

Regional Profile Transvaal

● 1960–1975

Overview

- 1 In 1960, when the National Party (NP) government extended the pass laws to women, widespread public dissatisfaction crystallised into the mass protest that ended with the killing of sixty-nine demonstrators in Sharpsville on 21 March. Most of the victims were shot in the back. This incident marks the beginning of the Commission's mandate.
- 2 The massacre was a turning point in South African history. In its wake, the government declared South Africa's first state of emergency in terms of the Public Safety Act of 1953. In addition, the African National Congress (ANC) and Pan Africanist Congress (PAC) were 'banned' from operating as unlawful organisations.
- 3 The Sharpsville march was the culmination of a campaign of defiance against key apartheid legislation, targeting 'six unjust laws' including the pass laws, the Group Areas Act and the Separate Representation of Voters Act. The pass laws were a source of considerable anger. Primarily they were designed to control and restrict the presence of black people in white urban areas. The most humiliating symbol of this control was the pass book (*dompas*) which all black persons over the age of sixteen had to carry, indicating whether they had the right to be in an urban area and for how long. Only those who qualified under section 10 of the Urban Areas Act of 1945 were allowed to stay in the urban areas for more than seventy-two hours. Those who did not could be arrested and deported to the homeland of their 'ethnic' origin. By 1972 the South African Institute of Race Relations (SAIRR) estimated that over one million people had been endorsed out of (ordered to leave) the urban areas.
- 4 The massacre at Sharpsville ushered in a fundamental change in the nature of South African political conflict. A cycle of violence and counter-violence escalated progressively during the coming decades and created the context in which gross human rights violations became increasingly endemic.
- 5 As avenues for conventional political protest were closed by the banning of political organisations, a range of organisations, including the ANC and PAC, turned to armed struggle. The government responded by introducing a host of legislative measures to bolster its capacity to control political opposition.
- 6 Detention without trial was introduced for the first time. Torture became increasingly systematic and the death toll in police custody steadily escalated. From the early 1960s, a series of legislative amendments provided for increasingly

lengthy periods of detention without trial. This included the General Laws Amendment Act, including the so-called ninety-day detention law, which provided for detainees to be held in custody for interrogation until, in the opinion of the Commissioner of Police, they had “satisfactorily” answered all questions. This provision quickly led to frequent abuses and detainees repeatedly alleged they had been tortured and assaulted whilst in custody.

- 7 During this period, the government made use of the courts to prosecute activists. Opposition to the government was redefined as ‘treason’, creating the ideological context in which such opposition could be criminalised. The 1963 Rivonia trial, when Nelson Mandela and other leading ANC members were sentenced to life imprisonment, was the most famous of these trials. There were a number of other political trials, however, which had the effect of undermining opposition to the government by removing resistance leaders from public life. When the General Laws Amendment Act was introduced, providing for the imposition of the death penalty for those found guilty of sabotage, the removal of activists from active involvement in organisations could be permanent. The Act created the offence of sabotage, which was loosely defined as “wrongful and wilful” acts designed to “obstruct, injure, tamper with or destroy” the “health and safety of the public” or the “supply of water, light, fuel or foodstuffs”. The penalties ranged from a minimum of five years to death.
- 8 In addition to legislation specifically designed to curb political opposition, other government policies effectively curtailed African political dissent. The government worked systematically to reverse the flow of Africans to the urban areas and to restructure the industrial workforce into one composed primarily of migrant labour. Over a million labour tenants and farm squatters and 400 000 city dwellers were resettled in the homelands, the population of which increased by 70 per cent in the 1960s. In addition, hundreds of thousands of people were brought directly under the control of the homeland authorities as townships were incorporated into neighbouring reserves.
- 9 The end of this period, the late 1960s and early 1970s, saw the re-emergence of political opposition under the auspices of the Black Consciousness Movement and a wave of labour unrest across the country. Rising unemployment and deepening recession led to escalating inflation and a contracting job market, particularly for unskilled workers. All these factors resulted in a wave of strikes, beginning initially at the Durban docks in the early 1970s. Strikes and work stoppages affecting a wide variety of industries followed, frequently resulting in clashes between the police and striking or protesting workers.
- 10 The rise of the ideology of Black Consciousness was given organisational expression through the South African Students Organisation (SASO) and the Black People’s Convention (BPC), an umbrella body of Black Consciousness adherents formed in 1972. Black Consciousness was a potent new ideology, advancing new ideas by which government policies could be challenged.
- 11 In 1973, eight SASO and BPC leaders were served with five-year banning orders. In 1974, nine members of SASO and BPC were charged and convicted under the Terrorism Act, despite the fact that there had been no physical acts of ‘terrorism’.
- 12 At the same time, a Bureau of State Security (BOSS) hit squad known as the Z-Squad was responsible for sending a parcel bomb to student activist Abraham Onkgopotse Tiro [JB001/03NWRUS] in Botswana in February 1974, one of the earliest examples of extra-judicial, covert action by the government against political opposition.

Overview of violations

- 13 The gross human rights violations recorded for this period reflect the particular form of the contest between government and political opposition during the 1960s. Torture rather than killing was the dominant form of violation during this period. A distinguishing feature of the information collected by the Commission was that many of the people who made statements to the Commission about their detention and torture occupied leadership positions in the resistance movements, were largely male and were comparatively older than victims of torture in subsequent periods. This age profile of torture victims was unique to this period. Over the next three decades, the largest category of torture victims was consistently the 13–24 age group.
- 14 Despite the fact that the PAC played a central role in events during this period, the majority of gross human rights violations were reported by people identifying themselves as ANC members.
- 15 It is to be noted that the Commission recorded the lowest number of violations (473) for this period, roughly half the number of violations recorded for the next period (1976–82) and a small proportion of the approximately 4 490 violations recorded for the peak period of violations in 1983–89. The relatively small number of reported violations for this period is ascribed to factors such as the distance of the events that have been overshadowed by more recent political conflict, the death of potential deponents and the fading memory of deponents.

Detention and torture

- 16 Evidence before the Commission showed that the introduction of detention without trial in 1963 created the context for the systematic use of torture. Most reports of torture for this period emanated from the Johannesburg and Pretoria areas where the security police headquarters and the John Vorster Square police station were situated. Activists from around the country were brought to these centres for detention and interrogation.
- 17 The incidence of torture in detention increased markedly at the time of the launch of the armed campaigns of the ANC, PAC and the African Resistance Movement (ARM). Detentions peaked in 1963 with the raid on the ANC headquarters at Liliesleaf farm and with large-scale arrests of members of the PAC's armed wing, Poqo.
- 18 Assault and torture in detention led increasingly to deaths in custody. The Johannesburg office of the Commission received statements from the relatives of the first person to die in detention in 1963, Mr Looksmart Ngudle [EC0127/96CCK], who was held under the ninety-day detention law. In 1965, further legislation extended the period a detainee could be held *incommunicado* to 180 days.
- 19 In 1967, the Terrorism Act was introduced, providing for indefinite detention without trial. Soon after the introduction of this legislation, a spate of deaths in detention occurred. The Commission received statements from the families of three of the people who died while being held under this legislation. In these cases, official explanations included suicide by hanging, "slipped on a bar of soap" and "jumped from the tenth floor of John Vorster Square". While forensic evidence indicated torture and assault in these cases, inquest reports found no one responsible for the deaths.

- 20 During this period, the only significant perpetrators of torture were the South African Police (SAP).
- 21 Victims of torture in this period told the Commission of the use of electric shocks, suffocation with a bag over the head and severe beating. A breakdown of the recorded types of torture reveals the difference between this period, when mental torture was recorded as the form most used, and later periods.

K i l l i n g s

- 22 Although the shootings at Sharpville caused an international outcry against apartheid and precipitated the formation of underground armed opposition groups, it did not trigger the kind of widespread public protests and open street conflict that were occurred in subsequent decades. The violence of the police reaction to the pass protests and restrictions imposed on political activity effectively curtailed any large-scale public political protest until the 1970s. Hence, the level of killing violations during this period is relatively low (the fourth most significant category of all human rights violations, after severe ill treatment, torture and associated violations) Where perpetrators of killings are identified by victims, the overwhelming majority name members of the SAP.
- 23 The Sharpville shootings were an ominous foreshadowing of the widespread use of lethal force by the SAP, which characterised later street protests.

S h a r p v i l l e m a s s a c r e

- 24 On Monday 21 March 1960, sixty-nine people died when police opened fire on approximately 300 marchers protesting against the pass laws at Sharpville in the Transvaal. Conflict erupted in Langa, Cape Town, almost simultaneously, leaving two people dead and more than fifty injured. In the ensuing days violence spread to Durban, Pietermaritzburg, Port Elizabeth, East London and Bloemfontein.
- 25 The march was organised and planned by the PAC. In its verbal submission to the Commission, the PAC outlined the history of the organisation's anti-pass campaign and emphasised the commitment of its organisers to peaceful protest. The March 1960 protest action against the pass laws built on the success of the PAC Status Campaign which focused on the idea of mental liberation. PAC representatives told the Commission that it was "an absolutely non-violent campaign".¹ PAC leader Robert Sobukwe, reportedly announced before the march that "we are ready to die for our cause but we are not ready to kill". Before the march, a letter was sent to the commissioner of police, Major General Rademeyer "explaining fully the peaceful nature of the campaign". A media conference was held pledging that the campaign would be conducted in a peaceful manner. Despite these assurances, the protest was met with a heavy-handed response from the state and the security forces.
- 26 Many PAC leaders were arrested. PAC representatives told the Commission that, because the campaign was conducted on the principle of no bail, no defence and no fine, PAC leaders and members were convicted and sentenced to periods of imprisonment.

- 27 The Sharpsville shootings radically shifted the nature of political resistance in South Africa. They signalled an end to the era of non-violent struggle and ushered in a period of armed struggle. The shootings also provoked strong condemnation from the international community. The policy of apartheid came under the spotlight and was debated for the first time by the United Nations Security Council. March 21 was formally declared the international day for the struggle against racism.
- 28 While the carrying of pass books was a source of widespread protest, evidence before the Commission points to a degree of coercion of non-politicised Sharpsville residents who were pressurised into participating in the anti-pass protest, although most residents were prepared to support the public protest. Although Ms Korisatsana Elizabeth Mabona [JB00793/03VT] and Mr Ntele David Ramokhoase [JB00902/03VT], neither of whom belonged to any political organisation, were forcibly prevented from going to work on the day of the march, they told the Commission that they were unequivocal in their rejection of the pass system. Mr Ramokhoase told the Commission that the *dompas* was “just a misery”.
- 29 On Thursday 17 March a pamphlet was circulated in Vereeniging urging people to stay away from work on the following Monday. During the following days, bus drivers were approached and urged not to go to work. One bus driver claimed that PAC activists collected them from their homes in the middle of the night and only released them after sunrise. Telephone wires linking Sharpsville with Vereeniging were cut on the Sunday evening before the march. At Sharpsville’s Seeiso Street bus terminal, near the new police station, PAC organisers told commuters they should not go to work.
- 30 By 10h00, a large crowd had formed in the centre of Sharpsville. Despite tension early on Monday morning, people at the gathering in Sharpsville all described it as a happy occasion. Ms Elizabeth Mabona whose husband, Mr Jacob Ramokoena, was killed later that day told the Commission:

At the police station we sat down, we were singing hymns, you know it was just a jolly atmosphere. We were singing these hymns as Christians because we were just rejoicing. And we didn’t know what will follow thereafter. We were just joyous because we thought that same afternoon we would get a message. Everybody was taking his feelings out.

- 31 Large groups of people had also gathered in Bophelong and Boipatong townships. They joined a march, 4 000-strong, in a procession to Vanderbijlpark police station. In Evaton 20 000 people assembled outside the police station. The crowd in Vanderbijlpark was immediately dispersed by a police baton charge and in Evaton with low-flying Sabre jets. In Vanderbijlpark, one man was killed when police fired on a group of men who, they alleged, were stoning them. Ms Elizabeth Mabona said that in Sharpsville, however, the aircraft failed to intimidate people:

We spent that whole time at the police station until the jets arrived. We didn’t mind. The sirens went off and then we just ignored them.

- 32 The police refused to arrest PAC members who presented themselves for arrest. According to the police, PAC officials refused the order to disperse. However, it appears from the testimony of victims that the PAC leadership did ask the crowd to disperse but approximately 300 people remained behind.

33 Throughout the morning police reinforcements arrived, including Saracen armoured cars. According to witnesses, they positioned themselves facing the crowd.

34 At 13h15, with nearly 300 police members facing a crowd of 5 000 people, a scuffle broke out. According to police witnesses, stones were thrown at them and, in response, inexperienced constables began firing their guns spontaneously. However, the evidence of Commission deponents reveals a degree of deliberation in the decision to open fire at Sharpville and indicates that the shooting was more than the result of inexperienced and frightened police officers losing their nerve. Mr David Ramokhoase spoke of a white man who “gave a sign” before shots were fired, while Mr Lebisa Ramokhoase [JB00901/03VT] remembered a white man climbing into a Saracen and pulling the door shut above him just before gunshots rang out.

35 The crowd was unarmed. David Ramokhoase told the Commission:

We were still at the singing ... not even one person was armed. I saw men and women and young men just holding their umbrellas because it was a hot day. Those who might have had guns, maybe they were hidden somewhere but I didn't see anyone carrying any weapon, not even a stick and knobkierrie [club], not even a knobkierrie. I only saw umbrellas ... They were not going there to fight. They were peaceful. They didn't have anything in their hands ...

36 The majority of those killed or wounded were shot in the back. Lebisa Ramokhoase was shot in his hip.

I don't know what happened but I was on the ground and I decided that I would run until my legs go off me but I didn't know what happened. People were just trampling on me. I tried to push them but I couldn't and now this leg was now troubling me and I decided to sit down. I said no ways, I cannot carry on.

37 Ms Korisatsana Elizabeth Mabona was walking home when she heard the gunshots:

I ran. I opened the door at my house and I opened all the doors until the kitchen door. I came back again. I was confused. I didn't know what was happening. I felt something that was right on my chest and I said to myself where is my husband at this moment. As I was wondering another gentleman came and he said the whites are killing people in a very brutal way. I said to him, “are you talking about guns?” He said, “yes, they are using guns”. You know I was so hysterical and I started crying. I didn't know where to go.

38 After the shootings, the police inspected the bodies lying on the ground. Those still standing were questioned about their injuries. The mood was triumphant. David Ramokhoase told the Commission that a police officer came over to him after he had been wounded.

They asked me where have we shot you. And I showed them my knee ... He said Africa is no longer a thumb facing upwards, it is a thumb facing downwards now.

- 39 Korisatsana Elizabeth Mabona's husband had been shot dead. Lebisa Ramokhoase spent five months in hospital but as he lay in his bed, he began to hear that many of his fellow participants in the march were being arrested.
- 40 Seventy-seven people were arrested in the wake of the Sharpville massacre, among them a number of participants in the march. Several of these people had been injured when police opened fire on marchers. They were held under police guard in hospital until they could be placed in custody. Eventually the cases against fifty-three people were withdrawn.
- 41 Of the forty-six statements which the Commission received concerning the shooting at Sharpville, several are statements from people who were detained during the march or immediately afterwards. Some of these were held for long periods under detention laws and some were sentenced to terms of imprisonment, followed by banning orders. Others fled into exile.
- 42 Among those detained were Mr Zephania Lekoane Mothopeng [JB04279/01GTSOW], a PAC activist and Poqo member (later president of the PAC). Mr Modise Mathews Mashea [JB04822/03VT] was taken to Leeuwkop prison after he had spent three weeks at Baragwanath hospital recovering from gunshot wounds; at Leeuwkop he was held for two months awaiting trial in a case which was subsequently dismissed by the Vereeniging magistrate's court. PAC member Mr Sidwell Kasa [JB01152/03VT] was also arrested while participating in the March. He was imprisoned for three years and, on his release, banished from the Vaal Triangle area.

THE COMMISSION FINDS THAT THE POLICE DELIBERATELY OPENED FIRE ON AN UNARMED CROWD THAT HAD GATHERED PEACEFULLY AT SHARPVILLE ON 21 MARCH 1960 TO PROTEST AGAINST THE PASS LAWS. THE COMMISSION FINDS FURTHER THAT THE SAP FAILED TO GIVE THE CROWD AN ORDER TO DISPERSE BEFORE THEY BEGAN FIRING AND THAT THEY CONTINUED TO FIRE UPON THE FLEEING CROWD, RESULTING IN HUNDREDS OF PEOPLE BEING SHOT IN THE BACK. AS A RESULT OF THE EXCESSIVE FORCE USED, SIXTY-NINE PEOPLE WERE KILLED AND MORE THAN 300 INJURED. THE COMMISSION FINDS FURTHER THAT THE POLICE FAILED TO FACILITATE ACCESS TO MEDICAL AND/OR OTHER ASSISTANCE TO THOSE WHO WERE WOUNDED IMMEDIATELY AFTER THE MARCH.

THE COMMISSION FINDS THAT MANY OF THE PARTICIPANTS IN THE MARCH WERE APOLITICAL, WOMEN AND UNARMED, AND HAD ATTENDED THE MARCH BECAUSE THEY WERE OPPOSED TO THE PASS LAWS. THE COMMISSION FINDS, THEREFORE, THAT MANY OF THE PEOPLE FIRED UPON AND INJURED IN THE MARCH WERE NOT POLITICISED MEMBERS OF ANY POLITICAL PARTY, BUT MERELY PERSONS OPPOSED TO CARRYING A PASS.

THE COMMISSION FINDS THAT MANY OF THOSE INJURED IN THE MARCH WERE PLACED UNDER POLICE GUARD IN HOSPITAL AS IF THEY WERE CONVICTED CRIMINALS AND, UPON RELEASE FROM HOSPITAL, WERE DETAINED FOR LONG PERIODS IN PRISON BEFORE BEING FORMALLY CHARGED. IN THE MAJORITY OF INSTANCES WHEN PERSONS SO DETAINED APPEARED IN COURT, THE CHARGES WERE WITHDRAWN.

THE COMMISSION FINDS THE FORMER STATE AND THE MINISTER OF POLICE DIRECTLY RESPONSIBLE FOR THE COMMISSION OF GROSS HUMAN RIGHTS VIOLATIONS IN THAT EXCESSIVE FORCE WAS UNNECESSARILY USED TO STOP A GATHERING OF UNARMED PEOPLE. POLICE FAILED TO GIVE AN ORDER TO DISPERSE AND/OR ADEQUATE TIME TO DISPERSE, RELIED ON LIVE AMMUNITION RATHER THAN ALTERNATIVE METHODS OF CROWD DISPERSAL AND FIRED IN A SUSTAINED MANNER INTO THE BACK OF THE CROWD, RESULTING IN THE DEATH OF SIXTY-NINE PEOPLE AND THE INJURY OF MORE THAN 300.

