

The Liberation Movements from 1960 to 1990

● OVERVIEW OF VIOLATIONS

- 1 The Commission has analysed the human rights violations committed by the liberation and mass movements by grouping the violations in the following categories:
 - a Violations committed in the course of the armed struggle by armed combatants;
 - b Violations committed by liberation movements against their own members or against suspected spies or dissidents within their ranks, usually outside South Africa;
 - c Violations committed by supporters of the liberation movements in the course of 'mass struggle', primarily during the 1980s;
 - d Violations committed by members of the liberation movements after their legalisation on 2 February 1990.
- 2 The overall findings in respect of the liberation movements follow. Other findings are located in the text.

IN REVIEWING THE ACTIVITIES OF THE AFRICAN NATIONAL CONGRESS (ANC) AND THE PAN AFRICANIST CONGRESS (PAC), THE COMMISSION ENDORSED THE POSITION IN INTERNATIONAL LAW THAT THE POLICY OF APARTHEID WAS A CRIME AGAINST HUMANITY AND THAT BOTH THE ANC AND PAC WERE INTERNATIONALLY RECOGNISED LIBERATION MOVEMENTS CONDUCTING LEGITIMATE STRUGGLES AGAINST THE FORMER SOUTH AFRICAN GOVERNMENT AND ITS POLICY OF APARTHEID.

NONETHELESS, THE COMMISSION DREW A DISTINCTION BETWEEN A 'JUST WAR' AND 'JUST MEANS' AND HAS FOUND THAT, IN TERMS OF INTERNATIONAL CONVENTIONS, BOTH THE ANC, ITS ORGANS THE NATIONAL EXECUTIVE COUNCIL (NEC), THE NATIONAL WORKING COMMITTEE (NWC), THE REVOLUTIONARY COUNCIL (RC), THE SECRETARIAT AND ITS ARMED WING UMKHONTO WESIZWE (MK), AND THE PAC AND ITS ARMED FORMATIONS POQO AND THE AZANIAN PEOPLE'S LIBERATION ARMY (APLA), COMMITTED GROSS VIOLATIONS OF HUMAN RIGHTS IN THE COURSE OF THEIR POLITICAL ACTIVITIES AND ARMED STRUGGLES, ACTS FOR WHICH THEY ARE MORALLY AND POLITICALLY ACCOUNTABLE.

● THE AFRICAN NATIONAL CONGRESS

Preface

- 3 The Commission recognises that it is able to make some very detailed observations and findings about the abuse of human rights in the military camps of the ANC owing to the fact that the ANC had earlier initiated a number of its own enquiries, namely the Stuart report, an investigation into the death of Thami Zulu (both internal ANC commissions) and the Skweyiya and Motsuenyane Commissions. The ANC also made extremely detailed submissions to the Commission.
- 4 The Motsuenyane enquiry, in particular, was a public and independent enquiry to which anyone could bring evidence about such abuses, and a significant number of individuals did so. This enquiry is, in fact, recognised in some of the international literature as a truth commission in its own right.
- 5 The Commission believes that this was an unprecedented step for a liberation movement to take, and that the ANC should be commended for setting a high standard in this regard. It regrets that it did not receive the same level of co-operation from other structures and organisations in the compiling of this report. Much of the detail contained in the section that follows comes from the ANC's own enquiries and submissions to the Commission.
- 6 Following the banning of the ANC in 1960, the organisation established an armed wing, Umkhonto weSizwe ('spear of the nation'), popularly known as MK. MK engaged in acts of war from 1961 to 1990 when, following its unbanning on 2 February, negotiations commenced. The armed struggle was suspended in August 1990. The Commission has examined the gross violations of human rights allegedly perpetrated by members of the ANC and MK. Particular attention has been paid to violations committed by MK in planned and unplanned offensive operations; violations against perceived spies, informers and 'collaborators' within its own ranks; violations against other parties in the course of the 'mass struggle' of the 1980s, and violations against other parties after the legalisation of the ANC in February 1990.
- 7 In the course of the armed struggle, a number of military actions took place which resulted in the death or injury of civilians, and where gross violations of human rights can be said to have been committed, despite ANC policy to avoid unnecessary loss of life. Police statistics indicate that, in the period 1976 to 1986, approximately 130 people were killed by 'terrorists'. Of these, about thirty were members of various security forces and one hundred were civilians. Of the civilians, forty were white and sixty black¹.
- 8 The ANC told the Commission that civilian casualties were attributable to poor reconnaissance, faulty intelligence, faulty equipment, infiltration, misinterpretation of policy, anger on the part of individual members of MK and the 'blurring of the lines' between military and civilian targets in the mid-1980s.

Unplanned military operations

- 9 The Commission received submissions from victims of 'unplanned' military operations performed by MK operatives, notably from victims of the January 1980 Silverton Bank Siege in Pretoria. Such operations resulted in civilian

casualties. The July 1977 Goch Street shooting in Johannesburg is also documented here for the sake of completeness of the historical record. The Commission received no victim submissions in this case.

- 10 According to the ANC's first submission, in the Silverton Bank Siege, which took place in Pretoria on 25 January 1980, members of an MK unit, Mr Stephen Mafoko, Mr Humphrey Makhubo and Mr Wilfred Madela [JB03888/01GTSOW] were, according to the ANC, confronted by the police while "on their way to carry out a mission". They entered a bank where they held customers hostage. This was followed by a shoot-out with the police in which two civilians and the three MK operatives were killed. In its submission to the Commission the ANC said that the incident took place "on the spur of the moment" and was the only time that its operatives took hostages in the course of MK actions.
- 11 The Commission received submissions in respect of the deaths of Ms Cynthia Valeria Anderson [JB04717/02PS] and Ms Anna Magrieta De Klerk [JB00697/ 02PS], and from Mr Salmon Knouwds [JB00118/02PS], Ms Annamaria Landman [JB00685/02PS], Ms Janetta van Wyk [JB00698/02PS], Ms Magrietha Christie and Mr Daniel Christie [JB00699/02PS] who were injured in the Silverton Bank Siege.
- 12 In July 1977, Mr Solomon Mahlangu [JB00182/02PS] and Mr Monty Motaung killed two civilians in a shoot-out with the police in a warehouse in Goch Street, Johannesburg. The two MK operatives had taken refuge in the warehouse when the police confronted them. They were captured and later charged. Mahlangu was hanged on 6 April 1979 for his part in the incident. Motaung was assaulted so severely by police that he suffered brain damage and was unable to stand trial.

IN THE COURSE OF THE ARMED STRUGGLE THERE WERE INSTANCES WHERE MEMBERS OF MK CONDUCTED UNPLANNED MILITARY OPERATIONS USING THEIR OWN DISCRETION AND WITHOUT ADEQUATE CONTROL AND SUPERVISION AT AN OPERATIONAL LEVEL, DETERMINING TARGETS FOR ATTACK OUTSIDE THE OFFICIAL POLICY GUIDELINES.

WHILE RECOGNISING THAT SUCH OPERATIONS WERE FREQUENTLY UNDERTAKEN IN RETALIATION FOR RAIDS BY THE FORMER SOUTH AFRICAN GOVERNMENT INTO NEIGHBOURING COUNTRIES, THE COMMISSION FINDS THAT SUCH UNPLANNED OPERATIONS OFTEN RESULTED IN THE PERPETRATION OF GROSS VIOLATIONS OF HUMAN RIGHTS IN THAT THEY CAUSED CIVILIAN LOSS OF LIFE AND INJURIES. THE 1977 GOCH STREET SHOOT-OUT AND THE 1980 SILVERTON BANK SIEGE ARE REGARDED BY THE COMMISSION IN THIS LIGHT.

Planned military operations

B o m b i n g s

- 13 For the purposes of this report, planned military operations include the sabotage campaigns mounted by the ANC/MK, including urban bombing campaigns and rural land mine campaigns. Attacks on individuals perceived as 'the enemy', as 'collaborators' with the state, as informers and agents of the security forces, as well as attacks on security forces personnel are also documented here. They are not, however, strictly classified as 'planned' military operations, even in cases where they conformed to the general practice, if not the general policy, of the ANC.

- 14 In the Pretoria Church Street bomb explosion on 20 May 1983, the MK Special Operations Unit planted a car bomb outside the building housing the administrative headquarters of the South African Air Force (SAAF). The explosion killed twenty-one people – eleven of whom were employees of the SAAF and two MK operatives – and injured 217. The Commission received statements in respect of eight people who were killed and ten who were injured in the blast. Additional names of victims were mentioned in the amnesty applications of MK operatives Mr Aboobaker Ismail [AM7109/97], Ms Helene Pastoors [AM7289/97] and Mr Johannes Mnisi [AM7096/97].
- 15 Those killed were Mr Sebastian Stephanus Walters [JB00696/02PS], Ms Adriana Johanna Christiana Meyer [JB00689/02PS], Mr Izak Jacobus Henning [JB00963/ 02PS], Mr Jacob Johannes Ras [JB00690/02PS], Mr Lengoi Moses Maimela [JB05179/02NPPTB], Mr Thomas Jonas Mohlahlo [JB05216/02NPPTB], Mr Mogale Judas Maimela [JB05179/02NPPTB] and Mr Sekgoetsi Jim Magatsela [JB05179/ 02NPPTB]. The injured were Mr Gerhardus Ackermann [CT05000/GAU], Mr Zirkie Bernardus Jansen [CT03085/GAU], Ms Marina Louis Geldenhuys [JB00163/01ER], Ms Paula Botha [JB00177/02PS], Mr James Marren Simpson [JB00179/02PS], Ms Hester Catharina Coetzee [JB00181/02PS], Mr Neville Clarence [JB00702/02PS], Mr Petrus Frederik Botha [JB00705/02PS], Ms Annamarie Triegaardt de Villiers [JB00694/01GTSOW], and Mr Christiaan Barnardo [JB00692/99OVE].
- 16 The ANC justified this bombing as having being aimed at a security force target and consistent with its policy of intensifying the struggle by attacking ‘the enemy’ and avoiding civilian casualties if possible. At the ‘recall hearing’ of political parties, the ANC told the Commission that:

Had that bomb gone off at 16h30 ... the overwhelming majority [of victims] would have been from [the Air Force]. But it went off prematurely ... in war, in conflict, of course, one can't always be 100 per cent efficient, effective in an operation ... But we are consistent here in terms of our principle and approach.

- 17 Amnesty applicant Aboobaker Ismail told the Commission that:

There were large numbers of military personnel at the target at the time. We accepted that civilian casualties would result, but we felt that we had to strike at military personnel ... It was not callous. It was not a school like the apartheid forces attacked when they were attacking school children. They were military people there ... One regrets the loss of innocent lives of civilians, but ... we did not think it was terrorism. In fact, the ANC in all its statements lauded that operation...

- 18 Mr Johannes Mnisi's role was to test the devices. He was also part of the contract, together with Mr Freddie Shongwe and Mr Izekiel Masango, the MK operatives who died in the explosion. Ms Helene Pastoors delivered the car with the explosives to the two operatives.²
- 19 In the Amanzimtoti bombing on 23 December 1985, MK cadre Andrew Sibusiso Zondo detonated an explosive in a rubbish bin at the Sanlam Centre. Five people died in the blast and over forty were injured. The Commission received statements in respect of four deaths and six injuries arising from the incident.
- 20 Zondo was reacting in anger to the December 1985 Maseru Raid by the South African Defence Force (SADF). He was aware that civilians would be killed and deliberately acted against MK policy. In its first submission to the

Commission, the ANC said that Zondo's act was not in line with ANC policy, but was understandable as a response to the SADF raid into Lesotho.

- 21 Zondo was convicted and executed for this act. He apologised to the families of those who died before the death sentence was passed. Two other MK members were allegedly implicated in the blast, one of whom was Mr Stanley Bhila [KZN/NJ/004/DN]. Both were killed by security police. Applications for amnesty were received in this regard.
- 22 The Commission received the following submissions in respect of victims of the Amanzimtoti bombing: the deaths of Cornelius Francois Smit [JB00193/02PS], Ms Irma Bencini [JB05547/03WR], Ms Anna Petronella Shearer [KZN/NNN/522/DN] and Willem Arie van Wyk [JB04774/03VT]; injuries to Ms Isabella Magretha van Wyk [JB04774/03VT], Ms Anna Smit [JB00193/02PS], Ms Sara Susanna Hogan [JB01429/02PS], Ms Anna Christina Frederika Prinsloo [JB01428/02PS], Ms Valekile Letta Makhathini [KZN/NS/036/DN], and Ms Hluphekile Letia Nkabinde [JB00207/03VT].
- 23 On 14 June 1986, three people were killed and about sixty-nine injured in a car bomb explosion at Magoo's Bar on the Durban beachfront. The attack was carried out by an MK cell consisting of Mr Robert McBride, Ms Greta Apelgren (now known as Zahrah Narkedien) and Mr Matthew le Cordier. The latter turned state witness at the trial. Apelgren was acquitted and McBride was convicted and sentenced to death three times. McBride was released during the negotiations between political parties in the early 1990s.
- 24 The Commission received two submissions in respect of people who had been killed in the Magoo's Bar bombing and eleven in respect of the injured. Ms Helen Kearney, a barmaid at the hotel, was one of those injured in the attack and testified at the hearings.
- 25 Those who died were Ms Marchelle Cheryl Gerrard (Oosthuizen) [KZN/GW/001/DN] and Ms Angelique Pattenden [KZN/NKS/010/DN]. The injured were Mr Michael Todd [KZN/NKS/001/DN], Mr David Flutcher [KZN/NKS/002/DN], Mr Gavin Maxwell [KZN/NKS/003/DN], Mr T Vulonel [KZN/NKS/004/DN], Mr Kishorelal Dulcharan [KZN/NKS/006/DN], Ms Helen Kearney [KZN/NKS/007/DN], Ms Larreine de la Rosa [KZN/NKS/008/DN], Mr Craig Shillow [KZN/NKS/011/DN], Mr Andrew Vimnecembe [KZN/NKS/012/DN], Mr Roger Shillow [KZN/NKS/013/DN], and Mr Jonathan Jeffers [KZN/NKS/019/DN].
- 26 In its first submission to the Commission, the ANC noted that this bombing was "in line with the ANC's attempts to take the struggle out of the black ghettos and into the white areas. The target of the attack was the 'Why Not' Bar, near the Magoo's Bar because it was [according to surveillance carried out by MK operatives] frequented by off-duty members of the Security Forces."
- 27 On 21 April 1997, the Commission *subpoenaed* Robert McBride and Zahrah Narkedien to testify in Section 29 hearings in Durban. Narkedien told the Commission she had been tortured by the security police after her arrest in connection with bombing. She testified that, before the explosion, they had been to Botswana to receive instructions from MK command structures. In his own defence, Robert McBride, testified as follows:

Magoo's is a new invention by the Mercury newspaper. Everybody knew I parked directly opposite the 'Why Not' Bar. Magoo's was never an intended target. And everybody has pretended I acted on my own like a madman ... We were to kill enemy personnel. That's it.

- 28 In the course of questioning at the hearing, it became clear that McBride's reconnaissance of the Bar to ascertain whether it was frequented by 'enemy' personnel was of a highly amateurish nature.
- 29 A bomb exploded on 20 May 1987 at the Johannesburg magistrate's court, a minor explosion that was followed by a second more powerful charge minutes later. Mr André Duvenhage, a police officer at John Vorster Square at the time, was one of the personnel who attended to the first explosion not knowing that it was a decoy. The second charge killed him. According to the ANC, three police officers were killed and four police officers and six civilians injured in the explosion. Other reports claimed there were four deaths and sixteen injuries. The Commission received submissions testifying to the deaths of Mr Kobus Wilkens [JB06472/03NW] and Mr André Duvenhage [JB02168/03WR] and the injury of Mr Khutswane [JB02168/03WR].
- 30 The ANC lists the incident as an MK operation. The Commission received amnesty applications from Mr William Mabele [AM5313/97] and Mr Joseph Koetle [AM7500/97].
- 31 There were a number of other planned bombings with civilian casualties. In November 1986, two limpet mines exploded at the Newcastle magistrates' court, injuring twenty-four people. Mr Johannes Zwelibanzi Simelane [KZN/KM/ 643/NC] and Mr Vusumuzi Jacob Hezekiah Nene [KZN/KM/642/NC] testified to the injuries they received in the incident.
- 32 In July 1987, a bomb exploded at the Wits Command, killing one person and injuring sixty-eight military personnel and civilians. Ms Johanna Aleta Klaasen [EC2651/97] submitted a statement in respect of injuries sustained in the explosion. Mr Heinrich Johannes Grosskopf [AM5917/97], Mr Aboobaker Ismail [AM7109/97], Mr Joseph Mnisi [AM4364/97] and Mr Colin Mike de Souza applied for amnesty for their roles.
- 33 In June 1988, a bomb exploded outside Standard Bank in Roodepoort, killing four and injuring eighteen civilians. Statements were received in respect of the injury of Ms Esther Nontombi Caicai [JB1074/01GTSOW] and the death of Mr Frans Monawa Mothoa [JB01950/02NPPTB].
- 34 In another incident on 17 March 1988, a car bomb exploded at the Krugersdrop magistrate's court adjacent to the local police station, killing two SADF personnel and a civilian. Twenty other people were injured. Mr Hein Grosskopf was tried and convicted for the incident. Mr Mohammed Ichbahl (Iqbal) Shaik [AM7151/97] who, together with Mr Aboobaker Ismail, applied for amnesty for the incident, testified at his amnesty hearing that he set up two bombs, the first to serve as a decoy and the second directed at security force personnel but, "unfortunately the decoy failed to explode, due to some malfunction".
- 35 Two people were killed and several others injured when a bomb exploded on 18 April 1986 at the Wild Coast Casino at Bizana in the Eastern Cape. Amnesty applicant Mr Phumzile Mayaphi [AM5247/97] claims the act was in response

to the SADF's raid into Lesotho on 20 December 1985 in which nine people were killed. Mayaphi was charged and found guilty of murder and sabotage and sentenced to death on 12 May 1989.

- 36 On 2 July 1988, a car bomb exploded near the gate of Ellis Park stadium in Johannesburg. Two people were killed and thirty-seven injured. Ms Magriet Elizabeth Erasmus [JB06084/99OVE] made a statement in respect of the killing of her husband, Mr Linus Mare, and a colleague, Mr Clive Clucas. Mr Roger Christian Hagerty [EC1442/97ELN] sustained injuries in the explosion. Amnesty applicants for this incident were Mr Harold Matshididi [AM8007/97] and Mr Billy Agie Shoke [AM8014/97].
- 37 The ANC conceded that unnecessary civilian deaths arose from the misinterpretation of policy by cadres and activists on the ground. They said that state censorship through the banning of ANC literature and the disruption of broadcasts from *Radio Freedom*, as well as a deliberate distortion of ANC policies, impeded communication between rank and file members and the ANC leadership. The ANC nevertheless refuted the possibility of "different perceptions on the definition of legitimate targets among ANC leaders".

IN THE COURSE OF THE ARMED STRUGGLE, THE ANC THROUGH ITS ARMED FORMATION, MK, PLANNED AND UNDERTOOK MILITARY OPERATIONS WHERE, THOUGH THE INTENDED TARGET WAS IDENTIFIED AS A 'MILITARY' OR 'SECURITY FORCE' ONE, MISTAKES WERE MADE FOR A VARIETY OF REASONS, INCLUDING POOR INTELLIGENCE AND RECONNAISSANCE. THE CONSEQUENCE IN THESE CASES, SUCH AS THE MAGOO'S BAR AND THE DURBAN ESPLANADE BOMBINGS, WERE GROSS VIOLATIONS OF HUMAN RIGHTS IN THAT THEY RESULTED IN INJURIES TO AND THE DEATHS OF CIVILIANS. THE COMMISSION FINDS THE ANC RESPONSIBLE FOR THE PERPETRATION OF GROSS HUMAN RIGHTS VIOLATIONS IN THESE INSTANCES.

L a n d m i n e c a m p a i g n

- 38 From late 1985 to mid-1987, some MK units were tasked with laying anti-tank mines in the rural areas of the northern and eastern Transvaal, targeting military patrols. A number of civilians – both white farmers, their families, and black farm labourers – were killed when these explosives were detonated. The ANC estimates that thirty landmine explosions took place in this period, resulting in some twenty-three deaths, including those of two MK members killed in the course of laying a mine.
- 39 According to a submission from the National Party (NP), "Fifty-seven landmine attacks occurred between 26 November 1985 and 21 February 1991 in which twenty-five people were killed and seventy-six injured".
- 40 In its second submission, the ANC expressed its "sincere regret" for the civilian deaths and injuries in this campaign. The ANC stressed that it had ordered its operatives to carry out careful surveillance and to use anti-tank rather than anti-personnel mines so that individual labourers on foot would not detonate the explosives. In its first submission it noted that:

It was the apartheid regime itself which took steps towards obliterating the distinction between the civilian and military spheres from the time of its adoption of the 'total strategy' programme in 1977, and its later declaration of these areas as military zones.

