heard several accounts of the torture in detention of union organisers, members of student organisations and local youth congresses. Several people detained under various sections of the Internal Security Act claimed they were tortured while in custody.

## **The case of White Mohapi and others**

*The Commission heard of the torture of some twenty UDF activists who were arrested while trying to cross the border into Lesotho in April 1986 with the intention of joining the ANC in exile. They were apprehended by the SADF, kept in the veld overnight and then taken to the security police camp at Ladybrand where they were interrogated. They were then sent to Security Branch offices at the Fountain Police Station in Bloemfontein where they were tortured, electrocuted and beaten.*

*Two individuals were singled out. Mr White Mohapi [KZN/TIS/038/BL] was taken to an office where he was tied to a chair and suffocated by Sergeants Mamome and Motsamai using the 'tubing' method. This happened two or three times, and on each occasion, Mohapi was asked to inform for the Security Branch. He consistently refused, refusing also to make a statement about the group crossing the border to Lesotho. His refusal brought on hours of assault from a number of officers, whose names he gave to the Commission.*

*Mohapi's interrogation continued on the third day when two senior Security Branch officers allegedly took turns at assaulting him. By this time, Mohapi claimed, he could not speak or eat. On the fourth day he was taken to the doctor, who dispensed a mild painkiller.*

*Sergeants Mamome and Motsamai have applied for amnesty for their part in this case. In his application for amnesty before the Commission, Nelson Ngo spoke of this incident and said that Colonel Coetzee allegedly instructed Lieutenant Shaw and another senior Security Branch officer to divide the Security Branch members into two groups, to be headed by the two of them. The group of activists was also divided, and Coetzee and Colonel Stevenson allegedly ordered that assaults and interrogation of 'comrades' should proceed in the two groups.*

*Ngo said that the activists were forced to drink 2.5 litres water each, then to do frog-jump exercises, push-ups and high jump whilst they were assaulted. They were denied food and were offered opportunities to become state witnesses or informants against their fellow 'comrades'. Some of the activists agreed to do this. Those who refused were assaulted further. Ngo said that some of the detainees were bleeding through the ears as a result of heavy beatings. Some of the detainees were forced to write statements; some turned state witnesses. The rest were charged under the Terrorism Act.*

## **The torture of Isaac Maduna**

*Mr Isaac Mokoeng Maduna told the Commission that he was arrested by police in October 1987 while he was addressing Sasol workers gathered at a Parys bus stop. Maduna was a member of the Disciplinary Committee of the South African Chemical Workers' Union and was reporting to the assembled group the decisions of a meeting of the Committee.*

*He was taken to Parys police station where he was beaten with sjamboks and sticks by Security Branch Constable Hennie Sochiva and others. He was later taken to Sasolburg police station where he was forced to make a statement and again tortured [KZN/JRW/058/PS].*

## The case of Sam Totolo

*COSAS activist Sam Nqaba Totolo was detained on numerous occasions during 1984. He was tortured in detention and poisoned with chemicals injected into his feet, causing them to swell up. He was also beaten and given electric shocks. On one occasion in 1986, he was taken to Viljoenskroon police station where white police constables would switch off the cell lights and enter the cell in order to assault him. He told the Commission:*

*“The worst form of torture was when they would kick me on the chest with my head facing down. The result thereof was spitting of blood through the mouth from the chest. This happened on several occasions. The district surgeon would always, when making check-ups, claim that I’m still physically and psychologically fit, whereas I could feel that I was dying slowly because of inner pains I was feeling.” [KZN/AT/004/FS.]*

- 91 From evidence presented to the Commission by detainees in the Orange Free State, it appears that district surgeons’ fortnightly visits to detainees, provided for by the Internal Security Act of 1982, were neither regular nor reliable. Two witnesses alleged that the seriousness of their conditions was not diagnosed by doctors who examined them after police assault. In one case, a mild painkiller was dispensed to treat someone who was seriously injured as a result of police torture.
- 92 Not one long-term detainee giving evidence to the Commission in the Orange Free State referred to routine or regular visits by a district surgeon to the detention cells at police stations. Witnesses reported being referred to a doctor when their injuries were serious enough to require hospitalisation. Further, reports indicated that police gained admission to hospital wards in order to restrain detainee-patients by handcuffing them to hospital beds and, in at least one reported case, assaulting the detainee even further. The Commission also heard of a case where a senior hospital administrator gave false information to a deceased’s family about the death of a patient and sent the family on a spurious search for a permit before giving them access to the corpse.
- 93 At the Welkom hearing of the Commission, claims were made that black patients were denied treatment at ‘white’ and ‘mine’ hospitals for injuries sustained as a result of police action, obliging them to travel great distances for medical treatment, even in emergency situations.

## *D e a t h s   i n   c u s t o d y*

- 94 Five cases of death in detention were reported for this period. As in other parts of the country, deaths in custody were often explained by the police force as ‘suicide’, or as occurring ‘while escaping from policy custody’. Official police statements following deaths in custody were often at variance with the evidence of witnesses and families of the deceased.
- 95 The deaths of individuals who were last seen being arrested by police officers have often remained entirely unexplained.

- 96 The Commission heard accounts of several activists who were allegedly abducted by the police between 1986 and 1989 and have never been seen again. Four of these reports emanated from the Welkom area in 1986 alone.
- 97 Reports were received of bodies of victims found along roadsides or in the veld, days, sometimes hours, after the victim was arrested by police. Some individuals died after being admitted to hospital for the treatment of injuries sustained during a period of detention. Next-of-kin of such victims reported incidents where police officers and, on occasion, hospital staff denied families access to the corpse of the victim. Reports suggest that in some cases family members were only permitted to view parts of a corpse and not to inspect the whole.
- 98 Both COSAS member Siphso Mutsi and AZAPO member Petrus Mahlomola Maitse lost their lives at the hands of the police, Mutsi in detention and Maitse when police opened fire on a public demonstration. Both these cases are described below.

### **The death in detention of Siphso Mutsi**

*Mr Siphso Mutsi (20) was the first COSAS member to die in detention. A regional organiser for COSAS and part-time student from the Odendaalsrus township of Kutlwanong, Mutsi was arrested at a bus stop in the town on 4 May 1985. He was taken into custody at the Odendaalsrus police station, in terms of the Criminal Procedure Act of 1977 "for questioning in connection with charges of public violence". His mother, Ms Pulane Irene Mutsi, told the Commission that her son was dead on arrival at the Pelonomi hospital in Bloemfontein on 5 May 1985.*

*A police spokesperson said that Mutsi had experienced convulsions while his personal particulars were being recorded and had fallen over backwards from the chair in which he had been sitting. His mother had confirmed that Mutsi had a history of epilepsy. A post mortem on 9 May 1985, attended by an independent physician representing the Mutsi family, found the cause of death to be severe brain haemorrhage.*

*At an inquest held in the Welkom Magistrate's Court in December 1985, Warrant Officer Maxwell Sithole and Detective Constable Magwesa Moya, who had interrogated Siphso Mutsi at the Odendaalsrus police station, stated that Mutsi had sat handcuffed on a chair in front of an iron table during the interrogation. They confirmed the official police version that he had suffered an epileptic attack and had fallen backwards, striking his head on the cement floor. The police officers conceded that when Mutsi had been brought to the police station there had been nothing wrong with him and that any injuries he had at the time of his death must have been sustained during the interrogation. Moya could not say how Mutsi had incurred injuries all over his arms, legs, and body, allegedly consistent with sjambok marks.*

*A further hearing took place in the Welkom Magistrate's Court in April 1988. Counsel for the family of the deceased said that it was unlikely that he had suffered epileptic attacks as alleged by police. Rather, his death had been caused by the brutal assault on his person by Warrant Officer Sithole and Constables Mashabe, Makhuwe and Moya. During the inquest, a former detainee, Mr Sello Dithube, said that he had seen a police officer kick Mutsi in the face and Warrant Officer Sithole had placed a wet canvas bag over his head [KZN/ZJ/115/BL].*

IN REVIEWING EVIDENCE OF GROSS HUMAN RIGHTS VIOLATIONS BY THE STATE AND ALLIED GROUPS IN THE ORANGE FREE STATE DURING THIS PERIOD (1983–89), THE COMMISSION FINDS THAT THE SAP MADE WIDESPREAD AND ROUTINE USE OF ASSAULT, TORTURE AND EMOTIONAL AND PSYCHOLOGICAL ABUSE, AS PART OF A SYSTEMATIC PATTERN OF BEHAVIOUR.

THE PERIOD WAS ALSO CHARACTERISED BY AN INCREASE IN THE NUMBER OF DEATHS IN POLICE CUSTODY. THE COMMISSION FINDS THAT SUCH DEATHS WERE GROSS VIOLATIONS OF HUMAN RIGHTS FOR WHICH THE SAP IS HELD ACCOUNTABLE.

### *P u b l i c   o r d e r   p o l i c i n g*

- 99     The Commission received a large number of statements from victims in Orange Free State townships alleging that they had been injured as a result of police action during the course of mass marches, demonstrations, funerals, and arbitrary attacks on the streets. Many of these injuries were gunshot wounds. Fatal shootings were also recorded. The Commission heard also of injuries allegedly sustained as a result of police swoops on private homes in search of individuals for the purpose of harassing, arresting or assaulting them.

#### **The death of Petrus Maitse**

*On 18 May 1986, AZAPO member Petrus Mahlomola Maitse participated in a joint AZAPO/UDF protest against the state of emergency and against restrictions on political activity. The police clashed with protesters, sjambokking some and opening fire on others. Maitse was shot and taken to hospital in Sebokeng, Vereeniging, where he died a few days later [KZN/JRW/038/SB].*

- 100    Victims reported the widespread use of tear gas as a means of coercion on the part of the police. From accounts of mass public demonstrations, it appears that police very quickly resorted to the use of tear gas as a means of dispersing crowds. Moreover, several witnesses reported the police's use of tear gas in confined spaces, greatly compounding its suffocating effects. Some victims reported being teargassed in the backs of police vans.
- 101    A number of submissions reported police intimidation at funerals, usually at the funerals of people whose deaths were associated with political events at the time.