Detention and torture

- 43 The use of detention without trial by the government intensified in response to the escalating seriousness of the political opposition. Emergency regulations promulgated in 1960 in the wake of the Sharpville massacre provided for wider grounds on which people could be detained but did not provide for substantial periods of detention without trial. Under this legislation approximately 12 000 people were detained. Despite the detention of approximately 12 000 people, banned political organisations such as the ANC and PAC began secretly to regroup and plan armed campaigns.
- 44 The government responded to the sabotage campaigns launched by the ARM and Umkhonto weSizwe (MK) by introducing in 1963 the General Law Amendment Act (ninety-day detention law). Police were able to forestall the planned general uprising of the PAC's armed wing Poqo by arresting over 3 000 Poqo suspects. In 1965 the government passed further amendments to detention without trial legislation, doubling the amount of time detainees could be held without trial. In addition to the lengthy periods for which people could be held, detainees were denied access to lawyers and visits from family members. Finally, in 1967, the Terrorism Act was introduced, removing the time limit on detention without trial and providing for indefinite detention.
- 45 As noted, it was in this context that torture became increasingly systematic as police were subjected to fewer and fewer checks on their conduct, generating an ethos of impunity. As the frequency and severity of torture increased, people began dying in police custody. In 1972, the journal *Pro Veritate* reported that, between 1963 and 1972, over twenty people detained under South African security laws lost their lives while in custody. Another fifty people made sworn *affidavits* that they had been tortured during detention. After the introduction of the Terrorism Act in 1967, deaths in detention increased. In 1968, four detainees, Mr Solomon Modipane, Mr James Lenkoe [JB0092/01GTSOW], Mr Nicomedus Kgoathe [JB0113/03NWRUS] and Mr JB Tubakwe, died in quick succession.
- 46 In April 1963, a number of MK operatives involved in the organisation's early sabotage campaigns was arrested under the ninety-day detention law. Those arrested included Mr Indres Naidoo [JB00184/01GTSOW], Mr Suresh Nanabhai [JB00184/01GTSOW], Mr Reggie Vandeyar [JB00809/01GTSOW], Mr Abdullay Jassat [JB00184/01GTSOW] and Mr Laloo Chiba [JB00667/01GTSOW]. All claimed that they were tortured. Reggie Vandeyar, Suresh Nanabhai and Indres Naidoo were later sentenced to ten years imprisonment while Laloo Chiba was sentenced to eighteen years in a separate trial.
- 47 The activists described severe torture, involving the use of electric shocks, suffocation and severe beating leading to concussion and broken bones. Abdullay Jassat described how the security police dangled him from a window:
- They then pushed me into a louvre-fitting window and [I was] made to lie on it. I was held by both my feet by the police whilst they were simulating me trying to commit suicide. This was a known method of killing people in detention and they were well co-ordinated in their actions whilst the one was holding my foot and the other making as if to let me fall down from the window. I was then fearing that I was going to die.*
- 48 Jassat escaped from Marshall Square Police Station on 12 July 1963 with Mr Arthur Goldreich, Mr Harold Wolpe and Mr Mosie Moolla.

- 49 Most of these detainees identified Captain Theunis Jacobus 'Rooi Rus' Swanepoel as one of the perpetrators involved in their interrogation. General van den Berg, head of BOSS at the time, also appears to have also been personally involved in the interrogation of these activists. Reggie Vandeyar described his encounter with the man he believed to be General van den Berg:

At one point, I heard them saying that the 'big boss' was coming and they stood to attention when this tall figure came in. He was an erect man, wearing a suit and a Homberg hat. He appeared very severe. He walked straight up to me. I was leaning against the wall. He grabbed my hair and smacked my head against the wall. He shouted, "Who sent you?" I did not respond. He walked straight out without saying anything. The police saluted him and Major Brits went after him. I suspect this man was General van den Berg, the head of BOSS, but I am not certain.

- 50 The railway police were also involved in the interrogation and torture of the detainees.

THE COMMISSION FINDS THAT THE POLICE SYSTEMATICALLY ASSAULTED AND TORTURED OPPONENTS OF THE STATE HELD IN CUSTODY. THE COMMISSION FINDS A DIRECT CORRELATION BETWEEN THE NUMBER OF PEOPLE DETAINED AND THE NUMBERS OF CASES OF TORTURE.

THE COMMISSION FINDS THAT, IN APRIL 1963, THE SAP, IN CONJUNCTION WITH THE RAILWAY POLICE, WERE RESPONSIBLE FOR SEVERELY ASSAULTING AND TORTURING SURESH NANABHAI, INDRES NAIDOO, REGGIE VANDEYAR, ABDULLAY JASSAT AND LALOO CHIBA, AMONGST MANY OTHERS.

THE COMMISSION FINDS THAT THE FORMER STATE, THE MINISTER OF POLICE AND MEMBERS OF THE SAP AND RAILWAY POLICE WERE RESPONSIBLE FOR THE COMMISSION OF GROSS HUMAN RIGHTS VIOLATIONS IN THAT THEY WERE RESPONSIBLE FOR THE TORTURE AND ASSAULT OF DETAINEES.

Deaths in detention

- 51 Abdullay Jassat's description of his torture provides a clue as to what may have happened to thirty-two-year-old Mr Suliman Saloojee who died in detention in September 1964, two months after being detained under the ninety-day detention law. Suliman Saloojee, the fourth person to die while held under security legislation, allegedly jumped from the seventh floor of the Security Branch offices in Greys building, Johannesburg.
- 52 In a submission to the Commission, Saloojee's widow, Ms Rokaya Saloojee [JB00171/01ERKWA], said she struggled to be allowed access to her husband, whom she suspected was ill. Ms Saloojee had become suspicious about her husband's condition when neither the clothes nor the dishes for the food she had been bringing for him at the Rosebank police station were returned to her. She was eventually allowed a five-minute visit with him several weeks after his detention and found that he had a wound at the side of his forehead.

When they opened the cell door, I saw my husband had a patch on his head. When I asked him – I didn't even greet, I just asked what happened to you and this one policeman said that he bumped his head in the cell. So, I

said that's funny he must have been drunk because there is nothing else that's in the cell that you can bump your head on. They closed the door on me and told me to go away, which I did. I had no alternative ... I didn't even speak to my husband. All he said to me in Gujarati is that I should keep quiet.

53 Some time later Ms Saloojee was preparing to take her husband food when she was visited by police who told her that her husband was in the Johannesburg hospital. She failed to trace him at the Johannesburg hospital or at any of the local hospitals. She heard of his death when a journalist approached her for a statement. After her husband's death, Rokaya Saloojee continued to be harassed by security police. She tried to leave the country but was refused a passport five times.

54 At Saloojee's inquest, Captain 'Rooi Rus' Swanepoel, Major Brits from the railway police, Sergeant CJ van Zyl, Constable van den Heever and Lieutenant HC Muller were identified as his interrogators. Swanepoel said that he had questioned Saloojee on 9 September but that he had been out of the room at the time of the fall. He denied that any violence had been used in the interrogation. The magistrate, Mr AJ Kotze, found that no one was to blame and that nothing in the evidence suggested that the methods used in interrogating him had been irregular.²

THE COMMISSION FINDS THAT MR SULIMAN SALOOJEE WAS DETAINED ON JULY 1964 UNDER SECTION 6 OF THE TERRORISM ACT. DURING HIS DETENTION, HE WAS INTERROGATED BY CAPTAIN 'ROOI RUS' SWANEPOEL, MAJOR BRITS OF THE RAILWAY POLICE, SERGEANT CJ VAN ZYL, CONSTABLE VAN DER HEEVER AND LIEUTENANT HC MULLER. THE COMMISSION FINDS THAT, IN ALL PROBABILITY, THESE PERSONS ASSAULTED AND TORTURED SALOOJEE DURING HIS INTERROGATION THUS DIRECTLY CAUSING HIS DEATH.

THE COMMISSION FINDS THE SAP RESPONSIBLE FOR THE SEVERE ILL TREATMENT OF MS ROKAYA SALOOJEE, THE WIFE OF SULIMAN SALOOJEE, WHO CONTINUED TO BE HARASSED AND THREATENED BY THE POLICE AFTER HIS DEATH.

55 More deaths in custody were recorded following the introduction of the Terrorism Act, which provided for indefinite detention without trial on the authority of a police officer of or above the rank of lieutenant. Mr Ben Kgoathe [JB00113/03NWRUS], son of Mr Nicodemus Kgoathe who died in 1969 while being held under the Terrorism Act, told the Commission that a number of people had died in detention during the same year. These included Mr James Lenkoe [JB0092/01GTSOW] on 28 February, Mr Caleb Mayekiso [ECO644/96PLZ] in June, Mr Jacob Monnakgotla and Imam Haron in September.

56 James Lenkoe died in police custody after being detained under the Terrorism Act. Lenkoe was detained on the night of 5 March 1969 and died five days later in Pretoria local prison. The official cause of death, confirmed by a *post mortem* performed by the prison surgeon, was suicide by hanging. However, a second *post mortem* performed at the request of the Lenkoe family found traces of copper and signs of electric shock on Lenkoe's toe, a bruise below the ear, marks on the neck and shoulders, and signs of haemorrhaging at the base of the skull. Three leading pathologists, one from the United States, testified that the mark on Lenkoe's toe was consistent with a recent electrical burn.

57 Major TJ Swanepoel testified that he had arrested James Lenkoe and had interrogated him from about 08h00 to 15h00 on the day of his death. The magistrate refused to allow certain political prisoners to testify that the security

police, under the direction of Major Swanepoel, regularly used electric shock as a method of interrogation. The magistrate held that there was no satisfactory proof that Lenkoe died as the result of electric shock and concluded that he had died as a result of suicide by hanging and that no blame could be attached to any person.³

THE COMMISSION FINDS THAT JAMES LENKOE WAS INTERROGATED BY MAJOR 'ROOI RUS' SWANEPOEL AND THAT HE WAS TORTURED USING ELECTRIC SHOCKS. WHILST THE OFFICIAL CAUSE OF DEATH WAS SUICIDE BY HANGING, THE COMMISSION FINDS THE POLICE DIRECTLY RESPONSIBLE FOR HIS TORTURE AND SUBSEQUENT DEATH.

THE COMMISSION FINDS FURTHER THAT THE REFUSAL OF THE MAGISTRATE TO HEAR EVIDENCE FROM OTHER POLITICAL DETAINEES OF TORTURE PERPETRATED BY THE POLICE ON DETAINEES IN THEIR CUSTODY FURTHER CREATED A CULTURE OF IMPUNITY WHICH LED TO FURTHER GROSS HUMAN RIGHTS VIOLATIONS BY THE POLICE.

58 Mr Ahmed Timol [JB00173/03WR] died in police custody on 27 October 1971 after allegedly committing suicide by jumping from the tenth floor of security police headquarters at John Vorster Square in Johannesburg. Timol had been in detention for five days. He was the twenty-second person to die in police custody since the introduction of detention without trial.

59 Ahmed Timol's mother, Ms Hawa Timol, described to the Commission how she heard about her son's death:

On Wednesday 27th [in the] evening my husband and son had gone to the mosque for evening prayers. During this time three policemen who identified them as SB [Security Branch] came and entered our house. One of them pushed me into a seat and then proceeded to tell me that my son Ahmed had tried to escape by jumping out of the tenth floor of John Vorster Square and that I was to tell my husband that his body was lying in the Hillbrow government mortuary. I could not believe what was being said and in my confusion, I tried to argue that this was not true ... I even remember taking them to the flat windows and saying look how could my son have jumped out of the difficult windows at John Vorster Square ... I was crying and screaming and our neighbour came to enquire what was happening. The policeman without further explanation left.

60 After Ahmed Timol's arrest, his family was severely harassed by members of the Security Branch who repeatedly came to their home to interrogate his parents and search the house.

61 Police officers named at Timol's inquest include Colonel Greyling, Captain Bean, Sergeant Rodrigues, Warrant Officer Cloete, Sergeant FJ Ferreira, Sergeant MC Pelser and Sergeant DL Carter. At the end of an eight-month inquest, the magistrate, Mr JJJ de Villiers, found that he had died "from serious brain injuries and loss of blood when he jumped from a window from the tenth floor of John Vorster Square. The cause of death is suicide and nobody is to blame."

THE COMMISSION FINDS THAT THE SAP AND IN PARTICULAR COLONEL GREYLING, CAPTAIN BEAN, SERGEANT RODRIGUES, WARRANT OFFICER CLOETE, SERGEANTS FJ FERREIRA, MC PELSER AND DL CARTER WERE DIRECTLY RESPONSIBLE FOR THE DEATH OF MR AHMED TIMOL.

THE COMMISSION FINDS FURTHER THAT THE INQUEST MAGISTRATE'S FAILURE TO HOLD THE POLICE RESPONSIBLE FOR AHMED TIMOL'S DEATH CONTRIBUTED TO A CULTURE OF IMPUNITY THAT LED TO FURTHER GROSS HUMAN RIGHTS VIOLATIONS.

- 62 The three people with whom Timol was arrested under the Terrorism Act, Mr Kantilal Naik [JB00641/03WR], Ms Amina Desai [JB01114/03WR] and Mr Salim Essop [JB0173/03WR], reported that they were severely tortured. Essop was so severely assaulted that he was hospitalised. Naik, who was arrested the day after Timol, on 23 October 1971, was allegedly suspended from a beam by his arms, causing temporary paralysis. He told the Commission:

Myself and Timol were both teachers at the Roodepoort Indian High School. On the morning of the 23rd, it was a Saturday morning, security policemen came to my home and said that I should take them to school as they wanted to seize the typewriter ... I was then taken to John Vorster Square. I made a statement ... and some of the security policemen said I was talking rubbish ... They started to question me. They were not satisfied with my answers ... and two burly policemen were assaulting me. I think it was like a seesaw. The one punched me and I fell on to the other guy, and the other guy then of course punched me and you know, it was a seesaw thing.

- 63 Ms Amina Desai, who had loaned her car to Ahmed Timol, was also arrested and interrogated continuously at John Vorster Square for four days. On the fourth day, she heard a commotion and furniture being overturned in a room next door. After this Ms Desai was taken back to the cells and was left there for five months. She was subsequently sentenced to five years' imprisonment. On her release, she was placed under a five-year banning order.

THE COMMISSION FINDS THAT THE INTRODUCTION OF SECTION 6 OF THE TERRORISM ACT IN 1967, WHICH ALLOWED FOR INDEFINITE DETENTION WITHOUT TRIAL, LED TO A NUMBER OF DEATHS IN DETENTION. THE CIRCUMSTANCES OF DETENTION WERE SUCH THAT A NUMBER OF PEOPLE DIED AS A DIRECT RESULT OF TORTURE OR FOUND THEMSELVES IN CIRCUMSTANCES WHICH INDUCED THEM TO TAKE THEIR OWN LIVES.

THE COMMISSION CONSEQUENTLY FINDS THE MINISTER OF POLICE, THE COMMISSIONER OF POLICE AND THE OFFICERS IN CHARGE AT THE SECURITY BRANCH RESPONSIBLE FOR THE DEATHS IN DETENTION OF DETAINEES AND THUS THE COMMISSION OF GROSS HUMAN RIGHTS VIOLATIONS.

THE COMMISSION FURTHER FINDS THE MINISTER OF JUSTICE AND THE DEPARTMENT OF JUSTICE DIRECTLY RESPONSIBLE FOR THE FAILURE OF MAGISTRATES TO TAKE ACCOUNT OF EVIDENCE PRESENTED TO THEM OF THE TORTURE AND ASSAULT OF DETAINEES BY THE POLICE. THE RELIANCE BY MAGISTRATES ON THE EVIDENCE OF THE POLICE WAS DIRECTLY RESPONSIBLE FOR CREATING A CULTURE OF IMPUNITY IN THE RANKS OF THE POLICE. THIS LED TO FURTHER DEATHS IN DETENTION AND GROSS HUMAN RIGHTS VIOLATIONS.

Political trials

- 64 Political trials similar to the famous Treason Trial of 1956 continued throughout the 1960s and 1970s. During 1963 and 1964, a spate of trials effectively removed and imprisoned much of the leadership of the PAC, ANC, the South African Communist Party (SACP) and the ARM, forcing these organisations into exile and undermining early attempts to build underground networks within the country.

65 Immediately after the Sharpsville massacre, there were several trials involving the leadership of the PAC and people who had participated in the anti-pass protests. Within two months, on 4 May 1960, the leader of the organisation, Mr Robert Mangaliso Sobukwe [EC0155/97ALB], and eighteen other leaders of the PAC were convicted of inciting others to support a campaign for the repeal of pass laws. Mr Sobukwe was sentenced to three years, Mr PK Leballo and three others to two years each and Mr J Madzunyana and thirteen others to eighteen months.⁴

66 In its verbal submission to the Commission, the PAC described the unique legislation introduced by the government to ensure that PAC leader Robert Sobukwe remained in jail:

Mangaliso Robert Sobukwe was sentenced to a three-year prison term, which he served at Stoffberg at Witbank. On completion of his three-year mandatory sentence, the apartheid authorities unilaterally decided to extend his incarceration through passing an unprecedented bill in the all-white parliament known as the 'Sobukwe Clause'. Under this special parliamentary dispensation, President Sobukwe was kept on Robben Island for a further six years. On the island, he was kept incommunicado from the rest of the political prisoners. Actually, it was even a crime to wave your hand if you saw him where he was sitting. He was subsequently released and banished to Kimberley. He was only released from the Island because the regime knew very well he would not live long.

67 In another trial, targeting people who had participated in the pass protests, Mr Matthew Nkoana of the PAC and 141 others were found guilty of working in concord against the reference book system and failing or refusing to produce their books on demand. They were sentenced to three years or a fine of £300.⁵

68 The Rivonia trial, which followed the raid on the operational headquarters of MK on Liliesleaf farm, began on 9 October 1963. Eleven members, led by Nelson Mandela, faced charges of sabotage. The state argued that the ANC was dominated by Communists, had planned a campaign of guerrilla warfare and, after its banning, had decided to embark on a policy of destruction and violence. In June 1964, seven of the accused, namely, Mr Nelson Mandela, Mr Walter Sisulu, Mr Dennis Goldberg, Mr Govan Mbeki, Mr Raymond Mhlaba, Mr Elias Motsoaledi, Mr Andrew Mlangeni and Mr Ahmed Kathrada were sentenced to life imprisonment.⁶

69 While the Rivonia trial was the most publicised trial of this period, the government's determination to halt the ANC's plans to mount an armed campaign inside the country led to further trials, targeting various levels of leadership within MK.