- 41 In its second submission, the ANC explained that the high rate of civilian casualties – especially the deaths of black labourers – had led to the MK headquarters halting the laying of anti-tank mines.
- 42 In a landmine explosion that took place on 15 December 1985 at Chatsworth farm in the district of Messina, five people were killed and five injured. Three of the dead were children aged two, eight and ten. Mr Johannes Frederick van Eck [JB00707/01MPWES] was severely injured and lost four members of his family: Johannes Frederick (jnr), Jacoba, Nelmarie and Michael Ignatius. His one-year-old son survived the blast. Two members of the De Nysschen family (Marie and Carla) who were with the Van Ecks also died, while Grizelle and Thea de Nysschen were injured.
- 43 Mr van Eck expressed his concern that the perpetrators, who had been convicted and sentenced, had been released under the indemnity agreement of 1992. Mr Jacobus Johannes de Nysschen [JB00695/02NPTZA] told the Commission that he was convinced the perpetrators were members of the ANC.
- 44 Two people were killed and nearly twenty injured in a landmine explosion on a road close to Messina near the Zimbabwe border on 5 May 1987. Mr Frans Ratshilumela Ramagalela [JB05539/02NPVEN] and twenty others were on the back of the truck which detonated the landmine as it approached the gate of the site where they were to be employed.
- 45 The Commission received submissions in respect of several other victims of landmine explosions in incidents which occurred between November 1985 and December 1986: Mr Elijah and Ms Meluba Mokgamatha [JB00137/02NPPTB], Mr Deon du Plessis de Beer [JB00684/02NPPTB], Mr Manel Mtshiselwa Sindane [JB06350/01ERKAT], Mr Martin Coetzer [KZN/SMB/001/BL], Ms Marietjie Cornelia and Johannes Jacobus Roos [JB01350/01MPNEL] and Mr Lindela Claud Mavundla [KZN/MR/425/PS].

THE COMMISSION ACKNOWLEDGES THE ANC'S ARGUMENT THAT, BY THE MID-1980S, THE FORMER SOUTH AFRICAN GOVERNMENT HAD ITSELF BLURRED THE DISTINCTION BETWEEN 'MILITARY' AND 'SOFT' TARGETS BY DECLARING BORDERS AS AREAS WHERE FARMERS WERE TRAINED AND EQUIPPED TO OPERATE AS AN EXTENSION OF MILITARY STRUCTURES.

THE COMMISSION FINDS, HOWEVER, THAT THE ANC'S LANDMINE CAMPAIGN IN THE RURAL AREAS OF THE NORTHERN AND EASTERN TRANSVAAL IN THE PERIOD 1985-87 CANNOT BE CONDONED IN THAT IT RESULTED IN GROSS VIOLATIONS OF HUMAN RIGHTS – CAUSING INJURIES TO AND LOSS OF LIVES OF CIVILIANS, INCLUDING FARM LABOURERS AND CHILDREN. THE COMMISSION FINDS THAT THE USE OF LANDMINES INEVITABLY LEADS TO CIVILIAN CASUALTIES AS IT DOES NOT DISCRIMINATE BETWEEN MILITARY AND CIVILIAN TARGETS AND THEREFORE CANNOT BE CONTROLLED. THE ANC IS HELD ACCOUNTABLE FOR SUCH GROSS VIOLATIONS. THE COMMISSION ACKNOWLEDGES THAT, TO ITS CREDIT, THE ANC ABANDONED THE LANDMINE CAMPAIGN IN THE LIGHT OF THE HIGH CIVILIAN CASUALTY RATE.

Killing of individual 'enemies' and 'defectors'

- 46 In the late 1970s, the ANC began to target specific police officers and perceived 'collaborators'. Initially those killed were former ANC members who had turned state witness in political trials. The ANC justified these killings in its second submission because those killed were "personnel actively assisting SAP".

- 47 Mr Leonard Mandla Nkosi, a former member of the Luthuli detachment and involved in the 'Wankie campaign'³, became an askari after he was captured by the police and went on to testify against his former 'comrades' as a state witness in several trials. Nkosi was killed by the ANC on 9 September 1977. His case is documented in the KwaZulu-Natal regional profile. Mr Jan Daniel Potgieter [AM5418/97] applied for amnesty for having forced Nkosi into becoming a state witness.
- 48 Mr Abel Mthembu [JB00336/01GTSOW], former deputy president of the ANC in the Transvaal, was killed on 14 April 1978 because, according to the ANC's second submission, he "turned state witness at the Pretoria ANC trial".
- 49 Mr Tennyson Makiwane [EC0258/96STK] was one of the 'Gang of Eight' who had sought to launch a 'reformed' ANC and was expelled from the ANC in 1975. Makiwane joined Matanzima's Transkei government in February 1979. He acted as a "consultant and roving Transkei ambassador" and was believed by ANC members to be revealing confidential information. He was shot dead in Umtata in July 1980. Mr David Simelane [AM5305/97], a member of the ANC, applied for amnesty for this killing, as well as for the killing of other police officers and *askaris*.
- 50 On 26 February 1985, the Pietermaritzburg court sentenced MK members Clarence Lucky Payi [EC0855/96STK] and Sipho Xulu to death for killing Mr Benjamin Langa. Payi and Xulu claimed that they had been led to believe that Ben Langa, an active ANC member, was a police informer and killed him on orders they believed came from the ANC.
- 51 According to the ANC's first submission:

In a few cases, deliberate disinformation resulted in attacks and assassinations in which dedicated cadres lost their lives. In one of the most painful examples of this nature, a state agent with the MK name of 'Fear' ordered two cadres to execute Ben Langa on the grounds that Langa was an agent of the regime. These cadres – Clement Payi [Clarence Lucky Payi] and Lucky Xulu [Sipho Xulu] – carried out their orders. This action resulted in serious disruption of underground and mass democratic structures in the area and intense distress to the Langa family – which was the obvious intention of Fear's handlers...

- 52 Oliver Tambo personally apologised to Langa family for this action. The Commission notes that this incident illustrates that it was not unheard of for MK members to be ordered to assassinate civilians. Mr Joel George Martins [AM6450/97] applied for amnesty in respect of the case of Benjamin Langa, claiming that he supplied information about his movements to MK members.
- 53 In about April 1986, Mr David Lukhele [JB00646/02PS], former minister of KaNgwane, was framed in a bogus pamphlet associating him with anti-ANC sentiments. A few days before his death, he had met with chiefs to discuss the unification of KaNgwane and Swaziland. On 6 June 1986, he and his sister-in-law were killed in his home in Mamelodi, while watching television. ANC members Mr Neo Griffith Potsane [AM7159/97], Mr Jabu Obed Masina [AM5886/97] and Mr Frans 'Ting Ting' Masango [AM7087/97] applied for amnesty for the killing.
- 54 Mr Sipho Phungulwa [JB00420/01ERKWA] was part of a group of exiles who were held in ANC detention camps in Angola. The group included Mr Mwezi Twala, Mr Norman Phiri, Mr David Mthembu and Mr Luthando Nicholas Dyasop. They returned to South Africa along with fellow exiles and prisoners and approached various organisations,

including the ANC, the South African Communist Party (SACP) and the Congress of South African Trade Unions (COSATU) for assistance in exposing the hardships they had endured in Angola. Phungulwa was shot dead in Umtata on 13 June 1990, apparently while he and Dyasop were trying to seek an audience with the Transkei ANC leadership. Mr Ndibulele Ndzamela [AM5180/97], Mr Mfanelo Matshaya [AM7016/97] and Mr Pumlanzi Kubukeli [AM5180/97] were granted amnesty on 13 August 1998 in connection with this incident.

55 Further cases of a similar nature may be found in Volume Three of this report.

INDIVIDUALS WHO DEFECTED TO THE STATE AND BECAME INFORMERS, AND/OR MEMBERS WHO BECAME STATE WITNESSES IN POLITICAL TRIALS AND/OR BECAME ASKARIS WERE OFTEN LABELLED 'COLLABORATORS' BY THE ANC AND REGARDED AS LEGITIMATE TARGETS TO BE KILLED. THE COMMISSION DOES NOT ACCEPT THE LEGITIMISATION OF SUCH INDIVIDUALS AS MILITARY TARGETS AND FINDS THAT THE EXTRA-JUDICIAL KILLINGS OF SUCH INDIVIDUALS CONSTITUTED INSTANCES OF GROSS VIOLATIONS OF HUMAN RIGHTS. FURTHER FINDINGS IN THIS REGARD WILL BE MADE BY THE AMNESTY COMMITTEE WHEN THE ABOVE CASES AND OTHERS HAVE BEEN HEARD.

Security force personnel

56 The Commission views armed and/or uniformed combatants on both sides as being 'legitimate targets'. The deaths of members of the security forces while on duty, armed and in uniform are not considered gross violations of human rights. However, the Commission recognises that there are many 'grey areas' in this regard, especially when dealing with unconventional guerrilla warfare, and where the security forces of the state were employing unconventional means (such as using informers, *askaris* and plain-clothes security police officers).

57 Between 1984 and 1987, 144 police officers were killed. According to Minister of Law and Order Adriaan Vlok, it is not possible to distinguish politically-motivated murders of police officers from others. Not all such cases can qualify as gross human rights violations, and in most such cases, the families of the deceased did not approach the Commission. Cases received by the Commission that can be classified in this way concerned the deaths of Mr Johannes van der Merwe [JB00686/02PS] and Mr Thomas Shingange [JB03383/02NPTZA] and the injuries of Mr Edmund Beck [JB00135/01GT] and Mr Welmar O'Reilly [CT03081/GAU].

Operations of uncertain status

58 The ANC submitted two lists of armed actions to the Commission. The acts on the first list were acknowledged to have been committed by ANC members. The second list, however, is entitled "Armed actions for which target category and/or responsibility is uncertain". No distinction is made in this list between acts that killed or injured civilians because of 'operational difficulties', those which were 'false flag operations', and those which were acts of *bona fide* MK members interpreting ANC policy in a certain way. In investigating these incidents, the Commission requested information from the ANC but received no response. The cases detailed below fall into the category of 'uncertain' status.

59 Mr Annamalai 'Daya' and Mr Leelavathi 'Navi' Rengasami [KZN/MR/014/DN] were killed in a bomb blast on the Esplanade in Durban on 3 April 1984. Mr Yogenathan Gary Govindsamy, the deponent in this case, said that he knew at the time that the ANC was responsible for the blast, and that he heard later that ANC President OR Tambo

apologised over *Radio Freedom*. Mr Govindsamy laid the blame for the blast on the NP government for refusing to initiate dialogue with the banned liberation movements. The family was refused compensation from the President's 'Victims of Terrorism' fund because of his statement. The incident is listed by the ANC as being of "uncertain" status.

- 60 A spate of explosions at Wimpy Bars and supermarkets took place in the late 1980s. These were generally believed to be the work of liberation movements and associated with ANC operatives. The ANC told the Commission that, while a number of such attacks may have originated from MK cadres, evidence has started to surface that some of them were 'false flag operations' by the state, aimed at discrediting the ANC.
- 61 Statements were received from victims who had sustained injuries in the Benoni Wimpy Bar explosion on 30 July 1988, namely from Ms Catharina and Ms Tarina Janse van Rensburg [JB06049/01ERKAT], Ms Johanna Catharina Aletta Edwards [JB06048/01ERKAT] and Ms Illana Howe. Ms Maryanne de Olivetra Neto Serrano [JB01274/01ERKAT] died in the same incident. The Commission received amnesty applications from Mr Ernest Phumuzi Sigasa [AM5300/97] and Mr Elfas Mabore Ndhlovu [AM5301/97] in connection with the bombings.
- 62 A car bomb exploded in Bluff Road, Durban on 12 July 1984, killing five people and injuring twenty-seven. This explosion is not listed in either of the ANC's lists. However, Mr OR Tambo is quoted as saying the bomb was intended for a military convoy and that the bombers were "inexcusably careless" for causing civilian casualties.
- 63 On 24 October 1988, a bomb exploded outside a Witbank shopping mall, killing two and injuring forty-two people. Three people were arrested and sentenced for the act. Submissions were received in respect of the deaths of Mr Jacob Samuel Masuku [JB02150/01MPWES] and Mr Elias Masina [JB03861/01MPWES] and injuries to Ms Maria Petronella Jannette van Heerden [JB00688/02PS], Ms Catharina Elizabetha Magrieta Trollip [JB00691/02PS] and Mr James Radebe [JB02154/01MPWES]. Mr Philip Makwale Nyalunga [AM5299/97] applied for amnesty. The incident is listed by the ANC as of "uncertain" origin.
- 64 A limpet mine exploded at a bus terminus in Vanderbijlpark on 23 September 1988, injuring nineteen people. A victim submission was received from Mr William Henry Ryan [JB06463/03WR]. The incident is listed by the ANC as of "uncertain" origin. ANC operatives Sipho Nicodimus Mthembu [AM6028/97] and Tsehisi Edward Mokati [AM6028/97] applied for amnesty.
- 65 A bomb exploded at the Orange Free State Administration Board offices in Bloemfontein on 12 February 1983. Seventy-six people were injured. The Commission received statements from Mr James Mzwandile Tshulu [KZN/JRW/008/BL] and Mr Brandfort Mahato Mazele [KZN/JRW/010/BL]. The incident is listed by the ANC as of "uncertain" origin.
- 66 On 26 May 1988, Ms Anna Maria Prinsloo [JB00700/02PS] was injured in an explosion outside the African Eagle Building in central Pretoria. The incident is listed by the ANC as of "uncertain" origin.

TAKING INTO ACCOUNT, FIRST, THE FACT THAT THE TARGETS OF THESE OPERATIONS WERE LARGELY SIMILAR IN THAT THEY MIRRORED SIMILAR OPERATIONS FOR WHICH THE ANC DID ACCEPT RESPONSIBILITY; SECOND, THE FACT THAT THE ANC WAS, AT THE TIME THAT THESE OPERATIONS WERE UNDERTAKEN, ENGAGED IN SIMILAR OPERATIONS FOR WHICH IT TOOK RESPONSIBILITY, AND THIRD, THE FACT THAT MANY ANC OPERATIONS WERE CHARACTERISED BY POOR STRATEGIC PLANNING AND CONTROL, THE

COMMISSION FINDS THAT, ON A BALANCE OF PROBABILITIES, THESE OPERATIONS WERE UNDERTAKEN BY ANC MEMBERS ACTING IN THE NAME OF THE ORGANISATION AND THAT THEY RESULTED IN GROSS VIOLATIONS OF HUMAN RIGHTS FOR WHICH THE ANC IS HELD ACCOUNTABLE. FURTHER FINDINGS IN THIS REGARD WILL BE MADE BY THE AMNESTY COMMITTEE WHEN THE ABOVE CASES AND OTHERS HAVE BEEN HEARD.

Gross violations of human rights in the context of the 'people's war'

- 67 In some cases, ANC supporters were responsible for perpetrating gross violations of human rights in contravention of the express policies of the organisation. Some of the individuals responsible have applied for amnesty arguing that, although not formally under orders of the ANC, they believed they were acting in accordance with ANC strategic objectives at the time. Such acts included the killings of local councillors, police officers, alleged informers and others deemed to be 'collaborators'. Such killings sometimes involved the use of the 'necklace' method. The apportioning of accountability for such violations is a difficult matter, given the complexities and difficulties of mass organisation during the period.
- 68 The relationships between the ANC and other liberation movements in exile, and between the ANC and the internal mass organisations that became central to the resistance movements in the late 1970s and 1980s, were complex. They were tenuous in that the internal underground structures of the exiled ANC, for most of the period, were weak. This meant that lines of communication and decision-making between those 'inside' and those 'outside' were often ineffective. The relationship was strong in that there was an extremely dedicated core of activists inside the mass movements who owed loyalty to the ANC. Even where they were not formally linked into decision-making structures via underground cells, they communicated with the ANC in exile and on Robben Island through an ingenious variety of methods. Through this complicated and uneven process, activists inside South Africa interpreted what they understood to be 'the line' of 'the Movement'. There were, however, many occasions where activists themselves were, in practice, determining 'the line' and where the ANC in exile was bound to accept their interpretation of events 'on the ground'.
- 69 The ANC played a direct role in the establishment of the 'new generation' of mass organisations in the late 1970s. Mass mobilisation formed one of the 'four pillars' of ANC strategy as outlined in the *Green Book*. Many individual activists who filled key positions in the organisations that made up the democratic mass movement held primary allegiance to the ANC. Their loyalty to two (sometimes more) organisations seldom resulted in conflict, and there was an unspoken understanding that organisations such as the United Democratic Front (UDF) and its affiliates would not act in ways which countered ANC policy – except in as much as they did not engage in armed actions and tried to remain within the terrain of legal operation.
- 70 The fact that individual leaders of the mass movements owed allegiance to the ANC did not necessarily mean that they were all ANC members or linked to the underground network. Yet, some individuals *were* formal members of the ANC and were involved in the underground structures. With the blurring of the boundaries of these allegiances, it has been difficult to ascertain accountability for the various violations of human rights allegedly perpetrated in the name of the ANC during the 1980s.

- 71 Violent conflict between supporters of Inkatha and supporters of the UDF broke out in parts of Natal in the early 1980s and escalated rapidly over the next ten years. The role of the ANC in this conflict is difficult to determine. On the one hand, many of the conflicts were local battles over resources, control and patronage of Inkatha officials (who controlled, amongst other things, local government, land access, education and housing in KwaZulu). On the other, the ANC had, from the time of the severing of ties between the two organisations, engaged in propaganda which encouraged its supporters to see Inkatha as 'the enemy'.
- 72 While the ANC denied that its armed operatives had ever considered political leaders or members of Inkatha to be 'legitimate targets', Mr Joel Netshitenzhe of the ANC told the 'recall hearing' of the Commission that:
- From time to time there were individuals in these structures, be it in the community councils or in the Bantustan structures, who behaved in such a manner within communities that they defined themselves as targets to those communities, and amongst those communities you would from time to time find MK cadres who would have responded to such attacks and provocation.*
- 73 There were numerous armed attacks on Inkatha members in the late 1980s, involving hand grenades and automatic rifles. The ANC explained that a plan by an MK unit to assassinate Chief Mangosuthu Buthelezi was stopped by MK commanders; however, many lower profile Inkatha leaders were killed.
- 74 The ANC was asked specifically to respond to documents stating that correspondence to Mr Thami Zulu (at the time head of MK operations in Natal) "emphasised the need to infiltrate smaller groups to deal with Inkatha warlords" from December 1987 onwards. Mr Joe Modise, head of MK, responded that Thami Zulu would have had the "latitude to act" in response to such requests; but that such a request had not been discussed in MK headquarters. Mr Matthews Phosa, who was a member of the MK command in Mozambique at the time, denied that such a matter had ever been discussed.
- 75 As a result of public statements by Chief Buthelezi that his party would not co-operate with the Commission, the Commission was unable to access any significant number of statements from Inkatha Freedom Party (IFP) members and supporters who were victims of human rights violations. The Commission went to extensive lengths to persuade the IFP to participate in its work, but with limited success. In late 1997, shortly before the cut-off date for the making of victim statements, KwaZulu-Natal premier Ben Ngubane issued a public statement encouraging IFP members who had been victims of violations to make statements to the Commission so they could qualify for financial reparations. This resulted in a small number of IFP victims coming forward.
- 76 In the submission it made to the Commission, the IFP said that differences between Inkatha and the ANC proved irreconcilable at the 1979 meeting in London. "From then onwards", said Mr Frank Mdlalose, "Inkatha was singled out as an enemy because it refused to crook the knee to the ANC or accept its strategy of armed struggle and the destruction of the South African economy."
- 77 Relations between the ANC and Inkatha deteriorated rapidly after the London meeting. Initially, the conflict took the form of a war of words. The ANC embarked upon a propaganda onslaught against Chief Buthelezi and Inkatha. UDF supporters on the ground became increasingly antagonistic towards Inkatha, describing its leadership, particularly

Chief Buthelezi, variously as a “sell-out” and a “puppet of Pretoria”. Former senior IFP official Mr Daluxolo Luthuli told the Commission that:

Zulu traditional leaders were by this time coming under increasing attack by the ANC. Comrades were attacking, murdering and destroying the homes of councillors, indunas and chiefs. This was a strategy of the ANC and was even announced on Radio Freedom.