#### **Police open fire on mourners in Tumahole**

*The Commission heard several accounts of the police opening fire on mourners returning from a funeral in Tumahole, Kroonstad, on 21 July 1985, injuring several and killing at least one person, namely, Mr Gushe Panoshe [KZN/JRL/003/FS].*

THE COMMISSION FINDS THAT THE SAP ROUTINELY EMPLOYED UNJUSTIFIED USE OF FORCE TO COUNTER PUBLIC PROTESTS AND DEMONSTRATIONS, RESORTING TO BATON CHARGES, TEARGASSING AND SHOOTING OF PROTESTERS. THIS RESULTED IN A LARGE NUMBER OF INJURIES AND DEATHS IN THE ORANGE FREE STATE. THE SAP IS HELD ACCOUNTABLE FOR THE GROSS VIOLATIONS INVOLVED IN THESE UNLAWFUL ACTS.

## *A r s o n*

- 102 Several cases of arson committed by the police in the Orange Free State were reported to the Commission. Attacks were made on the homes of activists and their sympathisers, often to 'teach them a lesson'. In June 1986, Mr Tumelo Molosioa's house in Mangaung was burnt down by unknown police officers because his father had helped the families of political activists [KZN/SMB/013/BL]. In 1987, Ms Winnie Mandela's house in Brandfort was gutted in an arson attack, along with the clinic on the same premises (see above).
- 103 Statements indicate that police arsonists were usually identified as such and did not go to great lengths to conceal their identity while involved in such attacks or in their support of arson attacks by vigilante groups. In September 1987, however, police burned down Mr Isaac Modise's house in Tumahole with the alleged intention of implicating a certain activist, Mr Mkhonzi, whom they wanted to arrest. Modise refused to pretend that Mkhonzi was the perpetrator of the arson attack on his home [KZN/MP/031/BL]. Modise told the Commission that he was severely beaten by the police during this incident.

THE COMMISSION FINDS THAT UNKNOWN MEMBERS OF THE SAP WERE INVOLVED IN UNLAWFUL ARSON ATTACKS ON THE HOUSES AND PROPERTY OF INDIVIDUALS AND FAMILIES SYMPATHETIC TO THE UDF, AS A MEANS OF EXERTING PRESSURE AND INSTILLING FEAR INTO LOCAL COMMUNITIES.

## *C r o s s - b o r d e r a c t i v i t i e s*

- 104 Refugees and exiles living in Lesotho continued to be subjected to surveillance and attacks by sections of the South African security forces during the mid- to late eighties. In December 1985, six South Africans and three Lesotho nationals were killed in an armed raid on two houses in Maseru. The attack was conducted by members of the Vlakplaas C-Section, led by Colonel Eugene de Kock. Details of the attack appear in Volume Two of the Commission's report.
- 105 Reports were received of skirmishes between the security forces and MK operatives in QwaQwa and along the Orange Free State border with Lesotho. Several cases of abduction and kidnapping of exiles in Lesotho were also reported.

## *H o m e l a n d s e c u r i t y f o r c e s*

- 106 Both the SAP and the QwaQwa Police were deployed in stations around the small homeland, sometimes undertaking joint operations. The Tseki police station at Witsieshoek was a case in point. Officers from the SAP and the QwaQwa Police allegedly worked together to detain, harass and assault activists from community organisations, particularly those questioning the pre-eminence of the ruling DNP in the homeland's political affairs. Some victims report having been made financial offers to resign from their organisations and to work for the police instead.
- 107 Through reports made to the Commission, the emerging picture of the activities of both forces in the homeland is one of a common commitment to upholding the laws and policies of the apartheid state, to safeguarding the interests of the DNP, and to crushing any form of dissension with a heavy hand.

- 108 Police developed a reputation for dealing extremely brutally with criminal suspects and political activists. Individuals were often arrested, assaulted and tortured before the evidence of their involvement in particular incidents could be reasonably established and before suspects could be brought before due process of law. Electric shocks to the genitals appear to have been a commonplace method of torture.
- 109 Units of both the Bophuthatswana Defence Force and the Bophuthatswana Police Force were posted to Thaba'Nchu. Statements made to the Commission about their activities show that both forces worked closely with their South African counterparts in suppressing all opposition to apartheid. The behaviour of the Bophuthatswana armed forces stationed at Thaba'Nchu echoed incidents commonly associated with the SAP, such as detention without trial (though prohibited by the Bophuthatswana Bill of Rights), torture, harassment of political activists, intimidation of mourners at funerals, and violent clashes with protesters.
- 110 Most reports implicating the Bophuthatswana Police relate to brutality against members of the UDF or ANC.

IN RESPECT OF THE HOMELAND SECURITY FORCES, THE COMMISSION FINDS THAT THE BOPHUTHATSWANA POLICE POSTED TO THABA'NCHU WERE RESPONSIBLE FOR ROUTINE ACTS OF HARASSMENT, ASSAULT AND TORTURE OF POLITICAL ACTIVISTS, AND ACTED IN CONCERT WITH THE SAP IN ITS EFFORTS TO SUPPRESS ALL OPPOSITION TO THE GOVERNMENT.

THE COMMISSION FINDS THAT THE QWAQWA POLICE FORCE CARRIED OUT ITS DUTIES IN A BIASED MANNER, THAT IT OVERTLY SUPPORTED THE DNP, AND THAT IT ROUTINELY ENGAGED IN ASSAULT AND TORTURE OF THOSE WHOM IT PERCEIVED AS OPPONENTS OF THE SOUTH AFRICAN GOVERNMENT. FOR THE GROSS HUMAN RIGHTS VIOLATIONS COMMITTED THROUGH THESE UNLAWFUL ACTS, THE SAP AND THE BOPHUTHATSWANA POLICE ARE HELD ACCOUNTABLE.

*Q w a Q w a*

- 111 In 1989, considerable tensions existed between the UDF/ANC groups and the DNP in the township of Botshabelo. The Commission received various reports of arson attacks on the homes of DNP members and of threatening behaviour by 'comrades' towards local councillors, homeland government members and party members. These incidents were to develop into serious clashes between the opposing groups.
- 112 QwaQwa MP Paki Marake, a DNP member, had his house burnt down by unknown people in August 1987 and petrol-bombed again in June 1990. He told the Commission that he believed he had been targeted because of his refusal to join the ANC [KZN/ZJ/090/BL]. Winburg councillor and DNP member Makholela Molaoa had his house destroyed in a fire on 30 March 1990 [KZN/ZJ/155/FS].
- 113 The Commission received further reports of arson attacks on the homes and property of town councillors. Victims reported that the attacks related to their refusal to resign their positions on councils and were part of a sustained campaign to force them to do so. In attacks such as these, perpetrators could not always be clearly identified.



IN RESPECT OF THE ARSON ATTACKS ON THE HOUSES AND PROPERTY OF MEMBERS AND SUPPORTERS OF THE DNP, THE COMMISSION FINDS THAT UNKNOWN PERSONS, AFFILIATED TO OR IN SUPPORT OF ORGANISATIONS OPPOSED TO THE DNP, ENGAGED IN UNLAWFUL CRIMINAL ACTS ARISING OUT OF POLITICAL INTOLERANCE AND CONSTITUTING GROSS VIOLATIONS OF HUMAN RIGHTS.

- 114 The attempt by various authorities to incorporate Botshabelo into QwaQwa (see above) set off a series of student protests followed by incidents of violence and rioting. Buses were damaged and a schoolteacher who tried to prevent pupils from demonstrating was stabbed. Authorities deployed a large contingent of special constables in the area and arrested a number of students.
- 115 During the time that Botshabelo was incorporated into QwaQwa, pending the result of the State President's appeal to the Supreme Court, Botshabelo residents launched mass protests. On 1 October 1989, more than 50,000 people protested in the streets of Botshabelo against incorporation.
- 116 Ms Malefu Miriam Phole told the Commission that she was shot by police while participating in an ANC march from Botshabelo to Bloemfontein on 15 February 1990 to protest against the incorporation. The police halted the marchers at a roadblock and opened fire. Many protesters were injured in the shooting. Phole, aged fifteen at the time, was shot in the face and lost an eye as a result. She told the Commission that police followed the wounded to the Pelonomi hospital and made arrests. She never brought charges against the police in connection with the shooting incident for fear of police harassment or arrest if she did [KZN/ ZJ/094/BL].

THE COMMISSION FINDS THAT UNKNOWN MEMBERS OF THE SAP USED UNJUSTIFIED DEADLY FORCE AND COMMITTED GROSS HUMAN RIGHTS VIOLATIONS ON 15 FEBRUARY 1990 WHEN THEY OPENED FIRE ON MARCHERS AT BOTSHABELO.

### *C o n t r a - m o b i l i s a t i o n   a n d   v i g i l a n t e s*

- 117 In 1984, councils and councillors became targets of opposition and sometimes violent attack by militant youths in Orange Free State townships. The UDF and its affiliates began to demand that councillors resign from and reject the system, which they saw as a poor substitute for full political rights for black South Africans. Orange/Vaal industrial triangle townships like Zamdela (Sasolburg) became sites of major protest during the second half of 1984. These protests gradually filtered into other towns and the province began to witness a number of attacks, some fatal, on councillors and their property.
- 118 The Commission has also received evidence of councillors spearheading attacks on their opponents, sometimes drawing together an informal vigilante group charged with the task of 'cleaning up' areas that were known for their opposition to the system of local government.
- 119 A considerable number of black councillors resigned in 1985, many of them evidently in response to or fear of violent attack. Other reasons cited by councillors included family pressure, lack of protection by the government, ill health, lack of progress and a realisation that the councils were ineffective. When, after his supermarket and butchery had been gutted and broken into, Tumahole community councillor Daniel Hlalele announced his resignation in July 1984, the UDF hailed his resignation as a "courageous and bold step".