70 Mr Laloo Chiba, who made a statement to the Commission about his experience of torture while held under the ninety-day detention act (see above), was involved in the second major MK trial which began on 30 October 1964. The accused included Mr David Kitson, Mr Sathyandranath (Mac) R Maharaj, Mr John Matthews and Mr Wilton Mkwayi. All five were convicted of more than fifty acts of sabotage, preparing for guerrilla warfare and furthering the aims of Communism. Wilton Mkwayi was sentenced to life imprisonment, David Kitson to twenty years, Laloo Chiba to eighteen years, John Matthews to fifteen years and Mac Maharaj to twelve years.⁷

- 71 The trial of Mr Bram Fischer was primarily an attempt to remove and imprison the leadership of the SACP. On 26 August 1964, Bram Fischer, a senior lawyer who had led the defence of the Rivonia trialists, and fourteen other people were arrested and charged with having furthered the aims of the SACP or being office-bearers, officers, or members of the party. The charge sheet alleged that they aimed at “establishing a despotic government based on the dictatorship of the proletariat” in South Africa. A number of those charged had been held under the ninety-day detention law and complained of ill treatment. One of these, Ms Sylvia Neame, was sentenced to two months’ imprisonment for trying to escape from custody. The other accused were Mr Louis Baker, Ms Esther Barsel, Mr Hymie Barsel, Ms Mollie Doyle, Ms Florence Duncan, Dr Costa Gazides, Mr Norman Levy, Ms Jean Middleton, Ms Ann Nicholson, Mr Ivan F Schermbrucker, Mr Paul Trehwela and Mr Eli Weinberg.
- 72 In April 1965, after they had been in custody for nearly a year, the fifteen were sentenced to terms of imprisonment ranging from one to five years.
- 73 Ms Jean Middleton [JB04419/01GTSOW] testified at the Commission’s special hearings on prisons about the conditions at Barberton prison where she and other white, female political detainees spent their prison terms:

When you speak about Barberton, what you really have to speak about is the brutality of the place ... Through a window, we used to see women, black women prisoners, carrying things sometimes. However fast they tried to run, the wardresses would urge them on by whipping them with those long leather straps attached to their keys and sometimes there would be a baby on a woman’s back so the baby got whipped ...

Worst of all were the shirts we used to wash, those came from the men’s jail, they used to come in every Monday and at least one shirt and one pair of shorts every week (and they only got one clean shirt a week and they did very hard work it seemed in a hot climate) would not be stained with blood, but caked with blood from clogging and that sulphur ointment, caked.

- 74 In 1969, twenty-two people – including Ms Nomzamo Winnie Mandela, Ms Rita Ndzanga, Mr Lawrence Ndzanga, Ms Venus Mngoma and Ms Martha Dlamini, Mr Peter Magubane, Joyce Sikhakhane, Joseph Zikalala, George Mokwebo, David Motau and others in the trial of Sampson Ndou⁸ [CT03064/GAU] and others in 1969, twenty-two people appeared on charges under the Suppression of Communism Act relating to ANC activities.
- 75 Pholotho was one of the accused in this trial and confirmed the allegations that witnesses were tortured. He was detained and interrogated on 4 May 1969 in Pretoria, where he was tortured in a room without windows. He was deprived of sleep for ninety hours, made to stand on unbalanced bricks while his hands were handcuffed to the rafters. He was also kicked and punched all over his body and electric shocks were used.
- 76 As a result of allegations of torture made by Ms Shanti Naidoo, Samuel Solomon Pholotho and others [JB05956/01GTSOW], the Attorney-General stopped the trial, discharging all of the twenty-two accused. Before they had left the court, they were re-detained under the Terrorism Act, and held for periods ranging from 107 to 371 days. Student protests and public vigils demanding that the twenty-two accused be charged or released were launched all over the country. The government charged nineteen of them with conspiring with the ANC and SACP to overthrow the government by violence. This time the charges were brought under the Terrorism Act. Mr Benjamin Ramotse, who

had been in captivity for a far longer period, became the first defendant and the state attempted to use the joinder provision of the Terrorism Act to link him to the others. All except Benjamin Ramotse were The nineteen were acquitted and discharged after the defendants proved that the charges brought against them were substantially the same as those they had already been tried for. On this occasion, Mr Benjamin Ramotse, Almost immediately after the second trial, all nineteen of those acquitted were issued with banning orders.⁹

Political executions

- 77 As a further deterrent to political opposition, the government introduced the maximum penalty of death for sabotage in 1962. A number of people were subsequently executed as a result of their involvement in acts of sabotage.
- 78 Mr John Harris¹⁰, a teacher and member of the ARM, was arrested for placing a bomb in the concourse of the Johannesburg railway station on 24 July 1964. One person died and several others were injured. John Harris was charged with murder and two counts of sabotage. The SAIRR reported that John Harris admitted planting the bomb and said that he intended a spectacular demonstration as a means of bringing about a change of government. A few minutes before the bomb was due to explode, he had telephoned a warning to the police and to two newspapers. He had expected the concourse to be cleared so that no one would be hurt. Mr Justice Ludorf found Harris guilty of murder and sentenced him to death. John Harris was the only white person to be executed for political crimes during the Commission's mandate period.
- 79 Ms Clasina Vogel [JB04948/03WR] was one of the people injured in the Johannesburg station blast on 24 July 1964, suffering burn wounds to her body, hands, legs, face and head, shrapnel wounds on her legs and burst eardrums.

THE COMMISSION FINDS THAT JOHN HARRIS WAS RESPONSIBLE FOR THE BOMBING OF THE JOHANNESBURG STATION, WHICH RESULTED IN THE DEATH OF ONE PERSON AND THE INJURY OF MANY OTHERS, INCLUDING CLASINA VOGEL, ON 24 JULY 1964. THE COMMISSION FINDS JOHN HARRIS RESPONSIBLE FOR THE COMMISSION OF GROSS HUMAN RIGHTS VIOLATIONS.

Imprisonment

- 80 People who were imprisoned because of their involvement in political opposition faced severe prison conditions during this period. At its special hearing on prisons, the Commission received a number of submissions about prison conditions from people jailed for their political activities, including some of the first MK members jailed on Robben Island.
- 81 Mr Robert Strachan [JB04416/990VE] was arrested in March 1962 and sentenced to six years' imprisonment in Pretoria Central prison for contravention of the Explosives Act. He was kept in solitary confinement for the first eleven months of his imprisonment. Harold Strachan later gave a detailed account of conditions at Pretoria Central Prison to *Rand Daily Mail* journalist Mr Benjamin Pogrand, who published the account despite severe reporting restrictions imposed by the Prisons Act.

- 82 Mr Andrew Masondo [JB4855/01GTSOW] was amongst the first ten MK members on Robben Island. He told the Commission that black prisoners were treated differently from whites. On one occasion he did not take off his cap quickly enough:

Piet, he pointed a gun at me and started beating me ... started beating me. For me it was a very, very difficult thing, I'm not used to people beating me and I don't fight back but I had to endure that so they beat me up. I don't think I would have recognised myself when I left there. I was bleeding through the eyes, bleeding through the nose, bleeding through the mouth, I was nice and rotund and I went back into hospital for the next six weeks.

Exile

- 83 MK sent approximately 300 recruits across South Africa's borders for military training in sympathetic African countries as well as in China and the Soviet Union. Efforts were made to infiltrate South Africa via Zimbabwe. The ANC formed an alliance with the Zimbabwe African People's Union (ZAPU) and conducted joint operations against the Rhodesian army (and the SAP) in the Wankie area. Some of these early recruits were captured and repatriated by the British colonial authorities in what was then Northern Rhodesia, after which they were detained and tortured by the SAP.
- 84 Mr Norman Mmitshane [JB00733/03NW], an MK member who underwent military training in China, was detained and tortured in 1964 and then sentenced to ten years' imprisonment on Robben Island for assisting ANC recruits to leave the country for military training.

Covert action

- 85 Mr Abraham Onkgopotse Tiro [JB001/03NWRUS], president of the Student Representative Council at the University of the North and a member of SASO, was one of five students who left the country secretly for Botswana. Tiro had been expelled from the University of the North for a speech he made at a graduation ceremony in 1972. His expulsion sparked off mass student unrest on the campuses of the so-called black universities. Tiro left South Africa for military training in Botswana just before the issue of a warrant for his arrest.
- 86 In February 1974, Tiro was killed by a parcel bomb sent to him in Botswana, becoming one of the first victims of the former state's use of extra-judicial means to control political opposition. The bomb is believed to have been sent by Dries Verwey and Mike Koen of the Operational Arm of the BOSS 'Z-Squad' operating in Switzerland at the time.¹¹

THE COMMISSION FINDS THAT, IN ALL PROBABILITY, TIRO'S DEATH WAS THE RESULT OF THE WORK OF MR DRIES VERWEY AND MR MIKE KUHN, MEMBERS OF THE 'Z SQUAD', THE OPERATIONAL ARM OF BOSS, THE INTELLIGENCE-GATHERING AGENCY OF THE GOVERNMENT AT THE TIME.

THE COMMISSION FINDS FURTHER THAT THE FORMER STATE AND THE MINISTER OF LAW AND ORDER WERE RESPONSIBLE FOR THE ASSASSINATION OF ABRAHAM ONKGOPOTSE TIRO.

Establishment of homelands

- 87 The Commission heard of human rights violations that occurred in the rural and homeland areas in this period. Most violations stemmed from conflict between the government, which attempted to install chiefs amenable to its policies, and homeland residents, including popular chiefs themselves, who opposed this process.
- 88 A number of people were detained and allegedly tortured under the Terrorism Act. Three of these detainees died in detention. They were Mr Nicodemus Kgoathe, Mr Solomon Modipane and Mr Jacob Monnakgotla. Each had been detained because of his involvement in local disputes about chiefly powers. Again, the name of Major 'Rooi Rus' Swanepoel was mentioned, this time in connection with the arrest of ten Bakubung tribe members, one of whom was Jacob Monnakgotla.
- 89 Mr Nicomedus Kgoathe and Mr Solomon Modipane were arrested in November 1968 with sixteen others while protesting against the appointment of a new headman. Attempts had been made to burn the offices of headman Herman More at the tribal offices in Hebron. Some of the detainees were held for up to eight months before being charged.¹²
- 90 Mr Nicomedus Kgoathe [JB00113/03NWRUS] was taken from the Silverton police cells to the HF Verwoerd hospital on 21 January 1969 and died in February, allegedly because of pneumonia. Kgoathe had been moved to hospital after admitting to the district surgeon, Dr PJE Joubert, that he had been assaulted.
- 91 Kgoathe's son, Mr Ben Kgoathe, described the condition in which he found his father when the family was finally informed of his whereabouts two months after his detention:

When we arrived there, we found my father. He was lying on the floor, flat on the floor. He just raised his head and he recognised me and we greeted each other. We spoke about family matters. When I asked what was the problem, my father Nicodemus said, he told me he slipped while he was bathing at Compol building at Pretoria.

- 92 At the inquest, the district surgeon, Dr PJE Joubert, testified that he had examined Kgoathe two weeks before his death and had arranged for him to be admitted to hospital after finding that he moved with extreme difficulty. Dr Joubert stated: "It is my opinion that he was suffering from the after-effects of a concussion and needed to be treated by a specialist." He went on to testify that Kgoathe had told him that he had fallen in the shower room but, after the surgeon refused to accept this explanation, Kgoathe admitted that he had been assaulted. "It is my opinion that Kgoathe's injuries were the result of an assault," the surgeon told the court. He said that linear marks on the shoulders of the deceased could have been caused by a *sjambok* (whip) and the three u-shaped wounds behind the right thigh by the buckle of a belt.
- 93 A sergeant at the Silverton police station also testified that Kgoathe had complained of body pains and said that he had been assaulted by the security police during interrogation, but said he refused to lay a charge. Police witnesses, including Warrant Officer F Smith, Warrant Officer J Venter and Detective Sergeant A de Meyer of the security police who interrogated Kgoathe on the 16 and 17 January, insisted that he had slipped and fallen during a shower on that

day. The magistrate, Mr CG Jordan, found that, in the light of the evidence, he was not in a position to conclude that any person was to blame for Kgoathe's death.¹³

94 Mr Solomon Modipane was arrested on 25 February 1969 and died three days later in the HF Verwoerd hospital. The head of the CID was reported in the press as saying that Modipane had received "certain injuries" when he slipped on a piece of soap, but that this was not necessarily the cause of death. In May, a magistrate endorsed the *post mortem* report that the death was owing to natural causes, and found that no inquest was necessary.

95 On 10 September 1969, Mr Jacob Monnakgotla was charged under the Terrorism Act and died in police custody the night before he was to appear in court, allegedly as a result of "natural causes". Before Monnakgotla died, evidence was heard in court that some of his eleven co-accused had been tortured.

THE COMMISSION FINDS THAT MR NICODEMUS KGOATHE DIED IN POLICE CUSTODY ON 4 FEBRUARY 1969 AFTER HAVING BEEN ASSAULTED BY MEMBERS OF THE SAP SECURITY BRANCH NAMELY, WARRANT OFFICER FA SMITH, WARRANT OFFICER JM VENTER AND DETECTIVE SERGEANT A DE MEYER.

THE COMMISSION FINDS FURTHER THAT THE FAILURE OF THE MAGISTRATE TO FIND THE POLICE RESPONSIBLE FOR THE TORTURE AND SUBSEQUENT DEATH OF NICODEMUS KGAOTHE CREATED A CLIMATE AND CULTURE OF IMPUNITY THAT DIRECTLY CONTRIBUTED TO THE COMMISSION OF FURTHER GROSS HUMAN RIGHTS VIOLATIONS BY THE SAP.

THE COMMISSION FINDS THAT SOLOMON MODIPANE WAS ARRESTED ON 25 FEBRUARY 1969 AND DIED THREE DAYS LATER IN HOSPITAL. THE COMMISSION FINDS THAT HIS TREATMENT WHILST IN CUSTODY OF THE POLICE RESULTED IN INJURIES WHICH CAUSED HIS DEATH. THE COMMISSION FINDS THE SAP RESPONSIBLE FOR HIS DEATH. THE COMMISSION FINDS THE MINISTER OF POLICE AND THE COMMISSIONER OF POLICE RESPONSIBLE FOR THE COMMISSION OF GROSS HUMAN RIGHTS VIOLATIONS.

THE COMMISSION FINDS THAT JACOB MONNAKGOTLA, A MEMBER OF THE BAKUBUNG TRIBE, DIED IN POLICE CUSTODY THE NIGHT BEFORE HE WAS TO APPEAR IN COURT. THE COMMISSION FINDS THAT, IN ALL PROBABILITY, JACOB MONNAKGOTLA WAS TORTURED AND SEVERELY ILL TREATED WHICH RESULTED IN HIS DEATH. THE COMMISSION FINDS THE POLICE AND THE COMMISSIONER OF POLICE RESPONSIBLE FOR THE COMMISSION OF GROSS HUMAN RIGHTS VIOLATIONS.

THE COMMISSION FINDS THAT THE FORMER STATE'S HOMELANDS POLICY OF DEVELOPING ETHNICALLY-DIVIDED RESERVES SERVED THE INTERESTS OF PROTECTING AND PRESERVING THE RIGHTS OF THE WHITE MINORITY. THE COMMISSION FINDS FURTHER THAT THE IMPLEMENTATION OF THIS POLICY OF ETHNIC FRAGMENTATION AND FORCED REMOVALS LED DIRECTLY TO THE COMMISSION OF GROSS HUMAN RIGHTS VIOLATIONS. FURTHERMORE, THE FORMER STATE'S POLICY OF IMPOSING BANTU AUTHORITIES AND CHIEFS WAS A CENTRAL PART OF THE GOVERNMENT'S HOMELANDS POLICY. PAID BY THE GOVERNMENT OF THE DAY, THE CHIEFS EFFECTIVELY BECAME AN EXTENSION OF THE FORMER STATE'S MECHANISM OF CONTROL IN THE HOMELANDS.

Banishment

96 Chief Gilbert Rangoezi Tshikalange [JB01421/02NPVEN] was first imprisoned for three months and later banished to the northern Cape because of his refusal to accept the newly established homeland administration in Venda. Born into the Tshikalange royal family at Tshififi, a traditional area in the magisterial district of Thohoyandou in Venda,

Tshikalange worked in Johannesburg during the 1950s, where he joined the ANC. When his father died in 1963, Tshikalange succeeded him as a chief at Tshififi. However, Tshikalange soon clashed with the government's newly established Bantu Authorities under whose jurisdiction he was placed and was sentenced to a period of three months imprisonment. In 1966, Tshikalange was forcefully deposed and a chief from another area, Mr Mudzhadzi Mphaphuli, was imposed as ruler of Tshififi.

- 97 When the Tshififi community rejected the imposed chief, the Bantu Authorities banished Tshikalange. In 1969, he was deported to Kuruman in the northern Cape, thousands of miles from his home. Tshikalange's banishment lasted seven years until it was finally lifted in October 1976. Tshikalange and his wife were restricted to an isolated farm where they were not allowed to have contact with anyone except the local police.
- 98 The Commission received statements about an ongoing dispute in 1974–76 regarding the succession of the Bataung chief in Bophuthatswana. The dispute was exacerbated by the government's attempt to control the process and ensure that a chief sympathetic to its policies was installed, supporting a bid by a Mr Tshajwa against Chief Lion, the popular choice. Commission deponents reported that Tshajwa and his followers were responsible for intimidating Chief Lion's supporters. In her statement to the Commission, Ms Pileng Maria Lenisa [JB04248/03NWRUS] described the stoning and burning of her house in Taung in 1976:

The problem was these two chiefs, Mr Tshajwa did not want to give Mr Lion his position. Instead of giving it back to him, Mr Tshajwa's followers burned houses of Mr Lion's followers. I had to sleep without a blanket for five days and manage to make a shack for my family, until now, I'm still living in that shack.

- 99 In total, fourteen statements were received referring to this conflict – eleven cases relating to destruction of property, one of severe beating, one of mental torture and one of severe ill treatment.

THE COMMISSION FINDS THE FORMER STATE AND THE TRIBAL AUTHORITIES DIRECTLY RESPONSIBLE FOR THE SEVERE ILL TREATMENT OF CHIEF TSHIKALANGE.