- 78 The IFP provided the Commission with a substantial volume of information from the propaganda apparatus of the ANC at this time, illustrating the extent to which the IFP became the focal point for opposition to the system.
- 79 When in late 1985 Chief Buthelezi was alerted to alleged MK plans to assassinate him, he turned to the state security apparatus for support. Buthelezi’s requests included the training and deployment of a VIP guard unit, an intelligence structure, a KwaZulu army, the authority to issue firearm licenses and a paramilitary force. The SADF viewed the question of covert assistance to Inkatha as mutually beneficial; it saw Inkatha playing a central role in its strategic response to ‘the total onslaught’ by the liberation and resistance movements.
- 80 In his amnesty application, Daluxolo Luthuli confirmed that the IFP felt that the only course open to it was to mobilise a paramilitary capacity:

Militant youth who were affiliated to the UDF were very active in black areas. Through violence and intimidation they were forcing people to support them in their efforts to make the country ungovernable. People who did not support the comrades were abused in many ways by these comrades. People’s courts were held and the sentences which were meted out by youngsters were often inhumane and barbaric. People were commonly sentenced to hundreds of lashes, forced to parade naked through townships and killed by necklacing. Inkatha and its supporters were labelled as collaborators of the white government and were, in the view of the comrades and UDF, enemies. It was common for Inkatha leaders and supporters to be attacked and murdered.

- 81 In a section 29 hearing of the Commission, former IFP National Council member Walter Felgate said that he had personally advised Chief Buthelezi of the need for a defensive and pre-emptive capacity for Inkatha. He said that what was envisaged was a “strike capacity” for the IFP; not simply a defensive group to look after KwaZulu government VIPs and property.
- 82 The outcome of these developments was the clandestine training of an offensive paramilitary unit, comprising 200 Inkatha supporters. They were trained by SADF Special Forces personnel in the Caprivi Strip, South West Africa/Namibia, during 1986.
- 83 The IFP submitted a list of over 400 alleged office-bearers who, according to the IFP, were deliberately targeted and killed by structures of the ANC and its affiliates. The IFP’s submission made it clear that it believed that the killings were part of a deliberate pattern of behaviour on the part of the ANC – in the words of the IFP, “serial killing”.

- 84 The Durban office of the Commission conducted an intensive investigation into those incidents that occurred in former Natal and KwaZulu. A significant percentage of the incidents on the list fell outside the Commission's mandate, in that they occurred after the cut-off date of April 1994, and the Commission was thus not able to investigate them. However, it would be safe to assume, from the nature of the information provided by the IFP, that the trends and patterns with regard to these incidents would be similar to those which the Commission was able to investigate. As indicated above, those incidents that occurred in the Transvaal also fell outside the scope of this investigation, owing to limited investigative capacity.
- 85 The Commission investigated 289 incidents, of which it was unable to corroborate 136. In many cases, despite searches of inquest court records, police dockets and government departments supplying birth and death certificates, no trace whatsoever of the individuals could be found. In each of these cases, further information was sought from the IFP, without any success.
- 86 With regard to the remaining 153 incidents, the Commission did not verify as to whether the deceased were in fact office-bearers of the IFP, accepting the *bona fides* of the IFP in this regard. However, in a small number of incidents, death certificates show that the deceased were children and thus patently not office-bearers.
- 87 The Commission was able to identify the perpetrators or their political allegiance or both in ninety of the 289 incidents.
- a UDF/ANC-aligned paramilitary structures were implicated in the killing of thirty-one IFP office-bearers.
 - b UDF/ANC-aligned community members or youth were implicated in the killing of thirty IFP office-bearers. These killings took place within the context of the ongoing IFP/ANC conflict.
 - c MK cadres were implicated in the killing of seven IFP office-bearers.
 - d UDF/ANC-aligned extra-judicial tribunals ('people's courts') were implicated in the killing of eight IFP office-bearers (the primary reason found for the killings were matters such as witchcraft, personal relationships and crime).
 - e Members of the South African Police (SAP) were implicated in the killing of four IFP office-bearers, in the course of confiscating illegal weapons.
 - f IFP members were implicated in the killing of six IFP office-bearers due to internal rivalry within the IFP.
 - g Non-political criminals were implicated in the killing of four IFP office-bearers, in the course of ordinary criminal activities such as burglary.
 - h In three incidents, the deceased died in motor vehicle accidents or as a result of personal or domestic disputes;
 - i In four incidents, investigations proved that the 'deceased' were not in fact dead.

- 88 Accordingly, investigations reveal that ANC, UDF or MK structures were responsible for the killing of seventy-six IFP office-bearers during the period 1985-1994. In only two of the incidents did the perpetrators hold leadership positions in the UDF, ANC or MK. In eight of the incidents, the killings were administered by 'people's courts' and it was not possible to establish whether the IFP members had been targeted because of their IFP membership. However, given the history of the conflict, it would seem safe to assume that membership of the IFP would have played a factor.

THE COMMISSION FINDS THAT, IN SEVENTY-SIX INCIDENTS, THE DECEASED WERE DELIBERATELY TARGETED BECAUSE THEY HELD POSITIONS WITHIN THE IFP. THE KILLINGS OF THESE IFP OFFICE-BEARERS CONSTITUTE GROSS VIOLATIONS OF HUMAN RIGHTS, AMOUNTING TO A SYSTEMATIC PATTERN OF ABUSE, ENTAILING DELIBERATE PLANNING, FOR WHICH THE RESPECTIVE LOCAL STRUCTURES OF THE UDF, ANC AND MK ARE HELD ACCOUNTABLE.

Conflict with... collaborators.

- 89 The conflict arising from the ANC's opposition to the homeland policy began in the early 1960s. Some of the violations perpetrated against chiefs and headmen during the 1960s Pondoland revolt were committed in the name of 'Congress', even though those involved in perpetrating such acts were not acting as part of any ANC structure, either military or political.
- 90 At times, pressure on chiefs and headmen came from the side of the government and the community simultaneously. For example, during the Pondoland revolt against the implementation of the Trust Land Act, Chief Mhlabuvukile Faku [EC1670/97ETK] of Isikelo village was accused by his community of "collaborating with whites" and, by the police, of "influencing people to resist the Act".
- 91 Acts of violence were perpetrated by members and supporters of the ANC against perceived 'collaborators' in tribal structures and in the homelands from the early 1960s. These acts continued through the Commission's mandate period, claiming many lives. An example of this is to be found in the attacks on members of the Dikwankwetla National Party (DNP) by supporters of mass movements during the late 1980s because of the DNP's support for the QwaQwa homeland government. Among these cases were the burning down of Mr Mohau Samuel Nthunya's home [KZN/LMR/012/LB] in 1989 allegedly by 'ANC', the stabbing of Ms Tello Maria and Mr Moramang Thaisi [KZN/MT/021/BL] and the burning down of their home in 1989, the burning down of the home of Mr Naferong Jacob Makae [KZN/ZJ/ 086/BL] in 1989 and the petrol-bombing and stoning of the Botshabelo home of Ms Mathabo Adelina Masunyane [KZN/ZJ/089/BL] in 1988, 1989 and 1990. Responsibility for these attacks, which occurred in QwaQwa and in other areas of the Orange Free State, were attributed to ANC supporters, in spite of the fact that the ANC was banned at the time.

Political accountability

- 92 In the mid-1980s, the number of deaths arising from the 'people's war' rose dramatically. The 'naming' of the ANC as a perpetrator organisation during this period is often inaccurate. In some cases, deponents attributed violations that took place before 1990 to the ANC, although few people operated as ANC members during this period. While the perception that the ANC was responsible for such acts is widespread, the ANC cannot be held directly responsible.

- 93 However, both the ANC and the leadership of the mass movements must bear some general responsibility for atrocities that occurred in this period, committed usually by youths acting in the name of the liberation struggle.
- 94 When violence spilled over to those who were not 'legitimate targets' but who were more easily accessible than armed policemen – such as their families or suspected informers – the ANC dissociated itself from such acts. Youth activists who became involved in acts of violence in the name of the mass democratic struggle must be held individually accountable for their own actions and the consequences of these actions. Yet they acted within a context in which such actions were condoned as being 'part of the struggle', both by their peers and by those to whom they looked for direction,.
- 95 Events in Sebokeng, Duduza and Langa (Uitenhage) in late 1984 and early 1985 illustrate how the cycle of violence started (see Volume Three of this report). Both the ANC and the UDF leadership were 'caught off guard' and ambivalent in their response to this initial upsurge of violence in late 1984/early 1985. While the ANC wanted to direct the violence into a possible insurrection, it did not have the underground or military capacity to do so. There is considerable evidence and support for the argument that much of the violence was undirected.
- 96 On 25 April 1985, the ANC national executive made a call: "Make apartheid unworkable! Make the country ungovernable!"⁴. The destruction of the Black Local Authorities and the pressure put on councillors to resign was seen as an integral part of the making the townships ungovernable. Internally, the campaign was fanned by UDF structures and was the forerunner of the campaign for the building of organs of people's power. In the process of its implementation, some people became victims of gross violations of human rights.
- 97 Interventions in undisciplined activities by groups and organisations 'on the ground' were often ineffective. Leaders of the ANC and the mass movements did not act decisively, for example, to stop the practice of 'necklacing'. They were unable to control the youth militia – the *amabutho* – and those running the 'people's courts' at all times, and sometimes came under threat when they tried to do so. When crowd violence became ugly, few of the leaders of the mass movements – with the exception of some religious leaders – were brave enough to intervene. In many cases, even religious leaders failed to influence the actions of the youth militia.

THE COMMISSION FINDS THAT, IN THE 1980S IN PARTICULAR, LARGE NUMBERS OF GROSS VIOLATIONS OF HUMAN RIGHTS WERE PERPETRATED, NOT BY DIRECT MEMBERS OF THE ANC OR THOSE OPERATING UNDER ITS FORMAL COMMAND, BUT BY CIVILIANS WHO SAW THEMSELVES AS ANC SUPPORTERS. IN THIS REGARD, THE COMMISSION FINDS THAT THE ANC IS MORALLY AND POLITICALLY ACCOUNTABLE FOR CREATING A CLIMATE IN WHICH SUCH SUPPORTERS BELIEVED THEIR ACTIONS TO BE LEGITIMATE AND CARRIED OUT WITHIN THE BROAD PARAMETERS OF A 'PEOPLE'S WAR' AS ENUNCIATED AND ACTIVELY PROMOTED BY THE ANC. VIOLATIONS INCLUDING KILLINGS, ATTEMPTED KILLINGS, ARSON AND SEVERE ILL TREATMENT WERE COMMITTED BY ANC SUPPORTERS AGAINST URBAN COUNCILLORS AND RURAL HEADMEN, MEMBERS OF THE IFP AND OTHER PEOPLE PERCEIVED TO BE 'COLLABORATORS' OF THE SYSTEM OR ENEMIES OF THE ANC.

Gross violations of human rights committed in ANC ranks and in exile

- 98 The Commission heard accounts of violations committed by members of the ANC's security structures and by guards of internment camps such as Camp 32 (Quatro), and of orders given or policies adopted by those in political leadership structures which led to such violations. Most such violations occurred outside the borders of South Africa.
- 99 The bitterness felt by those who claim to have been loyal to the ANC and the cause it represented and who felt they had been betrayed by their own Movement's inability to deal openly with such human rights abuses, is captured in the words of Mr Joe Seremane whose brother, Mr Timothy Tebogo Seremane (aka Mahamba) [JB04441/01GTSOW] was executed in Quatro camp. Joe Seremane told the Commission's special hearings of prisons in July 1997:

I come here to express the feeling of betrayal by compatriots and comrades ... I want somebody to come and tell me what my younger brother actually did that he deserved to be shot like an animal being put down after being brutally disfigured so that of his best friends could not recognise him ... Why do you think we ran and volunteered to risk our lives, calling for your own return home, for justice, supporting you in your call to be treated under the Geneva Conventions and you couldn't treat your own that way? ... Suddenly nobody has ever come across this young Seremane, suddenly nobody has ever known him, suddenly nobody has a record to show what kind of trial he had, he faced. Was he defended or was he not defended? And where was the accountability that you couldn't account to his people and say he is dead? ... I have been on the Island, I have gone through hell. I have been tortured, nearly lost my life ... I have seen what it means to be tortured. But when I think of Chief Timothy and compare the way he died, to my suffering, my suffering is nothing...

- 100 The ANC's second submission, presented to the Commission in May 1997, contains details of ANC structures and personnel, MK camps and commanders, and ANC rehabilitation and detention centres, an operations report from the ANC's security department, a description of the workings of the Morris Seabelo Rehabilitation Centre ('Quatro' camp) and case studies of 'enemy agents' who infiltrated the ANC. In addition, confidential memoranda were presented to the Commission containing the names of those executed by military tribunals (with names additional to those in the first ANC submission). Further information about events associated with the ANC in exile was obtained at the Commission's 'recall hearing' on 12 May 1997, at the 'armed forces hearing' on 10 October 1997, and in the Section 29 hearings of former ANC commissar Andrew Masondo and former commander of Camp 32, Gabriel Mthembu held in March/April 1998.
- 101 The Commission does not believe that information relating to abuses committed by the ANC has been deliberately withheld.
- 102 The capacity of the Commission to investigate abuses that took place in other countries was limited. The Commission obtained information, to a large extent, from statements by victims/survivors of ANC violations and amnesty applications by ANC members responsible for such violations. Where possible, corroboration was obtained by taking statements from third parties who were present.

B a c k g r o u n d t o H u m a n R i g h t s V i o l a t i o n s b y t h e A N C i n e x i l e

- 103 Before the establishment of a security apparatus by the ANC, problems of discipline or security were handled by the MK command structures, headed from 1965 by Commander Joe Modise.

- 104 Between 1979 and 1989, the ANC was responsible for committing various human rights abuses upon its members in exile. Many of these abuses were committed by the ANC's security department (established in the mid-1970s) – known by the acronym NAT (for National Security) or *Mbokodo/Mbokotho* ('crushing boulder'). The detention camp in Angola known as Quatro (Number Four), officially called the Morris Seabelo Rehabilitation Centre or Camp 32, was set up in 1979 as a 'rehabilitation centre' and was one of the places where significant abuses took place. Violations also took place at the ANC's headquarters in Lusaka, Zambia as well as in Botswana and elsewhere in Angola.
- 105 The Commission heard that a 'spy scare' in the ANC in 1981 and the poisoning of MK members led to an atmosphere of paranoia about infiltration by agents of the South African government. It was in this context that a number of ANC members were detained and tortured. Some died as a result of assaults and a few were executed. In its Operational Report which it submitted to the Commission, NAT claims credit for uncovering a spy network in 1981 in an operation known as *Operation Shishita*.
- 106 Barely two years after the 'spy scare', a rebellion amongst soldiers in MK camps in Angola resulted in further violations. Frustrations among MK members in the Angolan camps led to the *Mkatashinga* mutiny of 1984. Mutineers at Viana camp were persuaded to end the mutiny by Chris Hani. The leaders were detained; thirty-two were held in Luanda State Security Prison where two died between February and July 1984.
- 107 Three months after the Viana mutiny, there was a further mutiny at Pango camp. The Pango camp mutiny was forcibly crushed by 'loyalist' MK troops with the assistance of Angolan troops. There were casualties on both sides. The mutineers were captured. Some were allegedly tortured, seven were executed and the rest were transferred to Quatro. ANC NEC member Ms Gertrude Shope intervened and prevented further executions.
- 108 Many of those detained in 1984 were held for a number of years without trial. The Commission received statements from detainees who were subjected to assault and torture between 1986 and 1989.
- 109 The events created an awareness of levels of dissatisfaction among MK members, as well as of abuses that were occurring. An internal commission of enquiry into the mutiny made certain recommendations about the treatment of prisoners and the role of the security department. Certain measures were taken to establish legal structures and procedures for dealing with dissidents, including a code of conduct adopted in 1985 and the establishment of the post of 'Officer of Justice'.
- 110 In 1988, when the ANC was obliged to leave Angola in terms of the New York Accords, the camps were closed and prisoners transferred to ANC camps in Tanzania or prisons in Uganda. In August 1991, the last of the mutineers was released from detention in Uganda and returned to South Africa. The ANC stated at this point that it no longer held any prisoners. However, Amnesty International was told of detainees held in Tanzania, some released only during 1992.
- 111 In September 1991, the Skweyiya Commission of Enquiry, reporting to the ANC President, was set up to investigate allegations made by a group of thirty-two concerning poor conditions, maltreatment and the loss or destruction of property in the ANC detention camps.

- 112 The Skweyiya Commission heard evidence from seventeen former ANC detainees, including eleven from the 'group of 32' and six ANC officials. It did not have statutory powers and was unable to *subpoena* witnesses or offer witness protection and relied on witnesses coming forward voluntarily. An independent advocate was appointed to conduct investigations and lead evidence before the commission.
- 113 The Skweyiya Commission found that detainees were held for periods of from three to seven years without trial and that cells were at times overcrowded, hot and lacking ventilation. Certain detainees were held in solitary confinement for extended periods. Hygiene and medical care were inadequate. The detainees' diet was inadequate and food deprivation was used as a means of punishment.
- 114 The Skweyiya Commission found that maltreatment at Quatro detention centre in Angola was persistent and brutal, and included discipline and denigration, hard labour, assault and punishment. Before internment at Quatro, detainees were tortured to extract confessions. The Skweyiya Commission found that conditions at other places of detention in Angola, Tanzania, Zambia and Uganda were also unacceptable. It found that the circumstances surrounding the execution of some of the mutineers were unclear.
- 115 The Skweyiya Commission report was published by the Centre for Development Studies at the University of the Western Cape in August 1992. A confidential list of members of the ANC security department alleged to be responsible for ill-treatment of detainees was submitted to ANC president Mr Nelson Mandela.
- 116 On 2 December 1992, Amnesty International published a report of its own research into human rights violations by the ANC in exile. It found that the victims of extensive human rights abuses were in most cases members of MK. The report detailed the abuse, including the death of Mr Thami Zulu in 1989. It also reported on the killing of two former ANC detainees in South Africa: Mr Sipho Phungulwa [JB00420/01ERKWA] in Transkei in June 1990, and Mr Bongani Ntshangase in Natal on 21 May 1992.
- 117 The Amnesty International report criticised the limited terms of reference of the Skweyiya Commission, saying that they precluded incidents of killing and the disappearance of prisoners. The Skweyiya report did not assign individual responsibility for abuses within the ANC, nor did it analyse the chains of command within the security department and MK or between those bodies and the ANC leadership, in order to establish political responsibility for what happened in the camps. The report stated further that the Skweyiya Commission did not cover conditions or abuses in camps other than Quatro in any detail.
- 118 In 1993, the independent Motsuenyane Commission of Enquiry was appointed by ANC president Mr Nelson Mandela. Its terms of reference were broader than those of the Skweyiya Commission. The Motsuenyane Commission held public hearings and heard evidence from fifty witnesses in Johannesburg, including that of eleven alleged perpetrators who gave oral testimony and had the opportunity to cross-examine witnesses. The hearings were public and over 2 500 pages of testimony were received. The commissioners also made an inspection of two former ANC settlements and a United Nations High Commission for Refugees (UNHCR) refugee camp in Tanzania. The Motsuenyane Commission's comprehensive report on human rights abuses in the ANC camps was published in August 1993.

119 The report of the Motsuenyane Commission found that there was a lack of accountability for excesses both at Quatro camp and during the investigation of alleged enemy agents. It attributed this to the lack of clear lines of demarcation between MK and Mbokotho (*Mbokodo*), the security department.

120 It found further that the leadership did not deal adequately with the concerns and complaints of the mutineers. Arbitrary detention without trial became routine. Quatro personnel were not adequately trained and supervised and did not have the maturity or experience to deal with suspected enemy agents. There was a breakdown in communication between *Mbokotho* and the Officer of Justice which resulted in the continued improper detention of persons without trial. The Officer of Justice was not effective in administering the code of conduct to protect the human rights of detainees.

121 The Motsuenyane Commission concluded that, with the completion of its report, the ANC's task was only half done:

Indeed, the victims of the abuses catalogued here have now been heard but, in the view of the Commission, they have not yet received the full measure of justice due them.

122 In response to the findings of the Motsuenyane Commission, the ANC NEC told the Commission that it "deeply regrets the excesses" that took place:

Further, we acknowledge that the real threat we faced and the difficult conditions under which we had to operate led to a drift in accountability and control away from established norms, resulting in situations in which some individuals within the NAT began to behave as a law unto themselves.

123 The reports of these and other commissions are now part of the public record, having been submitted to the Truth and Reconciliation Commission (as recommended by the Skweyiya Commission).

Cases before this Commission

K i l l i n g s

124 Most of the reported violations committed by the ANC in exile related to the killings of individuals by order of a military tribunal. While the ANC denied in its submissions to this Commission that there were extra-judicial or arbitrary executions of its members, it did acknowledge at the 'recall hearing' of 12 May 1997 that a code of conduct was put into practice only in 1985. Before this, the tribunals that sentenced people to death were *ad hoc* and did not allow the accused any form of legal representation.

125 Appended to the ANC's First Submission is a list of some 900 people who died in exile (including those killed in the mutiny and those executed). Although the ANC itself concedes that the list is not entirely accurate, many deponents who came to the Commission with relatives missing in exile can be accounted for in this list.

126 Those who died of natural causes, accidents or were killed in combat are not considered by the Commission to be victims of human rights abuse. There were, however, certain cases which suggested aggravating circumstances

where detainees are said to have died of 'natural causes'. In some of these, the families of those who died contest the ANC's version of how they died. In such cases, the deponent is given the benefit of the doubt and this Commission found the missing person to be a victim of a gross violation of human rights.