- 120 As attacks on councillors increased, so did pre-emptive and retaliatory attacks on activists who were thought to be behind the boycott of rent and service charges and the destruction of the local authorities' property. Allegations of shootings by councillors themselves were also received by the Commission.
- 121 By January 1985, sixteen town councils across the country announced that they would set up municipal police forces to work in tandem with the police to safeguard residents, to protect municipal property and to enforce regulations and by-laws enacted by councils. These forces became known as the 'blou' or 'blue flies' because of the colour of their uniform.
- 122 From 1984, municipal police – trained, supervised and paid by the SAP – were assigned to work under black local authorities in townships around the country to protect council property, prevent and investigate crime and maintain law and order. Although they were not given extra powers in a state of emergency, they were empowered by the Black Local Authorities Act of 1982 to do whatever was deemed necessary to restore law and order in an emergency.

#### The case of Manko Tsie

*The Commission heard that, in January 1986, Mr Manko Joseph Tsie was coming home from work in Welkom when he was accosted by a municipal policeman, accused of stone-throwing and shot at close range. Incidents of stone throwing at local authority buildings were on the increase at the time. Tsie survived the attack [KZN/GM/047/WE].*

- 123 Following increasing concern among government officials and other security forces about the rising number of municipal police involved in criminal activities, municipal police finally came under the control of the SAP in November 1988.

THE COMMISSION FINDS THAT THE MUNICIPAL POLICE FORCES ESTABLISHED BY BLACK LOCAL AUTHORITIES WERE POORLY TRAINED AND RESORTED READILY TO ILLEGAL ACTS IN THE CARRYING OUT OF THEIR DUTIES, WHICH INCLUDED THE ASSAULT AND KILLING OF MEMBERS OF THE PUBLIC, CONSTITUTING GROSS HUMAN RIGHTS VIOLATIONS FOR WHICH THE BLACK LOCAL AUTHORITIES ARE HELD ACCOUNTABLE.

- 124 Vigilante groups proliferated in the Orange Free State from 1985. The Commission heard that individual councillors were responsible for setting up some of these groups because they felt themselves to be under attack from militant township youth. In some cases, councillors were actively involved in vigilante actions, supplying arms and participating personally in attacks on township residents and activists thought to be aligned with the UDF. The Commission heard that some vigilante groups were set up by members of the security forces, under the instruction of senior security police officers.
- 125 The *Phakathi* group emerged in April/May 1985 in the township of Thabong, outside Welkom in the northern Orange Free State. Initially named after its leader, councillor Albert Phakathi, (now deceased), the group later became known as the A-Team, after the popular American television programme. Several community councillors, including Phakathi and the mayor, Dr E B Tlali, were alleged to be part of the gang. Council property was used in its mission to 'clean up' organised resistance to apartheid. Other members of the gang were alleged to be jobless locals and Zulus recruited

from outside the community. In the year before the emergence of the *Phakathis*, Thabong had become the scene of a wave of student protest, developing into arson, stoning, and violent confrontation with the police. The *Phakathis* established a reign of terror in Thabong, meting out arbitrary assaults and severe floggings to residents.

- 126 By May 1985, the Phakathi group was being openly supported by members of the SAP and was making use of police and municipal authority facilities. Witnesses reported being taken to Room 29 of the community council's headquarters at the Philip Smit Centre or to the police station, where they were severely assaulted by the gang. In some cases, gang members would deliver their victims into the hands of the local police.

#### **The assault of Thabo Ramatsa**

*Mr Thabo Ramatsa told the Commission that he was assaulted by the A-Team at his house in Tlali Park, Thabong in March/April 1985. Members of the gang had arrived in a minibus to collect another member, Mr Tlasi Moetupe, who was Ramatsa's neighbour. They stopped when they saw Ramatsa and attacked him, severely injuring him. The perpetrators were apprehended and the victim identified them in a parade. However, they were not charged [KZN/AT/005/FS].*

#### **The shooting of Sello Mofokeng**

*In May 1985, Sello Ephraim Mofokeng (15) was shot dead, allegedly by a councillor operating with the A-Team. Mofokeng and some friends were doing their homework at home when the gang entered the house and chased the boys through a window. The councillor then fired shots at them as they ran up the street, fatally wounding Mofokeng [KZN/MR/240/WE].*

#### **Attack on the Sello Mofokeng vigil**

*A few days later, members of the A-Team allegedly surrounded the house at which a vigil was being held for Sello Mofokeng. In an altercation between gang members and mourners, a member of the A-Team, Mr John Mahula was killed. In retaliation, the gang entered the house by force and beat the mourners inside with sjamboks, kierries and pangas<sup>4</sup>. Albert Phakathi himself was stabbed several times in the clash.*

*Witnesses to the incident say that the A-Team then took the victims in a minibus to the Thabong police station where they were praised by Mayor Tlali for work well done. The victims were held overnight and released the next day. They made statements to the Attorney-General's office. A case was held, but no convictions were secured.*

*Witnesses testifying to the A-Team attack on mourners were Mr Nthabiseng Sepeeane, who was severely beaten [KZN/AT/008/FS], Ms Nkopodi Joyce Melane, who was sjambokked and kicked in the chest [KZN/AT/009/FS], and Mr Thapelo Jacob Bodiba, who was stabbed on the head and in the left eye, resulting in the loss of the eye [KZN/AT/012/FS].*

#### **Attacks on the Kasana home**

*On at least three occasions in 1985, the A-Team attacked the home of Ms Nomosonto Kasana, assaulting members of the family. On one occasion the Kasana sons, Mbuselo, Mafuza and Peter, attacked the gang with pangas, hitting Phakathi in the face. Phakathi then opened fire with a revolver, killing one and injuring another family member. In a later attack, the victims' father, Mr Moffat Kasana, was also severely beaten with a stick [KZN/AT/010/FS].*

- 127 Vigilante action surged again in Thabong in 1986, when parents and elders launched a violent attempt to get children back to school. The council, which had by this time set up an official law enforcement unit, was said to be actively organising adults to beat up children.
- 128 At Meloding, Virginia, parents and vigilantes allegedly combined forces early in 1986 to get the children back into schools. Allegations are that pupils were beaten back to school and that surveillance kept on school premises was so close that pupils were at risk of being beaten if they so much as went on errands.
- 129 The vigilante group active in Tumahole (Parys) was also known as the A-Team. It is alleged to have congregated around a certain member of the police force and her family and friends, and to have been closely associated with the local council and councillors. Both aligned and non-aligned members of the public were harassed and assaulted by the A-Team.
- 130 When the local council imposed rent increases in Tumahole in July 1984, widespread protests resulted. Township residents clashed with civic organisations and the A-Team, supported by the police. Witnesses told the Commission that, in late 1985, vigilantes stoned and burned community leaders' houses and also stoned activists' homes, threatening families and assaulting primary school children. The property of police officers and councillors was also attacked during rent and consumer boycotts.

#### **The attack on David Nhlapo and Lefu Rasego**

*In November 1985, ANC/UDF member David Sello Nhlapo (17) was attacked by unknown members of the A-Team in Parys. He was stabbed and severely beaten, and his attackers attempted to necklace him. His friend Lefu Rasego was beaten to death in the incident. Nhlapo was rescued by friends [KZN/ZJ/007/FS].*

- 131 The Commission heard that the Eagles Youth Clubs were initiated in schools in Mangaung (Bloemfontein) in 1981, under the auspices of the state. By 1985, it was reported that up to fifty-eight branches of the club, with a membership of 16 000, had been established throughout the province. They were controlled by the Orange Free State Administration Boards until 1986, when they were registered as a private organisation and sponsored privately.
- 132 The constitution of the Eagles Youth Club was said to be based on 'Christian National Principles' and pursued its objectives by means of camps offering a variety of activities, including political education. Lectures in political education covered subjects as diverse as Christianity, Communism and the culture and history of the ANC and PAC. Eagles were encouraged to co-operate with state structures, particularly with the police and the SADF, who were described in the courses as 'your friends'. At the same time, members were encouraged to report 'terrorists' to the

police and warned against 'people who are trying to tell you bad things about South Africa'. They were told that 'comrades' organisations in townships were part of the 'enemy' and should be neutralised. Eagles members became sources of information concerning the identity of 'comrades' in townships, and were used to monitor the strategies and plans of 'comrades' organisations, particularly around popular events such as the commemoration of 16 June (Soweto Day).

- 133 By 1986, Eagles members had become visible in local communities, identifiable by their yellow-cuffed, green T-shirts sporting an eagle emblem on the left breast and the name of the club on the back. However, the Eagles also became known in townships as being aligned to the state, and were perceived to be co-operating with the security forces in the targeting of activists.<sup>5</sup>
- 134 Former SAP member Mphithizeli Nelson Ngo told the Amnesty Committee that the Eagles club was formed by members of the Security Branch who recruited students in Brandfort and sent them to the SADF base at Roodewal for courses in intelligence and counter-revolutionary strategies.<sup>6</sup> Special instruction was given in suppressing student opposition and crushing student bodies in schools – such as Students' Representative Councils and branches of COSAS – in order to replace them with the prefect system. Teachers were also co-opted and instructed to support the activities of club members in schools. The Eagles, who were also allegedly paid informers for the Security Branch, were protected and armed by the police for activities such as disrupting political meetings in schools and harassing and victimising student leaders.
- 135 Conflict between the Eagles and members of youth organisations began in Brandfort in 1985. The Commission heard that the Eagles would disrupt community meetings convened by youth organisations to discuss concerns such as health facilities, education and rent increases. At the time, Ms Winnie Mandela (see above) had become an important mobilising agent for 'comrades' in the area. In one incident, 'comrades' who had gathered at her house were attacked by a force of Eagles, backed up by the police. Other townships around the province also experienced conflict between 'comrades' and the Eagles clubs, with deaths reported on both sides.