IN REVIEWING THE EVIDENCE RECEIVED, THE COMMISSION FINDS THAT THE ONGOING CHIEFTAINSHIP SUCCESSION DISPUTE IN RESPECT OF THE BATAUNG CHIEF IN BOPHUTHATSWANA WAS EXPLOITED BY THE FORMER STATE IN AN ATTEMPT TO IMPOSE A CHIEF ON THE BATAUNG PEOPLE. THE ENSUING CONFLICT LED TO THE TORTURE AND SEVERE ILL TREATMENT. FOR THESE VIOLATIONS, THE COMMISSION HOLDS THE FORMER STATE, THE BANTU AUTHORITIES AND CHIEF TSHAJWA ACCOUNTABLE.

Resistance and revolutionary groupings

- 100 In the wake of the declaration of a state of emergency, a number of organisations, including the ANC and PAC, responded to their banning by going underground and establishing armed wings. The use of violence as a mechanism of political protest fundamentally altered the nature of political conflict in South Africa and led to the increasing militarisation of the contest for power. The ANC's armed wing MK, initially engaged in acts of sabotage which targeted railway lines and telecommunications networks, rather than people. Poqo, the military wing of the PAC, used violence more widely. In addition, a group of largely young, white South Africans, the ARM, was formed in the wake of the Sharpsville massacre and embarked on a sabotage campaign.

- 101 On 15 and 16 December 1961, the first MK bombings took place in Durban, Johannesburg and Port Elizabeth. On the Day of the Covenant (16 December), explosions caused damage to a Fordsburg post office, the Resettlement Board headquarters in Meadowlands and the Bantu Affairs Commissioner's offices in Johannesburg. These were the first in a series of over 200 attacks which took place over the next eighteen months in all the major centres of the country and many of the smaller towns. There were thirty-one attacks in Johannesburg, most with incendiary bombs, five in the Vereeniging district, three in Pretoria and two in Benoni.¹⁴
- 102 Although the Transvaal was one of the centres of the ANC's early sabotage campaign, no amnesty applications were received from those involved in carrying out these acts in this region. The sabotage campaign during this period did not lead to any deaths or injuries. However, the Commission received several statements from people who were involved in organising the initial sabotage actions, detailing their subsequent detention and torture. These included Mr Indres Naidoo, Mr Suresh Nanabhai, Mr Reggie Vandeyar, Mr Abdullay Jassat and Mr Laloo Chiba.
- 103 As the armed wing of the PAC, Poqo was the first African political movement in South Africa to adopt a strategy that explicitly involved killing people, and was probably the largest active clandestine organisation of the 1960s. The western Cape, in particular the Cape Peninsula, had been a stronghold of the PAC and it was here that Poqo was strongest.¹⁵ In late 1962, Poqo made preparations for a general uprising scheduled for 8 April 1963, with simultaneous attacks on a number of strategic targets. However, the police were able to forestall this by arresting over 3 000 Poqo suspects. In mid-1964 the Minister of Justice confirmed that 202 Poqo members had been convicted of murder, twelve of attempted murder, 395 of sabotage, 126 of illegal departure from the country and 820 of other offences related to membership of an underground organisation.¹⁶
- 104 Although the PAC organised clandestinely in the Transvaal during this period, the Commission received no reports of violations where the PAC or Poqo were identified as perpetrators of gross human rights violations in that province. Most of the evidence before the Commission regarding the PAC concerned activists who were detained and tortured for their involvement in the activities of the organisation.
- 105 Shortly before MK's campaign started, the ARM began operations in Cape Town and Johannesburg. ARM's activities were distinguished by technical expertise in the methods used, including dynamite and electrical timing devices, and the ambitious nature of its targets. In subsequent trials, it appeared that most of its members were white, numbering about fifty people altogether, concentrated in Johannesburg, where the ARM had been formed, and Cape Town.¹⁷
- 106 The only information received by the Commission about gross human rights violations in the armed campaigns of this period came from a victim of a bomb planted by Mr John Harris, a member of the ARM. As noted above, Harris was subsequently executed for his involvement in the bombing of the Johannesburg station

● 1976–1982

Overview

- 107 In 1976, the Johannesburg area was the centre of the most sustained and violent protests the country had ever seen. 1976 has frequently been described as a turning point in South Africa's political history. The conflict sparked by the former state's attempt to impose Afrikaans as a medium of instruction on black school children lasted fifteen months and spread to 200 towns and cities across South Africa.¹⁸
- 108 Officially 575 people died and 2 380 people were wounded during the Soweto protests on 16 June. Most of the victims were under the age of twenty-five; many were school children.
- 109 During the following month, sympathy protests broke out in towns, townships, homelands and cities country-wide, resulting, in many instances, in further clashes between protesters and the security forces. The protests were met with aggression from the former state. On 18 June, Prime Minister John Vorster told parliament, "The government will not be intimidated. Orders have been given to maintain order at all costs." All outdoor public meetings were banned in terms of the Riotous Assemblies Act.
- 110 Captain '*Rooi Rus*' Swanepoel, who gave the crowds of Sowetan school children the order to disperse on 16 June and led the Riot Unit into Soweto and Alexandra, said later that he had adopted a shoot-to-kill policy in order to curb the Soweto protests and that the police had erred in not using more force against the students.
- 111 During July, the government closed schools in at least eighty townships around the country. In August, the police conducted a series of raids on schools, looking for Soweto Student Representative Council (SSRC) leaders. Schools emptied and Sowetan students began meeting off school campuses, organising a series of further protest activities, mainly boycotts and strikes. Incidents of violence were also recorded ranging from arson attacks on schools, beer halls and homes, to the killing of people perceived to be representatives of government authority.
- 112 It took the government more than a year to quell the violence which grew rapidly from a locally based student protest against inadequate education to a wholesale rejection of apartheid by black communities across the country.

Overview of violations

- 113 Of the 1500 human rights violations statements received for this period (1976–82), over 400 were drawn from 1976 alone. The number of reports of severe ill treatment increase two and a half times compared to the previous period.
- 114 Street battles between police and protesters led to an increase in the numbers of recorded deaths and injuries. Official figures estimate the number of people who died during the course of the protests at more than 500. The Commission received approximately 130 reports of killing violations for the period 1976–82 and just over 650 incidents of severe ill treatment, the majority of which occurred through beating and shooting.
- 115 A breakdown of the age and sex of the victims of killing and severe ill treatment in the period 1976–82 reveals an overwhelming preponderance of male victims in the 13–24 age bracket.

- 116 Thousands of people were detained in the wake of the protests. In October 1977, all Black Consciousness organisations and two newspapers, *The World* and the *Weekend World*, were banned. Security personnel were given indemnity under the law, retrospective to 16 June 1976. At least eleven people died in police custody during 1976 and fourteen in 1977.
- 117 Approximately 340 torture violations were recorded by the Commission for this period. For the first time, torture violations were reported from the homelands, some of which were granted 'independence' or self-governing status during the 1970s.
- 118 In view of the political conflict and violence which swept the country during the two decades following the Soweto uprising, the relatively small number of submissions received for this period did not adequately convey the unprecedented significance of the event. With this in mind, the Commission convened a special hearing on the Soweto uprising.

State and allied groupings

The Soweto uprising

- 119 In 1975, a directive was issued by the Bantu Education Department to schools in the Transvaal that Afrikaans was to be used on an equal basis with English as a medium of instruction in secondary schools. In February 1976, two members of the Meadowlands Tswana School Board were dismissed for defying the order and by May a class boycott had been initiated at Orlando West Junior Secondary school after a circuit inspector turned down a request for a meeting with protesting students. By the end of the month the number of boycotting schools rose to six. During the same month the first violence broke out when an Afrikaans teacher at Pimville Higher Primary was stabbed and police were stoned when they tried to arrest a youth in connection with the assault. Education authorities responded with a warning that they would not hesitate to shut down boycotting schools, expel pupils and transfer teachers. The conflict continued to escalate. More schools went out on boycott, a number refused to write mid-year exams, and further acts of violence were reported.
- 120 Despite numerous warnings issued from a variety of quarters about the imminent confrontation, the government appeared reluctant to acknowledge the depth of opposition to the use of Afrikaans as a medium of instruction.
- 121 Students at the Morris Isaacson School in Soweto played a leading role in raising awareness and organising among students. It also produced some of the organisers of the 16 June protest, including Mr Murphy Morobe and Mr Tsietsi Mashinini [JB00838/01GTSOW]. Former teacher at the school, Mr Fanyana Mazibuko, described to the Commission the unusually close relationship between students and teachers and the overtly anti-establishment stance of its principal, Mr Lekgau Mathabathe, who unequivocally rejected the instruction to teach in Afrikaans.
- 122 The June protest march had been planned by the Action Committee, an elected body of secondary school students in Soweto. A member of the committee, Mr Dan Montsisi, told the Commission that students felt that they were taking up a battle their parents and teachers had lost. Ms Ellen Khuzwayo [JB00839/01GTSOW] also described the disillusionment students felt at the powerlessness of their parents and teachers:

Children ... were very dissatisfied with the situation of the Bantu education. Naturally when they turned to their parents their parents could not help them because I think I am right when I say 75 per cent of the parents of those children had no education, and were therefore very much intimidated by the police, by this whole state of South Africa that made them to be too frightened to approach the white people to say our children say they are not learning at school. So finally these kids took it into their hands, I suppose, to redeem themselves from that malady of lack of education.

- 123 The Action Committee gave itself only three days to organise the march. Mr Morobe told the Commission how politically and historically significant the decision to organise a march was. Students had grown up in a context where mass mobilisation simply did not occur. They were drawing on a tradition of resistance, crushed during the 1960s, of which they had no direct experience but which remained an integral part of their consciousness and collective understanding of struggle. Morobe said that plans for the march were kept quiet and that parents and teachers were not told for fear they would not approve of the students' intentions and try to prevent or stop the march from taking place.

- 124 Mr Leonard Mosala articulated the generational difference separating the students from their parents and teachers:

The people that were involved then were not the people of 1960, they were not the people of Sharpsville, they were not the people of 1960. They were younger, they were more sensitive to the repression that the apartheid laws, particularly the pass laws, inflicted, the harm and the suffering that the laws of the country inflicted upon black people. Their aspiration level was far higher, their political sensitivity was deeper and their anger matched the level of their aspirations and their frustration.

- 125 However, as the students were to learn to their cost:

It was still the same police, it was still the same regime and they still reacted to us in the same way they did in Sharpsville in 1960.

- 126 The march was initiated by pupils from Naledi and Thomas Mofolo high schools. In the two days preceding the march, members of the Action Committee travelled around schools in the township addressing students about the proposed protest on 16 June, and about further protest actions planned for the days following the march. On 16 June, organisers planned to march from school to school gathering more students as they went along.

- 127 At the special Soweto Day hearing, the Commission heard several witnesses describe Soweto as being "on fire" that day. Hundreds of pupils gathered at the appointed assembly points and at 07h00 the first group of singing, chanting students began marching towards Orlando. The first reported clashes with the police took place at 08h00, when police opened fire on two schoolboys running to catch up with the marchers. By 09h00, approximately 10 000 pupils had converged on Orlando West High School. Moments after an appeal by student leaders for calm, a contingent of police arrived and formed an arc in front of the crowd of marchers. A tear gas canister was thrown into the midst of marchers, who responded by throwing stones. The police opened fire. Two pupils were fatally wounded. The first of these was thirteen-year-old Hector Zolile Peterson. It was Peterson's death [JB00229/01GTSOW] that fundamentally

transformed the nature of the student protest from a peaceful march into a violent confrontation with the government's security forces.

128 Clashes between the crowds and the police continued through the morning. Pupils began erecting barricades across the streets while hundreds of police reinforcements were rushed into the township. Pupils attacked property, including beer halls and bottle stores, and people, including employees of the West Rand Administration Board (WRAB), killing two WRAB officials, Dr Melville Edelstein [JB00786/01GTSOW] and Mr Esterhuizen.

129 Mr Murphy Morobe told the Commission that the pupils' resort to violence was a spontaneous expression of their anger. It was never part of the plan. He said:

The policeman with the dog then moved to the front and let loose the dog that came charging at us ... It was a real dog that bit some of the students there and I think that that really raised the anger of the students ... That dog was then killed by students who sought to protect themselves from it. At that time the police then started opening fire, you know, and sure there was taunting of the police. Basically we were saying they must go, you know, what do they want there because we are not doing anything that required their presence. Once the shooting began it was at the time that the other schools were approaching ... after the first volley, you know, I think there was one tear gas canister that was lobbed and it was the first time that many of us had experience of tear gas ... some of the canisters hit some of the students. There was a little pandemonium and we tried to rally the students not to panic. It was at that time that the police themselves, for some reason, decided to rush back into their cars and as they rushed back into their cars, the students also, in anger, we were picking up anything that we could find there and we began throwing at the police to get them out of the area.

130 Hector Peterson's sister, Ms Antoinette Sithole, gave a statement to the Commission about the death of her brother:

Later I saw a group of school children coming towards us holding somebody, who happen to be my younger brother Hector Zolile Peterson. He was carried by Mbuyiswa Makhubo of Orlando West. We rushed to Phomolong clinic, which was nearby. On arrival at the clinic the doctor named Wilson said he was sorry there was nothing he can do because he was already deceased. The time was about 10h30.

131 Mbuyiswa Makhubo's mother made a statement to the Commission stating that after the publication of the picture of her son carrying the fatally injured Hector Peterson, her family was severely harassed by the police until Mbuyiswa decided to go into exile. He has not been seen or heard from since he wrote a letter to his mother from Nigeria in 1978.

132 Mr Sam Nzima [JB00869/01GTSOW], the journalist who took the famous picture of Mbuyiswa carrying Hector Peterson, told the Commission that "all hell broke loose" when the police started shooting at the students:

During the shooting I saw a student fall down and another student picked him up and I rushed there to take a picture. I took six sequence shots of that picture of the student, whom we later discovered that was Hector Peterson, and another student by the name of Mbuyiswa Makhubo picked Hector Peterson up and Antoinette, the sister who is next to me here of Hector Peterson, she was crying hysterically alongside where Makhubo

was carrying Hector Peterson running towards the direction where our press car was parked. After taking those pictures I helped Antoinette and Mbuyiswa Makhubo to put Hector Peterson in the press car to be taken to the Pafene clinic where he was certified dead by the doctor.

133 Mr Peter Magubane [JB00837/01GTSOW], another journalist covering the events of 16 June, told the Commission that, after the shooting of Hector Peterson, “everything went wild” and the students set fire to “anything that belonged to the Western Board”. Magubane went to Orlando West where he found the body of Dr Edelstein, who died at approximately 12h00. “The police were surrounding the body. There was a placard that was put on his head that read ‘Afrikaans is a drug to our children’.”

134 The death of Dr Edelstein, a WRAB official, was one of the most ironic events of the 16 June uprising. Dr Edelstein was deeply involved in the Soweto community and had recently published research on Soweto and other townships in which he warned the government that unless the political and socio-economic position of black South Africans were changed, they would face serious discontent.

135 Student leader Mr Dan Montsisi described to the Commission the random nature of the murder of Edelstein and the way in which the events of the day radically brutalised students’ attitudes to any apparent representative of apartheid authority:

As we passed the municipal office, the students remembered that there was a white man when they passed at the door of the office. Now unfortunately this was Dr Edelstein and the students went for him. They stoned him and so on and they burnt the office and they threw him inside the office, burning ... it’s unfortunate because any other white man who could have been found in Soweto on that particular day could not have survived the anger of the students. So the Commission should note that when we passed the municipal office with the white man standing outside, he was an ordinary person to us, but when we came back he was an enemy.

136 Violence continued unabated until nightfall. Mr Montsisi told the Commission that, at the Tshabalala garage in Jabavu, he found the body of a man who had been driving a truck that belonged to his employer. Montsisi said:

He was asked to hand the truck over. He refused and said I am working for my children. He was mercilessly killed and set alight. It was for the first time for me to see a charred body of a human being.

137 Ms Christina Buthelezi [JB00682/01GTSOW] was wounded in the police shooting that day. She told the Commission that she had been unaware of the plans for a demonstration and was returning from the house of a relative when she was caught in the random shooting. She is still confined to a wheelchair as a result of injuries to her spine.

What hurts me most is at the hospital they would come with firearms. They would actually point guns at us lying on the beds asking us, “Do you know power? Were you a leader at school in any way?” The girl that was next to Hector on the picture, they were thinking I am the one. They actually insisted that I must say yes, I am the one.

- 138 The violence quickly spread to other townships. The Commission received many statements from victims of the conflict that erupted from 17 June in Alexandra where twenty people were killed and twenty-five wounded in police shooting.
- 139 An unemployed youth, Mr Jabu Malinga [JB01887/01GTTEM], was shot in the back when he became involved in the street battles in Alexandra. He told the Commission that he joined a group of protesting students on 18 June and that the police opened fire randomly on crowds of protesters wherever they were congregated.

They were shooting all the time and that is when they hit me at the back. And this bullet went right through the left arm, next to the ribs. And they arrested me on 12th Avenue. Bleeding like that they put me into a van and dropped me off at the clinic. I stayed there for two weeks.

- 140 Ms Ramotsobane Masenya [JB01872/01GTTEM] told the Commission that, when her mother saw the violence that erupted in Alexandra on 19 June, she left home to look for her children. She was shot by the police whilst crossing an empty stand:

They shoot her at the back. The bullet penetrated right through her left breast. She tried to walk. A lady called Elsie told us that our mother has been shot. I wanted to know how did they shoot her. And I found her bending on the grass. She was praying that her ancestors and God must help her pull through. I managed to get a car in order to take my mother that she would be taken to the clinic ... [She was] transferred ... to the General Hospital [where] she passed away.

- 141 Ms Irene March [JB01863/01GTTEM] lost her son Phillip on 18 June 1976. She told the Commission that Alexandra was in chaos that day. She was told by some of her son's friends that Phillip had been shot and was taken by them to the spot where it had happened:

They have shown me a black spot in the school yard and they told me that is Phillip's blood there. The black spot was Phillip's blood.

- 142 Testimony to the Commission revealed that many of the victims of the ongoing confrontation with the police (which continued for nearly two years after 16 June 1976) were ordinary residents going about their daily business. The police appeared to pursue a policy of generalised intimidation which continued until early 1978. Among the victims of violations was Mr Jerry Radebe [JB01786/01GTTEM], who was shot in the back by the South African Defence Force (SADF) in June 1976, thrown into a Hippo¹⁹, and never seen again. Ms Ramotsobane Masenya was shot and killed by the SADF. Ms Esther Denga [JB02475/01GTTEM] was knocked down by a Hippo whilst walking home during the student unrest in June 1976. Mr Joseph Tjao [JB02479/01GTTEM] was beaten by members of the SAP and SADF during June 1976. Ms Eliza Masilwane-Motsweneng, who was pregnant at the time [JB00665/01GTSOW] was shot in the stomach on 14 September 1977.