- 127 The ANC also submitted to the Commission a list including those MK members who died "as a result of excessively harsh treatment after committing breaches of discipline" (Confidential Appendix). All these cases are considered to be gross violations of human rights. Included in this list were twenty-two names under the heading "Agents executed on order of tribunals".
- 128 Timothy Tebogo 'Chief' Seremane aka Kenneth Mahamba [JB0441/01GTSOW] was executed by the ANC in Angola. Seremane is listed as one of those executed in 1981 by order of the ANC's military tribunal. Joe Seremane, his brother, is not satisfied with the ANC's explanation for events in the camp. He believes that his brother was not "executed cleanly". He has been told that his brother was "brutally disfigured" before being shot. In an article in *Searchlight South Africa* (July 1990) it is claimed that many of the young men in the 'spy-ring' of 1981, including Seremane (Mahamba), "were later known to have died under torture and beatings in Quatro prison camp".
- 129 The ANC provided a detailed background to the circumstances in which these events occurred. They are summarised as follows.
- 130 In 1981, the security department arrested a group of suspected agents in 1981 and claimed to have been "shocked at the extent of infiltration" of the organisation. The exposure seems to have followed the arrest of Mr Thamsanqa W Ndunge (MK name Joel Mahlathini Gxekwa), an MK member alleged to have been dealing in marijuana at Pango Camp in Angola. Ndunge was arrested by camp commander Seremane (Kenneth Mahamba), who ordered cadres to beat him and authorised his detention in Camp 32. He was dead on arrival at Quatro.
- 131 The ANC said that an investigation by the regional command revealed that Mahamba was a security police agent who had been recruited in 1976 whilst residing in Montshioa Township, Mafikeng. According to the ANC, Mahamba received formal training at the Rooigrond Centre during 1976. Mahamba is alleged by the ANC to have been involved in passing "information to the enemy" which, among other things, resulted in the SADF attack on its camps in 1979. He was also accused of carrying out acts of sabotage against army property, theft and sale of army property, breaking of Land Rovers and ambulances and other offences. The ANC Security Department's submission alleges that Mahamba became a fully-fledged member of the security police in 1976 and in that capacity passed on strategic information on ANC camps and residences to the security police, leading to the bombardment and destruction of Catengue Camp in 1979.
- 132 Several members of the spy network uncovered at this time were executed after their cases had been heard by a Tribunal. In this respect, the ANC acknowledged that some cadres who were arrested at the time were either falsely implicated, or had merely shown signs of ill-discipline. Many of them were later released. Apologies were tendered for wrongful arrest, and they were re-integrated into the exile community.
- 133 In its second submission, the ANC said that it conducted "exhaustive investigations" and tried the accused by military tribunal. The tribunal reported its findings to HQ, "where a final decision would be made".

134 At the 'recall hearing' of political parties, ANC leaders were questioned about the constitution of military tribunals, how evidence was weighed, and whether the accused had legal representation. It is apparent from the testimony of Mr Thabo Mbeki that the tribunals constituted from 1982 were *ad hoc* tribunals, which consisted of at least two members of the Revolutionary Council and others from the Working Committee. The *prima facie* evidence with which the accused was confronted would have been gathered primarily by NAT, but would draw also from information from military and political structures inside South Africa.

135 Referring to the Skweyiya Commission report, in which Mr Piliso (the head of NAT) admitted to having ordered the beating of suspected agents in 1981 in order to obtain information "at any cost", this commissin questioned whether confessions obtained in this way could be trusted as evidence. The ANC explained that not only confessions, but also material evidence was used in the investigation process. In respect of legal representations at the *ad hoc* tribunals, Mr Mac Maharaj responded: "I don't think that the '82 tribunal had a legal representative to defend those who were brought to book". The procedure was that the accused were presented with their confessions and other evidence against them and given an opportunity to explain. Mac Maharaj conceded that in 1982:

... we made no provision for legal defence of the accused ... I don't believe that we had yet reached the point where tribunals as a mechanism, where the mechanisms of the rights of the accused were gone into detail as we did by 1984.

136 The ANC NEC took the final decision approving the execution of Seremane (Mahamba) and three others. The ANC said that there were other cases of executions of agents where the same procedure was followed.

137 Because of the contentious nature of this issue and the high levels of publicity it had received, the Commission made further attempts to clarify the circumstances surrounding the death of Timothy Seremane (Mahamba) as well as other events in Quatro camp by holding two section 29 hearings where General Andrew Masondo, Mr Gabriel Mthembu and Mr Sam Mnisi answered questions by the Commission.

138 In response to the allegation that Mr Gordon Moshoeu had seen Seremane when he had been "beaten beyond recognition" before being executed, Mr Gabriel Mthembu said "it was not easy, he did not readily confess and I think in the process of investigation of trying to get him to admit the truth, he was beaten." When Mthembu was asked whether he had participated in assaulting Seremane, he responded: "I could have klapped him, I don't want to dispute that." He said that "Masondo was involved the day when Mahamba got detained, he was invited to come to Camp 32". He (Mthembu),

disarmed him [Seremane] ... and then immediately thereafter as a prisoner he was then invited in front of the commissar ... as interrogations were conducted with him he ended up confessing that he was in fact at one stage recruited and given training and sent outside ...

139 Mr Sam Mnisi testified as follows:

I did take part in his interrogation. But let me say that at that time the leadership was around. One wouldn't like to do such a thing in the presence of the leadership because they never gave us the mandate to do those exercises. So we wouldn't have done torture or whatever in the presence of the leadership and by the time the leadership left, I left with them, going to Luanda ... So at that time the leadership was there, so, we wouldn't have done such a thing in their presence.

THE COMMISSION FINDS THAT TIMOTHY SEREMANE WAS TORTURED AFTER THE ANC UNCOVERED A 'SPY NETWORK' IN 1981. THIS RESULTED IN A NUMBER OF ALLEGATIONS OF ASSAULT AND TORTURE COMMON AT QUATRO (CAMP 32). THE COMMISSION IS UNABLE TO MAKE A FINDING REGARDING THE ALLEGATION THAT SEREMANE WAS AN AGENT OF SOUTH AFRICAN SECURITY FORCES. HOWEVER, THE COMMISSION ACKNOWLEDGES THE DIFFICULT CONTEXT IN WHICH THE ANC OPERATED AT THAT TIME, PARTICULARLY IN THE FACE OF INFILTRATION BY THE SOUTH AFRICAN SECURITY FORCES.

THE COMMISSION FINDS THE FOLLOWING PEOPLE RESPONSIBLE FOR THE TORTURE OF SEREMANE AND NOTES THAT THERE MAY BE OTHERS WHO COULD NOT BE IDENTIFIED:

- MR LULAMILE DANTILE (MORRIS SEABELO), REGIONAL CHIEF OF SECURITY (DECEASED)
- MR JOSEPH VOOKI, REGIONAL CHIEF OF PERSONNEL (DECEASED)
- CAPTAIN LENTSOE, DEPUTY REGIONAL HEAD
- MR SAM MNISI (GEORGE ZULU), RECORDING OFFICER AND CHIEF OF STAFF
- MR GABRIEL MTHEMBU (SIZWE MKHONTO), CAMP COMMANDER.

140 Mr Gabriel Paki Moshoeu [JB0074/03NW] was executed by firing squad in Angola in 1982 and is listed by the ANC in its first submission under the heading, "Executed By Order Of Our Military Tribunal", as well as under, "Agents Executed On Order Of Tribunals" (Confidential Appendix). The Motsuenyane Commission records that the execution was related to "disturbances in the ANC Camp".

141 Andrew Masondo, who was Political Commissar of MK at the time, told the Commission that he had been a member of the Review Committee of the court martial that had sentenced Gabriel Moshoeu to death. Masondo's account is that Moshoeu's execution was based on information that Moshoeu "joined the enemy" while in combat with MK in Zimbabwe:

Moshoeu's brother was in the front, he was in Zimbabwe with a group of MK chaps who were fighting, side by side with the ZIPRA chaps. In the course of that battle, he vanished and his other colleagues were looking for him. He comes up later, he can't explain his disappearance. They investigate, they find out that he had had contact with the enemy ... When he got to Angola he was court martialled and sentenced to death.

142 Gabriel Mthembu testified that he was not personally involved in investigating Gabriel Moshoeu's case. He said he –

had to exercise supervision over investigation of all these broad issues; but I also had superiors over me like Masondo, Mzwandile Philiso and other officers; I think my immediate superiors, were regional headquarters at

that time, that would be Captain Lentsoe, (Regional Chief of Security, Angola) Joseph Vooki (Regional Chief of Personnel, Angola – deceased); Alfred [Wana] Regional Chief of Security before Captain Lentsoe).

- 143 According to Mr Gordon Moshoeu, Gabriel Moshoeu was “tried by a kangaroo court” which comprised Andrew Masondo, Joe Modise and Mzwai Piliso. Mthembu confirmed that these individuals made up the tribunal, but denied that it was a ‘kangaroo court’. He testified that:

There was overwhelming incriminating information and evidence against Gabriel Moshoeu and it was on that understanding, on the strength of such information and evidence that he was locked up at 32. He might have been beaten in the process of investigation when people were trying to get him to confess given the overwhelming nature of evidence against him.

- 144 General Masondo was asked to respond to the Motsuenyane Commission’s recommendation that there be an apology made to the people who were wronged. He said:

People who it was found that they were enemy agents, we executed them, I wouldn't make an apology. We were at war. If it can be proved that they were executed wrongly, I would be stupid not to say I apologise. But once people were threatening, the people who killed some of our comrades, I can't be apologetic that they were executed, then I wouldn't be doing justice to those comrades who died.

- 145 Mr Derrick Boitlthomo Lobelo (MK name Vusi Mayekiso) [JB00186/03NW] was executed by the ANC in Luanda, Angola in 1982. He went into exile in 1976 and was a member of MK and ANC. His name appears in the ANC First Submission under the heading, “Executed By Order Of Our Military Tribunal”, as well as in the Confidential Appendix submitted by the ANC. An unnamed witness who testified to the Motsuenyane Commission alleged that Lobelo was killed by camp warders in 1981, because he was “cheeky” or obstinate. According to the ANC, Lobelo was recruited to work for security forces “whilst he was working for the Bophuthatswana Admin” in 1972.

D e a t h s i n / a f t e r d e t e n t i o n

- 146 Mr Muziwakhe Ngwenya, aka Thami Zulu or ‘TZ’ [JB00459/01GTSOW], an office-bearer in Angola MK structures between 1980 and 1983 and thereafter in Natal, died in November 1989 at the University Teaching Hospital in Lusaka, a few days after his release from detention by the ANC. A medical report dated 1 November 1989 and submitted to the Commission by the ANC indicates that he was diagnosed HIV positive as well as suffering from tuberculosis. The report notes, however, that “his death was brought about by poisoning which must have been taken in within a day or at most two days prior to his death”.
- 147 If Ngwenya (Thami Zulu) was poisoned, argued the ANC, the South African security forces could have been the only ones responsible for the poisoning – either because he was an agent who needed to be silenced before he gave the game away or because they wished to discredit the ANC by making it appear responsible for the killing.
- 148 Former CCB Intelligence Officer, Christo Nel, told the Commission at a section 29 hearing that he:

... learnt about the whole debate around TZ from Henri van der Westhuizen. He had much more intimate knowledge about the suspicions around TZ and the later alleged poisoning of him or the killing of him which I don't know. I don't want to speculate. Henri said there was maybe a project to make [it] look like an agent and therefore he was killed by MK

- 149 A Commission was set up in 1989 to investigate the circumstances surrounding the death of Ngwenya (Thami Zulu). It noted that:

Dr Ralph Mgijima, head of the ANC Health Department and a long-time personal friend of TZ, described in vivid terms how TZ was brought to his house ... TZ told him that his condition had deteriorated drastically while he had been kept in an isolation cell lying all day on a mattress on the floor. TZ was angry at the way he had been treated, but never alleged that any violence had been used against him.⁵

- 150 Medical practitioners who conducted a post mortem and those who conducted further tests on blood samples reached contradictory conclusions. However, although one group of medical practitioners came up with negative results when testing for traces of diazinon or another pesticide, they conceded that the chemical could easily have dissolved in the quantity of alcohol found in Ngwenya's (Thami Zulu) blood and that, with time, the chemical decomposes.

- 151 At the 'recall hearing' in May 1997, the ANC responded to this incident as follows. Mr Thabo Mbeki said:

Thami Zulu was ... recalled ... from Swaziland to Lusaka because we were sustaining high losses of cadres who were coming down that route into the country, getting intercepted, getting killed, getting captured ... Investigations into the extremely high casualty rate within the MK structures under his command were accepted as constituting sufficient grounds for his recall. Within the context of international military norms commanders under similar circumstances have been subjected to far worse treatment. When he was in Lusaka, Thami Zulu was not confined to a detention centre; he spent most of his time in residences although separated from the rest of the ANC community. At no time was he tortured or subjected to any undue pressure. When he was released he was ill. Independent pathologists found that he had contracted the HIV virus and was suffering from Aids-related complex and possibly pulmonary TB.

However Thami Zulu died of poisoning after his release and to this day it is a matter of conjecture as to who administered this poison and why this was done. Our own security department has reason to believe that an agent or agents of the regime was responsible.

- 152 Conclusive evidence that Ngwenya (Thami Zulu) was a South African security police agent has not emerged. The Commission was unable to make a conclusive finding in this matter.

E x e c u t i o n s a n d k i l l i n g s

- 153 In early 1984, a group of MK soldiers mutinied in a camp in Angola. The mutiny was defused with the help of Angolan soldiers. An Angolan soldier and MK cadre known as 'Babsy' (Sithube) was killed in the process.

- 154 A further mutiny took place on 13 May 1984 at Pango camp, also in Angola. The mutineers killed Mr David Mashaba (MK Matthews Nyamande), Mr Douglas Seleke (MK Khotso Lebogang), Mr Mauldin Maziyan (MK Zenzile Phungule), Mr Mxolisi Kota (MK Zola Mazwayi), Mr Vusimuzi Mnisi (MK Duke Maseka) [JB0399801/MPNEL], Mr Phillip Gumede (MK Micro Benya) and Mr Samuel Kulati (MK William Sithole), all of whom were working in the camp at various levels of administration.
- 155 Five days later, on 18 May, loyal members of the ANC fought with the mutineers and recaptured the camp. The mutineers who were killed during the clash were Mr Roan Mabitle (MK Gibson Mazibuko), Mr Garmeeek Mfana (MK Dan Mkwanazi, Mr Jomo Phahla (MK Jilly Khumalo), Mr Raymond Makhawule (MK Sticks Mayathula), Mr Samson Tsotsi Senatla (MK Gilford Mphephu) [EC2642/97ELN], Mr Samuel Sejake (MK Fezi Mehlomakhulu), MK Lungile Nonkanyazi, Mr Mpini Tshabalala (MK Cromwell Qwabe) and Mr Zakhele Jonas (MK Jonga Masupa). The ANC reported that Tshabalala “fled the camp and committed suicide with a pistol” and Jonas “died of malaria” because “he refused treatment”. The ANC also indicated that Simon Nkosi (Norman Seku) and Mvula Bethinja (real name uncertain) escaped and have not been heard of since.
- 156 Seven people were executed following an investigation and subsequent tribunal. They were Mr Edward Malope (MK Joseph Masimini) [JB02900/01MPMOU], Mr Zwelethemba Magwa (AK Jongile Mzwandile) [EC0493/96ALB], Mr Masibulele Tonisi (MK Hobo Walter) [EC1592/97ELN], Mr Mandla Reuben Jele (Stopper Nyembezi), Mr Cekiso Hoyi (MK Ronald Msomi), Mr Irvin Ondala (MK Wandile Mashaqane), Mr Mlamli Namba (MK James Nkabi (Mkhambi) [EC0065/96PLZ].
- 157 Nine ‘dissidents’ were sentenced to death by the tribunal, including Masupa (listed above) who had already died of malaria. The ANC reported in its first submission that none of this second group “was executed, despite the fact that one of the mutineers had hunted down wounded cadres the morning after the mutiny began, and finished them off.” The ANC named the eight as Mr Mazolani Skhwebu, Mr Papa Nxele, Mr Hamba Zondi, Mr Mzwandile Mgaza, Mr Lizo Booi, Mr Veli Kona, Mr Mzwandile Singanto and Mr Thembile Mthethwa.
- 158 The ANC executed some cadres who were found to have committed “major breaches of discipline”. In the Confidential Appendix, the ANC submitted the following names of those who were executed under this category: Mr Lucas Mongake (MK Osmond Mogorosi) found guilty of rape and murder and executed in 1981; Mr Clifford Lefatshe Ngaba (MK Raymond Mvundla) found guilty of rape and murder and executed in 1983; Mr Abraham Theko (MK Tony Langa) found guilty of rape and murder and executed in 1983; Mr Thabo Makudobethe (MK Rufus Mtshali) found guilty of rape and executed in 1984; MK Leonard Mabuza found guilty of rape and executed in 1988; Mr Sipho Bam (MK Skhumbuzo Philane) found guilty of murder and executed in 1983; Mr Degree Yako (MK Amos Twala) found guilty of murder and executed in 1988; Mr David Matiwane (MK Ben Ximba) found guilty of murder and executed in 1988; Mr Sydney Hlongwane (MK Dick Mavuso) found guilty of murder and executed in 1989.

T o r t u r e

- 159 The ANC list included people who died from assault “as a result of excessively harsh treatment after committing breaches of discipline”. These included Mr Ntobeko Mabukane (MK Similo Lobengu) who died in 1979; Mr Isaac Motsoatsila (MK Oupa Moloi) who died in 1981; Mr Thamsanqa Ndunge (MK Joel Mahlathini Gxekwa) died in 1981;

MK Amos Tsetsane, died in 1979; Mr Pharasi Motlalentoa (MK Elick Mabuza) who died in 1981 and Mr Walter Daka (MK Mr Reggie Mathengele) who died in 1981.

160 At the 'recall hearing', the ANC acknowledged that it used torture to extract confessions from those suspected of being enemy agents. This occurred especially in the period of the 'spy scare' of 1981. At the Skweyiya Commission, Mr Mzwai Piliso, the head of NAT, said that he had taken part in the beating of suspects in 1981. A plot to assassinate certain ANC members had been uncovered and suspects were interrogated over a period of two weeks. The suspects were beaten on the soles of their feet in Mr Piliso's presence, because other parts of the body "easily rupture". Mr Piliso justified this treatment on the basis that he wanted information and he wanted it "at any cost". At the same hearings, Mr Mountain Xhoso justified the torture of Mr Keith McKenzie [JB05820/02PS] in 1987, also on the basis that he had information which had "life-or-death" implications for other people.

161 Evidence before the Commission shows that torture was used by members of NAT to extract confessions from suspected agents in the period from 1979 to 1989. Mr Gabriel Mthembu explained the circumstances in which this occurred:

Suspects were believed to be harbouring crucial information that could result in the death or arrest of comrades as well as the exposure of arms caches ... Therefore the possible use of force was seen as a preventative measure under the circumstances.

162 Mthembu told the Commission that the ANC was generally very cautious about extracting information under duress. However, said Mthembu, "there were extreme circumstances where we literally had to scare off somebody" and in some of these cases, detainees were beaten. Also beaten were prisoners who had escaped and were recaptured. Persons found responsible for raping Angolan women were beaten "before being sentenced to death by the tribunal".

163 Members of MK selected for intelligence work were sent to the USSR and/or the German Democratic Republic (GDR) for training in 1978 and 1979. At a section 29 hearing, Gabriel Mthembu testified that he was sent to the GDR for six months initial training, and then for a further course of specialised training in security and intelligence. He testified that the standard of training in the GDR was high, and that he was trained in counter-intelligence including the thorough screening of new recruits and the assessment of the potential of new recruits.

164 The Operations Report of the NAT states that the training received "emphasised that the use of force was counter-productive, and stressed the use of the intellect". The NAT report provides details of interrogation techniques employed:

Various techniques were used in interrogation. It was common to ensure that suspects were sitting in uncomfortable positions to put pressure on them. Using force was explicitly against policy, but this did occur at times, particularly in cases where the Department was aware that lives of other people in the field were at stake. There were some cases in which suspects were severely beaten, particularly before 1985.

165 Confessions obtained under these circumstances were used to prove the complicity of the suspect before an *ad hoc* tribunal.