THE COMMISSION FINDS THAT THE EAGLES YOUTH CLUB WAS ESTABLISHED BY THE SECURITY BRANCH OF THE SAP AND WAS RESOURCED AND CONTROLLED BY THE STATE IN THE FORM OF THE ORANGE FREE STATE ADMINISTRATION BOARD. THE CLUB WAS ESTABLISHED AS PART OF THE STATE'S PREVAILING COUNTER-MOBILISATION STRATEGY IN TERMS OF WHICH SURROGATE OR 'MIDDLE' GROUPINGS WITHIN THE BLACK COMMUNITY WERE IDENTIFIED AS ALLIES OF THE STATE IN ITS 'TOTAL STRATEGY' RESPONSE TO CIVIL UNREST.

THE COMMISSION FINDS THAT THE CREATION OF GROUPS SUCH AS THE EAGLES, AND THE STATE'S SUPPORT OF OTHER GROUPINGS SUCH AS THE A-TEAM AND THE THREE MILLION GANG, CONTRIBUTED DIRECTLY TO INCIDENTS OF PUBLIC AND POLITICAL VIOLENCE AND FOSTERED A CLIMATE OF VIOLENCE IN WHICH SUCH UNLAWFUL ACTS COULD TAKE PLACE. THE SAP IS HELD ACCOUNTABLE FOR GROSS VIOLATIONS OF HUMAN RIGHTS CONNECTED TO THE UNLAWFUL ACTIVITIES OF SUCH GROUPS, TOGETHER WITH THE GANGS THAT CARRIED OUT SUCH VIOLATIONS.

- 136 Reports of the activities of the Three Million Gang, which comprised forty-five to fifty members, emanated from various centres in the province, although it appears to have operated principally in the Troubou area of Kroonstad. The gang was led by Mr George Diwithi Ramasimong (now deceased) and is said to have originated in the early

1980s with no particular political agenda. According to statements received by the Commission, most incidents involving the gang took place between 1989 and 1992. Criminal incidents were reported from as early as 1984.

- 137 As with the other groups, the activities of the Three Million Gang appear to have been aimed at intimidating and attacking UDF activists and student organisations believed to be involved in campaigns against rents and service charge increases. It is evident that the gang acted in collusion with councillors, police and justice officials.
- 138 According to Mphithizeli Nelson Ngo, the gang was created and supported by the Security Branch on instruction from the highest regional level, as part of its counter-insurgency strategy to neutralise and undermine UDF and ANC-aligned activism in the mid-1980s. He told the Amnesty Committee that the Three Million Gang operated on a part-time basis in Brandfort, reinforcing the operations of other vigilante groupings. Leaders of the various vigilante groups would meet with members of the Security Branch at the Brandfort police station to discuss their strategies and to receive equipment, weapons and money as well as tobacco and alcohol from the police.<sup>7</sup>
- 139 Their *modus operandi* was to attack in groups and to stab their victims.

#### **The murder of Majalefa Mpohohle**

*On 25 December 1984, Mr Majalefa Aaron Mpohohle was stabbed to death in Kroonstad by members of the gang when he went to the rescue of his cousin who was being threatened with rape. Six gang members were charged for the murder, and were convicted in 1988 [CR 25/12/85; KZN/PJM/012/KRS].*

- 140 Affidavits made to the Commission also indicate that the police were involved in creating and supporting the gang and that justice officials, including magistrates and prosecutors, worked to undermine criminal prosecutions against gang members. Testifying before the Amnesty Committee, Mr PM Thulo alleged that a prosecutor in Kroonstad supported the gang and helped them evade prosecution. He said that magistrates deciding cases were guided by the views of prosecutors. Thulo named one magistrate in particular who would be called, together with the prosecutor, specifically to deal with cases involving gang members. Their sympathy with the gang frequently ensured that charges against gang members were dropped.<sup>8</sup> This is corroborated by the evidence of JJ de Ru before the Amnesty Committee. De Ru said that, on the recommendation of the prosecutor, gang leader Diwithi Ramasimong was often discharged from custody whilst being held on serious charges.
- 141 In giving evidence before the Amnesty Committee, MS Taka and FM Taje, the sister of gang leader Diwithi Ramasimong, said that gang members became members of the Inkatha Freedom Party (IFP) in the 1990s. This was allegedly encouraged by the prosecutor and a member of the SAP, who told gang members that criminal cases against them would be viewed as political if they were IFP members.<sup>9</sup>
- 142 According to PM Thulo, who commanded the ANC SDUs in Kroonstad, a municipal office-bearer assisted the Three Million Gang in a variety of ways. His minibuses were used to transport gang members to an attack on the community of Moakeng and also to ferry gang members to and from town for court appearances.<sup>10</sup> According to police detective JJ de Ru, the Three Million Gang would collect rent and service monies for the council. De Ru claimed that municipal office-bearers supplied gang members with ammunition and paid for their funerals.<sup>11</sup>

- 143 Allegations were made that police members accompanied the Three Million Gang on operations against the UDF/ANC, that they participated in attacks, provided weaponry and obstructed criminal prosecutions against gang members. In his evidence to the Amnesty Committee, Mr Dennis Bloem of the Bloemfontein branch of the ANC, said:

*You see on various occasions what would happen would be this, for instance. [There was] one case where the Premier Milling Company, their employees, were on their way to go and arrest the Three Million Gang and take them to the charge office. The police, who were already in Troubou there where the Three Million Gang members lived, intervened. The police were waiting in their Casspirs [armoured personnel carriers] on an open piece of land; they were waiting for the Premier Milling employees.*

*I was present. I was sitting in a car with a certain Mr Touw to see what the police would do. The police chased away these workers, they shot teargas, whilst the Three Million Gang were present amongst the members of the police in between the Casspirs so these people were overcome by teargas. I clearly saw that the police did not take any action against the Three Million Gang [who had] weapons [while] these Premier Milling employees were unarmed.*

- 144 Mr Bloem told the Commission's Amnesty Committee that a period of relative calm prevailed from about 1986 to 1990 when Ramasimong was in prison for gang-related activities.<sup>12</sup> In 1992, Ramasimong was himself killed and it is claimed that the activities of the gang diminished following his death. An ANC self-defence unit member, Mr Roland Petrus, was convicted in 1992 for Ramasimong's death.<sup>13</sup>
- 145 'Anti-comrade' groups proliferated in towns in the province. Mr Mphithizeli Nelson Ngo told the Amnesty Committee that Security Branch headquarters in Bloemfontein mandated Security Police in Brandfort to recruit an 'anti-comrade' group in Brandfort. This was done with the co-operation of a local councillor. It was said that a prison department sergeant recruited convicted criminals from prisons and assumed a leadership position in the group himself. The group's task was to confront political activists from the UDF or civic organisations where they congregated in shebeens and recreational facilities, pick fights with them and plant knives and firearms on the bodies of people who were killed. This was meant to help in the cover-up of the Security Branch's own activities.

THE COMMISSION FINDS THAT THE SAP DELIBERATELY ASSISTED, AND IN SOME CASES FOUNDED, VIGILANTE ORGANISATIONS AND ITS MEMBERS ACTIVELY DIRECTED SUCH ORGANISATIONS TO COMMIT CRIMINAL ACTS AGAINST THOSE WHOM THE SAP PERCEIVED TO BE ENEMIES OF THE STATE. FURTHER, POLICE ARE FOUND TO HAVE FAILED TO TAKE ACTION TO PREVENT VIGILANTE ATTACKS ON MEMBERS OF THE PUBLIC. THE SAP IS HELD ACCOUNTABLE FOR THE GROSS VIOLATIONS OF HUMAN RIGHTS ACCOMPANYING THE UNLAWFUL ACTS OF SUCH VIGILANTE ORGANISATIONS.

## **Resistance and revolutionary groupings**

### *S a b o t a g e*

- 146 Several sabotage attacks occurred in the province during this period, including

- a the detonation of an explosive device on a railway line near Bloemfontein on 11 March 1983, injuring three passengers;
- b the detonation of a 'thunderflash' in Charles Street, Bloemfontein, on 13 March 1983;
- c the explosion of a parcel bomb at a Bloemfontein café on 14 March 1983;
- d the detonation of an explosive device under a vehicle, causing damage to buildings in Peet Avenue in Bloemfontein on 23 May 1983;
- e an explosion on a railway line near Bloemfontein prison on 27 January 1984;
- f a fatal car bomb explosion in Bloemfontein on 30 June 1984;
- g explosions at the Transkei Embassy at Botshabelo on 6 April 1984;
- h an explosion at the Nationalist Party offices in Kroonstad on 4 March 1984;
- i an explosion in Welkom on 25 August 1985, damaging the Toyota garage;
- j an explosion on Number 5 shaft of Western Holdings gold mine on 26 August 1985;
- k an explosion on a street pavement in Odendaalsrus on 26 August 1985;
- l an explosion on 15 November 1985 near a hotel accommodating the rebel Australian cricket team;
- m an explosion at Phehello Secondary School Khutloanong, on 17 November 1986;
- n a limpet mine explosion in Tumahole on 25 October 1988, damaging two houses.

147 Orange Free State resident Martin Jacobus Coetzer [KZN/SMB/001/BL] was injured in a landmine explosion at Boshoeck, Volksrust on 10 June 1986.