- 143 In September 1976, police reacted violently in response to another student protest, this time against the visit of Mr Henry Kissinger to South Africa. Protest actions were confined to school premises in order to avoid a confrontation

with the police. However, clashes between protesters and the police resulted in injuries. Ms Nomavenda Mathiane was in Dr Abubaker Asvat's surgery on the day of the protest. She told the Commission:

The door just opened and a group of children, these students in black and white came in. I mean, these children were bleeding all over. I mean, their white shirts were red, they were just a mess. They were bleeding all over and the way they just burst in and there was so much commotion. As he took one of the children into his consulting room and as he did that the children were in such pain and they all just rushed into the consulting room ... So Asvat then said, "Okay, okay, those of you who are not very, very sick, help me. Let us do something about these children." So he tried to tell us how to get hold of the pellet bullets ... They had been shot all over ... The most difficult pellets to remove were the ones in the skull because then the hair would come into the way and this little, I guess, little flesh on the skull. So we were busy calling, "come help me this side doctor", and he would be rushing this way and the children were screaming. We were also, we were not doctors, we were not nurses, we had to handle this blood, but anyway we managed, you know.

144 The earliest known incidents of 'drive-by' shootings occurred shortly after the June uprising. The Commission received reports of a "green Chevrolet" occupied by uniformed white men who drove around indiscriminately firing on township residents. Mr Johannes Dube [JB00851/01GTSOW] was one of these victims. He told the Commission that, in August 1976, he and a friend were walking to the taxi rank when a green Chevrolet, occupied by white "policemen ... in camouflage" pointed a gun at them. Both he and his friend were shot.

145 Mr Jabu Malinga of Alexandra told the Commission that in 1978 he was abducted by men in a green Chevrolet and taken to a bushy area in Alexandra where he was tortured. Malinga was ordered to collect wood, build a fire and braai meat for the men. He refused to answer the questions they put to him about the organisation of the 16 June march. It was then that they started beating him.

They said I knew too much, they will show me something that I don't know. They handcuffed me and the fire was still burning at that time. They took me towards the fire, they threatened to burn me should I not be prepared to talk the truth... Whilst they were assaulting me and the other one lifted my leg they dragged me towards this fire. They started burning me, they said I must talk the truth. I refused because I knew that should I tell the truth they will kill all my companions. Then they burnt me. I was dressed in an overall. When they realised that I was burning they took something to extinguish the fire. They extinguished the fire. They said they wanted to know what we were doing on the 17 June. They wanted the truth. I still refused to tell them. I was just being kicked, I was not aware of what was happening, I was unconscious at that moment. I found myself at the clinic. That is when I became conscious. I can't remember what happened.

146 The first reports of conflict between township residents and hostel-dwellers were received at around this time. In August 1976, violence broke out after students reportedly tried to enforce a stay away without consulting Mzimhlophe hostel residents. Two stay aways were organised in August 1976. The first on 4–6 August was enforced with some degree of coercion such as roadblocks, although it did appear to have genuine support among Sowetan residents. However, during the second stay away on the 23–25 August, migrant workers living in the hostel near Mzimhlophe station – enraged by attacks on the hostel and on some of its inmates who had gone to work, and allegedly incited by the police – went on the rampage through neighbouring Meadowlands and Orlando. Residents fled in terror as the

hostel-dwellers broke into homes and robbed, raped and murdered. The battle between hostel-dwellers and township residents, including students, continued for two weeks, leaving seventy people dead.

- 147 Later, hostel residents explained that they had not understood the reasons behind the stay away. Discussion won the support of hostel residents for the next stay away which took place on 13–15 September. Many of the hallmarks of later hostel/township conflict were evident during the August incident – lack of police intervention, the alienation of hostel residents from the township and the failure of township activists to involve hostel residents in their campaigns.
- 148 Generational divisions between township youth enforcing the boycott and the gerontocratic forms of control established in hostels, which mirrored similar forms of organisation in the rural areas, were central to the 1976 conflict that developed in townships around Johannesburg. Hostel-dwellers attributed their alienation from townships to the youth.

T o w n s h i p a d m i n i s t r a t i o n

- 149 Education was not the only source of dissatisfaction among township residents participating in the June uprising. Developments in policy for the administration of black areas were met with growing opposition in black townships.
- 150 In terms of the Bantu Affairs Administration Act of 1971, the government removed townships in the 'white' or urban areas from the control of local authorities and placed them under the control of twenty-two Bantu Affairs Administration Boards, covering all parts of the country outside of the homelands. These boards fell under the Department of Bantu Administration and Development.
- 151 In 1973, Soweto was removed from the control of the Johannesburg City Council and placed under the authority of the WRAB. This had a profound effect on the lives of the township's residents and was to prove an ongoing source of dissatisfaction, which broke out into overt conflict in the wake of the march on 16 June.
- 152 The conflict was sparked primarily by a government directive that the Administration Boards were to become self-financing. In the past, Soweto (excluding Meadowlands and Diepkloof, which had always been self-financing) had received money from the Johannesburg rates fund which had included a subsidy for sub-economic housing. This meant that the rent and service charges of Soweto residents were kept reasonably low. During the last year in which it was responsible for Soweto, the Johannesburg City Council had subsidised it to an effective amount of R2 million.
- 153 The WRAB, however, had few sources of income besides the residents of Soweto themselves. The only other major source of income, inherited from the Johannesburg City Council, was the profitable 'European liquor' and 'Bantu beer' operations. However, 80 per cent of the profits from the sale of this liquor went into the 'development' of the Bantustans. Thus both WRAB buildings and beer halls became targets for attack during the 1976 uprising.
- 154 By the end of its first year, the WRAB's budget showed a deficit of R3.4 million, part of which it sought to meet by increasing rents. There was an immediate outcry from the residents of Soweto, who were already disturbed at the deterioration of public services in the township. WRAB officials appeared to remain ignorant of the growing dissatisfaction of Soweto residents.

- 155 In May 1976, WRAB chairperson Manie Mulder told the *Rand Daily Mail* that “the broad masses of Soweto are perfectly content, perfectly happy ... Black–white relationships at present are as healthy as can be.”
- 156 Until 1976, Soweto had been governed by the Urban Bantu Council (UBC), created in terms of the Urban Bantu Council Act in 1961. The Act provided for the formation of ethnic or linguistic councils which were essentially intended to integrate urban blacks into the homeland system and limit their political rights in the townships to those of temporary sojourners. What little popular legitimacy the council may have had at its formation was steadily eroded as its inefficacy became evident to township residents.
- 157 The Commission heard that, in the weeks leading up to the 16 June protests, members of the UBC became increasingly concerned about the growing crisis in education. At the 14 June meeting of the UBC, Councillor Leonard Mosala warned that enforcing Afrikaans in schools could result in another Sharpsville. Speaking of the children, he said:

They won't take anything we say because they think we have neglected them. We have failed to help them in their struggle for change in schools. They are now angry and prepared to fight and we are afraid the situation may become chaotic at any time.

- 158 Mr Mosala testified at the Commission's Soweto Day hearings and described the efforts made by the UBC, after a variety of other community organisations had failed, to negotiate with the government on the problem of Afrikaans as a medium of instruction. Council members believed that they would be received more favourably because they were a legislated body, but they were reportedly treated with “contempt” by the regional director of education, Mr Ackerman, who told the council members to confine themselves to their statutory duties.
- 159 The UBC was in an ambiguous position with respect to the imminent crisis. While some of the council members were mobilised into action and were keenly in touch with the mood of the students, the UBC as an institution was entirely discredited. By June 1976, it was widely referred to by Soweto residents as the “Useless Boys' Club”. Prior to the June march, students had called on the UBC councillors to resign, and the buildings of the UBC in Soweto were the first to be attacked during the protests.

- 160 Mr Mosala told the Commission:

We had established an opposition against the wheel of the government. We had taken a specific position to use the UBC as a platform to articulate the political, not only the civic problems of the community that sent us in there, but also the political aspirations of black people in the country as a whole. We were called to 80 Albert Street before Dr Koornhof on two occasions and [told] that we must stop abusing the UBC for political purposes. We had refused, we had told Dr Koornhof we did not represent the government, but we represented the people that had sent us there and if this is what they wanted us to say, we would continue to say it until he closed the thing. Manny Mulder threatened us with arrest and, ultimately, we ended up in jail.

161 As the police moved into Soweto, Mosala and other members of the UBC tried to negotiate with the Minister of Police, Mr Jimmy Kruger, to withdraw his forces. Later Mosala worked with the leadership of the SSRC to dismantle the UBC. He became a member of the Committee of Ten (see below) and was detained with a number of other activists in 1977. However, it is clear that not all UBC councillors shared Mosala's understanding of the conflict, and a number refused to resign despite mounting community pressure.

162 The death knell for the UBC was an attempt by the WRAB to impose a rent increase on 1 May 1977. It emerged that the UBC had been informed several months earlier about the proposed rent increases and had made no attempt to oppose them. Led by Mr Daniel Montsisi, the students organised a successful campaign against the proposed rent increase. The WRAB officially suspended the Soweto UBC on 29 June 1977, following demands by the SSRC for the councillors' resignations.

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

163 The SAP Riot Unit was set up at the beginning of 1975, some eighteen months before the Soweto uprising. From its inception there was a strong connection between riot control and counter-insurgency. The Riot Unit was initially based in several centres around the country and drew on the skills of the Special Task Force – a new elite unit – set up with Israeli assistance. Recruits were drawn from those with counter-insurgency training. One such recruit was Colonel 'Rooi Rus' Swanepoel who led a fifty-eight-strong task force into Soweto during the first twenty-four hours of the 1976 riots and took charge of operations in Alexandra during the same period.

164 'Rooi Rus' Swanepoel, who became known for his brutality in the course of the protest, already had a long history of involvement in gross human rights violations as chief interrogator of the Security Branch. He was, moreover, the founder of an anti-terrorist unit which later became *Koevoet*.

165 On 16 June, Swanepoel was drafted to Soweto. He later said, "Soweto at that time was completely under-policed. They could not control the riots so outsiders were called on to send in task forces." He collected the first sixty men he could get:

By the time we got to Soweto everything was in flames. It was chaos. It was a tragic scene to look at – cars being burnt, people being killed. Everything was chaotic and completely out of control. We had far too few men available for the situation... Eventually I landed up, after a couple of days, in charge of riots all over Johannesburg – Soweto and Alexandra. I made my mark. I let it be known to the rioters I would not tolerate what was happening. I used appropriate force. In Soweto and Alexandra where I operated, that broke the back of the organisers.

166 Training in counter-insurgency tactics did not equip the SAP to deal effectively with the protest, which continued for many months after its first outbreak. Despite more than 500 deaths, many from the security establishment continued to believe that too little force had been used and that more force would actually have prevented deaths. Swanepoel also believed that firmer action should have been taken and that many officers were "dragging their feet" and were reluctant to use more force. Senior police officials concurred. According to Deputy Commissioner Wandrag, this resulted in "rioters gaining confidence and acting in an increasingly impudent and militant way".

- 167 The day after the 16 June march, the government announced that a one-person commission of enquiry, under Justice Cillie, would investigate the causes of the protest. The eventual terms of reference included the time period between 16 June 1976 and 28 February 1977.
- 168 The Cillie Commission found that 575 people died and that 2 389 were injured, and concluded that: "Bantu Education was not a cause of the riots. It was, to a certain degree, a cause of dissatisfaction; this dissatisfaction was to some extent stirred up and exploited by those bent on creating disturbances." It found the SSRC primarily responsible for the fact that the "riots" did not abate sooner. The Cillie Commission stated that the police force had acquitted itself well in executing its duties and could find no evidence that police had perpetrated deliberate and impermissible assaults on the protesters, or that they had used their firearms indiscriminately.
- 169 In his testimony to the Commission, Mr Murphy Morobe said he believed the Cillie Commission was set up to justify the shootings by the police in Soweto and other townships. He also alleged that there was direct collusion between the police and the Cillie Commission in extracting evidence to support the thesis that the SSRC was responsible for ensuring that the protest continued after 16 June. According to Morobe, the conclusions of the Cillie Commission laid the foundation for a number of leaders in the 16 June protest (including himself) to be charged in 1978 with sedition, a charge which had reportedly not been used since the Bambatha Rebellion.
- 170 Morobe and a number of other activists were detained in a police swoop in December 1976:

They interrogated us at John Vorster Square, they tortured us to get statements from us, statements that would implicate other people and statements that would suggest ... "students could not have planned this... There was clearly someone else other than you chaps who were involved in this."... So they used the Cillie Commission to try to find a place to put the blame. And they pulled us out of our detention cells at John Vorster Square, they took those same statements that were extracted from us under torture and they forced us to read them before that Cillie Commission.

THE COMMISSION FINDS THAT THE MINISTER OF EDUCATION'S DECISION TO INTRODUCE AFRIKAANS AS A MEDIUM OF INSTRUCTION IN BLACK SCHOOLS WAS A DIRECT CAUSE OF THE CONFLICT WHICH LED TO THE PROTEST MARCH BY STUDENTS IN SOWETO IN 1976. THE FAILURE OF THE EDUCATION AUTHORITIES TO RECOGNISE THAT A CRISIS WAS DEVELOPING, DESPITE INTERVENTIONS BY COMMUNITY LEADERS AND EVEN BY THEIR OWN BANTU COUNCILLORS, CREATED A RALLYING POINT FOR THE STUDENTS.

THE COMMISSION FINDS THAT THE STATE'S HANDLING OF THE PROTEST MARCH CREATED A SITUATION THAT GAVE RISE TO VIOLENT CONFLICT. THE COMMISSION FINDS THAT THE MARCH OF STUDENTS WAS PEACEFUL UNTIL VIOLENT POLICE INTERVENTION TO STOP THE MARCH CREATED A SITUATION WHERE UNARMED AND PEACEFUL STUDENTS THEMSELVES RETALIATED WITH VIOLENCE.

THE COMMISSION FINDS THAT IT WAS IN THIS CONTEXT THAT THE DEATH OF DR EDELSTEIN AND ANOTHER WRAB OFFICIAL TOOK PLACE. THE COMMISSION FINDS THE STUDENTS RESPONSIBLE FOR THE DEATH OF DR EDELSTEIN AND THE OTHER WRAB OFFICIAL. THE COMMISSION ALSO FINDS THE POLICE AND THE FORMER STATE RESPONSIBLE FOR CREATING THE CLIMATE IN WHICH THESE DEATHS TOOK PLACE.

HAVING HEARD THE TESTIMONY OF WITNESSES AND REVIEWED TESTIMONY GIVEN AT THE CILLIE COMMISSION, THE COMMISSION FINDS THAT THE POLICE ADOPTED A SHOOT-TO-KILL POLICY AND THAT, IN PARTICULAR, CAPTAIN SWANEPOEL AND THE DEPUTY COMMISSIONER WANDRAG OF RIOT CONTROL WERE RESPONSIBLE FOR THE EXCESSIVE USE OF FORCE WHICH LED TO THE DEATH OF MORE THAN 575 STUDENTS, MOST OF THEM UNDER TWENTY-FIVE YEARS OF AGE.

DURING THIS PERIOD, 2 380 PEOPLE WERE WOUNDED. THE COMMISSION FINDS THE FORMER STATE, THE THEN PRIME MINISTER AND THE MINISTERS OF EDUCATION AND POLICE RESPONSIBLE AND DIRECTLY ACCOUNTABLE FOR GROSS HUMAN RIGHTS VIOLATIONS.

THE COMMISSION FINDS THAT THE CILLIE COMMISSION APPOINTED BY THE STATE AT THE TIME FAILED TO TAKE INTO ACCOUNT THE EVIDENCE OF COMMUNITY LEADERS AND STUDENTS ABOUT THE UNDERLYING CAUSE FOR THE VIOLENCE. THE CILLIE COMMISSION FAILED TO MAKE FINDINGS AGAINST THE POLICE IN RESPECT OF THE MISHANDLING OF THE SITUATION AND THE EXCESSIVE FORCE UNLEASHED ON THE STUDENTS, DESPITE THE OVERWHELMING EVIDENCE OF THE NUMBER OF PEOPLE WHO DIED IN THE UPRISING AND THE NUMBER OF PEOPLE INJURED. THIS FAILURE ON THE PART OF A JUDICIAL OFFICER BROUGHT THE CILLIE COMMISSION INTO DISREPUTE AND HAS BEEN SEVERELY CRITICISED. THE CILLIE COMMISSION'S FAILURE CREATED A CULTURE OF IMPUNITY WITHIN THE POLICE FORCE, WHICH LED TO FURTHER GROSS HUMAN RIGHTS VIOLATIONS.

THE COMMISSION FINDS FURTHER THAT THE CILLIE COMMISSION'S FINDING THAT THE SSRC WAS RESPONSIBLE FOR THE PROTEST LAID THE BASIS FOR THE STUDENTS TO BE CHARGED WITH SEDITION, A CHARGE WHICH HAD NOT BEEN IN USE FOR MANY YEARS.

THE COMMISSION FINDS FURTHER THAT THE STATE'S COUNTER-INSURGENCY STRATEGY TO QUELL ALL POLITICAL PROTEST LED TO A MASS EXODUS OF STUDENTS FROM SOUTH AFRICA 1976.

THE COMMISSION FINDS THE STATE RESPONSIBLE FOR THE MORE THAN 2 000 ARRESTS AND DETENTIONS IN THE WAKE OF THE STUDENT UNREST.

THE COMMISSION FINDS THAT ELEVEN PEOPLE DIED IN POLICE CUSTODY BETWEEN 1976 AND 1978, AND FINDS THE POLICE RESPONSIBLE FOR THESE DEATHS IN DETENTION. THE COMMISSION FINDS THAT THE NUMBER OF INCIDENTS OF TORTURE ESCALATED AND THAT THE STATE, THE MINISTER OF POLICE AND THE COMMISSIONER OF POLICE WERE DIRECTLY RESPONSIBLE FOR GROSS HUMAN RIGHTS VIOLATIONS.

Detention and torture

- 171 Out of approximately 340 reports of torture violations for this period, the majority of victims were males between the ages of thirteen and twenty-four. A small proportion of victims of torture were females between the ages of twenty-five and thirty-six. They held a range of political affiliations.
- 172 Several victims who reported torture or who died in detention during this period were student activists who were intercepted while leaving the country for military training. Others were Black Consciousness activists working inside the country. During this period there were at least two large-scale trials during which members of the ANC and PAC were tried under the Terrorism Act for furthering the aims of these banned organisations. During the course of the 1978 trial of PAC members (the Bethal Treason Trial), three of those awaiting prosecution died in police custody.