- 166 Torture (which is intentional and purposive cruelty, usually designed to obtain information or a confession) was not used in a systematic or widespread way by the ANC. It was used by a limited number of ANC members who were members of the security department and in specific time periods. It was not an accepted practice within the ANC and was not used for most of the three decades with which the Commission is concerned.
- 167 The relatively low number of such violations and the limited extent to which they occurred demonstrate that torture was not a policy of the ANC. The Commission nonetheless finds that the use of torture was unacceptable whatever the circumstances. There are no extenuating circumstances for torture; there is no cause which is so just that torture can be justified in fighting for it.
- 168 In addition, it must be accepted that any confessions obtained through torture are invalid, and people who were executed as a result of such confessions must also be considered victims of a gross violation of their rights – whether or not there was substance in their conviction, and whether or not they themselves were also perpetrators of human rights violations or were indirectly responsible for such violations.
- 169 The Commission received victim statements from a number of people who experienced torture at the hands of the ANC, and a few further statements from people who claimed that others were tortured by the ANC.
- 170 Mr Diliza Mthembu [JB00336/01GTSOW] told the Commission he was detained for over four years in Quatro camp and subjected to various forms of torture. Mthembu is currently a staff sergeant in the SANDF. He was one of the ‘Soweto generation’ who left South Africa in 1976 to join the ANC. He spent the following twelve years in Angola, became an MK Commander and, in 1981, was appointed chief representative of the ANC in Benguela province.
- 171 Mthembu was detained at Viana camp and Quatro on several occasions. He told the Commission that his torture included being given electric shocks, being suffocated with gas masks, hit with broom sticks all over his body, hit with a coffee tree branch on the buttocks continuously for a whole day, forced at gun point to simulate sexual intercourse with a tree; forced to chop down a tree full of bees and to climb a tree full of wasps; forced to undress and lie on the ground among ants, and forced to pull a water tank.
- 172 Mthembu also referred to food deprivation in Quatro which he claims led to the deaths of Mr Selby Ntuli and Mr Ben Ntibane [JB00336/01GTSOW]. Mr Ronnie Masango makes the same allegation about the deaths of Ntuli and Ntibane.
- 173 Mr Gordon Moshoeu [CT02913/OUT] was detained for four years and was tortured in Quatro camp from 1981 to 1984, accused of being an ‘enemy agent’. He lost his teeth and was scarred in the process. He names several persons who were allegedly involved in his torture which included having wild chillies smeared “on his private parts and anus” in Quatro camp in 1981. Gabriel Mthembu told the Commission that:

There was overwhelming incriminating information and evidence against Gordon Moshoeu and it was on that understanding, on the strength of such information and evidence that he was locked up at 32. He might have

been beaten in the process of investigation when people were trying to get him to confess given the overwhelming nature of evidence against him.

- 174 Mr Kenneth Mncedisi Sigam [CT00323/OUT] was “forced to leave the MK camp” in Angola after “he opposed a decision of the leadership” and opposed the use of corporal punishment on comrades. A tribunal was held after which he was taken to Camp 32 on 18 May 1984. Here he said he was subjected to various forms of torture, including having melted plastic dropped on his back, having his head bashed against a wall, being made to lie on cement and having his head trampled on, being hit on the head with a steel rod, being forced to touch his toes whilst being beaten with a stick, being smacked on the face whilst being beaten; having a cloth put in his mouth and smacked. He was also beaten while being forced to pull a tank of water and was forced to chop large trees. In 1990, after six years in Camp 32, he was taken to Tanzania and held in prison for eight months in solitary confinement. He was released in 1991.
- 175 Mr Anthony Thozamile Ntoni [CT00751/OUT], told the Commission that he was tortured for three weeks by “MK officials” because, he believes, he spoke out about the mysterious death of his friend Mac Plaatjies who was implicated in the death of Joe Gqabi and later died from snake bite. Ntoni was arrested in May 1982, at Caculama training camp in Angola and beaten on the face with a gun and with fists, kicked on the legs, injected with drugs so that “he could not speak or move for a few hours” and held in a “store cell”. He was given electric shocks and was forced to perform exercises and beaten when he stopped. He was tied to the seat of a truck by his neck and hands and choked when the truck went over a bump, until he collapsed. In June 1982, he was taken to Luanda where he was placed in a small container for two to three days; it was opened when he panicked and kicked and screamed. He was taken to Quatro camp, where he was beaten and questioned about his behaviour at Caculama camp. He was held there until May 1984 and was released when he “told them what they wanted to hear”. His name does not appear in the ANC records submitted to the Commission.
- 176 Mr Ronnie Buyaphi Singer Masango [CT00743/OUT] was involved in the 1983 mutiny in Angola because he disagreed with the decision of the ANC NEC that MK should assist in fighting UNITA. He was detained for fourteen months in Luanda during which time he was interrogated, beaten and kicked all over his body. He was deprived of food, and blames the death of two others on deliberate starvation. Masango was also locked up in a container in Angola in 1987 and used an axe to make holes to allow air into the container. He was detained in Tanzania in 1989 and finally released in 1990 when he returned to South Africa having been labelled a spy. His name does not appear in the ANC records submitted to the Commission.
- 177 Mr Daliwonga Fikile Mandela [CT01044/OUT] joined MK in 1978. In 1983 he was detained at the ANC ‘Green House’ in Lusaka, suspected of being a spy because his father was working for the Transkei National Party headed by KD Matanzima. He was interrogated and tortured daily for up to six months, kicked and beaten with *sjamboks* (whips), canes and irons; he was forced to dig a grave and told that it was his own. He said that, when he was released, he “was told not to reveal the names of the torturers to the doctor in Lusaka”. He claims he was threatened by Mr Joe Modise, Mr Alfred Nzo, Mr Steve Tshwete and Mr Jacob Zuma; and that he was warned by Mr Chris Hani and Mr Sikhumbuzo Radu that his life was in danger. He fled from Lusaka in 1987 after these threats.

- 178 Mr Gregory Camp [CT0294/OUT] was detained in 1980 and taken to Quatro where he was held without trial for seven years. He had to perform forced labour such as cutting logs, carrying water, washing security clothes and digging trenches. He was deprived of sun, food, and water for drinking and washing. He was tortured by being whipped with electrical cord, stripped naked and beaten with sticks, beaten with the butt of an automatic rifle, and punched and kicked. He was held in solitary confinement for 117 days. He was insulted and humiliated.
- 179 Ms Ntombentsha Jeanette Makanda [JB0577901/GTSOW] was detained in Lusaka in September 1980 and again in May 1985. She had her hands tied behind her back and was kicked and punched; a dirty towel was placed in her mouth and she was whipped with an electric cord. She was sexually abused and subjected to daily beatings.
- 180 Further submissions on torture experienced in the exile camps was received from Mr Cyril Fuzile Khamlane [JB05058/03VT], Mr Paul Jeremiah Dumisani Matli [KZN/ZJ/055/DN MATLI], Mr Bangiso Petros Boilane [KZN/ZJ/075/BL], Ms Victoria Kashe-Mngadi [KZN/SS/400/DN], Mr Bhekinhlanhla Lookluck Mpungose [KZN/SS/059/DN], Mr Mphafane Jacob 'Blackie Malinga' Khang [KZN/MOL/018/BL], Mr Sipho Bongani 'Doh' Ngema [KZN/KM/0001/DN], Mr David Malaisha Makhubedu [JB05830/01ERKWA], Mr Keith Charles McKenzie [JB05820/02PS], Patrick Oupa Tawe [JB06343/01ERKAT], Mr Matimba Bheki Khoza [JB06333/ 01GTSOW], Mr Mandla Annanias Ntuli [JB06323/02PS NTULI], Mr Vuyani Mbuyiselo Malgas [JB05949/01GTSOW], Mr Johannes Bongizembe van Wyk [B029120/ 01MPMOU], Mr Robert Vusumzi Shange [JB03070/01GTSOW], Mr Takalani Matidze [CT05012/OUT] , Mr Luthando Nicholas Dyasop [JB00420/01ERKWA], Mr Gabriel Phemelo Setlhoke [JB00846/01GTSOW], Mr Amos Maxongo [EC0265/96PLZ], Mr Gugulethu Gxekwa [EC0832/97KAR], Mr Nceba Makasi [EC2179/97NWC], Mr Tebello Motapanyane [JB00259/01GTSOW], Mr Olefile Samuel Mngqibisa [JB00311/01GTSOW], Mr Barry Qethu Mdluli [JB00522/01GTSOW], Mr George Linda Gladstone Dube [JB00155/01ERKAT], Mr Tony Lincoln Mzwandile Msomi [JB00165/99OVE], Mr Edward 'Teddy' [Mwase) Williams [EC0247/96WTK], Mr Patrick Mncedisi Hlongwane [AM8028/97], Mr Mpho Samuel Motjuoadi [JB02199/02PS], Mr Lita Nombango Mazibuko [JB04442/01MPWES] and Mr Connie Khunjuzwa Ndesi [JB05902/01GTSOWNDESI].

ON THE BASIS OF THE EVIDENCE AVAILABLE TO IT, THE COMMISSION FINDS THAT THE ANC, PARTICULARLY ITS MILITARY STRUCTURES WHICH WERE RESPONSIBLE FOR THE TREATMENT AND WELFARE OF THOSE IN ITS CAMPS, WERE GUILTY OF GROSS VIOLATIONS OF HUMAN RIGHTS IN CERTAIN CIRCUMSTANCES AND AGAINST TWO CATEGORIES OF INDIVIDUALS – SUSPECTED 'ENEMY AGENTS' AND MUTINEERS.

THE COMMISSION FINDS THAT 'SUSPECTED AGENTS' WERE ROUTINELY SUBJECTED TO TORTURE AND OTHER FORMS OF SEVERE ILL-TREATMENT AND THAT THERE WERE CASES WHERE SUCH INDIVIDUALS WERE CHARGED AND CONVICTED BY TRIBUNALS WITHOUT PROPER ATTENTION TO DUE PROCESS BEING AFFORDED THEM, SENTENCED TO DEATH AND EXECUTED. THE COMMISSION FINDS THAT THESE WERE ACTS IN WHICH THE INDIVIDUALS SO AFFECTED HAD THEIR HUMAN RIGHTS GROSSLY VIOLATED. LIKEWISE, THE COMMISSION FINDS THAT THE FAILURE TO COMMUNICATE PROPERLY WITH THE FAMILIES OF SUCH VICTIMS CONSTITUTED CALLOUS AND INSENSITIVE CONDUCT.

THE COMMISSION ALSO FINDS THAT ALL MUTINEERS WHO WERE EXECUTED AFTER CONVICTION BY MILITARY TRIBUNAL, IRRESPECTIVE OF WHETHER THEY WERE AFFORDED PROPER LEGAL REPRESENTATION AND ADEQUATE DUE PROCESS, SUFFERED GROSS VIOLATIONS OF THEIR HUMAN RIGHTS.

WITH REGARD TO ALLEGATIONS OF TORTURE, THE COMMISSION FINDS THAT, ALTHOUGH IT WAS NOT ANC POLICY TO USE TORTURE, THE SECURITY DEPARTMENT OF THE ANC ROUTINELY USED TORTURE TO EXTRACT INFORMATION AND CONFESSIONS FROM THOSE BEING HELD IN CAMPS, PARTICULARLY IN THE PERIOD 1979-89. THE COMMISSION HAS TAKEN NOTE OF THE VARIOUS FORMS OF TORTURE DETAILED IN THE MOTSUENYANE COMMISSION AND FINDS THAT THEY AMOUNTED TO THE DELIBERATE INFLICTION OF PAIN AND/OR SEVERE ILL TREATMENT IN THE FORM OF DETENTION IN SOLITARY CONFINEMENT AND/OR THE DELIBERATE WITHHOLDING OF FOOD AND WATER AND/OR MEDICAL CARE AND, AS SUCH, AMOUNTED TO THE PERPETRATION OF GROSS VIOLATIONS OF HUMAN RIGHTS.

THE COMMISSION FINDS FURTHER THAT ADEQUATE STEPS WERE NOT TAKEN IN GOOD TIME AGAINST THOSE RESPONSIBLE FOR SUCH VIOLATIONS.

● THE PAN AFRICANIST CONGRESS

- 181 Evidence before the Commission indicates that gross violations of human rights were committed by the PAC in the course of its armed struggle. Formed in 1959 as an Africanist breakaway from the ANC, the involvement of the PAC in the anti-pass law campaign of 1960 led to its banning, together with the ANC, in 1960. Like the ANC, it established an organisational structure in exile and established camps for the military training of members of its armed wing APLA. It engaged in a limited armed struggle which resulted in few human rights violations inside South Africa. It was plagued with internal divisions and leadership conflicts which rendered it ineffective and led to the commission of gross human rights violations against its own members in exile.

Poqo

- 182 The establishment of a military wing known as Poqo in September 1961 followed the decision of the PAC to form underground cells and embark on an armed struggle. *Poqo* was established some three months before the formation of MK and was later transformed into APLA in exile.
- 183 *Poqo*⁶ has been interpreted as having been, at least initially, a spontaneous militant 'movement' without clear strategic direction or lines of command.
- 184 The commission of human rights violations by PAC members began with the activities of *Poqo* in the early 1960s, whose campaign was to liberate the country with 'traditional weapons'. In the Western Cape townships, in particular in Langa, *Poqo* militants conducted a house-to-house membership drive. In what became a reign of terror, residents were coerced into 'enlisting' and paying a two shillings and sixpence joining fee. In September 1962, policemen investigating the conscription campaign were attacked by *Poqo* members. They fired into a crowd, killing one and wounding two others; 133 people were arrested.
- 185 In the early 1960s, a group of disaffected PAC supporters, the 'Katangese', began operating independently of the PAC constitution and political culture of the PAC, raising concern in the Western Cape regional executive of the organisation. The Katangese soon became the targets of physical attacks, attempted assassinations and group attacks by *Poqo* gangs armed with pangas and pistols. *Poqo* gangs patrolled certain areas in the Langa Zones by night, turning them into "liberated zones" where even the police feared to tread.

- 186 In May 1961, Mr Lamstead Giyose became the first person associated with the Katangese to be assaulted by a group of Poqo men in the course of their conscription campaign. David Mkhungeka, a loyal PAC supporter, was charged for the stabbing. The case was withdrawn when Giyose was informed that he had failed to show up at court on the right day. Giyose said he believed the misunderstanding over the court date was indicative of “some corruption somewhere”.
- 187 Two other Katangese members, Mr Alfred Canca and Mr Ndikho, were shot by Poqo operatives, both sustaining severe injuries. No one was arrested. The first Western Cape PAC regional chairperson, Mr Christopher Mlokoti, survived a shooting attempt on his life. Several other Katangese members were attacked in their hostels by groups of men armed with pangas, sticks and other ‘traditional weapons’; the Katangese put up stiff resistance.
- 188 Poqo also engaged in attacks on South African police in this period. On 17 March 1962, a large group of Poqo operatives attacked a police van in Langa township, killing one African policeman, and injuring five others. The vehicle was set alight and destroyed.
- 189 Two further police men, Sergeant Moyi and Constable Magwaca, were killed in the Langa Zones: Magwaca stabbed to death on 29 July 1962, and Moyi was killed on 26 September, 1962. Magwaca had earned notoriety in the community for his alleged involvement in the beating and harrasment of protesters in the 21 March 1960 demonstrations and in the period following the Langa shootings. He was also perceived to be responsible for sexually abusing women who stayed ‘illegally’ in the Zones while their men were at work.
- 190 The Commission did not receive victim submissions or amnesty applications in connection with the above violations. In its submission to the Commission, the PAC did, however, claim responsibility for the “elimination” of a “notorious Special Branch detective” in Krugersdorp. Four PAC members – Mr Richard Matsaphae, Mr Jos Motsumi, Mr Thomas Molathlegi and Mr Petros Mtshobe – were sentenced to death and hanged in 1963 for this killing.
- 191 Also in 1962, Poqo members engaged in attacks on representatives of traditional authority in the ‘homelands’. On 16 October 1962, headman Gwebindlala Gqoboza of St Marks district in Cofimvaba, Transkei was killed by Poqo members. In February 1963, headman Jonginamba Deliwe was killed in the same district. He is reported to have encountered local resistance to land rehabilitation measures and to have requested KD Matanzima’s intervention.

Armed clash at Ntlonze Hill

An armed clash took place at Ntlonze Hill on 12 December 1962 when armed Poqo members were intercepted by police while on their way to assassinate Chief Kaiser Matanzima. Seven Poqo members were killed in the encounter and three policemen seriously injured in what could have led to more police fatalities, but for the inability of the Poqo members to use the guns they had obtained from the police. The PAC described the incident as being “aimed at those headmen and chiefs assisting the dispossession of African people through the rural rehabilitation scheme” as well as being “provoked by reports of the brutal torture in Cofimvaba prison of Comrades Makwetu and Kisana”.

In its submission to the Commission, the PAC claims that “a whole platoon of the SAP threw away their guns. Unfortunately none of our combatants could use them effectively”. As this was a military encounter in which both sides were armed, neither the injuries to policemen nor the deaths of the Poqo members can be considered to be gross human rights violations.

- 192 Poqo attacks were also directed at whites. In February 1963, five white civilians were killed by Poqo members while sleeping in caravans on the roadside at Mbashe Bridge near Umtata. Twenty-three Poqo members were convicted, sentenced to death and hanged as a consequence. The PAC told the Commission that the incident –

needs to be understood in the context of the land wars of the time. People were being moved from their plots and their homes without compensation when the new Umtata to Queenstown road was being constructed. It was a purely defensive act.

- 193 While the Commission finds that this attack on civilians was a gross violation of human rights, no families of victims of the attack approached the Commission.
- 194 On 8 February 1963, a white debt-collector was murdered in Langa township, allegedly by Poqo members.
- 195 On 22 November 1962 at 04h00, about one hundred Poqo members entered the houses of white residents of Paarl, dragged them from their beds and beat them up. Five of the attackers were shot dead by the police. Eighteen-year-old Ms Rencia Vermeulen, a student at a commercial college in Paarl and her friend, twenty-two-year-old Mr Frans Richard, were hacked to death by the Poqo attackers.
- 196 Poqo supporters also attacked shops in the main street of Paarl, smashing windows and attacking other white residents. The attacks were described by the police as reprisals for arrests made in the Mbekweni location the previous day. These arrests followed the killings of a white shopkeeper, three black women who were found speared to death in a plantation and a black man whose headless body was found floating in the Berg River in Paarl.
- 197 The Snyman Commission appointed to investigate the Paarl violence highlighted corruption and bad management in the Bantu Administration offices in Paarl and the inhuman treatment meted out to the so-called “Bantus”. The PAC told the Commission that the violence in Paarl was directed against “the self-enrichment of a Mr Le Roux who hoarded migrant workers from Eastern Cape in his farm, using them as cheap labour, only giving them food”.
- 198 The only PAC victim statement received by the Commission for this period is in respect of the killing by PAC members of Mr Milton Chumani Nozulu Matshiki [CT00267/WIN] in Paarl in October 1962. He went missing and after two days his decapitated body was found.
- 199 Mr Morgan Nogaga Gxekwa [AM5686/97] applied for amnesty as a founder member of both Poqo and APLA.

WHILE THE COMMISSION TAKES NOTE OF THE EXPLANATION TENDERED BY THE PAC THAT ITS ACTIVITIES IN THE EARLY 1960S NEED TO BE UNDERSTOOD IN THE CONTEXT OF THE “LAND WARS OF THE TIME”, IT NEVERTHELESS FINDS THAT THE PAC AND POQO WERE RESPONSIBLE FOR THE COMMISSION OF GROSS VIOLATIONS OF HUMAN RIGHTS THROUGH ITS (POQO’S) CAMPAIGN TO LIBERATE THE

COUNTRY. THIS UNLEASHED A REIGN OF TERROR, PARTICULARLY IN THE WESTERN CAPE TOWNSHIPS. IN THE COURSE OF THIS CAMPAIGN, THE FOLLOWING GROUPS SUFFERED GROSS VIOLATIONS OF THEIR HUMAN RIGHTS:

- MEMBERS OF THE POLICE PARTICULARLY THOSE LIVING IN BLACK TOWNSHIPS;
- THE SO-CALLED KATANGESE, DISSIDENT MEMBERS OF THE PAC WHO OPPOSED THE CAMPAIGN AND WERE SUBJECTED TO PHYSICAL ATTACKS AND ASSASSINATIONS BY OTHER POQO MEMBERS;
- REPRESENTATIVES OF TRADITIONAL AUTHORITY IN THE HOMELANDS, THAT IS, CHIEFS AND HEADMEN;
- WHITE CIVILIANS IN NON-COMBAT SITUATIONS;

THE COMMISSION FINDS PAC ACCOUNTABLE FOR SUCH VIOLATIONS.