148 On 16 October 1984, Mr Andreas Sejeng of Rocklands, Bloemfontein, appeared in Bloemfontein Magistrate's Court on charges of murder and attempted murder arising out of five explosions in and around Bloemfontein in 1983. Sejeng was also charged with receiving arms training in Lesotho. In April 1985, the Attorney-General instructed the state attorney to stop prosecution against Sejeng on evidence of his severe torture by the Security Branch. Charges were withdrawn and Sejeng was released after almost a year in custody.

149 Several alleged ANC and MK operatives were charged during this period for undergoing military, explosives and weapons training and for sabotage-related offences. ANC member Petros Matosa appeared in the Welkom Regional Court, charged with the explosion at Western Holdings in August 1985 and the 15 November 1985 attack directed at



the rebel cricket team. On 11 July 1986, Matosa was sentenced to fourteen years' imprisonment for his role in these explosions.

- 150 Mr Aboobaker Ismael and Mr Mohammed Shaik have applied for amnesty in connection with several sabotage attacks, some of which occurred in the Orange Free State. In 1984, they caused an explosion on a pylon in Villiers, damaging the pylon and interrupting the power supply to the area. They also set a limpet mine in Kroonstad in the same year, causing damage to property [AM151/97].
- 151 Several arms caches were uncovered by the police. On 9 May 1985, police uncovered an arms cache between Vredefort and Kroonstad – “the biggest ever found” – including thirty-one limpet mines, AK-47 assault rifles, pistols, grenades and ammunition. In January 1986, Brandfort police uncovered two explosive devices buried in a garden. In the same month, explosive devices were discovered in a metal box at the Maseru Bridge border post. On 15 December 1987, a suspected ANC member was killed by his own grenade at a roadblock near Bloemfontein.

THE COMMISSION FINDS THAT ANC MEMBERS CARRIED OUT A NUMBER OF SABOTAGE ACTIONS AGAINST STATE INSTALLATIONS, SOME OF WHICH RESULTED IN GROSS HUMAN RIGHTS VIOLATIONS FOR WHICH THE ANC IS HELD ACCOUNTABLE. THEY FURTHER DETONATED EXPLOSIVE DEVICES AT SO-CALLED SOFT TARGETS, DELIBERATELY CAUSING LOSS OF LIFE, WHICH CONSTITUTED GROSS VIOLATIONS OF HUMAN RIGHTS FOR WHICH THE ANC IS HELD ACCOUNTABLE.

## ● 1990–1994

### Historical overview

- 152 Conditions in the Orange Free State remained highly charged in the early 1990s. The Commission received reports of ongoing police brutality in the province in relation to public gatherings and demonstrations. Reports of torture and deaths in custody were also received. New kinds of popular militancy proliferated. Examples of this included the rise of the ANC SDUs and the declaration of an offensive on the part of APLA.
- 153 Statements from all sides of the political spectrum at this time convey an impression of significant political and social instability following the February 1990 release of Mr Nelson Mandela and the call to the security forces to make the necessary adjustments to their perception of the ‘enemy’. Despite this, the Commission heard evidence that members of the SAP continued to target liberation organisations. There is also evidence of extra-judicial executions having taken place with the knowledge and approval of senior police officers. Amnesty applicants told the Commission that most criminal events were regarded as political and that the more brutal and shocking events were likely to be seen as politically motivated. Members of the security forces, along with white farmers and members of civilian right-wing organisations, perceived themselves to be more than ever under siege by resistance and liberation organisations, particularly APLA. APLA, indeed, had publicly identified these groups as the enemy.
- 154 The PAC and its military component, APLA, launched the so-called ‘One Settler One Bullet’ campaign in 1990 and later targeted white farms in a bid to reclaim the land and return it to what the PAC perceived to be its real owners,

the African people. The white farming community, the security forces and right-wing organisations rallied to counter this threat.

- 155 Conflict between councillors and activists also intensified during the early 1990s. Councillors who refused to resign risked attacks on their homes and business premises. Increasing numbers did resign, and eventually town councils were no longer able to function. January to July 1990 saw 119 councillors resigning, with a further 139 following suit between August 1990 and September 1991, citing intimidation as the main cause. Only 41 per cent of council seats were occupied at the end of February 1991. The majority of councils no longer had quorums and were being run by administrators. Only twenty-six of the seventy-one were still functioning. In March 1992, the government announced that racially based municipal elections would be suspended pending the establishment of an interim government.
- 156 Vigilante activity persisted during this period, most notably by the Three Million Gang in the Kroonstad area. ANC SDUs were established with the ostensible objective of protecting communities from a variety of perceived threats, some in direct response to the perceived onslaught of vigilante groups.

## Overview of violations

- 157 As with the previous period, the majority of reported violations for 1990–94 pertained to violations by the police, most commonly in the form of shooting by the police. The second highest figure was for torture in detention.
- 158 This period saw a significant increase in the number of reported acts of aggression on the part of ANC SDUs, involving shootings, stabbings, arson attacks and assault. Other political groups allegedly involved in human rights abuses in the Orange Free State in this period are the AWB, vigilante groups and, to a small extent, the IFP. Further reports were received of attacks perpetrated against members of the DNP.
- 159 Several witnesses told the Commission that their relatives failed to return from exile when this became possible in the early 1990s. Mr Somahlenga Billy Mokhonoana and Mr Leoatle Ishmael Mahlolo were reported to have died while in exile. Mr Edward Vuyo Charles [KZN/ZJ/014/BL] and Mr Mohale were said to have been killed in the course of MK activity within the country. On the available evidence, the Commission was not able to make findings as to how these people died or who was responsible for their deaths.
- 160 A common feature of the evidence provided by families of those who died in exile is that next of kin were often not given reliable information about the deaths. Conflicting facts and other suspicious details led witnesses to believe that information about the deaths of their loved ones was being withheld or distorted for unknown reasons.

## State and allied groupings

### *Torture in custody*

- 161 In the early 1990s, police continued to act forcefully against those thought to be organising and leading rent boycotts and protests against local councils. Many reports of police brutality towards detainees in custody were received, particularly from students, members of labour unions and civic organisations. The Commission heard of a variety of

torture methods used to coerce individuals to make statements or to act as state witness in unrest-related court proceedings.

### **The torture of Moloi Kgotsiesile**

*Mr Moloi Aaron Kgotsiesile was tortured on 26 August 1990 when he refused to appear as witness for the state concerning conflict at a Sasolburg mine during the course of strike action [KZN/JRW/011/ BL].*

The torture of a named community leader

*In one case reported to the Commission, a community leader was arrested in 1990 by the police on suspicion of playing a leading role in a rent boycott in the Clocolan area. He alleges that while he was in custody, he was handcuffed and put into a sack with a cat. Water was poured into the sack and the detainee was injured when the animal panicked and attacked him [KZN/LMR/002/FS].*

### *D e a t h s   i n   c u s t o d y*

- 162 In the 1990s, people were still dying in Orange Free State police cells. Families of victims claimed that police explanations of the deaths were inadequate and that police were unhelpful, if not obstructive, in pursuing investigations.

### **The death in detention of Joseph Sello**

*Ms Alta Matseko Moholo told the Commission that her son, Joseph Sello, was arrested by Bultfontein police officers on 15 June 1993 for the alleged possession of an unlicensed firearm. The following day she was called to the station and asked to sign a document granting permission for her son to be examined by a doctor. When she refused to do this, she was informed that her son had committed suicide in the police cell by hanging himself with his tracksuit.*

*The police refused her permission to examine the whole body. She found scratches and marks on the neck but was prevented from seeing more. She said she was unaware of any inquest into the death or of criminal charges being brought against the perpetrators [KZN/GM/038/BL].*

THE COMMISSION FINDS THAT MEMBERS OF THE SAP WILFULLY WITHHELD INFORMATION ABOUT THE WELL-BEING OF DETAINEES FROM THEIR FAMILIES IN AN EFFORT TO CONCEAL THEIR OWN INVOLVEMENT IN THE ASSAULT AND TORTURE OF DETAINEES IN CUSTODY. THE COMMISSION FINDS FURTHER THAT MEMBERS OF THE SAP DELIBERATELY OBSTRUCTED INVESTIGATIONS INTO THE DEATHS OF ACTIVISTS, BY PREVENTING FAMILIES FROM VIEWING THE REMAINS OF VICTIMS WHO DIED IN CUSTODY AND BY FAILING TO INFORM FAMILIES OF PROGRESS IN CRIMINAL INVESTIGATIONS AND INQUEST PROCEEDINGS ARISING FROM THE DEATHS. THE SAP IS HELD ACCOUNTABLE FOR THE GROSS VIOLATIONS INVOLVED IN THESE UNLAWFUL ACTS AND OMISSIONS.

- 163 Ex-SAP officer JJ de Ru [AM1780/96] applied for amnesty in respect of the death in January 1991 of Mr M Rampalile (who was being held in connection with the killing of a Mr Shorty Bezuidenhout on the farm 'Vrisgewacht' in June 1990), and for the death in August 1993 of Mr Z Mofokeng, a suspect in the 1993 killing of one Mr Meiring of

Kragbron. De Ru's application gives evidence of police culpability in many deaths in custody in the Orange Free State.

### **The killing of M Rampalile**

*Mr De Ru told the Committee that he was instructed by a Security Branch officer of the highest rank to investigate the killing of Bezuidenhout. The officer summoned him to the mortuary to view Bezuidenhout's body and said that the perpetrators should not be allowed to live. De Ru and Officer Majafe took Mr Rampalile, who was a suspect in the killing, to point out the murder scene. While doing so, however, the officers created an opportunity for the suspect to escape. As he walked away from them, De Ru drew his service weapon and shot him dead. De Ru said that his action had met with the approval of his senior officers, including the one who had given the instruction for the investigation. He also said that the practice of shooting criminal suspects in the course of murder investigations of this nature was not only accepted informally by police officers, but happened under instruction from commanding officers.*

### **The killing of Z Mofokeng**

*De Ru and three other detectives took the suspect, Mofokeng, to the farm 'Beltren', near Kragbron. A similar scenario was set up and the suspect was shot dead.*

164 De Ru was convicted on counts of culpable homicide for the death of Rampalile, and of defeating the ends of justice and murder for the death of Mofokeng. The sentences for these convictions were five, four and thirteen years respectively.