The torture of Mamagotla Paulina Mohale

Twenty-six-year-old Ms Mamagotla Paulina Mohale [JB00133/01GTSOW] was arrested in Amsterdam in the eastern Transvaal in November 1976 with fifteen other people en route to Swaziland to join the ANC. The group was taken to Krugersdorp police station where they were separated and tortured. Ms Mohale was the only woman in the group.

On the first day, Mohale was asked to look at photographs and identify students who had left and those she had taken out of the country. She denied her involvement with the ANC and was beaten. Mohale told the Commission that food and water were withheld from her until she agreed to speak. She was kept standing and forced to write a statement, which was torn up. She was beaten again and electric shocks were applied to her body. This continued for so long that she started bleeding profusely. Mohale told the Commission that, on the following day, she was blindfolded and again beaten. On the third day, Mohale collapsed and found herself back in her cell when she regained consciousness. She said that she was taken to a district surgeon who appeared to ignore the obvious signs of torture and assault:

“I was smelling of blood. There was blood that had clotted throughout my fingers, between my fingers, my toes and so on and my body and in my back. I had nerves in my head. When I just heard the key unlocking the prison cell I just used to be so petrified ... They were drugging me, they gave me a lot of tablets. I was asleep the whole time. I couldn’t even walk, they were picking me up.”

Mohale said that when the police were unable to extract information from her under torture, they arrested her mother:

“When I was in Krugersdorp they came to fetch me and took me to John Vorster Square. They said they wanted guns. When I arrived at John Vorster I found that they had arrested my mother. They told me that ‘if you don’t show us where these guns are we are going to kill your mother. We are also going to kill you.’ They took me to tenth floor.”

Mohale was told that if she did not talk, she would die like a number of other detainees, who allegedly ‘jumped’ to their death from the tenth floor of the Security Branch headquarters at John Vorster Square.

The following day, Mohale was taken to Pretoria Maximum Security prison. She was not allowed to see her mother. Finally, Mohale and eleven others were charged with being involved in a conspiracy to overthrow the government using violence. For the first time she was given access to a lawyer. Six of the accused, including Mohale, were acquitted. After her release the police continued to harass her. Her experiences in detention precipitated a nervous breakdown.

The torture of Gerald Thebe

Nineteen-year-old Mr Gerald Thebe [JB0091/02PS] was detained in Pretoria in July 1977, at a time when renewed tensions had arisen around the country as students prepared to commemorate the outbreak of the Soweto uprisings. Thebe told the Commission that he was intercepted by the police as he tried to leave the country secretly. He was arrested and beaten on the head with an iron bar every day for three weeks. He was also given electric shocks and suffered mental impairment as a result of his torture. He was later convicted and served a five-year sentence on Robben Island.

- 173 Ms Deborah Matshoba, an executive member of SASO, was detained in 1976. Six weeks after her release from detention, she was re-detained under section 6 of the Terrorism Act. She told the Commission's special hearing on women that she was immediately taken to the female prison in Pietermaritzburg where she spent twelve months in solitary confinement. Ms Matshoba was given no explanation for her detention. When she demanded to know why she had been detained, she was severely tortured.

They held a braai outside, it was at night in Pietermaritzburg at the police station. They handcuffed me and ... manacled my ankle on a big iron ball. They made me stand the whole night. There was no chair, but I was given a pen to write a statement, tell them everything about myself and my involvement in SASO. I was an executive member of SASO at that stage.

I wrote a brief history of myself. It was Saturday. Sunday I continued the same thing. They kept on tearing the papers and telling me to write. The third night I started becoming delirious and my legs were swelling. I think that was on a Monday.

By Thursday, no, Tuesday. By the Tuesday I was counting nights and this man started beating me up. He held a towel, strangled me with a towel and started bashing my head against the wall... Obviously, I was very, very weak. I was being given food, but ... I could not sit down and when I collapsed, they kicked me. Eventually I must have passed out. I was bleeding. I must have passed out, because when I came to I was lying on the floor, all wet. They must have poured water over me and he threw a packet of sanitary pads at me. [I] got to the bathroom and I could see that I was menstruating and I was just wondering how he realised that.

The beating up lasted for a week. I was asthmatic and they refused to give me medication. Ultimately, when they realised that they could not get anything out of me and, perhaps, not mainly because of strength as much as it was actually because of weakness, the way I was physically weak and I could not speak anymore.

- 174 Matshoba was then moved to another police station to recover from the injuries she had sustained as a result of her torture. Conditions at the police station were extremely poor. The place was "swarming with lice ... and the blankets stinking and reeking of urine".
- 175 Matshoba said she became mentally unstable as a result of her torture. She said one policeman quietly slipped her the medication she needed for her asthmatic condition. Another told her that the police were waiting for her to die from her asthma, a death for which the police could not be held culpable. On doctor's instructions she was taken back

to the Pietermaritzburg female prison. Here she was subjected to solitary confinement and extreme hostility from the women warders. Matshoba told the Commission:

Perhaps, after an hour or two the wardress would open the cell, just the door, and leave the bars open and kick that plate of food in. For some time, I used to accept it and just continue eating it ... it would be clogged and have ants.

- 176 Driven to an extreme state by the continued isolation, Matshoba decided that she would try to end it by committing a criminal act in order to be charged and placed among the common law prisoners. Matshoba told the Commission she accosted a wardress one day.

[I] grabbed her hair through the bars and started bashing her head against the bars. I really gave it to her. I beat her up thoroughly and I could not let loose... It was quiet, the prisoners were locked in and it was quiet and it was just time for her to come and feed this animal and she was all by herself, she was screaming and there was nobody. Ultimately, she fell down. I do not know how they saw her, but then they came, picked her up. I was expecting anything from the Security Police, anything from being charged, but the best that I was hoping for was that I would be charged, go to court, be able to talk to somebody.

- 177 Instead of being charged, it appears that Matshoba's violent act precipitated a change in her treatment. She was visited by a magistrate who asked her what she needed. She was given a Bible. For the first time in ten months, her family knew where she was. She was allowed a thirty-minute visit from family members.

- 178 The security police thought that Matshoba had been broken and would be willing to testify against her colleagues. When she refused to do this, she was transferred to yet another prison where she was put in a cell without windows:

The next week the magistrate came with a statement which was read, written and typed and said I should sign it, because they would like me to be a witness, a state witness in several trials. It was several statements, actually. I refused and told him that, actually, I am not used to talking to magistrates, and I was taken to Middelburg Prison ...

- 179 Here she was confined to a small cell without a window. Matshoba said she talked to male prisoners at night through the toilet:

They taught me how to use the toilets and it was called telephone. Drain your water, use your cup, use your cup they told me, they spoke to me through the window at night. My drinking cup, I used it [to] drain the water into the bucket and we communicated very fluently and safely through the toilet.

- 180 Matshoba was re-detained immediately after her release from Middelburg. She was again taken to Krugersdorp and then to the Johannesburg prison, where she was placed with other female detainees for the first time. She had become seriously ill and fellow detainees were shocked by her condition:

Fortunately, this time it was section 10 and that is where I found Jubie that night, Jubie Mayet and Gladys Manzi... I weighed forty-three kilograms and I must have looked terrible, because they really cried when they saw me. I wondered how I looked like. I had not seen myself in the mirror for the past eighteen months. I had never seen my face and I remember Jubie and Gladys insisting that I have to go for a check-up and they insisted and called prison authorities that I have to and I was taken to hospital and x-rayed and pumped with a lot of vitamins and stuff like that ...

I had no hair, you know, my hair was just pulling out. It was just pulling out, you could just pick it out and I remember Jubie making an egg mixture and rubbing it on my hair and friends like Joyce and Ellen Kuzwayo sending me some cosmetics, baby oils and stuff like that to nourish my skin. I drew courage once more when I got to the Fort.

181 After six months, Matshoba was released and immediately placed under a five-year banning order.

D e a t h s i n d e t e n t i o n

The death in detention of Matthews Mabelane

Mr Matthews Mabelane [JB00322/01GTSOW] left South Africa for Botswana in October 1976, but was intercepted by police at Zeerust in the Western Transvaal, detained and taken to John Vorster Square police station in Johannesburg.

On 16 February 1977, two detectives came to the Mabelane home and asked his father, Mr Philip Mabelane, to accompany them to John Vorster Square:

“We went to the tenth floor where they told me that my child was there and was interrogated and jumped through the window and fell down from the tenth floor. I asked how did he come through because he was in your hands. No, we just saw him, suddenly we saw him going through the window.

“After that they told me that ... I do not have the right to take any steps regarding this matter, according to the law. All I could do is for them to release the corpse to me that I should bury it myself. Truly, I did that, I buried my son.”

The death in detention of Walter Shandu

Mr Elias Zwelakhe Shandu's son Walter [JB1024/02PS], died in detention in 1978. Police told Mr Shandu that his son had been detained while on his way to Angola. He was interrogated and reportedly tortured in a South African police station. His corpse was returned to his parents from the mortuary in Zeerust after he allegedly committed suicide while in police custody. The family never saw the results of the autopsy. Mr Shandu was

suspicious because of the marks on the neck and shoulders of his son's body. He asked the police to take him to the place where his son had committed suicide.

"Then they said, 'The police who were there are not here, they are off duty.' I continued asking them and they said 'do not ask us many questions because we know nothing'."

Like many of the relatives of people who died in detention, Mr Elias Shandu also became the target of police attention after his son's death:

"We buried him. These police were there at his funeral... After having buried him police used to come and harass me. They asked me, 'Was your son a member of the ANC?' I said 'I do not know' and they asked me, 'What about you, are you a member of the ANC?' I said I was a member of the ANC before it was banned, but now I am a church-goer."

- 182 In 1978, four of eighty-six 'co-conspirators' charged with furthering the aims of the PAC died in police custody while awaiting trial. These detainees were Mr Naoboth Ntshuntsha [JB00921/01GTSOW], Mr Bonaventure Malaza, Mr Aaron Khoza [JB04458/03WR] (who died in Pietermaritzburg), and Mr Samuel Malinga [JB06044/01GTSOW]. The police alleged that all four had committed suicide.
- 183 The eighty-six accused were part of a major trial of PAC members, which began in February 1978, in which eighteen members of the PAC, including PAC leader Mr Robert Sobukwe, Mr Zephaniah Mothopeng and Mr Mark Shinnars, were charged under the Terrorism Act with furthering the aims of the organisation. Other charges related to alleged recruitment of people to undergo military training for the PAC abroad; the use of a religious organisation, the Young African Religious Movement, as a cover; encouraging violence and sabotage during unrest in Kagiso in 1977, and attempting to re-activate the PAC.²⁰
- 184 The trial came to be known as the Bethal Treason Trial. It was held in the small rural town of Bethal in order to isolate the accused and reduce media coverage. The trial was also held *in camera*. Only journalists with cards signed by the commissioner of police were allowed to attend the hearings.
- 185 At the inquest on the death of Mr Bonaventure Malaza, state pathologist Professor Taljaard gave evidence that the post mortem results were consistent with hanging by a belt. The lawyer for the Malaza family, Mr Cullabine, questioned the state pathologist about other injuries not directly related to pressure on the neck. From the position of the body, the bars from which it hung and the use of the belt, Cullabine put forward three theories of how Mr Malaza hanged himself. Either he gently lowered himself into the 'noose', or he let himself fall into it, or he died at the hands of the security police. Mr Cullabine tried to show that the position of the body and the arm and the injuries on the body could not be consistent with the first two theories. A matter of contention at the inquest was how Malaza came to have a belt in the cell, as these are prohibited in terms of prison regulations and he had apparently been thoroughly searched. Despite all this, however, the magistrate found that Malaza's death was caused by hanging and that no one was responsible.

186 Another of the accused, Mr Mark Shinnars, testified at the Commission's Witbank hearings, alleging that most of the Bethal treason trialists were severely tortured:

In a sense, the trial was prismatic. It was something that took place in an isolated place and yet it reflected so much ... You ended up being an accused in the Bethal trial simply because you refused to break down. You refused to succumb to the immense torture in the form of isolation, interrogation, the pain that was inflicted and in some cases even death.

187 Although the official explanation for Mr Sam Malinga's death was suicide, Mr Shinnars contests this claim:

I've tried to list some of our comrades who died during the situation leading up to the trial. Some of them were staying in the same sections, people like Sam Malinga ... [were] taken in for interrogation. He looked very blithe in a situation where many people couldn't even afford to smile but he was one of the rare people whose smile I can remember to this day. Hardly a week later we heard that Sam Malinga has committed suicide in detention.

188 Shinnars told the Commission about the coercion that led people to become witnesses for the state, saying they knew that state witnesses had been seriously assaulted. They knew of cases where people were made to spend time in a mortuary where there were corpses of motor vehicle accident victims, and were broken down until they agreed to testify, even, in some cases, against their spouses. Shinnars alleged that some of those involved in the interrogation and torture of the Bethal treason trialists were later became members of the Security Branch unit based at Vlakplaas.

189 On 5 February 1982, Dr Neil Aggett [JB00217/01GTSOW; CT00410/FLA], a twenty-eight-year-old medical doctor and organiser for the Food and Canning Workers Union, died while in detention at John Vorster Square police station in Johannesburg, apparently by committing suicide. He had been detained on 27 November 1981 and was the first white person to die in police custody. His funeral was attended by between 10 000 and 12 000 people.

190 Security Branch member William Charles Cecil Smith [AM4569/97] has applied for amnesty for the torture of Dr Aggett. From 1980, Smith said, he was part of an investigation into people associated with unions that were "furthering the aims of the ANC and other liberation movements via labour unrest and economic destabilisation". This investigation was commonly referred to as the Barbara Hogan investigation. According to Smith, the people who were arrested as a result of this investigation were tortured physically and psychologically. He personally participated in the torture of most of these detainees, including Ms Barbara Hogan, Dr Liz Floyd, Mr Carl Niehaus, Mr Michael Jenkins, Mr Jabu Ngwenya, Mr Keith Coleman, Mr Suresh Nanabhai and others. In addition, former Security Branch policeman Paul Erasmus [AM3690/96] applied for amnesty for illegally searching Aggett's home and supplying misinformation on the basis of which Aggett was to have been charged.

191 When the Labour Relations Amendment Act of 1981 was extended to cover African workers, giving them the right to organise but curbing political and strike actions, the former state applied more pressure to trade unions as they began to use their newly acquired legal space. Between September 1981 and November 1982, thirty-four trade unionists were detained, a number under the Terrorism Act of 1967. Dr Aggett was among sixteen trade unionists detained in terms of the Terrorism Act.

- 192 During the inquest into Aggett's death, it emerged that he had made a statement about alleged assault and torture to a visiting magistrate, but that this was only investigated three weeks later. According to Aggett's partner, who testified at the Commission's Johannesburg hearings, the report was given back to the security police and, shortly afterwards, Aggett was found dead. Aggett was subjected to a sixty-hour interrogation session between 28 and 31 January. He had already spent two months in solitary confinement. Fellow detainees who had seen him during the last week of his life noticed a visible physical deterioration. A Mr Lerumo testified that he had seen Dr Aggett being escorted back to his cell only hours before his death, saying that he appeared to be in pain, had a spot of blood on his forehead and walked with enormous difficulty, like an extremely ill man.
- 193 Mr George Bizos, the Aggett family lawyer, conceded in his final argument that Dr Aggett had committed suicide, but said that Major A Cronwright and Lieutenant Whitehead, the men who had subjected Dr Aggett to intensive interrogation, were guilty of culpable homicide. He said Dr Aggett would not have taken his life had it not been for his seventy-day detention and treatment by the security police.
- 194 In December 1982, the presiding magistrate, Mr A Kotze, ruled that Dr Aggett's death was not brought about by any act or omission on the part of the police, and that he had died of suicide by hanging. Describing Dr Aggett as "a man devoted to a cause", he said that Aggett's disclosure of the activities of his associates had "brought about feelings of insecurity in his future because of a sense of betrayal". The magistrate accepted the evidence of more than thirty policemen as honest and reliable. The evidence of former detainees was described by Mr Kotze as contradictory and full of discrepancies.²¹

THE COMMISSION FINDS THAT A NUMBER OF STUDENT ACTIVISTS WHO SOUGHT TO LEAVE THE COUNTRY AFTER THE 1976 PROTESTS WERE INTERCEPTED AND DETAINED. MANY OF THEM WERE TORTURED WHILST IN DETENTION. THE COMMISSION FINDS A DIRECT CORRELATION BETWEEN THE NUMBER OF PEOPLE DETAINED AND THE NUMBER OF PEOPLE TORTURED.

THE COMMISSION FINDS THAT THE SECURITY BRANCH WAS RESPONSIBLE FOR THE DETENTION AND TORTURE OF MS MAMAGOTLA PAULINA MOHALE IN NOVEMBER 1976. THE COMMISSION FINDS THAT SHE WAS TORTURED BY THE APPLICATION OF ELECTRIC SHOCKS. THE COMMISSION FINDS THAT THE DISTRICT SURGEON FOR KRUGERSDORP AT THE TIME FAILED TO ACT PROFESSIONALLY WHEN MS MOHALE WAS TAKEN TO HIM FOR MEDICAL ATTENTION. HE FAILED TO ENSURE THAT SHE WAS REMOVED FROM POLICE CUSTODY TO A HOSPITAL FOR MEDICAL ATTENTION AND CARE. HE FAILED TO ENSURE THAT THE POLICE WERE PREVENTED FROM KEEPING HER IN CUSTODY AND TORTURING HER FURTHER. THE COMMISSION FINDS THE DISTRICT SURGEON AND THE MINISTER OF HEALTH AT THE TIME RESPONSIBLE FOR GROSS HUMAN RIGHTS VIOLATIONS.

THE COMMISSION FINDS THAT MR GERALD THEBE WAS ARRESTED ON 29 JULY 1977 AS HE SECRETLY TRIED TO LEAVE THE COUNTRY. HE WAS DETAINED IN MAFIKENG WHERE THE SECURITY BRANCH INTERROGATED, BEAT AND TORTURED HIM. THE COMMISSION FINDS THE MINISTER OF POLICE RESPONSIBLE FOR THE SEVERE ILL TREATMENT OF MR THEBE AND CONSEQUENTLY RESPONSIBLE FOR THE COMMISSION OF GROSS HUMAN RIGHTS VIOLATIONS.