- 200 The 1968 Vila Peri campaign in Mozambique arose from the PAC's alliance with the Mozambique Revolutionary Committee (COREMO), a rival of the Mozambique Liberation Front (FRELIMO). A plan known as *Operation Crusade* aimed to infiltrate a unit of twelve PAC guerrillas into the country in order to establish bases and build armed people's units to prepare for a "protracted people's war". The unit was from the Azanian Armed Forces which had replaced *Poqo*. Their battles with the Portuguese security forces lasted for over a month, mainly around Vila Peri inside Lourenço Marques (Mozambique). Three Portuguese security men, including a Portuguese Intelligence Agency (PIDE) agent, were killed by PAC guerrillas.
- 201 The Azanian Armed Forces guerrillas were remnants of twelve highly trained and motivated guerrillas under the command of Mr Gerald Kondlo, a graduate of Chinese and Algerian military academies. Seven were killed in what PAC military analysts describe as "one of the fiercest confrontations" between "the forces of liberation and those who defended the oppressive white minority regimes in Southern Africa". The SADF immediately set up an operation known as *Operation Sibasa* to secure areas that could be used as ports of entry by the PAC. Two survived the operation, Mr Enoch Zulu and Mr Zeblon Mokoena. Two others, Mr Oscar Ntoni and Mr Samuel Guma, were wounded and captured. Their fate remains unknown, although they are thought either to have been deported back to South Africa where they were executed or executed by FRELIMO as "counter-revolutionaries". COREMO leader Paulo Gumane, who was apparently in a political rehabilitation camp with them, was reportedly executed by FRELIMO.
- 202 No victim statements or amnesty applications were received in connection with these acts.

1970s and 1980s: Violations committed in the course of the PAC armed struggle in South Africa

- 203 The PAC's strategy of a protracted people's war, involving the infiltration of guerrillas into rural areas, resulted in a number of armed confrontations and skirmishes with the security forces. A limited number of armed attacks in

townships resulted in injuries or deaths to members of the security forces. Violations committed in the course of armed combat are not considered by the Commission to be gross violations of human rights.

- 204 In 1978, three APLA insurgents were arrested for establishing an arms cache in Krugersdorp. The following year in Transkei, five APLA guerrillas were arrested. PAC member Mr Abel Sgubhu Dube [AM6040/97] applied for amnesty for gun-running into South Africa via Pietersburg in April 1982.

APLA attacks on security forces

- 205 The first APLA attacks to be confirmed as such by the police were four actions attributed to the Alexandra township 'Scorpion Gang' between December 1986 and February 1987, in which two soldiers and two policemen were wounded and a café owner shot dead during a robbery. The three APLA guerrillas involved were killed after a car chase through the Johannesburg suburb of Bramley. Mr Mandla Michael Yende [AM5648/97] applied for amnesty for shooting eleven SADF soldiers with 'scorpion' machine pistols in Alexandra in January 1987. Mr Themba Jack Phikwane [AM6032/97] claims to have killed twenty-five SADF members in Alexandra. Mr Louie Nkululeko Dlova [AM6596/97] injured a member of the SAP with a hand grenade during the 'Lichtenburg Battle'.
- 206 The PAC's submission also claims that the attack on the Tladi police station, attacks on police in Bramley and various operations in Alexandra township were APLA attacks.
- 207 APLA journal, *Azanian Combat*, claimed that, in 1987, twelve members of the 'enemy' were killed and sixty-seven others were wounded – casualties of an APLA grenade attack on two municipal police platoons at the Soweto Police Training College. In 1988, a clash between APLA cadres and the police resulted in the death of four APLA members and severe injuries to twelve policemen.

APLA armed robberies and attacks on civilians

- 208 In the late 1980s, APLA members engaged in armed robberies. A 'robbery unit' was established as a source of funding for the external and internal wings of APLA. APLA members engaged in armed robberies in the 1980s and early 1990. At some point, guerrillas engaged in such acts were named 'repossession units' and their actions were justified politically by the PAC as part of a strategy to repossess land taken by 'settlers'. APLA units were instructed to obtain the necessary weapons and goods for subsistence, by robbery if necessary. An APLA commander also explained to the Commission the complex motivations for conducting such operations:

The family in the house you have been concealed in suddenly speculates about the money you are supposed to have brought with you which they thought had like a manna from heaven suddenly brought their economic woes to an end. They thought we were being paid like the SADF soldiers and we had to be explaining things. When they learnt we were not going to resolve their economic problems they then started to advise us on the targets, which were butcheries, grocery shops, and so on. In the mid and late 80s we lost more comrades in armed robberies than in actual armed confrontation with the enemy forces.

Under the circumstances we just had to establish a unit that was going to specialise on robberies – even though we knew we were not getting all the loot but at least we managed to operate effectively. The rest of the cadres would engage in fighting because it had become clear we could no longer expect those who were making money, mainly for themselves and partly for the struggle, to want to die in operations that did not involve ‘repossession’. Undisciplined cadres who did not follow the general command to operate from the countryside fell victims of the problems we faced mainly in the towns where these comrades preferred to be at.

- 209 The Commission received amnesty applications from Mr Barowsky Phumelele Masilela [AM3146/96] for an armed robbery in Springs in 1988 in which one person was injured; from Mr Lucky Clement Luthuli [AM3435/96] for the killing and robbing of Mr Lucas Botha in April 1987 in Durban with the intention of obtaining firearms and money and from Mr Lefu John Molati [AM2092/96] for an attack in February 1989 in which Mr Johannes Hermanus Boonzaaier was shot and killed, his wife Ms Mercia Maureen Boonzaaier assaulted and the couple robbed of their bakkie.

THE COMMISSION FINDS THAT THE TARGETING OF CIVILIANS FOR KILLING WAS NOT ONLY A GROSS VIOLATION OF THE HUMAN RIGHTS OF THOSE AFFECTED BUT A VIOLATION OF INTERNATIONAL HUMANITARIAN LAW. THE COMMISSION NOTES BUT REJECTS THE PAC'S EXPLANATION THAT ITS KILLING OF WHITE FARMERS CONSTITUTED ACTS OF WAR FOR WHICH IT HAS NO REGRETS AND APOLOGIES. TO THE CONTRARY, THE COMMISSION FINDS PAC ACTION DIRECTED TOWARDS BOTH CIVILIANS AND WHITES TO HAVE BEEN A GROSS VIOLATION OF HUMAN RIGHTS FOR WHICH THE PAC AND APLA LEADERSHIP ARE HELD TO BE MORALLY AND POLITICALLY RESPONSIBLE AND ACCOUNTABLE.

Violations committed by the PAC within its own ranks

- 210 The PAC did not have a security division responsible for dealing with suspected dissidents or infiltrators. Violations that occurred within the ranks of the PAC in exile were largely the result of divisions within the PAC leadership, within the military command structure and between APLA members. Evidence before the Commission shows that many such violations took place in the military camps in Tanzania. There are, however, no amnesty applications in connection with these violations, and few victim statements from people who allege to have been mistreated by the PAC in exile.
- 211 The Commission received statements from families of people who went “missing in exile”, cases for which the PAC was allegedly responsible. They include the cases of Mr Welcome Mncedisi Sabatana [EC0016/96ELN], Mr Mlungisi Michael Mpondo [CT00293/FLA], Mr Edward Tsaitai Makgato [JB04016/02NPLTM], Mr Goodman Manyana Phiri [JB04241/01GTSOW], Mr Gilbert Nkoane [CT04203/KIM] and Mr Sizwe Douglas Mazungula [EC0098/96TSI].
- 212 Other recorded cases of killing and attempted killing of PAC cadres, allegedly perpetrated by the PAC, include the following. A cadre known as ‘Mahoyi’ was killed in Tanzania on charges of being loyal to the Azanian People’s Revolutionary Party (APRP) and thereby “destabilising” the PAC. A military cadre known as ‘Chaka’ was killed in the PAC bush camp in Chunya by the PAC high command. He had stolen a pistol during his military training in Guinea. Mr Cohen Ntuli was also killed in the PAC camps during this period.
- 213 PAC president Potlako Leballo alleged that, in March 1980, about seven of his supporters were killed and that more than 500 PAC members, still loyal to him, including members of the high command, were in detention in PAC camps.

214 Sections 1.4 and 1.5 of the PAC's Disciplinary Code provided constitutional justification for the way in which political dissent was handled by the PAC leadership in exile. The section on factionalism states:

Where normal processes of free discussion fail to curb factional tendencies, then firm iron discipline should come into play, and factional elements, no matter how important, should be chopped off without ceremony.

215 An ex-APLA commander said in an interview that, during the 1980s:

Constant vicious beatings and floggings of cadres who did not conform to the new militarist discipline replaced the more democratic culture which respected the human rights of the individual APLA soldiers. Members of the Military Commission did not only turn a blind eye to these abuses but are reported to have actually condoned them.

216 In the manuscript of a book that was to have been published in 1985⁷, former PAC director of Foreign Affairs Henry Isaacs alleged:

More persons were murdered in factional strife in the four years under [PAC president John Nyathi] Pokela than in seventeen years under [PAC president Potlako] Leballo. Between June 1982 and January 1985 at least six persons were murdered, their physical elimination sanctioned or condoned by the PAC leaders who accused them or suspected them of being 'dissidents'.

217 Isaacs also refers to an incident in the Chunya camp when supporters of ousted PAC president Potlako Leballo mutinied and seven of them were killed by the Tanzanian People's Defence Force (TPDF). He mentions several floggings performed by the APLA high command, confirmed by other sources.

218 Isaacs' claims are viewed with suspicion by some PAC members, including victims of abuse he refers to in his manuscript. He is accused of having deliberately mixed cases of PAC cadres who died in genuine accidents with cases of abuse of human rights.

219 The PAC stated in its submission to the Commission's hearing on the armed forces that:

We have never had a single detention camp, prison or any form of institution that was employed to violate members' human rights. No single individual can genuinely claim any experience of systematic torture, abuse or detention in any of our facilities or camps. (Brigadier Dan Mofokeng).

220 The PAC accounted for the deaths of Mncedisi Sabatana and others by classifying them as "disciplinary actions". APLA commander, Brigadier Mofokeng said:

While we regret any loss of life as a result of our disciplinary actions, we, however, still remain proud that all the disciplinary actions that were taken fell within the confines of our disciplinary code and oath of allegiance.

221 The death of Sabatana, in particular, is categorised as an execution and is justified as follows⁸:

A limited number of APLA members were executed, mostly for acts of destabilisation and mutiny. These members were executed by orders of the APLA commander who, in his own capacity, determined the individual who had to perform the task.

- 222 Brigadier D Mofokeng committed the PAC to presenting the Commission with a list of those APLA members who were executed. This was not received.
- 223 The PAC was also responsible for some violations against its own members inside South Africa after 1990. Mr Mduduzi Ngema [AM3681/96] applied for amnesty for the assassination of an APLA member who was alleged to be a police informer. Mr Malusi Morrisson [AM3681/96] applied for amnesty for abducting APLA spies and handing them over to the 'APLA Interrogation Unit' in Umtata.
- 224 The Commission received a statement from Ms Vuyiswa Zola Ngendane [JB05364/ 02NPPTB] who alleged that her father Mr Selby Temba Ngendane was shot and killed by several balaclava-clad PAC gunmen outside his Northcrest house in Umtata on 4 October 1990. Ngendane was a founder member of the PAC National Executive Committee in April 1959 and secretary for foreign affairs. In 1963, he was sentenced to six years on two counts of leaving the country illegally. He gave evidence at the 'Bethal 18' trial of PAC and black consciousness leaders. He was a member of a London-based Sobukwe Forum which contested the legitimacy of the Dar es Salaam-based PAC Central Committee. Circumstantial evidence points to an assassination by PAC members.
- 225 The PAC's armed struggle continued after its legalisation in February 1990 and APLA – which had up to that time managed very few attacks within South Africa – secured bases in the Transkei from which they conducted a series of attacks on civilian targets between 1992 and 1994. On 16 January 1994, the PAC announced it had suspended the armed struggle.

THE COMMISSION FINDS THAT A NUMBER OF PAC MEMBERS WERE EXTRA-JUDICIALLY KILLED IN EXILE, PARTICULARLY IN CAMPS IN TANZANIA BY APLA CADRES ACTING ON THE INSTRUCTIONS OF ITS HIGH COMMAND. IT FINDS THAT MEMBERS INSIDE THE COUNTRY BRANDED AS INFORMERS OR AGENTS AND THOSE WHO OPPOSED PAC POLICIES WERE ALSO KILLED. ALL SUCH ACTIONS CONSTITUTED INSTANCES OF GROSS VIOLATIONS OF HUMAN RIGHTS FOR WHICH THE PAC AND APLA ARE HELD TO BE RESPONSIBLE AND ACCOUNTABLE.

● THE AZANIAN NATIONAL LIBERATION ARMY

- 226 No evidence was presented to the Commission that the military operations of the Azanian National Liberation Army (AZANLA), the armed wing of the Black Consciousness Movement of Azania, resulted in any gross violations of human rights. The exception is a case of abduction, for which the member responsible applied for amnesty. The person convicted of this act kidnapped two civilians in order to ensure their safety when he burned down the petrol station. No harm was caused to the civilians (or to any other person). Mr Mzwandile Nkwenkwe Alfred Madela, [AM0038/96] and Mr Andile Samuel Katiso Solo [AM0193] applied for amnesty.

Violations in exile

- 227 The Commission received no human rights violation statements in respect of members of AZANLA killed in exile by fellow members. However, there was a mutiny in the AZANLA camp at the Dukwe refugee settlement in Botswana in late 1978. The Commission was told that mutiny resulted from –

concern that for routine offences they received severe punishment including food cuts, caning, detention and exposure to cold weather after being soaked in cold water, while those who committed offences which merited court martials were left untouched.

- 228 At least two AZANLA members – Mr Tsakana Seepa and Mr Sizwe Dlamini – were shot dead. Botswana police found the decomposed bodies, seized firearms and arrested about fourteen AZANLA personnel in October 1990. Those arrested were charged variously with conspiracy to murder, murder, unlawful burial of two other members of the Black Consciousness Movement (BCM) and unlawful possession of arms of war. Those charged with murder were acquitted.

● THE MASS DEMOCRATIC MOVEMENT

- 229 The mass democratic movement (MDM) consisted of different organisations at different times, with different types of membership and decision-making structures. The movement had thousands if not millions of supporters who were not part of any formal organisational structures. Holding individuals or organisational leadership accountable for specific acts is therefore much more difficult than in the case of liberation movements, which formally adopted military strategies and had clear chains of command for the carrying out of military operations. During the 1980s, however, most organisations were affiliated or claimed allegiance to the United Democratic Front (UDF), whose former leadership made a submission to the Commission, and in respect of whom the following finding was made:

THE COMMISSION ACKNOWLEDGES THAT IT WAS NOT THE POLICY OF THE UDF TO ATTACK AND KILL POLITICAL OPPONENTS BUT THAT, IN THE CONTEXT OF WIDESPREAD STATE-SPONSORED OR DIRECTED VIOLENCE AND A CLIMATE OF POLITICAL INTOLERANCE, MEMBERS AND SUPPORTERS OF UDF AFFILIATE ORGANISATIONS OFTEN COMMITTED GROSS VIOLATIONS OF HUMAN RIGHTS.

THE UDF FACILITATED THE COMMISSION OF SUCH GROSS VIOLATIONS OF HUMAN RIGHTS IN THAT LEADERS, OFFICE-BEARERS AND MEMBERS OF THE UDF ACTED IN A MANNER, THROUGH THEIR CAMPAIGNS, PUBLIC STATEMENTS AND SPEECHES WHICH HELPED CREATE A CLIMATE IN WHICH MEMBERS OF ORGANISATIONS AFFILIATED TO THE UDF BELIEVED THEY WERE MORALLY JUSTIFIED IN TAKING UNLAWFUL ACTION AGAINST STATE STRUCTURES, INDIVIDUAL MEMBERS OF STATE ORGANISATIONS AND PERSONS PERCEIVED AS SUPPORTERS OF THE STATE AND ITS STRUCTURES.

FURTHER, IN ITS ENDORSEMENT AND PROMOTION OF SLOGANS, SONGS AND THE 'TOYI-TOYI' THAT ENCOURAGED AND/OR EULOGISED VIOLENT ACTIONS, THE UDF CREATED A CLIMATE IN WHICH SUCH ACTIONS WERE SEEN TO BE LEGITIMATED. INASMUCH AS THE STATE IS HELD ACCOUNTABLE FOR THE USE OF LANGUAGE IN SPEECHES AND SLOGANS, SO TOO MUST THE MASS DEMOCRATIC MOVEMENTS BE ACCOUNTABLE.

THE COMMISSION FINDS THAT FACTORS REFERRED TO IN THE PARAGRAPH ABOVE LED TO WIDESPREAD EXCESSES, ABUSES AND GROSS VIOLATIONS OF HUMAN RIGHTS BEING COMMITTED BY SUPPORTERS AND MEMBERS OF ORGANISATIONS AFFILIATED TO THE UDF INCLUDING:

- THE KILLINGS (OFTEN BY MEANS OF 'NECKLACING'), ATTEMPTED KILLINGS, AND SEVERE ILL TREATMENT OF POLITICAL OPPONENTS, MEMBERS OF STATE STRUCTURES SUCH AS BLACK LOCAL AUTHORITIES AND THE SOUTH AFRICAN POLICE, AND THE BURNING AND DESTRUCTION OF HOMES AND PROPERTIES;
- THE VIOLENT ENFORCEMENT OF WORKER STAY AWAYS AND BOYCOTTS OF, *INTER ALIA*, PRIVATE AND PUBLIC TRANSPORT AND PRIVATE RETAIL SHOPS LEADING TO KILLING, ATTEMPTED KILLING AND SEVERE ILL TREATMENT.
- POLITICAL INTOLERANCE RESULTING IN VIOLENT INTER-ORGANISATIONAL CONFLICT WITH, *INTER ALIA*, AZAPO AND THE IFP.

THE UDF AND ITS LEADERSHIP

- FAILED TO EXERT THE POLITICAL AND MORAL AUTHORITY AVAILABLE TO IT TO STOP SUCH PRACTICES OUTLINED ABOVE, DESPITE THE FACT THAT SUCH PRACTICES WERE FREQUENTLY ASSOCIATED WITH OFFICIAL UDF CAMPAIGNS SUCH AS CONSUMER BOYCOTTS ON ANTI-BLACK LOCAL AUTHORITY CAMPAIGNS. IN PARTICULAR, THE UDF AND ITS LEADERSHIP FAILED TO USE THE FULL EXTENT OF SUCH AUTHORITY TO END THE PRACTICE OF NECKLACING, COMMITTED IN MANY INSTANCES BY ITS MEMBERS OR SUPPORTERS.
- FAILED TO TAKE APPROPRIATELY STRONG OR ROBUST STEPS OR MEASURES TO PREVENT, DISCOURAGE, RESTRAIN AND INHIBIT ITS AFFILIATES AND SUPPORTERS FROM BECOMING INVOLVED IN ACTION LEADING TO GROSS VIOLATIONS OF HUMAN RIGHTS, AS DESCRIBED ABOVE.
- FAILED TO SANCTION OR DISCIPLINE MEMBER ORGANISATIONS WHOSE MEMBERS WERE INVOLVED IN GROSS VIOLATIONS OF HUMAN RIGHTS DESCRIBED ABOVE, OR TO ENCOURAGE ITS MEMBER ORGANISATIONS TO TAKE APPROPRIATE ACTIONS AGAINST THEIR MEMBERS.

THE COMMISSION NOTES THAT THE POLITICAL LEADERSHIP OF THE UDF HAS ACCEPTED POLITICAL AND MORAL RESPONSIBILITY FOR THE ACTIONS OF ITS MEMBERS. ACCORDINGLY, THE UDF IS ACCOUNTABLE FOR THE GROSS VIOLATION OF HUMAN RIGHTS COMMITTED IN ITS NAME AND COMMITTED AS A CONSEQUENCE OF ITS FAILURE TO TAKE THE STEPS REFERRED TO ABOVE.

230 The association of the MDM with commission of gross violations of human rights can be divided into two broad areas. First, violations occurred as a result of organised non-violent confrontations with the state, termed 'mass action'. This includes mass protests such as marches, stay aways and consumer boycotts directed at crippling state machinery, as well as clashes among township residents. The latter was not always exclusive of the former as, in many incidents, security forces were alleged to have a hidden hand in the violent political conflicts in the townships. Nevertheless, people participating in protest actions were themselves sometimes perpetrators of human rights violations where, for example, they killed people found contravening popular decisions relating to consumer boycotts or strike actions.

- 231 Second, a number of violations was committed by participants in campaigns. Such violations include direct attacks on government bodies and agents such as community councillors, security forces, *kitskonstabels* (special constables) and municipal police and those perceived to be, or associated with, informers.
- 232 Few rank and file members of the mass movements had access to the written propaganda produced by the ANC and SACP in exile. Publications such as *Mayibuye*, *Sechaba*, *African Communist*, *Forward!*, *Dawn* and *Umsebenzi* were all banned for possession and distribution in South Africa. In any case, the ANC's limited underground structures meant that distribution was limited. *Radio Freedom* was more accessible, but only to those who had short-wave radios or lived in areas where reception was good. By far the most widespread means of communicating propaganda was through the speeches, slogans and songs.
- 233 The use of slogans was effective in mobilising people for action, often in undisciplined ways. Where chants and songs were militaristic, they often had the effect of stimulating crowds to take action, to 'play their part in the struggle'. Individuals associated with the former state frequently became targets for attack.