165 De Ru told the Committee that he believed that his actions fell within the ambit of his police duties at the time. Although he did not know the political affiliations of his victims at the time of the killings, he heard later that they were members of APLA. He said he believed that, at the time, APLA was targeting aged persons and farmers in their 'One Settler, One Bullet' campaign. He believed the killings must have been politically motivated because, in his opinion, the age of the victims and the particular cruelty of the killings distinguished them from common criminal acts.

### *P u b l i c   o r d e r   p o l i c i n g*

166 The Commission heard that demonstrating students continued to clash with the police in the main Orange Free State centres during this period. Student and youth organisations were at the forefront of public protest activity. Issues ranged from those that affected them directly, such as school fees and political polarisation in schools, to the broader social concerns of local communities, particularly rent increases and vigilantism.

### **The shooting and ill treatment of Ishmael Ramtsieng**

*Members of the KwaKwatsi Youth League reported that police opened fire on them when they were on their way to the court in Koppies on 30 March 1990. Mr Ishmael Molefi Ramtsieng was one of those shot. He told the Commission that he was taken to a doctor who referred him to a hospital for surgery. When he arrived at*

*the Kroonstad hospital, he found police members waiting for him and was beaten and subjected to humiliating treatment by the police while in hospital. He absconded from the hospital after five days [KZN/JRL/015/FS].*

- 167 Several accounts were received of a police shooting incident at Viljoenskroon on 19 April 1990.

#### **Police shooting at Viljoenskroon**

*Students gathered for a march that started at the Thabang High School and headed for the Mhlabateng Primary School in the township. Mr Moorosi Samuel Tsotsotso told the Commission that students had gathered peacefully and were ordered to disperse within five minutes. Before the time was up, a constable fired a shot into the air, causing the marchers to panic. The police then opened fire on the crowd, killing five youths and injuring many others. Tsotsotso sustained serious gunshot injuries in the incident [KZN/MAM/007/FS]. The Commission received two reports of deaths sustained in this incident and two other reports of gunshot injuries.*

THE COMMISSION FINDS THAT UNKNOWN MEMBERS OF THE SAP, BY THE UNJUSTIFIED USE OF DEADLY FORCE, CAUSED THE DEATHS OF FIVE YOUTHS AND THE INJURY OF AN UNKNOWN NUMBER OF STUDENTS IN A SHOOTING INCIDENT AT VILJOENSKROON ON 19 APRIL 1990. SUCH ACTS AMOUNT TO GROSS VIOLATIONS OF HUMAN RIGHTS AND THE SAP IS HELD ACCOUNTABLE FOR THEM.

- 168 Several statements were made to the Commission by victims who were unwittingly caught up in township disturbances and school boycotts. The lives of such individuals were irreversibly altered by injuries sustained during the conflict as a result of police action. Perhaps the most poignant stories of innocent people caught in the crossfire are those of children.

#### **The shooting of Ben Enkela, aged five**

*Ben Kadafie Enkela was five years old when he was shot and injured by police in April 1990 while playing in the yard at his home at Ditlake, Koffiefontein. The police were shooting at youth activists [KZN/JWR/078/FS].*

#### **The shooting of Vincent Thipe, aged ten**

*Vincent Thipe was ten in 1990 when he was shot by police in 1990 outside his home in Ditlake township, Koffiefontein, at the time of school protests. He was eating outside the house when he saw police hippos [armoured personnel carriers] come past. Police opened fire in his direction, injuring him [KZN/JRW/081/FS].*

#### **The shooting of Sinah Mosele, aged thirteen**

*Ms Sinah Mosele Matsie was thirteen when police shot her in the knee in her Senekal home on 11 February 1990. Her grandmother, Ms Adelaide Matsie, and her grandfather were shot in the same incident and were wounded in the thigh and in the hip respectively. The shootings occurred when students engaged in protest action ran into the Matsie house to hide from the police who were pursuing them [KZN/LIT/001/FS].*

IN REVIEWING EVIDENCE OF GROSS HUMAN RIGHTS VIOLATIONS PERPETRATED BY THE STATE AND ALLIED GROUPS IN THE ORANGE FREE STATE DURING THIS PERIOD (1990 – MAY 1994), THE COMMISSION FINDS THAT THE SAP MADE WIDESPREAD AND ROUTINE USE OF ASSAULT, TORTURE AND EMOTIONAL AND PSYCHOLOGICAL ABUSE AS PART OF A SYSTEMATIC PATTERN OF ABUSE DIRECTED AGAINST OPPONENTS OF THE SOUTH AFRICAN GOVERNMENT. IT FINDS THAT MEMBERS OF THE SAP WERE RESPONSIBLE FOR SEVERAL DEATHS OF DETAINEES WHILST IN CUSTODY. IT FINDS FURTHER THAT THE MEMBERS OF THE SAP WERE RESPONSIBLE FOR WIDESPREAD UNJUSTIFIED USE OF DEADLY FORCE, RESULTING IN INJURY AND DEATH. THESE ARE GROSS VIOLATIONS OF HUMAN RIGHTS FOR WHICH THE SAP IS HELD RESPONSIBLE.

### *C o n t r a - m o b i l i s a t i o n*

- 169 Police continued to act in a heavy-handed manner during public protests against local councils and councillors. On 19 April 1990, residents marched through the township at Viljoenskroon to demand the resignation of councillors. The police ordered them to disperse; they refused and were teargassed. They continued marching and police opened fire into the crowd. Five people were killed and seven injured.
- 170 Some councillors were reported to have taken direct action against the opposition themselves.

#### **The assault of Baili Merae**

*On 19 August 1990, in Dealesville, Mr Baili Piete Merae (20), vice-president of the Tshwaranganang Youth Congress, was severely assaulted by a local councillor and his family. Merae said that councillors had organised themselves into small groups to assault 'comrades' in retaliation for consumer boycotts against councillors' businesses [KZN/JRW/087/FS].*

- 171 Councillors and council property continued to be targeted, particularly after councillors allegedly started using vigilantes as rent collectors and to harass and intimidate defaulters.

#### **The assault of Solomon Motlohi**

*Ms Mathelo Rebecca Motlohi told the Commission that her husband Solomon Ramahas Motlohi (35) was severely beaten by young ANC members in August 1991 in Botshabelo. Motlohi was a rent collector and was targeted because he encouraged people to pay rent during a rent boycott. It is alleged that the youths took him from his office to a house, where he was assaulted. He died on the way to hospital [KZN/TIS/003/BL].*

#### **The case of Koki Singonzo**

*In his statement to the Commission, Mr Koki Simon Singonzo said that his homes, taxis and business were stoned, petrol-bombed and attacked on a regular basis from 1990 to 1993 by members of the Mangaung Civic organisation and ANC because he refused to resign as a councillor. He said that one of his houses was destroyed in 1991 by an arson attack, and property was destroyed at three of his other houses during stone-throwing incidents and a petrol bomb attack in 1992. His three taxis were stoned and burnt in 1992 and, in the same year, customers were intimidated into a boycott of his business activities. The collapse in business led to the repossession of his supermarket and considerable personal losses [KZN/MT/015/BL].*

THE COMMISSION FINDS THAT UNKNOWN MEMBERS OF THE ANC AND OF THE UDF WERE RESPONSIBLE FOR THE PERPETRATION OF GROSS HUMAN RIGHTS VIOLATIONS ARISING FROM A LACK OF POLITICAL TOLERANCE. SUCH ABUSES INCLUDED ARSON ATTACKS, SEVERE ASSAULT, KILLING AND ATTEMPTED KILLING OF INDIVIDUAL TOWN COUNCILLORS AND MEMBERS OF OPPOSING POLITICAL PARTIES. THESE ACTS WERE GROSS VIOLATIONS OF HUMAN RIGHTS FOR WHICH THE ANC AND UDF ARE HELD ACCOUNTABLE.

- 172 The Commission heard that the activities of various vigilante groups, particularly the Three Million Gang, continued into the 1990s. In the Troubou area of Kroonstad, gang members allegedly forcibly evicted from their homes people who did not support the gang.

#### **The killing of Tabbello Mokoane**

*On 1 December 1991, ANC member Mr Tabbello Clement Mokoane was killed by Three Million Gang members. When his aunt went to collect his death certificate, gang members accosted her, forced her to hand over her house keys, and occupied her house [KZN/TDM/005/KRS].*

#### **The dismissal of SAP officer Petros Mzosane**

*In Kroonstad, SAP officer Petros Mzosane was dismissed after being accused of colluding with the community against the police. Mzosane was investigating offences committed by the gang and was particularly disturbed by the fact that gang members were frequently acquitted when they were brought to court.*

*He alleged that police members received specific instructions from the station commander to assist gang members with transport in police vans when they needed to make appearances in court. On questioning the partisan role of the police in these matters, he was eventually dismissed from the force [KZN/MBL/005/KRS].*

- 173 From 1990, Kroonstad ANC Youth League members formed small SDUs to protect the community against attacks by the Three Million Gang. ANC Youth League member P M Thulo was the founder of the SDUs in Kroonstad and became the general commander of three SDU cells. In Gelukwaarts (Kroonstad), the SDUs formed a gang known as the 'witdoeke'. Other related gangs included the Canada Gang and the *Tsekelekwas*.<sup>14</sup>

### **Resistance and revolutionary groupings**

#### *S a b o t a g e*

- 174 Several sabotage attacks occurred in the province during this period, including a grenade explosion at a Botshabelo police station on 17 January 1992 and an armed attack by MK on police near Bethlehem on 2 April 1992, killing one policeman and injuring one other.