THE COMMISSION FINDS THAT MS DEBORAH MATSHOBA, AN EXECUTIVE MEMBER OF SASO, WAS SEVERELY ILL TREATED IN THE COURSE OF HER DETENTION, DURING WHICH SHE WAS HELD IN SOLITARY CONFINEMENT FOR TWELVE MONTHS AND TORTURED. THE COMMISSION FINDS THAT THE TREATMENT OF MS MATSHOBA CONSTITUTED SEVERE ILL TREATMENT AND TORTURE, AND FINDS THE FORMER STATE AND THE MINISTER OF LAW AND ORDER RESPONSIBLE FOR THE COMMISSION OF GROSS HUMAN RIGHTS VIOLATIONS.

THE COMMISSION FINDS THAT MR MATTHEWS MABELANE WAS ARRESTED AND DETAINED BY THE SECURITY BRANCH AT ZEERUST WHILE ATTEMPTING TO LEAVE THE COUNTRY FOR BOTSWANA IN 1978. IN JANUARY 1977, THE POLICE INFORMED HIS PARENTS THAT HE WAS DETAINED AT JOHN VORSTER SQUARE. ON 16 FEBRUARY 1977, HIS PARENTS WERE INFORMED THAT HE HAD JUMPED TO HIS DEATH FROM THE TENTH FLOOR OF JOHN VORSTER SQUARE DURING INTERROGATION. THE COMMISSION FINDS THE FORMER STATE, THE MINISTER OF POLICE AND THE COMMISSIONER OF POLICE AT THE TIME RESPONSIBLE FOR THE DEATH IN CUSTODY OF MR MATTHEWS MABELANE AND FOR THE GROSS VIOLATION OF HUMAN RIGHTS.

THE COMMISSION FINDS THAT MR WALTER SHANDU WAS ARRESTED AND DETAINED BY THE SAP IN 1978 WHILE ON HIS WAY TO ANGOLA. SHORTLY AFTERWARDS, THE MABOPANE POLICE INFORMED HIS PARENTS THAT HE HAD COMMITTED SUICIDE. THE COMMISSION FINDS THE POLICE RESPONSIBLE FOR THE DEATH OF MR SHANDU, AND THAT THE FORMER STATE, THE MINISTER OF POLICE AND THE COMMISSIONER OF POLICE AT THE TIME WERE RESPONSIBLE FOR HIS DEATH. THE COMMISSION FINDS THEM RESPONSIBLE FOR GROSS VIOLATIONS OF HUMAN RIGHTS.

THE COMMISSION FINDS FURTHER THAT FOUR PAC MEMBERS, CHARGED IN THE BETHAL TREASON TRIAL WITH FURTHERING THE AIMS OF THE PAC, DIED IN POLICE CUSTODY. THE COMMISSION FINDS THAT MR NAOBOTH NTSHUNSHA, MR BONAVENTURE MALAZA, MR AARON KHOZA (IN PIETERMARITZBURG) AND MR SAMUEL MALINGA DIED AT THE HANDS OF THE POLICE. THE POLICE ALLEGED THAT ALL FOUR HAD COMMITTED SUICIDE. THE COMMISSION FINDS THE FORMER STATE AND THE MINISTER OF POLICE RESPONSIBLE FOR THEIR DEATHS AND RESPONSIBLE FOR THE GROSS VIOLATION OF HUMAN RIGHTS.

THE COMMISSION FINDS THAT THE POLICE WERE RESPONSIBLE FOR THE TORTURE OF MR MARK SHINNERS, ANOTHER ACCUSED IN THE BETHAL TRIAL. THE COMMISSION FINDS FURTHER, ON THE EVIDENCE OF MR SHINNERS, THAT IN ALL PROBABILITY ALL OF THE ACCUSED IN THE BETHAL TRIAL WERE TORTURED. THE COMMISSION FINDS THE POLICE, THE MINISTER OF LAW AND ORDER, THE COMMISSIONER OF POLICE AT THE TIME AND THE FORMER STATE RESPONSIBLE FOR THE TORTURE OF THE BETHAL TREASON TRIALISTS.

THE COMMISSION FINDS THAT DR NEIL AGGETT, A MEDICAL DOCTOR AND A TRADE UNIONIST, DIED IN DETENTION ON 5 FEBRUARY 1982. THE POLICE ALLEGED THAT HE HAD COMMITTED SUICIDE. THE COMMISSION FINDS THAT THE INTENSIVE INTERROGATION OF DR AGGETT BY MAJOR A CRONWRIGHT AND LIEUTENANT WHITEHEAD, AND THE TREATMENT HE RECEIVED WHILE IN DETENTION FOR MORE THAN SEVENTY DAYS WERE DIRECTLY RESPONSIBLE FOR THE MENTAL AND PHYSICAL CONDITION OF DR AGGETT WHICH LED HIM TO TAKE HIS OWN LIFE. THE COMMISSION FINDS THE FORMER STATE, THE MINISTER OF POLICE, THE COMMISSIONER OF POLICE AND THE HEAD OF THE SECURITY BRANCH RESPONSIBLE FOR THE DETENTION, TORTURE AND DEATH OF DR NEIL AGGETT, CONSTITUTING GROSS VIOLATIONS OF HUMAN RIGHTS.

THE COMMISSION FINDS FURTHER THAT A STATEMENT BY DR AGGETT TO A MAGISTRATE ABOUT HIS ASSAULT AND TORTURE WAS ONLY INVESTIGATED THREE WEEKS LATER. THE COMMISSION FINDS THAT THE FAILURE OF THE MAGISTRATE TO TAKE THE COMPLAINT SERIOUSLY IS AN OMISSION THAT LED TO HIS DEATH.

THE COMMISSION FINDS THAT THE FAILURE OF MAGISTRATES TO TAKE THE COMPLAINTS OF DETAINEES SERIOUSLY AND THEIR RELIANCE ON THE EVIDENCE OF THE POLICE CONTRIBUTED TO A CULTURE OF IMPUNITY THAT LED TO FURTHER GROSS VIOLATIONS OF HUMAN RIGHTS. THE COMMISSION FINDS THE MINISTER OF JUSTICE RESPONSIBLE FOR THESE GROSS VIOLATIONS OF HUMAN RIGHTS.

THE COMMISSION FINDS FURTHER THAT MR WILLIAM CHARLES CECIL SMITH WAS RESPONSIBLE FOR THE DETENTION AND TORTURE OF MS BARBARA HOGAN, MS LIZ FLOYD, MR CARL NIEHAUS, MR MICHAEL JENKINS, MR JABU NGWENYA, MR KEITH COLEMAN, MR SURESH NANABHAI AND OTHERS. THE COMMISSION FINDS THE MINISTER OF POLICE, THE HEAD OF THE SECURITY BRANCH AND THE COMMISSIONER OF POLICE RESPONSIBLE FOR THE TORTURE OF THESE DETAINEES.

C o v e r t A c t i o n

195 The early 1980s witnessed the beginning of an era of covert, extra-legal government actions against anti-apartheid activists inside the country. The use of booby-trapped hand grenades to eliminate activists became increasingly common. An early example of this can be found in the murder of three young COSAS activists from the West Rand township of Kagiso on 15 February 1982. Many of the perpetrators named in later incidents also participated in this operation.

196 Mr Zandile Musi [JB01909/03WR] told the Commission that his elder brother, Mr Mbulelo Musi, went into exile in January 1982 with a Mr Ephraim Mfalapitsa. During the same year, Mr Zandile Musi and a fellow COSAS member, Mr Bimbo Madikela [JBO1910/03WR], met Mfalapitsa and told him that they also wanted to go into exile. They were encouraged to remain at home. Musi told the Commission that Mfalapitsa made arrangements for them to receive training before he himself returned to exile. The next time Musi, Madikela and fellow COSAS members Ntshingo Matabane and Fanyana Nhlapo met Mfalapitsa, he was accompanied by Mr Joe Mamasela, whom Musi recognised by a scar on his face. They drove to a mining area.

When we got there, Mfalapitsa was walking ahead, we entered a shaft and he took out a grenade. He said it was an F1 grenade. He showed us how to operate it and told us to be careful as it was deadly. There was a box in the corner, which looked very suspicious. When I looked at the box I just heard an explosion. I thought it was a mistake. The last person with the grenade was Ntshingo. When I heard the explosion, I cried out to Ntshingo because I thought he was the one who had made a mistake.

We were injured. Even the building fell down. The people who died immediately were Bimbo and Ntshingo. Fanyana was next to me. We could not see each other. He could not see or walk, I was bleeding. What is painful to remember is that he had a hole in his body, because my hand went into his body when I tried to communicate with him ...

In the morning the police came. I was taken to hospital and then to prison. I was then taken out for investigation and a gun was placed in my mouth.

197 Musi was charged for illegal possession of firearms but was later acquitted. In 1985 he was arrested under the partial state of emergency and sentenced in October 1987 under the Explosives Act. He was sent to Robben Island and released in December 1990.

198 A number of former security policemen applied for amnesty for this incident: Mr Christiaan Siebert Rorich [AM501/97], Mr Jan Carel Coetzee [AM4120/96], Mr Abraham Grobbelaar [AM4143/96] and Mr Ephraim Mfalapitsa [AM3592/96] (see Volume Two).

THE COMMISSION FINDS THAT MR ZANDILE MUSI, MR BIMBO MADIKELA, MR NTSHINGO MATABANE AND MR FANYANA NHLAPO, ALL COSAS MEMBERS, WERE OFFERED INSTRUCTION IN THE USE OF HAND GRENADES BY VLAKPLAAS ASKARIS JOE MAMASELA AND EPHRAIM MFALAPITSA. ON THE 15 FEBRUARY 1982, MADIKELA, MATABANE, AND NHLAPO WERE KILLED AND MUSI WAS INJURED IN AN EXPLOSION.

THE COMMISSION FINDS A NUMBER OF SECURITY BRANCH OPERATIVES RESPONSIBLE FOR THIS OPERATION AND, IN PARTICULAR, BRIGADIER WILLEM SCHOON, THE HEAD OF THE SECURITY BRANCH, WHO AUTHORISED THE OPERATION THAT LED TO THE COMMISSION OF GROSS HUMAN RIGHTS VIOLATIONS. THE COMMISSION FINDS FURTHER THAT MR CHRISTIAAN SIEBERT RORICH, MR ABRAHAM GROBBELAAR, MR JOE MAMASELA AND MR EPHRAIM MFALAPITSA WERE RESPONSIBLE FOR CARRYING OUT THE OPERATION, FOR THE DEATHS OF THE THREE COSAS MEMBERS AND FOR THE GROSS VIOLATION OF HUMAN RIGHTS.

THE COMMISSION FINDS THE FORMER STATE, THE MINISTER OF POLICE, THE COMMISSIONER OF POLICE AND THE HEAD OF THE SECURITY BRANCH RESPONSIBLE FOR THE GROSS VIOLATION OF HUMAN RIGHTS. THE COMMISSION FINDS THAT, THROUGH THEIR ACTIONS, THE FORMER STATE IS VICARIOUSLY RESPONSIBLE FOR CRIMINAL CONDUCT IN THAT IT SECURED THESE DEATHS THROUGH EXTRA-JUDICIAL METHODS.

H o m e l a n d s

- 199 Most gross human rights violations in the homelands during this period arose out of conflicts between the homeland security forces and the SADF, and insurgents attempting to return to the country after having received military training overseas. Many of these were students who had fled the country in the wake of the 1976 protest. Those who tried to assist the guerrillas were detained and tortured by homeland police, sometimes in collaboration with the SAP.
- 200 During the 1970s, the former state's bid to establish independent homelands reached its peak when Ciskei, Bophuthatswana, Lebowa, Gazankulu, Venda, KaNgwane, KwaZulu and KwaNdebele were granted self-governing status. Reports of gross violations of human rights rose sharply in the homelands.
- 201 After Venda was granted independence in 1979, Lieutenant Colonel Mulaudzi, Commander of the Venda National Force and a former South African police officer, announced that Venda would not hesitate to call for the assistance of the SADF if their sovereignty was threatened by insurgents. Before independence, a fifty-kilometre wide strip on the Zimbabwean border was placed under the jurisdiction of the SADF. An anti-insurgency unit was added to the Venda National Force, which was already engaged in anti-guerrilla warfare and border duties in 1980.
- 202 In response to perceived security threats to Bophuthatswana, Chief Minister Lucas Mangope requested that the South African government provide military training before independence in December 1977. The SADF accordingly began instruction of a National Guard and, by independence, 221 men had completed basic training. A year later, the Bophuthatswana Police Force (BPF) was formed as a counter-insurgency unit and National Guard members were also dispatched for specialised SADF training in counter-insurgency. The Bophuthatswana Internal Intelligence Service was established in 1982 to gather, assess and disseminate information on internal security in the territory.
- 203 In 1981, the Bophuthatswana army and police co-operated with their South African counterparts in arresting several men alleged to be planning to attack South Africa and Lesotho. Chief Minister Mangope stressed that he would not allow Bophuthatswana to be used as a springboard for attacks on South Africa or other countries.

- 204 In 1982, a former member of MK reportedly testified before a senate committee in Washington DC that the ANC had decided to make the area west of Beit Bridge, as far as Mafikeng, an operational zone. The initial goal was to set up secret bases and first on the list of intended targets was the home of Chief Minister Mangope at Montshiwa near Mmabatho. Once the bases had been completed, a campaign was to be launched, involving the laying of landmines and attacks on small police stations.
- 205 The Commission received a number of statements from residents of Venda who were detained and tortured after helping insurgents to re-enter the country in 1980 and 1983. Local residents, particularly black subsistence farmers who owned orchards, played a crucial role in facilitating the work of insurgents by allowing them to hide arms caches on their land and providing essential resources such as food. By these means, political activists would also pass on essential intelligence information to insurgents, such as details affecting their movement into the country – for example, details about the movements of Venda and South African security forces and the levels of the Limpopo River.
- 206 Residents who assisted insurgents often suffered severe consequences and frequently became victims of gross human rights violations.

The case of Mbengeni Jonah Ravele

Mr Mbengeni Jonah Ravele [JB/01377/02NPVEN] was arrested by the Venda security forces in December 1980 for providing MK soldiers with food and shelter and showing them Venda topography. The Venda police ransacked his home and dug up his yard, searching for weapons. Guns were found, and he was charged for possession of illegal firearms. Police officers Ramushwana and Ramaligela interrogated, beat and tortured Mr Ravele. They reportedly took him to a mountain, tied him up, lit a fire under a tree and burnt his private parts. He was incarcerated for five years at Sibasa police station.

The case of Nkhetheni Reginald Tshibavhalemba

Mr Nkhetheni Reginald Tshibavhalemba [JB/01974/02NPVEN] helped MK cadres to find Mr Mbengeni Ravele's home. Ravele gave Mr Tshibavhalemba an MK booklet which Venda security forces found when they came to search for weapons in Tshibavhalemba's home. He was also interrogated, badly assaulted and tortured. His head was covered with a piece of cloth and he was given electric shocks for three days. He was then placed in solitary confinement for three months and was released in May the following year. This experience left Tshibavhalemba mentally disturbed.

- 207 On 14 September 1983, Mr Humbelani Elvin Tshifhiwa Mulaudzi [JB1268/02NPVEN] and two other 'terrorists' were killed by Venda government security forces as they tried to cross back into South Africa via Beit Bridge. His body was later found so badly riddled with bullets that it was unrecognisable.

208 This incident precipitated a wave of retaliation against people suspected of assisting the insurgents.

209 In November 1983, the Venda police arrested and detained Mr Mufhungo Alfred Denga, Mr Samuel Radamba, Mr Tshikhudo Tshivase Samuel Mugivhela, Mr Robert Ratshitanga, Mr Peter Mudzielwana and Mr Wilson Sinyebwe, some of whom were subsistence farmers. Some of them were part of the underground operational network, with whom political activists negotiated clandestinely for assistance in transporting and harbouring guerrillas. Political activists also bought these farmers' products to sell to farmers in the former Rhodesia and Botswana, creating a cover for communication with the liberation movement, informing them about political developments inside the country and bringing in banned literature. The detainees were accused of assisting ANC 'terrorists'. Some were charged under section 3 of the Terrorism Act and others under the Internal Security Act of 1982. Some were found guilty of treason.

The case of Mufhungo Alfred Denga

Mr Mufhungo Alfred Denga [JB01414/02NPVEN] is now mentally handicapped as a result of having been tortured at Masisi police station in Venda. He was reportedly arrested because he helped transport three ANC cadres from Thohoyandou to Tshihwadza in the mountains of Venda where they were to be helped across to Zimbabwe.

Mr Denga was taken by police officers Managa and Nemaconde to Masisi police station in Mutale. He was kept alone in a dirty cell and was allegedly given food mixed with faeces. He did not eat for several weeks. When he was released in March 1984, he was suffering from severe mental disturbance. He is still receiving treatment.

The case of Samuel Radamba

Mr Samuel Radamba [JB01385/02NPVEN] was arrested by police officer Managa for harbouring 'terrorists' in his orchard and providing them with food. He was interrogated, severely beaten and verbally abused at Sibasa police station. Mr Radamba was later transferred to Mutale, where he spent 108 days in detention. He was released in February 1984, with the condition that he report to his headman three days a week.

210 Deaths in custody in the homeland of Venda were also reported for this period.

The case of Tshikhudo Tshivase Samuel Mugivhela

Mr Tshikhudo Tshivase Samuel Mugivhela [JB01369/02NPVEN] died in detention on 20 January 1984 after being arrested by the Venda police for harbouring and feeding 'terrorists'. Like Radamba and Denga, Mugivhela owned an orchard where he planted mielies (corn) and sweet potatoes. Before arresting him, police searched his orchard for weapons, and his wives were interrogated to find out whether they were cooking for the 'terrorists'.

The Venda National Force refused to take responsibility for Mugivhela's death and claimed that he died from diabetes or typhoid. His brother believes that "he was beaten up as his neck seemed to have been strangled before he died".

- 211 The Lutheran Church played an active political role in Venda. Politically-conscious Christians in Venda formed the Bold and Evangelical Christian Organisation (BECO) in 1976/1977, with the aim of furthering the struggle against apartheid. Members of the church were subjected to severe repression by the homeland government. Two key members of the Lutheran Church, Reverend Simon Farisani [JB1425/990VE] and Mr Tshifhiwa Isaac Muofhe, were both detained and tortured during 1977. Following a bomb explosion at Sibasa police station in October 1981, repression of Lutheran Church leaders became particularly severe. Most of those arrested after the bomb blast were Lutheran Church members including Mr Muofhe, Pastor Farisani and Pastor Ndanganeni Petrus Phaswana.