Crowd violence

- 234 During the schools uprising of 1976, some individuals were identified as 'sell-outs' and became vulnerable to attacks. In October 1976 Mr Mshicile Samuel Sokoyi [CT01045] was shot in his right leg when a group of men attacked his shop and a Special Branch policeman, Pieter Schoeman [CT01045/FLA], in Gugulethu. A month later, after he identified one of the attackers to the police, a mob attacked him. He was stabbed in the back, stoned and his car and furniture were set alight and destroyed.
- 235 A similar attack took place in Soweto in the early stages of student resistance. Dr Melville Leonard Edelstein [JB00786/01GTSOW], who was killed by student protesters during the Soweto uprising, was the Chief Welfare Officer with the West Rand Bantu Administration Board (WRBAB). The WRBAB, its staff and its property were perceived to be instruments of oppression and were the targets of attacks by the students.

Violations committed during schools boycotts, workers strikes, etc.

- 236 During the 1970s and 1980s, boycotting students threw stones, petrol bombs and hand grenades at the houses of several school principals who opposed school boycotts and who were therefore seen to be 'collaborators' with the government. Similar confrontations took place during worker strikes in the 1980s.
- 237 In these circumstances, it was often assumed that people found killed were victims of strike actions. An example of this occurred in September 1986 when Mr Johannes Witbooi [EC1526/97NWC] was killed by unknown people while on his way to work at the time of a strike at the Cradock Wrought Iron Factory. According to the testimony of his wife, Ms Selina Witbooi, Johannes Witbooi's hands and feet were tied with barbed wire and his upper body partly burnt. He also had a wound around his neck. She suspected that he had been killed by fellow workers. The Commission was unable to conclude whether the deceased was attacked by his fellow workers who were on strike or was a victim of criminal elements.

Violations committed during mass protests and marches

238 The frequency of massacres increased dramatically in the late 1980s. A vicious cycle of political violence resulted when police used tough measures to stop mass protest actions. Victims and witnesses of incidents often claimed security force participation, although this was not always visible. An example of this is when Mr Peter Sithole [JB02330/01GTSOW] and twenty-five other commuters were hacked to death in the September 1990 train massacre at Benrose station. The deponent in the case said that white men who had covered their faces with a black substance participated in the massacre.

239 The large number of deaths that occurred in the early 1990s are dealt with elsewhere in this report.

Consumer Boycotts

240 In the mid-1980s, community organisations called for consumer boycotts to support national and local political demands. The boycotts targeted mainly white-owned businesses, but spread to include businesses owned by people perceived to be 'collaborators', such as black businesspersons who participated in the government established local authorities.

241 Militant youth often took it upon themselves to monitor and enforce boycotts. In some cases, people seen defying the boycott call were punished by being made to eat inedible purchases such as detergents, raw food and to drink cooking oil. Some were killed. For example, Ms Nontina Matyumza [CT01857/97ALB] died after she was force-fed washing powder at her home at Esileyini location, Port Alfred in May 1985. Her daughter, Ms Nombeko Matyumza, testified that her mother bought liquor at a time when the community had decided that all *shebeens* in Port Alfred should be closed in the early evenings. Comrades forced Nontima Matyumza and her husband to eat Omo washing powder. She died the following day.

242 The former UDF leadership admitted in its submission that there were cases of this nature. The UDF told the Commission that they were diversions from its policies and therefore aberrations and that such incidents were perpetrated by unaligned and uncontrollable youth:

When we were taken into prisons they were left without leadership and many of them, angry even at our arrest, did things which were irrational.

Rent boycotts

243 The first recorded rent boycott was undertaken by residents of Vaal Triangle and Evaton in September 1984, in protest against increases that were apparently the highest of all black townships in the country. This form of protest spread to other parts of the country. In some communities, the strategy resulted in divisions among local residents and put the lives of community councillors and others at risk. For example, in August 1991, Mr Solomon Ramahase Motlohi [KZN/TIS/003/BL], a rent collector, was severely beaten in Botshabelo, allegedly by young ANC members.

There was a rent boycott and Motlohi was targeted because he encouraged people to pay rent at street-committee meetings. Youths took him from his office to a house where he was assaulted. He died on the way to hospital.

M a s s c a m p a i g n s

244 The MDM initiated and implemented a number of campaigns with the objective of politicising the masses. While some mass campaigns proceeded relatively smoothly, others were marred by violent outbreaks and casualties.

245 In its submission to the Commission, the former UDF leadership recognised that the campaigns had:

unintended consequences [which] could in some instances fall within the definition of gross violations of human rights such as assaults, loss of life and causing extreme fear among perceived and real opponents of the struggle for freedom and democracy.

A n t i - B l a c k L o c a l A u t h o r i t i e s C a m p a i g n (A n t i - B L A)

246 The campaign to destroy black local authorities was one which resulted in such “unintended consequences”.

247 Community councils were established in 1977 to replace the former Urban Bantu Councils (UBCs). The Community Councils’ powers were expanded in 1982 (under the Black Local Authorities Act) to include the allocation of housing, business licenses, business sites, student bursaries and the collection of rents. Elections under the expanded powers were held in November 1983 amid vigorous anti-election campaigns, led by the UDF, the Azanian People’s Organisation (AZAPO) and other organisations. Election candidates and elected community councillors were subjected to attacks on their homes, mainly in the form of petrol bombings. In 1984, thirty such petrol bomb attacks were reported.

248 Another source of contention was the abuse of the *makgotla* (community courts). These often became institutions of abuse, corruption and victimisation of residents. In June 1976, “five youths and a woman had to receive hospital treatment ... after being flogged by three *lekgotla* (court) members for breaking school windows”. In some cases, makgotla took the form of vigilante groupings.

249 The legislation made provision for community guards who were also responsible for assaulting residents, allegedly under the guidance and protection of community councillors. In March 1980 community councillor Mr David Thebehali’s “All Nations Guard” in Soweto, was reported to have assaulted people.

250 Councillors came under violent attack. For example, Mr Caesar Motjeane [JB 03870/01GTSOW] a community councillor at Sebokeng Zone 11, was stoned, hacked, shot and burned to death by alleged members of the UDF on 3 September 1984. Ms Maud Motjeane, his wife, claims that they had previously been assaulted by a mob. The family property was looted and burned.

251 By April 1985, twelve councillors had been killed and many councillors began to heed the call for their resignation. By May 1985, 197 community councillors had resigned from sixty town councils and many local authorities had collapsed.

252 In some areas, attacks on community councillors provoked organised resistance by councillors. For example, from October 1985, councillors in Phillipstown organised their own resistance force against residents. Clashes between this group and other residents resulted in assaults, destruction of property and even death. Police were allegedly colluding with the councillors in orchestrating attacks against residents.

B u i l d i n g . P e o p l e . s . O r g a n s . f o r . P e o p l e . s . P o w e r .

253 The campaign to build 'People's Organs for People's Power' was introduced in early 1986. Following the collapse of government-created structures such as Community Councils, residents started forming alternative structures such as street committees, area committees, people's courts, school committees, residents associations and amabutho. The UDF told the Commission that, although this was not an official UDF official campaign, it was nevertheless encouraged in publications and public speeches.

254 In some cases, these structures enabled local community leaders to assert some control over the youth militia or *amabutho* in a particular area while, in some areas, the crime rate dropped dramatically as street and area committees were established. However, in other cases, youth militia, and in certain cases criminal elements, took control of such structures. Clashes between old and new structures became inevitable – resulting in some cases in vigilantism, sometimes assisted by the security forces. The violent conflict in KwaNobuhle, Uitenhage in 1987-1989 and the witdoeke vigilantes from KTC and Crossroads are examples of this development.

255 Like other campaigns that had "unintended consequences", the new 'people's organs' were sometimes involved in gross violations of human rights. In some townships, street committees and people's courts became notorious for flogging and beating alleged 'offenders'; some were even necklaced.

256 Ms Nosipho Zamela [EC2757/97QTN], a student at the time of her death, was necklaced by unknown street committee members in Mlungisi Township, Queenstown on 8 December 1985. 'Comrades' accused Zamela of being involved with the security police and therefore an informer. In another example, Ms Ntombizodwa Skade [EC1120/96ELN], a street committee member, was assaulted all over her body with sticks by fellow street committee members in Duncan Village, East London during October 1991 because she opposed their involving themselves in marital disputes. She sustained a broken jaw and fingers.

257 The UDF conceded that its "affiliates and progressive service organisations" were unable to render adequate political training to these structures and they became problematic. It pointed, however, to some positive effects of 'people's organs' on local communities:

For instance, at some point in time in the Eastern Cape ... shebeens were seen to be sources of violence and rapes and sometimes even murders and there was an instruction from Residents' Associations to close them at nine,... Amabutho monitored that situation and reported to the street committees and area committees ...

Campaign against Vigilantes, Kitskonstabels⁹ and Municipal Police

- 258 Campaigns against the police in the mid-1980s aimed either at forcing black police to resign or evicting them from the townships. With the rise of vigilantism in the mid-1980s and the deployment of *kitskonstabels* and municipal police, a campaign to resist the growing brutality of the police began. The campaign was aimed at *kitskonstabels*, municipal police and SAP members residing in townships.
- 259 Mr Mtutuzeli Stewart Ndziweni [EC0515/96ALB], a municipal police member, became a victim of the campaign. Ndziweni joined the municipal police in January 1986. On 27 July 1986, he went to Adelaide township with his friends. After several drinks they proceeded to a soccer field where there were youths. They fired at the youths killing at least one. The other youths gave chase and, when they caught Ndziweni, they stabbed and stoned him to death. He was buried in Bedford after threats by community members that they would dig up the grave and damage the body.
- 260 In another example, Mr Thembekile Eric Mbenenge [EC0494/96ALB] was shot in the stomach while at a soccer match at Newtown, Adelaide on 27 July 1986. He was taken to Cecilia Makiwane Hospital in Mdantsane where he subsequently died. The incident took place at the time when there was confrontation between the police and members of Adelaide community. Another youth was shot dead and two others were injured during the confrontation.
- 261 During the states of emergency that were in force from 1985 until 1990, the SAP had wide powers that were open to abuse. Black police members were not only expected to perform their normal duties as police, but also to work as “intelligence gatherers”, a role equal to that of an informer. Some of the youthful *kitskonstabels* were formerly leading members of political organisations in their communities and, after their six weeks training course, were deployed back to patrol in their respective communities.
- 262 On the evening of 2 February 1987 a *kitskonstabel* stormed the house of Ms Jane Mantile and Mr Johnson Mantile [EC0516/96ALB] in Grahamstown. He entered the kitchen and shot Jane Mantile in the heart, then to the bedroom where he shot Johnson Mantile in the forehead. Both died instantly. During a court case in the Grahamstown Supreme Court, the perpetrator confessed to being drunk that day. He was convicted and sentenced to two years’ imprisonment.
- 263 On 7 July 1987, UDF member and prominent community leader Reverend Boy Jantjies [EC1391/96KAR] died instantly after he was shot in the chest, stomach, scrotum and head by a *kitskonstabel* in Thembalesizwe location, Aberdeen. At about 19h00 that evening, Jantjies heard screams and found seven *kitskonstabels* assaulting two youths with their guns. The youths’ hands were handcuffed to their legs. Together with police, the *kitskonstabels* were forcing the youths towards the house of a neighbouring police sergeant. Jantjies arrived at the house and intervened. A police constable ordered another constable to shoot Jantjies. The policeman shot him four times.
- 264 As a result of strong feeling against them, a number of police were forced to resign or were killed. Some had to abandon their houses in the townships for white suburbs. For example, Ms Nokuzola Carol-Anne Fulani [EC0291/96UIT] told the Commission that her husband, who was employed as a member of the SAP from 1978, was attacked on 28 April 1985 when a group of ‘comrades’ arrived at their house. A shot went off which struck her

husband's right foot. The couple were taken to a house in the Soweto township of Port Elizabeth where her husband was interrogated for his refusal to allow tobacco to be given to an inmate at the KwaZakhele Police Station. On the following day, Fulani was taken to have a look at her husband for the "last time". He was then burned to death with petrol. According to Ms Fulani, a vote was taken on whether to burn her. Fulani, six months pregnant at the time, was held for a week; transported to and from work and only taken to her house to fetch fresh clothing. She was also ordered not to tell anyone about the incident. She nevertheless reported the matter to the police. Six people were later arrested, convicted and found guilty.

Attacks on... Informers.

- 265 People perceived to be informers were targets of attacks by community residents. Methods of attack included burning and necklacing, as well as beating, stabbing, shooting, sexual assault.
- 266 As part of the state's counter-revolutionary strategy, security forces were supported by thousands of informants and agents, especially in the 1980s. A large number of people who were assaulted in police custody in the 1980s claim that police wanted them to become informers. Evidence before the Commission shows that this was a widespread phenomenon and had, indeed, begun during the 1976 schools uprisings. Some individuals could not resist the pressure from police, succumbed and became police informers. Informers became particularly vulnerable to attack in local communities.
- 267 There are very few amnesty applications relating to attacks or the killing of informers, except where their handlers were responsible. Mr Mnyamana Daliwe [EC0075/96SBR] was a municipal worker in Cathcart at the time of his death. On 14 November 1985 he was abducted, assaulted, stabbed and burned to death at Old Location in Cathcart. He was accused of being an informer after he allegedly bought liquor during a consumer boycott.
- 268 Ms Kefilwe Esther Mokale told the Commission that she was informed by her son, Mr Sipho Sydney Eugene Mokale [JB02230/03WR] that he had been approached by a Sergeant Hattingh to help them with police work. Mokale was later seen travelling around Mohlakeng in police cars. During November 1985, Mokale was dragged from his home, allegedly by 'comrades', severely assaulted and burned to death in Mohlakeng.
- 269 On 2 September 1985, Mr Mzuzile Siqubethu [EC0991/96CCK] was necklaced by residents of Duncan Village. Siqubethu's brother, Sipho, claims that he was suspected of being an informer because he had previously worked as a tea-maker at Cambridge police station in East London. At the time of his death he was a driver at Grosvenor Ford.
- 270 Ms Lungelwa Madubedube [EC0312/96QTN] was necklaced to death in Queenstown on 10 January 1986 on suspicion of being an informer. Her father, Mr Sivuyile Gordon Madubedube had previously resigned from being a councillor. Ms Nozibele Nqweniso, Lungelwa's sister, testified that Lungelwa was active in local political organisations and opposed the council system.

Types of gross human rights violations by mass movements

Burning and the... necklace.

- 271 In general, the violations perpetrated by supporters of the mass opposition movement in South Africa involved the attacking of vehicles and buildings with stones and petrol-bombs, stones, sticks and knives. It was only from the mid-1980s that people had access to more sophisticated weapons such as hand grenades and firearms. However, what distinguished South Africa from elsewhere was the killing of people by burning.
- 272 Except for a few cases discussed below, until 1977 the main target of arson attacks was government property such as Bantu Administration offices, school buildings, rent offices, beer halls and other government-related buildings. This was particularly so during the anti-pass campaign in 1960, the 1976 students' protests and the 1980 schools boycotts.
- 273 A new concept was added to the vocabulary of the resistance struggle in South Africa from the mid-1980s – the 'necklace' method of killing. In addition, when the government introduced community councils in African townships, houses belonging to the those associated with the council system became targets of petrol bomb attacks. The first case of death by burning recorded in the Commission's data base took place in Crossroads, Cape Town in April 1983.
- 274 It is believed that the necklace method of killing originated from the Eastern Cape in early 1985. On 23 March 1985 in KwaNobuhle Uitenhage, police shot and killed twenty-one people. Angry residents retaliated by necklacing a staunch community councillor and his three sons. Thereafter, every known house of a policeman and informer was attacked and burned. The necklacing method subsequently spread to other areas of the country.
- 275 Tyres and petrol were easily available in most townships. Many victims of the necklace method of killing were already dead by the time their bodies were burned. Burning was also used by the police to cover up killings. Well known cases are those of the PEBCO Three and Cradock Four (See Volume Three).
- 276 The Commission heard that, in some townships, 'comrades' attempted to prevent the burial of victims before the bodies had been burnt. For example, community councillor Mr Archibald Siqaza [CT01340/FLA] was burned to death on 26 December 1985 in Crossroads. His son, Mandla Siqaza, told the Commission that the family buried the body very early in the morning. 'Comrades' attempted to prevent the burial and, within a month, the body had been exhumed by the 'comrades'.
- 277 While initial cases of necklace murders were clearly targeted at suspected 'collaborators' and 'informers', as the years progressed, targets became blurred. Political activists also became targets of burning by either petrol bombs and or tyres.
- 278 From evidence before the Commission, it appears that the burning of a body was a sign of contempt for the victim and his/her deeds. No act could convey a deeper sense of hatred and disrespect. The practice was also used to make an example of the victim, so that others would be inhibited from behaving like the deceased. Burning a body could also remove traces of evidence of the killing. In some cases, the practice of burning a body was used to disguise criminal murders as political killings. In other cases, criminals themselves were targets of necklacing as they were seen as vulnerable for recruitment as police spies.

- 279 The responsibility for burning and necklace killings can be attributed to a number of individuals and groups. The nature of the responsibility ranges from failure to condemn, to verbal encouragement to the commission of the act itself.
- 280 The following statistics reflect the extent of reported deaths related to political violence and those resulting from burning and necklace killings for the years 1984 to 1989. The figures in brackets are the numbers captured on the Commission database.

Deaths related to political violence and to necklace/burnings¹⁰

Year	Total political violence deaths	Necklace/burning
1984	175 (164)	3 (3)
1985	922 (636)	67 (28)
1986	1352 (834)	306 (84)
1987	706 (361)	19 (35)
1988	1149 (401)	10 (20)
1989	1403 (474)	(21)
TOTAL	5 707 (2 870)	+/- 700 (191)

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- 281 The table indicates that, except in 1986, the number of people whose deaths were associated with burning is far lower than the total number of people who died in each year between 1984 and 1989. Despite higher figures of burning and necklacing in 1987 (35) and 1988 (20) reflected on the Commission's database compared to figures from secondary sources (19 and 20 respectively), the trend is similar. Thus, it seems that incidents of burnings and necklace reached a peak in 1986. The database suggests, however, that the number rose again in 1990.
- 282 During the Pondoland revolt, at least eight chiefs and their councillors were killed and their huts were burned. Some people burned to death inside their houses. The headmen and chiefs were seen to be collaborating with the government in implementing new government policies, high taxation and conservation measures. They were often suspected of being involved in corruption such as bribery.
- 283 In the 1980s, people serving in institutions of government were labelled as 'collaborators', especially if they did not heed the call to resign. Community councillors and security forces fell into this category.
- 284 Relatives and/or people associated with 'collaborators' were severely affected and in some cases suffered a similar fate. In one case [JB02624], the boys of the household were suspected of being police informers and a house was burned with the family members inside it. At least one person was killed and several other family members were severely burned.

- 285 Mr Mava Rwexu [EC0532/96ALB] suffered substantial loss when his house at Tantjie Location, Grahamstown, was burnt down by a group of unknown perpetrators on the grounds that his sister was a police reservist. At the time of the burning, his nieces Vuyisa, Priscilla and Nohose Hoboshe were in the house; all died in the fire.
- 286 A large number of people who were necklaced in the mid-1980s were people perceived to be police 'informers'. The case of Ms Nosipho Zamela is reported above.
- 287 Cases of burnings were also reported in relation to boycotts. Tensions within communities and between residents and security forces during boycotts were common. In some areas, 'boycott-breakers' were severely dealt with by those who volunteered to monitor the boycotts.
- 288 For example, Ms Nombulelo Julia Delato [CT 00390/KAR] was seen by a group of youth buying meat during a consumer boycott in Colesberg. She was confronted and her meat was trampled on. She laid charges with police who began searching for those responsible. Ms Delato was a supporter of community organisations, but was seen as an informer after the incident. As she was married to a former Prisons Department employee, Mr Stanford Thembele Delato, who became a community policeman in 1983, the Delato family were increasingly labelled as *impimpis* (sell-outs). Delato's home was stoned and police began guarding it and escorted her publicly. When, after a few weeks the police guard relaxed, Ms Delato was caught by a group of youth and set alight. She died in hospital. The Delato family could not bury her in Colesberg because of community hostility. A number of people were charged with her murder including Mr Tembile Falati, Mr Zolile Silwane, Mr Thabo Gusha, Mr Pingdyaan Kelem, Mr Titsha Mhlakulo and Mr Tifo Paul Setlaba. Setlaba was sentenced to death while others received long prison sentences.
- 289 People perceived to be practising witchcraft were sometimes killed by 'comrades', some by the necklace method. Ms Nofikile Dikani and her daughter Zameka Dikani (29) [EC1967/97ELN] were necklaced to death in Duncan Village on 2 January 1986. Comrades accused them of bewitching Fudwana (Fudukile) Dikani, Nofikile's son, who was killed in October 1985 when an SADF casspir drove over his vehicle. According to evidence given to the Commission, Fudwana used to transport injured victims of police shootings to hospital [EC0943]; thus his death was perceived as a deliberate act. The other passenger in the vehicle, Mr Sivuyile Wellington Hobiya [EC0797] survived with injuries.
- 290 A number of people were killed by burning and necklace during clashes between organisations. These included clashes between gangs and comrades or residents; clashes between UDF supporters and people perceived as AZAPO followers; clashes between comrades and vigilantes, and conflicts between UDF/ANC and Inkatha/IFP. Some of these incidents are detailed in Volume Three.
- 291 Criminal elements were targeted. Campaigns such as the closing of shebeens at particular times aimed to reduce criminal activities. Criminal elements became victims in the process. However, *shebeen* owners who defied the campaign found themselves victims as well.
- 292 Some political activists were victims of burning and necklace killings in what, according to evidence from former state operatives as well as amnesty applications, now appears to be the work of security forces. Examples include the Cradock Four and PEBCO Three. The actions were done either to destroy evidence and or to suggest that the killings were conducted by rival groupings.