- 175 Several alleged ANC and MK operatives were charged for sabotage-related offences during this period.

#### *A P L A a t t a c k s*

- 176 In 1989, the PAC and its military component, APLA, designated 1990 as the 'Year of the People's Offensive' and launched the so-called 'One Settler One Bullet' campaign. PAC leader and APLA Commander Sabelo Phama ordered the military exercise known as 'Operation Great Storm' to reclaim the land from white farmers and return it to the African people. Instructions were given to attack farmers and to appropriate items, such as firearms and clothes, which could be used to further the aims of the movement or to assist disadvantaged people. The operation was said to be a joint venture of PAC and a special APLA task force.
- 177 In some instances, APLA members engaged in armed robberies. Amnesty applicants claimed that armed robberies were committed on the instructions of the APLA command as part of the work of APLA 'repossession units', to raise funds and/or obtain weapons and vehicles to enable APLA to carry out its military strategy. Many such robberies involved the killing of civilians. One person was killed in an attack on Checkers supermarket in Bloemfontein on 3 March 1992.
- 178 Civilians died and weapons and vehicles were stolen in a number of attacks carried out on farms as part of 'Operation Great Storm' during this period. Attacks were particularly frequent in the Orange Free State, amongst them:
- a The attack on Wesselsdal farm, Vanstadensrus, Wepener, on 25 July 1993 in which Mr Johnny Smith was killed and his wife Rene was injured.
  - b The attack on Boonzaaier's farm at Virginia on 12 February 1989, in which Mr Johannes Hermanus Boonzaaier was fatally shot, his wife Mercia was assaulted and they were robbed of their *bakkie*.<sup>15</sup>
  - c The attack on the Van Tonder farmhouse in Bloemfontein on 10 February 1991, in which members of the family were attacked and killed, and money, arms and a car were stolen.
  - d The killing of Mr Fanie Smith in Bethlehem on 18 March 1992.
  - e The injury of several people in a petrol bomb and grenade attack on a house in Ficksburg on 10 December 1992.
  - f The burning down of a house in Fouriesburg on 10 October 1992. The owner, Mr Edmund Middleton, was shot at on 7 August 1993 [JB06470/99OVE].
  - g The attack on one Mr van Schalkwyk in Heilbron on 14 July 1992, in which the victim was shot and robbed.
  - h The fatal shooting of Mr Abraham Prinsloo, AWB member from Senekal, on 2 February 1993.

#### **The killing of RJ Fourie**

*Mr Hendrik Leeuw, Mr Mishek May and Mr Daniel Magoda, all PAC members, applied to the Commission for amnesty in respect of the killing of Mr R J Fourie on the farm 'Stormberg' at Verkeerdevlei.*



*On 12 February 1992, Fourie and a companion, a Ms May, were returning to his farm from town when the vehicle in which they were travelling was ambushed as Fourie stopped at his farm to open the gate. Fourie was shot dead. Ms May was forced to take the perpetrators to the farm house where they took various items. Leeuw told the Amnesty Committee that Ms May was not killed because she was not a target. He said that she had been beaten to show her what would happen to those who assisted the apartheid regime.*

*Leeuw said that the instruction had been received from an APLA commander, Mr John Showa (deceased), who was also commander of a task force set up as a separate APLA unit and given specific duties to carry out.*

*During the amnesty hearing, Fourie's counsel argued that the motive for the events was indeed political. However, Committee members pointed out that the deceased was not anonymous, but known to two of the applicants, both of whom apparently had a grievance with him. This clouded the issue of personal and political motivations for the attack. Leeuw told the Committee that Fourie was attacked because he was an army or police reservist. Mr Mishek May told the Committee that Leeuw had identified the target to his accomplices without giving them any other information about him until after the killing. Had he known of the personal animosity between Leeuw and Fourie, May claimed, he would not have agreed to the killing.*

- 179 In 1993, the Goldstone Commission of Enquiry heard that APLA had 120 trained members inside the country and up to 2 700 members outside. The Commission found that APLA was responsible for thirty-four attacks nationally, resulting in thirty-four deaths and many more injuries. Thirteen of these attacks were on farm houses, three in the Ficksburg area.
- 180 In March 1993, two APLA members, Mr John May and Mr William Mxhoshana, were convicted of attempted murder, the malicious destruction of property and the possession of illegal weapons in the December 1991 hand grenade attack on the Batho police station in Bloemfontein.
- 181 In January 1994, PAC president Clarence Makwethu announced that the organisation had suspended the armed struggle of its military wing, APLA, and although the country witnessed a spate of incidents perpetrated by APLA dissidents, arrangements were made for the integration for APLA cadres into the national defence force.

### **Attacks on the PAC**

- 182 The Commission received a number of reports from PAC members in the Orange Free State who said they had been the targets of attack by the security forces or by the ANC/UDF.

#### **The attack on the home of Joang Likotsi**

*On 25 May 1993, police allegedly used force to enter the Botshabelo home of PAC member Joang Johannes Likotsi (66) while he and his family were asleep. The family was beaten with guns and their belongings destroyed. Likotsi's son, Thomas Likotsi, was taken to the PAC offices, which were searched. The son was then locked in the offices. The family did not lay charges for fear of reprisals [KZN/ZJ/085/BL].*

### **The case of Isaac Mqayana and others**

*PAC member Isaac Madodana Mqayana was stabbed by an ANC member at his Botshabelo home in July 1992 after an argument. ANC members followed the victim to his home and attacked him. He retaliated, stabbing his attacker to death.*

*In his statement to the Commission, the victim's father, Mr Mpitizeli Mqayana, said that his son turned himself over to the police and was released after due process.*

*On the day of Isaac's release, 17 July 1992, ANC 'comrades' set fire to the Mqayana home. Ms Martha Mannini Mqayana (56) sustained fatal burns in the fire and another son, Mr David Zolisele Mqayana (41) was killed by ANC 'comrades' while trying to put out the fire.*

*Isaac Mqayana was killed at his mother's funeral a few days later [KZN/JRW/104/BL].*

### *A N C   s e l f - d e f e n c e   u n i t s*

- 183    ANC SDUs emerged in various townships around the Orange Free State in the early 1990s. The Commission heard that, while these units were created by higher commands in the ANC and MK at a national level, they enjoyed a fair degree of autonomy at local level. Their perceived role was to patrol and protect communities from the attacks of vigilante groups and other political foes. The Commission heard that many units came to operate like small private armies, controlled by prominent individuals and seeking to further their own political agendas.
- 184    The great majority of the reported incidents of aggression by SDUs relate to arson attacks on homes. Reports of assault and killing were also received. Consumer boycotts, rent boycotts, labour stay aways, campaigns for the resignation of councillors and school protests have all been cited as contexts in which SDU abuses occurred. The Commission heard that SDUs played a role in enforcing the decisions of community organisations, as happened in the campaign to force Councillors Morgan and Susan Phelane to resign from the Brandfort local council:

### **The case of the Phelane Family**

*Mr Jack Menera, who has applied for amnesty for the killing of Councillor Susan Phelane, told the Committee that in 1990, UDF/ANC activists in Brandfort summoned councillors to a meeting and asked them to resign their positions. Councillors Morgan and Susan Phelane did not attend the meeting. A decision was taken to vandalise Mr Phelane's shop and to boycott all his business activities. In response, Phelane allegedly formed a gang to counter these attacks. The gang is claimed to have enjoyed the support both of Inkatha members and police.*

*Menera said that an underground structure of the SDU took a decision to kill the Phelanes and their 'gangsters'. In 1990, Ms Phelane was hacked to death in the shop, their eleven-year-old son Patrick stabbed and the shop set alight. The couple's other son, Mr Edward Phelane, was also brutally stabbed and his car was burnt.*

- 185 SDUs in the Orange Free State appear to have been numerous, usually small in size and of informal constitution. Small groups within an ANC structure like the Youth League could therefore be confused with SDUs, as could certain ANC youth gangs known for their thuggery in the townships. A few cases presented to the Commission describe ANC aggression in the context of conflict between rival branches of the ANC and other UDF/ANC affiliate organisations.

#### **The case of Leaooa Shuping**

*Mr Leaooa Paul Shuping (17) was shot on 28 March 1992 in Church Street, Bloemfontein by the ANC-aligned '21-Jump Street Gang' [KZN/MOL/019/BL]. He is now disabled as a result of the shooting. His father Abram Bosaeletse Shuping and brother Abel Goitsimodimo Shuping were shot dead in the same incident, apparently for resisting the gang's offensive against dissenting ANC/SANCO members [KZN/JRW/111/BL].*

- 186 The Amnesty Committee heard details of the SDU-related killing of a Mr Plaatjies at Tumahole (Parys) in 1993. The case illustrates the complex interaction of events in which ill-judged and impulsive gang activity could lead loss of life.

#### **The case of Mr Plaatjies**

*Mr WO Thoabala told the Amnesty Committee that he was drawn into a Tumahole SDU by Mr Benjamin Cholota on his return from exile in 1993. Cholota said, following a call by Mr Chris Hani for the enemy to be disarmed, the SDU would conduct searches and disarm police or gang members. On one occasion, Thoabala and Cholota entered a tavern at Tumahole with the objective of conducting such a search. Here they entered into a disagreement with one Mr Plaatjies (who had been identified as allegedly having killed 'comrade' Papi Qwaka).*

*Later Cholota and Thoabala accosted Mr Phule William Moalosi, whom they knew to be a prison warder and thought to be in possession of a firearm. Moalosi refused to be searched by the men and a fight allegedly broke out, also involving Plaatjies, who was allegedly bashed on the head with a brick.*

*Moalosi escaped from the scene. He later returned to the tavern, this time armed. A shooting incident ensued, in which Moalosi believed he had hit Thoabala. It transpired that he had shot and killed Plaatjies, a man with whom he had no quarrel.*

*Moalosi gave himself up to police and was later convicted of Plaatjies' killing. Cholota was convicted of attempted murder of Plaatjies and sentenced to seven years' imprisonment.*

*The Amnesty Committee approved the three applications for amnesty in respect of the death of Plaatjies.*

- 187 In the ANC's submission to the Commission, Mr Thabo Mbeki said that the SDU groups were controlled by communities themselves, not by ANC headquarters. In some instances, the ANC admitted, things did go wrong.

#### **The mob killing in Mshenguville**

*Another incident in which 'things went wrong' took place on 29 September 1990 at Mshenguville in Kutlwanong (Odendaalsrus). Four white people were brutally killed by a mob, led in its attack by ANC 'comrades'.*

*Amnesty applicant Philip Matela Dintwe (33), one of those convicted for the killings [AM1504/96], told the Amnesty Committee of a township patrol undertaken in response to rumours of an intended attack by vigilantes or right-wingers. At a meeting to plan the patrol, local secretary Mr Manong, who was chairing the meeting, called on 'comrades' to protect themselves and the community.*

*Mr Dintwe said he came upon a group of people assaulting four white people, three men and one woman, and joined in, using an iron rod. He alleged that between 500 and 600 people were involved in the attack. The woman was taken aside and raped, and her breast was cut off. All four victims died.*

*In the trial, the court heard that Dintwe himself had mutilated the woman with an axe. The court heard also that he had, in fact, ordered the killings. Dintwe argued that the purpose had been to prevent attack and to secure the safety of the public of Kutlwanong.*

*No evidence existed that the four whites involved posed any real threat to the community. The court heard that they had ventured into the township in search of alcohol. Dintwe could not explain to the Amnesty Committee why a mob of 500 was needed to defend the community against four people. Manong and local civic organisations distanced themselves from the killing.*

*Amnesty applicant, Mr Philip Matela Dintwe was refused amnesty for his part in the attack. Three other applicants were also denied amnesty: Mr Thami Hlobo [AM1009/96], Mr Jeremia Monare Moika [am1349/96] and Mr Justice Sekgopa [AM0032/96].*

#### *Attacks on collaborators*

- 188 Several reports of necklacing in the Orange Free State were received. In some cases, motives for the attack were not evident. Ms Ntombizodwa Victoria Ngcana (21), an ANC member, was abducted and killed by burning by 'comrades' in Brandfort on 12 July 1990 [KZN/JRW/100/FS]. ANC member Elias Zamani Khathaza died after being necklaced on 20 July 1990 at Lusaka, an informal settlement outside Theunissen [KZN/TIS/023/BL].
- 189 In two other reported cases, known and suspected members of the police force, or their family members, were targeted for necklace killings.

#### **The case of Olifant Msawuli**

*Mr Jacob Msawuli told the Commission that his father, Mr Olifant Msawuli (57), was burnt to death by 'comrades' in November 1992. He was targeted because 'comrades' accused his son Jacob of being a police officer.*

*They took him to a hall in Koppies where they tied his hands and poured burning liquid plastic over his head. They then pulled his fingernails out with pliers before dousing him with petrol and setting him alight.*

*The four perpetrators were sentenced to twenty-five years each [KZN/TIS/032/BL].*

THE COMMISSION FINDS THAT UDF AND ANC MEMBERS, INCLUDING MEMBERS OF ANC SDUS, PERPETRATED GROSS HUMAN RIGHTS VIOLATIONS WHICH RESULTED IN THE INJURY AND DEATHS OF PERSONS PERCEIVED TO BE COLLABORATORS WITH THE SOUTH AFRICAN GOVERNMENT AND OF PERSONS HOLDING PUBLIC OFFICE ON LOCAL GOVERNMENT BODIES.

### **Civilian right wing, white farmers and the police**

- 190 Among the identifiable right-wing groups active in the Orange Free State during this period was a group known as *Toekomsgesprek*<sup>16</sup>, an organisation established in opposition to the NP and *Broederbond*. The group was responsible for various sabotage and arson attacks on NP offices. Members of the *Broederbond* were also targeted for attack in an attempt to pressurise them to resign and to oust them from agricultural and municipal organisations.
- 191 According to Mr Daniel Benjamin Snyders, a member of *Toekomsgesprek*, the organisation set fire to the offices of a Frankfort attorney who had represented black people against white business people during a strike at Vryheid [AM9974/96].
- 192 Right-wing attacks reported to the Commission included racial incidents, attacks by the AWB, by white farmers and by the police. The latter were sometimes alleged to be AWB members themselves, or colluding with AWB members and white farmers. The AWB announced that it would mobilise its ranks in retaliation for the 'One Settler, One Bullet' campaign. Random racial attacks were reported to the Commission in which, for example, ordinary members of the public were accosted on the street and assaulted. The Thaba'Nchu road, in particular, was alleged to be the scene of random attacks on blacks.
- 193 Mr Samuel Chobane Papala reported that three men, allegedly AWB members, abducted him in Hoopstad in 1993 while he was walking in the street wearing an ANC flag. They put him into a *bakkie* [van] and sat on top of him so that he could not see what was happening. He was assaulted, hit with a gun butt and kicked. He was then locked in a garage from which he managed to escape. The attackers were not identified [KZN/BEN/001/FS].

THE COMMISSION FINDS THAT MEMBERS OF CIVILIAN RIGHT-WING GROUPS WERE RESPONSIBLE FOR SEVERAL RACIAL ATTACKS ON BLACK PEOPLE IN THE ORANGE FREE STATE. THESE ATTACKS FREQUENTLY LED TO INJURIES AND DEATHS OF THE VICTIMS AND CONSTITUTE A GROSS VIOLATION OF HUMAN RIGHTS.

- 194 The head of the Free State Agricultural Union, Mr Pieter Jakobus Gouws, told the Amnesty Committee that the farming community perceived themselves to be the targets of APLA and MK, which had intentions of driving them off their farms. He said that they felt under attack as the liberation forces wanted to destroy their economic power and political influence. This perception was derived from acts of aggression on farmers. Farmers had to live with the perceptions, rumours, and the utterances made by these organisations.

- 195 In response to this, the Union appealed to the farming community to protect themselves, to unite with the police and security forces, to form farm watches and to take on security matters themselves. Farmers became actively involved in policing and patrolling their areas in vehicles. The farm watches bound the police, security and defence forces and the farming community together in a direct working relationship. Many farmers enlisted as police reservists (described by Gouws as 'special constables') who dealt not only with security matters but with ordinary criminal matters such as the theft, for example, of copper wire or cattle.
- 196 An atmosphere of siege prevailed, characterised by what Gouws described as a "general psychosis of fear, distrust, aggressiveness". Gouws said that farmers and police found it difficult at the time to distinguish between acts of a criminal nature and acts of political intention. He believed that the level of brutality witnessed in the attacks set them apart from ordinary criminal activities. He noted that their aim was to instil fear and that the perpetrators were usually very well armed, planned their attacks well and went mainly for firearms.
- 197 Little villages like Vierfontein and possibly Kragbron were bought up by the farming community as safe settlements for elderly Afrikaners, often retired farmers. Security arrangements were tight, with residents and police taking special safety measures. Even these communities were targeted for attack.

THE COMMISSION FINDS THAT THE INJURIES AND DEATHS CAUSED BY APLA MEMBERS IN THE ORANGE FREE STATE PROVINCE BETWEEN 1990 AND APRIL 1994 WERE GROSS HUMAN RIGHTS VIOLATIONS BROUGHT ABOUT BY THE DELIBERATE ACTIONS OF APLA MEMBERS ACTING WITHIN THE MANDATE OF THE PAC'S POLICIES. APLA AND THE PAC ARE HELD ACCOUNTABLE FOR SUCH VIOLATIONS.

- 198 It would appear from the evidence available that white farmers enjoyed close working relations with police officers and would often turn to the police for assistance in dealing with 'troublemakers'. In the Northern Free State area, poor whites would often aspire to be police officers because this was considered prestigious and was a means of improving their lot in life. Many security force members therefore came from local farming families. In smaller, more conservative communities, police were very much members of the community and more subject to pressure than in larger areas.
- 199 Police appear to have had free reign to deal with 'troublemakers' on farms. However, farmers also declared that unless the police dealt with the situation first, they would deal with the criminals themselves. Offenders would be punished, tortured and assaulted, sometimes fatally.
- 200 Reports were received of white farmers in the Orange Free State who assaulted farm workers severely when disputes arose on farms or when workers were thought to be involved with political organisations.

### **The case of Jonas Mathe**

*In 1993, on a farm called Lambertina at Clocolan, an ANC member Jonas Matli Mathe was shot and injured by police because he was calling himself 'Mandela'.*

*The victim was taken to hospital but is today confined to a wheelchair, paralysed and mentally disturbed as a result of the incident. His parents said that they did not take any action against the police or the farmer for fear that they would be expelled from the farm [KZN/LMR/001/FS].*

THE COMMISSION FINDS THAT VIOLATIONS WERE PERPETRATED AGAINST INDIVIDUAL MEMBERS OF THE ANC BY THE SAP AND MEMBERS OF OPPOSING POLITICAL ORGANISATIONS WERE GROSS VIOLATIONS OF HUMAN RIGHTS FOR WHICH THE SAP IS HELD ACCOUNTABLE.

### *P o l i c e   f a r m s*

- 201     References in several testimonies before the Commission point to the use of farms for the work of the police. It is possible that the farm 'Bloemanda' was used for interrogations in 1978. The farm 'Roodewal' outside Bloemfontein was allegedly used as a detention centre by the police. These allegations are, as yet, unsubstantiated. It is known, however, that the SADF had a military base at 'Roodewal' to which vigilantes, such as the Eagles, were sent for training courses in intelligence and counter-revolutionary strategies.