S t a b b i n g

- 293 A number of people were victims of stabbings, many of which resulted in death. Although stabbing had always been associated with criminality, at the height of resistance it was used by some political activists to attack political opponents either in the government or in other organisations.
- 294 In the early 1960s, attacks of this nature involved hacking victims to death, using axes, *pangas*, swords and other sharp instruments. The choice of weapons was partly related to the limited availability of guns at the time. The Commission database indicates that stabbing was amongst the most widely used methods of killing in the period between 1960 and 1975. Mr Sizathu Mlomo [EC2221/97ETK], a government employee, was brutally stabbed by named perpetrators in Bizana in December 1960. He was accused of siding with the implementation of Tribal Authority Act.
- 295 In March 1960, in Isikelo Location in Bizana, Mr Robert Nonqandela [EC1817/97ETK] was stabbed with swords and other sharp instruments all over his body and head by unknown people opposed to the establishment of the Trust Land Act. Nonqandela was believed to be siding with chiefs who were in favour of the Act. He was hospitalised for a week. On his return, his homestead (five houses) was destroyed by fire, seemingly by the same unknown perpetrators who assaulted him.
- 296 From the mid-1970s to early 1980s, stabbing was not a prominent method of killing. However, in the early 1990s, the use of axes (hacking) in urban areas re-emerged. (See Boipatong massacre in Volume Three.) Stabbing also became prominent in the early 1990s, particularly in conflicts that involved organisations. A large number of people that were first stabbed to death were later set alight. These are sometimes confused with necklace killings.
- 297 In certain instances security forces were involved in creating a situation in which people were stabbed. Mr Mthuzimele Manziya [EC0636/96UIT] died after he was stabbed and hacked by *Ama-Afrika* members near an initiation hut in KwaNobuhle, Uitenhage. Manziya and nine others were guarding *abakhwetha* (initiates) from attacks by the *Ama-Afrika* when police allegedly fired tear gas at them and forced them towards a hidden group of *Ama-Afrika* vigilantes. Manziya's back was full of stab wounds and his head sustained a severe wound by axing. He died on 31 December 1989 at Livingstone hospital in Port Elizabeth.

S t o n i n g

- 298 Few cases of stoning were reported to the Commission, possibly because stoning often led to more severe violations such as stabbing and even burning. A significant number of targets of stoning were security forces deployed in the townships.

Organisational structures and names of people holding office

● AFRICAN NATIONAL CONGRESS (ANC)¹

The National Executive Council (NEC), the highest executive organ of the ANC responsible for the overall policy of the organisation, had two main committees: The National Working Committee – made up of those NEC members based at the organisation's headquarters in Lusaka – was responsible for conducting the day-to-day running of the ANC at NEC level. The Secretariat - made up of the Secretary General and representatives of the ANC President's office and the Treasurer General's Office - was responsible for providing the secretariat services to the ANC.

Membership of NEC between 1963 and 1969

(ANC 2nd submission, p. 34)

CHAIR: Mr OR Tambo TREASURER: Moses Kotane SECRETARY GENERAL: Duma Nokwe OTHER MEMBERS: Mzwai Piliso, Mendy Msimang, Moses Mabhida, Themba Mqota, Mark Shope, JB Marks, Tennyson Makiwane, Ambrose Makiwane, Jimmy Hadebe, Joe Matthews, Alfred Nzo, TT Nkobi, Johnny Makathini, Robert Resha, Dan Tloome, Joe Modise.

Membership of NEC between 1969 and 1976

ACTING PRESIDENT: OR Tambo TREASURER: Moses Kotane, followed by JB Marks SECRETARY GENERAL: Duma Nokwe, succeeded by Alfred Nzo in 1969 OTHER MEMBERS: John Motshabi, Mzwai Piliso, Moses Mabhida, Themba Mqota, JB Marks, Tennyson Makiwane, Ambrose Makiwane, Jimmy Hadebe, Joe Matthews, Alfred Nzo, TT Nkobi, Johnny Makathini, Robert Resha, Dan Tloome, Joe Modise, MEMBERS CO-OPTED during this period include: Thabo Mbeki, Chris Hani, Jacob Zuma, Joe Jele, Joe Gqabi, John Nkadameng, John Gaetsewe, Robert Manci, Andrew Masondo, Henry Makgothi, Florence Moposho, Simon Makana. The Makiwane brothers and Themba Mqota were expelled in 1972.

Membership of NEC between 1976 and 1980

PRESIDENT: OR Tambo TREASURER: Thomas Nkobi SECRETARY GENERAL: Alfred Nzo ADMIN SECRETARY: Joe Nhlanhla OTHER MEMBERS: Mzwai Piliso, Moses Mabhida, Joe Modise, Joe Jele, John Motshabi, Andrew Masondo, Joe Gqabi, Jacob Zuma, Robert Manci, Steve Dlamini, John Nkadameng, Simon Makana, Florence Moposho, Gertrude Shope, Duma Nokwe, Thabo Mbeki, Johnny Makathini.

Membership of NEC between 1980 and 1983

PRESIDENT: OR Tambo TREASURER: Thomas Nkobi SECRETARY GENERAL: Alfred Nzo National ADMIN SECRETARY: Joe Nhlanhla OTHER MEMBERS: Mzwai Piliso, Moses Mabhida, Joe Modise, Joe Jele, John Motshabi, Andrew Masondo, Joe Gqabi, Jacob Zuma, Robert Manci, Steve Dlamini, John Nkadimeng, Simon Makana, Florence Moposho, Gertrude Shope, Duma Nokwe, Johnny Makathini, Chris Hani.

Membership of NEC between 1983 and 1985

PRESIDENT: OR Tambo TREASURER: Thomas Nkobi SECRETARY GENERAL: Alfred Nzo ADMIN SECRETARY: Joe Nhlanhla OTHER MEMBERS: Mzwai Piliso, Moses Mabhida, Joe Modise, Joe Jele, John Motshabi, Andrew Masondo, Robert Manci, Joe Gqabi, Jacob Zuma, Steve Dlamini, John Nkadimeng, Simon Makana, Florence Moposho, Gertrude Shope, Chris Hani, Thabo Mbeki, Johnny Makathini.

Membership of NEC between 1985 and 1990

For the first time the ANC had a fully-elected NEC, consisting of 28 members.

PRESIDENT: OR Tambo TREASURER: Thomas Nkobi SECRETARY GENERAL: Alfred Nzo OTHER MEMBERS: Johnny Makathini, Simon Makana, Joe Slovo, Thabo Mbeki, Chris Hani, Moses Mabhida (until his death in 1986), Tony Mongalo, Dan Tloome, John Motshabi, John Nkadimeng, Mac Maharaj, Cassius Make (until his assassination in Swaziland in 1987), Florence Moposho, Joe Nhlanhla, Joe Modise, Ruth Mompati, Henry Makgothi, Pallo Jordan, Jacob Zuma, Joe Jele, Sizakele Sigxashe, Robert Manci, Gertrude Shope, Francis Meli, Reg September, Jackie Selibi, Hermanus Loots ('James Stuart'), Steve Tshwete, Zola Skweyiya. MEMBERS CO-OPTED in 1987: Ronnie Kasrils, Jackie Sedibe, Aziz Pahad, 'Bra T' (Godfrey Ngwenya) and Sindiso Mfenyane.

The Revolutionary Council (RC) was established in 1969 during Morogoro conference and instructed by the NEC to concentrate on the home front: developing internal structures, gaining publicity for the ANC and waging armed struggle. The RC expanded over the years by co-opting new members and developing structures or portfolios including Communications, Ordnance Intelligence and Security.

RC membership between 1969 and 1976

CHAIR: OR Tambo DEPUTY CHAIR: Yusuf Dadoo SECRETARY: Joe Matthews ASSISANT SECRETARY: Simon Makana OTHER MEMBERS: Joe Modise, Thabo Mbeki, Jackie Sedibe, Duma Nokwe, Moses Kotane, Tennyson Makiwane, JB Marx, Robert Resha, Ruth Mompati, John Motshabi, Joe Slovo, Andrew Masondo, Mzwai Piliso, Reg September, Jacob Masondo, John Gaetsewe.

Military Operations fell under Joe Modise. NAT (National Security) was first established in April 1969 under the leadership of Moses Mabhida.

RC membership between 1976 and 1980

CHAIR: OR Tambo SECRETARY: Moses Mabhida ASSISTANT SECRETARY: Simon Makana, followed by Job Tlhabane ('Cassius Make') in 1977 OTHER MEMBERS: Mzwai Piliso, Moses Mabhida, Joe Modise, Joe Jele, John Motshabi, Robert Manci, Steve Dlamini, Florence Moposho, Gertrude Shope, Duma Nokwe, Thabo Mbeki, Johnny Makathini, Joe Slovo, Yusuf Dadoo, Jacob Masondo, Chris Hani, 'Lennox' Tshali, Peter Dlamini, Bogart Soze. MEMBERS CO-OPTED to the structure after 1977: Joe Gqabi, Mac Maharaj, Godfrey Pule, Jacob Zuma, John Nkadimeng, 'Peter' Tshikare, Sizakele Sigxashe, Andrew Masondo.

RC membership between 1980 and 1983

CHAIR: OR Tambo SECRETARY: Moses Mabhida ASSISTANT SECRETARY: Mr Job Tlhabane OTHER MEMBERS: Joe Slovo, Yusuf Dadoo, Joe Modise, Jacob Masondo, John Motshabi, Joe Jele, Chris Hani, 'Lennox' Tshali, 'Peter' Dlamini, Joe Gqabi, Mac Maharaj, Godfrey Pule, Jacob Zuma, John Nkadimeng, Peter Tshikare, Sizakele Sigxashe, Andrew Masondo, Mzwai Piliso, Robert Manci, Steve Dlamini, Simon Makana, Gertrude Shope, Florence Moposho, Thabo Mbeki, Johnny Makathini, Bogart Soze.

The RC was replaced by the Politico-Military Council (PMC) at this stage, which became the executive arm of the NEC in relation to all matters pertaining to the conduct of the political and military struggle inside S.A. It was tasked with the overall strategic planning for internal ANC/MK work and to assess the state of the nation. The PMC co-ordinated the activities of Political Head Quarters, Military Head Quarters, NAT and the Regional Politico-Military Councils. Membership on these structures can be found in second submission of the ANC (pp 48/49).

PMC membership between 1983 and 1985

CHAIR: OR Tambo TREASURER: Reg September SECRETARY: Joe Nhlanhla (until 1987) MHQ REPRESENTATIVE: Joe Modise PHQ REPRESENTATIVE: Joe Jele, Mac Maharaj, Jacob Zuma, John Motshabi, Ruth Mompati NAT REPRESENTATIVE: Mzwai Piliso Other members included Alfred Nzo, TT Nkobi, Job Tlhabane, Sizakele Sigxashe, Andrew Masondo, Moses Mabhida, John Nkadimeng.

PMC membership between 1985 and 1990

CHAIR: OR Tambo SECRETARY OF THE SECRETARIAT: Joe Nhlanhla (1983/1984-1987), Followed by Joe Jele (1987-1990) MHQ REPRESENTATIVES: Joe Modise, Joe Slovo, Chris Hani, Steve Tshwete, Ronnie Kasrils, Job Tlhabane (until 1987)

(PHQ was replaced by the Internal Political Committee (IPC) in 1987).

PHQ/IPC REPRESENTATIVES: Mac Maharaj, Joe Jele, Jacob Zuma, (1985-1990), Ruth Mompati, Steve Tshwete, Joel Netshitenzhe. NAT Representatives: Mzwai Piliso (until 1987) and then Joe Nhlanhla and Sizakele Sigxashe Other

members were Moses Mabhida and John Nkadimeng. (For membership of structures that reported under the PMC see ANC second submission (pp 52-55).

MK Command 1976-1980

Mzwandile Piliso, at the time - Head of the Dept. of Military Training and Personnel. 1980: Simon Shekeshe ('Julius Mokoena'), appointed Regional Commander 1982: Graham Morodi ('Mashego') Until 1985: Godfrey Ngwenya ('Timothy Mokoena'), later Ali Makhosini

Camp Commanders

GABELA TRAINING CAMP (1976-1977): FAPLA AND CUBAN INSTRUCTORS ENGINEERING LUANDA (Transit camp) (late 1976-mid 1977): Simon Shekeshe, then Castro Ramokgopa BENGUELA TRANSIT CAMP (1977-1982): Simon Shekeshe, followed by 'Dlokolo' Nova CATENGUE TRAINING CAMP (1976-1979): Simon Shekeshe QIBAXE TRAINING CAMP (1977-1980): Parker Tsie (1977-1980), Oupa G. Banda, Seremane Kgositsile (Kenneth Mahamba), Livingstone Tom Gaza, Herbert Malinga, Lloyd Mabizela and Sydney Mpila. FUNDA TRAINING CAMP (1976-1988): Zakes Tolo, then Seeiso Morapedi FAZENDA MILITARY CAMP (1978-1980/1981): Livingstone Tom Gaza PANGO CAMP(1979-1989): Thami Zulu (1979-1981), Seremane Kgositsile, Godfrey Ngwenya, Matthews Nkosi, Phillip Sebothoma, Dumile Thabekhulu, Ben Senokoanyane. VIANA TRANSIT CAMP (Camp 001) (1979-1989): Dan Hatto, Golden Rahube, Steve Kobe, Johnson Langa, Lawrence Madi, Leepo Modise. Hoji Ya Henda (Camalundi: Mzwakhe Ngwenya, then Godfrey N Ngwenya (1980-Jan 1981) Cacaluma (Malanje) (Jan 1981- 1989: Godfrey N Ngwenya, then Sipho Binda, then Thibe Lesole, then Dumisane Mafo, Themba Nkabinde, then Steven Kobe. CAXITO TRAINING CAMP (1979-1984) Successively Andile Ndzanga, Robert Mandita, Dumile Thabekhulu and Ben Senokoanyane

● PAN AFRICANIST CONGRESS (PAC)

National Executive at PAC's Founding in 1959

PRESIDENT: Mangaliso Robert Sobukwe NATIONAL SECRETARY: Potlako Kitchener Leballo TREASURER-GENERAL: Abednego Bhekabantu Ngcobo NATIONAL ORGANISER: Elliot Mfafa ADDITIONAL MEMBER: Gordon Mabhoza ADDITIONAL MEMBER: CJ Fazzie ADDITIONAL MEMBER: Howard Ngcobo. NATIONAL SECRETARIAT: SECRETARY FOR EDUCATION: Peter Nkutsou Raboroko FOREIGN AFFAIRS: Peter Hlaole Molotsi JUDICIAL AFFAIRS: Zephania Lekoape Mothopeng INFORMATION/PUBLICITY: Zacharius Bohloko Molete LABOUR: Jacob Dum-Dum Nyaoase ECONOMIC AFFAIRS: Hughes Hlatshwayo CULTURE/YOUTH: Nana Mahomo

Regional Chairpersons were theoretically *ipso facto* members of the NEC. This was put into effect when the Presidential Council was formed in Maseru in 1962.

An interim *ad hoc* structure under ZB Molete as Acting President operated in the underground period until the formation of the Presidential Council in Maseru under Leballo in 1962.

Presidential Council in Maseru (1962–approximately 1965)

ACTING PRESIDENT/NATIONAL SECRETARY/CHAIRPERSON OF COUNCIL: PK Leballo (Ex-Chairperson of North Eastern region: John Nyathi Pokela) EASTERN CAPE: Mfanasekhaya Gqobose WESTERN CAPE: Templeton Ntantala TRANSKEI: Tsepo Letlaka

National Executive Committee in Tanzania (1964-1967)

ACTING PRESIDENT/NATIONAL SECRETARY: PK Leballo TREASURER-GENERAL: AB Ngcobo EDUCATION: Peter Raboroko PUBLICITY/INFORMATION: ZB Molete LABOUR: JD Nyaoase CULTURE/YOUTH/CHIEF REP(London/Europe): Nana Mahomo PAN AFRICAN AFFAIRS AND CHIEF REP IN GHANA/WEST AFRICA: PH Molotsi ADDITIONAL MEMBER: TT Letlaka ADDITIONAL MEMBER: Mfanasekhaya Gqobose

National Executive Committee (1967-68)

ACTING PRESIDENT: PK Leballo TREASURER-GENERAL: AB Ngcobo LABOUR: JD Nyaoase PUBLICITY AND INFORMATION: ZB Molete EDUCATION: Peter Raboroko CULTURE/YOUTH ETC: Nana Mahomo (Commander of APLA): TM Ntantala: Cardiff Marney, Kenny Jordan, Barney Desai, MP Gqobose, JN Pokela, TT Letlaka

Revolutionary Command (1968-1971)

CHAIRPERSON AND ACTING PRESIDENT: PK Leballo DEPUTY CHAIRPERSON AND COMMANDER/APLA: TM Ntantala PUBLICITY AND INFORMATION: Edwin Makoti Chief of Staff/APLA: Theophilus Bidi CHIEF OF SECURITY/INTELLIGENCE: Jack Jako MP Gqobose, JN Pokela, Gasson Ndlovu (DEPUTY COMMANDER/ APLA), PZ Mboko (Chief Political Commissar/APLA, Gerald Kondlo (died in Vila Peri), John Rankoane (died in Vila Peri).

Central Committee (1971-78)

Following changes effected after the first split.

CHAIRPERSON/ACTING PRESIDENT: PK Leballo DEPUTY CHAIR/COMMANDER OF APLA: TM Ntantala PUBLICITY AND INFORMATION: Edwin Makoti TREASURER: MP Gqobose ADMINISTRATION SECRETARY: Elias Ntloedibe DEPUTY COMMANDER/APLA: Gasson Ndlovu CHIEF POLITICAL COMMISSAR /APLA: PZ Mboko FOREIGN AFFAIRS/PERMANENT REP.(UN AND AMERICAS): David Sibeko DEPUTY CHIEF POLITICAL COMMISSAR, APLA: Zeblon Mokoena: CHIEF OF STAFF, APLA: Theophilus Bidi INTELLIGENCE AND SECURITY: Jack Jako: Vusi Make Esrome Mokhakala Tshongoyi

Central Committee (1978 - 1979)

CHAIRPERSON: PK Leballo FOREIGN AFFAIRS: David Sibeko PUBLICITY AND INFORMATION: Elias Ntloedibe DEFENCE: Edwin Makoti ADMINISTRATIVE SECRETARY: VDDD Mantshontsho EDUCATION/ MANPOWER DEVELOPMENT: Jimmy Mogoetjane Vusi Make WELFARE: Elizabeth Sibeko Gertrude Mathute

The Second Presidential Council, a triumvirate of three who replaced Leballo after they has persuaded him to resign late in 1979. It consisted of Vus Make as Chairperson, and David Sibeko and Elias Ntloedibe as members

Central Committee after David Sibeko's assassination (1979)

CHAIRPERSON: Vus Make ADMINISTRATIVE SECRETARY: DDD Mantshontsho PUBLICITY/INFORMATION: EL Ntloedibe FOREIGN AFFAIRS/PERMANENT REP.UN/AMERICAS: Henry Isaacs FINANCE: EV Radebe DEFENCE: Edwin Makoti FIELD COMMANDER, APLA: Enoch Zulu EDUCATION/MANPOWER DEVELOPMENT: Count Pietersen WELFARE: Elizabeth Sibeko LABOUR: Mike Muendane

Central Committee in 1981- 86 under Pokela

CHAIRPERSON: JN Pokela DEPUTY CHAIRPERSON: Vus Make ADMINISTRATIVE SECRETARY: Joe Mkhwanazi SECRETARY OF DEFENCE AND COMMANDER OF APLA: Sabelo Gqwetha FOREIGN AFFAIRS: Gora Ebrahim TREASURER: Macdonald Mgweba MP Gqobose LABOUR: Michael Muendane PUBLICITY/INFORMATION: Edwin Makoti Johnson Mlambo

Central Committee (1986-1990) under Johnson Mlambo

The same personnel as above continued except for the Chair. Mlambo replaced Pokela who had died of natural causes in 1985. This set held on, with occasional changes and minor adjustments until PAC, like the ANC and SACP, were legalised in 1990.