The case of Tshifhiwa Isaac Muofhe

Mr Tshifhiwa Isaac Muofhe [JB00540/02NPVEN], president of BECO and an underground agent of the ANC, died on 12 November 1981, two days after being detained by Venda police. Captain Ramaligela and Constable Managa, members of the Venda Security Force, arrested Mr Muofhe on suspicion of being involved in the Sibasa bomb explosion. They interrogated him and later took him out in an open Landrover to point out particular places.

They alleged that Muofhe tried to escape by jumping from the vehicle in which they were travelling. Muofhe was taken back and detained at Matashe, the Venda central prison in Vondwe, near Sibasa. He was found dead the next morning.

A post mortem was performed which concluded that the cause of death was internal bleeding. An inquest was subsequently held at the Sibasa magistrate's court in August 1982. Ramaligela and Managa were charged with Muofhe's murder, found not guilty and discharged.

This was the third time that Muofhe had been arrested. In 1977 he was detained for ninety days at Sibasa police station, then moved to several other prisons before his release. In 1978, he was again detained for a weekend in Messina, tortured and given electric shocks by the SAP, who alleged that he was a terrorist.

The case of Pastor Simon Farisani

Shortly after Muofhe's death in November 1981, Venda security force members Ramaligela, Managa, Nesamari and Rambuda detained and tortured Pastor Simon Farisani in connection with the Sibasa police station bomb explosion and Muofhe's alleged involvement in it.

Pastor Farisani claimed that an attempt was made to force him to write statements to this effect and that he was tortured when he refused. He alleged that Venda police brought in a white policeman experienced in electric shock torture. Farisani was taken to a room where a bag was put over his head. A glue-like substance was poured on his hair, ears, thighs and private parts. He was given electric shocks, made to stand on his head and thrown onto concrete. He described his torture:

"I was just waiting for any fist that could hit on me so that I should die. And as I was praying, I was pleading to God to die ... They said I was not co-operating. I was beaten again. It was deep harassment. I was just beaten. This head felt a lot of pain. I don't know why I am not mad. Blood was flowing [from] my mouth; I couldn't see ... because my eyes were swollen ... They again said I wasn't co-operating, I was still laying there. Ramaligela said, "Just boil water in your kettle, we want to pour this water in his anus." Whilst I was laying there, my problem was that – just to pour water in my anus, boiling water in my anus. It didn't mean that I could die there and then – I was – such a case never happened to me. I know such a place is very delicate."

The case of Pastor Ndanganeni Petrus Phaswana

Pastor Ndanganeni Petrus Phaswana [JB01501/02NPVEN] was accused of being involved in the bombing of the Sibasa police station. He was arrested by Captain Ramaligela and Detective Managa on 5 January 1982.

Pastor Phaswana was severely assaulted and tortured. His beard and pubic hair were pulled out; a hood was placed over his head and a cold liquid substance was poured over his body. Electrodes were clipped onto his earlobes over the canvas bag and he was subjected to electric shocks for several hours.

THE COMMISSION FINDS THAT VENDA POLICE OFFICERS RAMUSHWANA AND RAMALIGELA ARRESTED MR MBENGENI JONAH RAVELE IN DECEMBER 1980 FOR GIVING MK SOLDIERS SHELTER. THEY TORTURED HIM AND BURNT HIS PRIVATE PARTS. THE COMMISSION FINDS THAT MR RAVELE WAS IMPRISONED IN SIBASA FOR A PERIOD OF FIVE YEARS. THE COMMISSION FINDS OFFICERS RAMUSHWANA AND RAMALIGELA RESPONSIBLE FOR THE TORTURE AND SEVERE ILL TREATMENT OF RAVELE, AND THE VENDA GOVERNMENT RESPONSIBLE FOR GROSS VIOLATIONS OF HUMAN RIGHTS.

THE COMMISSION FINDS THAT NKHETHENI REGINALD TSHIBAVHALEMBA WAS ARRESTED AND TORTURED BY THE VENDA SECURITY FORCES. THE COMMISSION FINDS THAT THE TORTURE AND SOLITARY CONFINEMENT TO WHICH HE WAS SUBJECTED CONSTITUTE GROSS HUMAN RIGHTS VIOLATIONS FOR WHICH THE VENDA SECURITY FORCES AND THE VENDA GOVERNMENT ARE HELD RESPONSIBLE.

THE COMMISSION FINDS THAT THE VENDA SECURITY FORCES WERE RESPONSIBLE FOR KILLING ACTIVISTS AS THEY CROSSED THE BORDER VIA BEIT BRIDGE.

THE COMMISSION FINDS THAT THE VENDA SECURITY FORCES ARRESTED AND DETAINED RESIDENTS WHO ASSISTED MK OPERATIVES – INCLUDING MR MUFHUNGO MR ALFRED DENG AND MR SAMUEL RADAMBA – WHO WERE THEN TORTURED AND SEVERELY ILL TREATED . THE COMMISSION FINDS THE VENDA SECURITY FORCES AND THE VENDA GOVERNMENT RESPONSIBLE FOR THE COMMISSION OF GROSS HUMAN RIGHTS VIOLATIONS.

THE COMMISSION FINDS THAT THE VENDA SECURITY FORCES WERE RESPONSIBLE FOR DEATHS IN CUSTODY. THE COMMISSION FINDS THAT MR TSHIKHUDO TSHIVASE SAMUEL MUGIVHELA WAS ARRESTED BY THE VENDA POLICE FOR HARBOURING AND FEEDING 'TERRORISTS'. THE COMMISSION FINDS THAT MR MUGIVHELA DIED ON 20 JANUARY 1984 WHILST IN THE CUSTODY OF THE VENDA POLICE. THE COMMISSION FINDS THE VENDA POLICE RESPONSIBLE FOR MUGIVHELA'S DEATH AND FOR THE GROSS VIOLATION OF HUMAN RIGHTS.

THE COMMISSION FINDS THAT THE VENDA SECURITY FORCES TARGETED MEMBERS OF THE LUTHERAN CHURCH BECAUSE THEY WERE OPPOSED TO THE HOMELANDS GOVERNMENT. THE COMMISSION FINDS THAT PASTOR SIMON FARISANI AND MR TSHIFHIWA ISAAC MUOFHE WERE DETAINED AND TORTURED DURING 1977. THE COMMISSION FINDS THAT MUOFHE DIED ON THE 12 NOVEMBER 1981, TWO DAYS AFTER HE HAD BEEN DETAINED BY THE VENDA POLICE. THE COMMISSION FINDS CAPTAIN RAMALIGELA AND CONSTABLE MANAGA RESPONSIBLE FOR MUOFHE'S ARREST, DETENTION, TORTURE AND DEATH, AND FOR GROSS VIOLATIONS OF HUMAN RIGHTS.

THE COMMISSION FINDS THAT VENDA SECURITY FORCE MEMBERS RAMALIGELA, MANAGA, NESAMURI AND RAMBUDA DETAINED PASTOR FARISANI AND TORTURED HIM. THE COMMISSION FINDS THEM RESPONSIBLE FOR THE GROSS VIOLATION OF HUMAN RIGHTS.

THE COMMISSION FINDS THAT PASTOR NDANGANENI PETRUS PHASWANA WAS DETAINED BY THE CAPTAIN RAMALIGELA AND DETECTIVE MANAGA OF THE VENDA SECURITY FORCES WHO TORTURED AND ASSAULTED HIM. THE COMMISSION FINDS THEM RESPONSIBLE FOR THE COMMISSION OF GROSS HUMAN RIGHTS VIOLATIONS.

Resistance and revolutionary groupings

Umkhonto we Sizwe

- 212 In the wake of the Soweto protests and the intensified repression that followed, hundreds of students began secretly leaving the country. The largest exodus appears to have begun in October 1976, when students fled to Botswana, Lesotho and Swaziland. The head of the security police, Brigadier CF Zietsman, estimated in June 1978 that 4 000 black South Africans were undergoing guerrilla training in various African countries under the auspices of the ANC or PAC.
- 213 Mr Tsietsi Mashinini was amongst those who fled the country in the wake of the Soweto protest. His mother and his teacher, Mr Fanyana Mazibuko, told the Commission about the police harassment that followed the 16 June march, the social isolation and economic hardship the family suffered as a result, and how it forced not only Tsietsi but all his siblings into exile.
- 214 Many of those who left wanted to return immediately to use their training at home. The ANC similarly was beginning to change its strategy to focus on organisation within the country. Mr Murphy Morobe, who decided to leave the country for training after the violent response to student demonstrations against Kissinger's visit, told the Commission:

Our aim was to go to get crash courses in military training which we knew that the ANC was providing in its forward bases like around Swaziland or Mozambique ... by then the ANC had decided that instead of continuing to have such courses outside, they were beginning to deploy the operatives inside the country ...

It was not my intention and certainly that of my colleagues to leave the country. We wanted to see ourselves continuing inside the country and we had an interest in ensuring that the student movement remained intact... We then came back, and it is after we came back that, once again, we were able to link up with the ANC underground operatives and carried on to do what we wanted to do.

215 Mr Joe Gqabi [JB00703/01GTSOW], a Robben Island veteran, played an important role in linking students who had been involved in the Soweto protest with the ANC's armed wing. Mr Gqabi was responsible for reactivating an ANC leadership in Soweto in late 1975 and establishing what ANC links existed with the SSRC. Unknown gunmen later shot him dead through the window of his car in Zimbabwe on 31 July 1981.

216 From Morobe's testimony to the Commission, it is evident that Gqabi played a central mentoring role in Soweto during the 1970s, both before and after the June 1976 protest. Although students such as Morobe operated within the paradigm of Black Consciousness, they retained strong ideological and political links with the ANC through operatives such as Gqabi. As violence escalated after 16 June, students continued to turn to older ANC activists such as Gqabi for advice about how to handle an increasingly difficult situation:

It was through those processes that our interaction with people like Joe Gqabi, for example, of the ANC continued. He was banned. We could not meet in his house. Each time we came into his house we did not speak, you know, everything will be written down on paper and we would just exchange paper because the houses would be bugged and [then] he would take all those papers and burn them up and throw them away ...

We would go to the rails in Mfula Park and we will sit there, at about eight, nine pm and we would talk about issues that we were involved in. And they will help us to have much broader perspective and ... to try to bring things under control and not to give [the system] any other excuses just to willy-nilly shoot and kill people.

217 The Black Consciousness Movement was given organisational expression through SASO and the Black People's Convention (BPC). It was influential in the formulation and propagation of new ideas that critiqued the apartheid government and began to create the organisational and intellectual framework through which it could be substantively challenged. Morobe, who joined South African Students' Movement (SASM)²² in 1973, gives a unique insight into perceptions of Black Consciousness organisations at this time. Morobe saw Black Consciousness organisations as necessary to fill the political and organisational vacuum left by the exiled liberation movement, rather than as a competing ideological force. The ethos of Black Consciousness was not seen as incompatible with the political philosophy of the ANC or PAC.

Even within the Black Consciousness organisation there was a general understanding that our role ... is to keep the home fires burning, because we understood that those liberation organisations that were banned were going to eventually come back one day. And we saw our role as continuing on where they left off and preparing the ground for their eventual return into the country. So, within the Black Consciousness organisation

there was general acceptance that you could belong to either of the liberation organisations: it was a matter of your individual choice.

The Soweto Committee of Ten

- 218 After the collapse of the Soweto UBC, the Soweto Committee of Ten was formed to run the affairs of the area. It also called itself the Soweto Local Authority Interim Committee and was headed by Dr Nthato Motlana.
- 219 Formed at a meeting in *The World's* offices in June 1977, the Committee had the backing of a range of organisations including SASO, BPC, the Union of Black Journalists, the Black Women's Federation, black community programs and several church, social and welfare organisations. It included many of the key figures in Soweto at the time, including social worker Ms Ellen Khuzwayo and the headmaster of Morris Isaacson School, Mr Lekgau Mathabathe. According to Mr Percy Qoboza, editor of *The World* and a driving force behind the Committee's formation:

For the first time, blacks in Soweto have taken the initiative in establishing their brand of leadership outside the institutions of government, which have failed dismally in the past three decades.

- 220 The Committee of Ten drew up a blueprint for Soweto which envisaged a Soweto City Council with powers and structures similar to those of the white city councils. It intended to present this to the people of Soweto at a public meeting on 31 July 1977, but the meeting was banned and a number of the Committee's members were detained in terms of the Internal Security Act. In October 1977, the Committee of Ten was banned.
- 221 The Committee had effectively functioned for one month. However, according to former UBC councillor, Mr Mosala, it went underground and continued to organise in accordance with the M-Plan developed by the ANC in the 1960s.
- 222 By 1979, the Soweto Committee of Ten had transformed itself into the Soweto Civic Association. Later it played an important role in trying to establish an alternative 'people's authority' in the township during the 1980s.
- 223 Not only did the 1976 protest revitalise external opposition to apartheid, it also provided an important impetus to the creation of a number of internal organisations. The SSRC, which grew out of the SASM, was established at the beginning of August 1976, six weeks after 16 June. Its first president, Mr Tsietsi Mashinini, was a senior SASM office-bearer. The SSRC consisted of representatives of most of the secondary and high schools in Soweto.
- 224 The student organisers had also matured politically and now unequivocally located their battle against Bantu Education within a broader struggle against apartheid. It was believed that the apartheid system was about to crumble and that the campaign against Afrikaans and the apartheid system as a whole could be won.

Sabotage campaigns

- 225 The students who left South Africa after the 1976 Soweto protests provided the personpower for a renewed campaign of sabotage and guerrilla warfare in the early 1980s. Between October 1976 and May 1981, there were 112 MK attacks and explosions – part of an 'armed propaganda' campaign initiated by the ANC during this period. Many of

the initial attacks focused on targets of strategic or economic importance such as the oil refinery at Sasolburg in June 1980, power stations in the eastern Transvaal in July 1981 and the Voortrekkerhoogte military base in August 1981. In 1980, there were bombings in Soweto as part of a campaign against rent increases. In August 1981, a bomb exploded in a shopping centre in Pretoria during working hours, days before an announcement by Mr Oliver Tambo, president of the ANC, that MK would now attack “officials of apartheid”. The bomb was seen as a reprisal for the recent murder in Salisbury of ANC representative Joe Gqabi (see above).²³

226 MK campaigns during this period aimed to avoid civilian casualties. However, both the Goch Street shooting in 1977 and the Silverton bank siege in 1980 involved MK members who panicked, resulting in the deaths of civilians caught in the crossfire.

227 Mr Solomon Mahlangu, a twenty-year-old standard nine pupil who fled South Africa in February 1976 and Mr Monty Motaung formed one of the first MK units from the new generation of Soweto recruits to be infiltrated back into South Africa. They killed Mr Rupert Kessner and Mr Kenneth Wolfendale in John Orr's Goch Street warehouse in July 1977, shortly after being confronted by police. Mahlangu and Motaung were charged under the Sabotage Act. Mahlangu was convicted and sentenced to death for his part in the incident. He was hanged in 1979, one of 133 people executed in that year. Motaung was beaten so severely by the police that he suffered brain damage and was declared unfit to stand trial.

228 Solomon's mother, Ms Martha Yebona Mahlangu [JB00182/02PS], told the Commission that she had been unaware that her son had any interest in politics. He had not told his parents of his decision to leave the country for military training. She simply received a message telling her not to look for her son.

229 Ms Mahlangu heard of her son's involvement in the killing of Mr Kessner and Mr Wolfendale on the radio:

It was a month before we could really find out that it was him. The only time we got to know was when the police came home to search our home ... they didn't say anything to us and didn't tell us what they were looking for. After a while they started looking for his clothes and then I asked them if they had found this person whose clothes they were looking for? They said yes, they had found him on the mountains of Middelburg. When I asked if I could go and see him, they said no, they would inform me when I could come and see him. They only came back to me after a month.

230 Ms Mahlangu later went to visit her son at John Vorster Square. She was not able to talk about the case or where he had been. “We just found out how life was and that's the only thing I asked about.” His last message to her before he was executed was:

Mama, thank you for having been strong to come and visit me and not cry. But where my blood will drop, so many Solomons will grow up because I am innocent.

231 In the 1980 Silverton bank siege in Pretoria on 25 January, Mr Willem de Klerk [JB00697/02PS] lost his wife, Ms Anna de Klerk. Another civilian and three MK operatives were also killed. Members of an MK unit – Mr Stephen Mafoko, Mr Humphrey Makhubo and Mr Wilfred Madela [JBO3888/01GTSOW] – panicked when they realised they

had been seen by security force members, entered a bank and held its customers hostage. The police stormed the bank and a gunfight ensued.

232 Mr de Klerk described the events:

At the time of her death, my wife was thirty-eight years old. At that stage I had three sons or in fact three children, Pieter, Schalk and Marche and they were respectively fourteen, twelve and eight years old ... The hostages were, in general, all women and it can therefore be regarded as a very cowardly deed – a deed on a group of defenceless people.

At around seven o'clock that evening, the police task force entered the building and they then freed the hostages. During this process, several people were injured, one person died and my wife was injured ... I also believe that defenceless people who did not have anything to do with the political struggle and that they, surely, had a right to life. They did not form part of the struggle and therefore their lives should not have been at stake ...

It is, perhaps, the duty of each and every South African to contribute to this [truth and reconciliation] and therefore I feel that each and every person who at some stage in the past was a victim should come forward...

I understand why it happened, but I would just like to say that everybody who was part of this, everybody who was part of the planning of this, that they should come forward and say "this is what I did and this is how I contributed and I am now sorry for this".

THE COMMISSION FINDS THE ANC AND MK RESPONSIBLE FOR THE BOMBINGS IN GOCH STREET IN 1977. THE COMMISSION FINDS THAT MR SOLOMON MAHLANGU AND MR MONTY MOTAUNG WERE RESPONSIBLE FOR THE DEATHS OF MR RUPERT KESSNER AND MR KENNETH WOLFENDALE AND FOR THE GROSS VIOLATION OF HUMAN RIGHTS.

THE COMMISSION FINDS THAT MK MEMBERS MR STEPHEN MAFOKO, MR HUMPHREY MAKHUBO AND MR WILFRED MADELA WERE RESPONSIBLE FOR THE SILVERTON BANK SIEGE IN WHICH TWO CIVILIANS WERE KILLED AND A NUMBER INJURED. IN PARTICULAR THEY ARE RESPONSIBLE FOR THE DEATHS OF MS ANNA DE KLERK AND ANOTHER CIVILIAN AND ARE THUS RESPONSIBLE FOR THE GROSS VIOLATION OF HUMAN RIGHTS.

THE COMMISSION FINDS THE ANC AND THE HEAD OF MK RESPONSIBLE FOR THE GROSS VIOLATION OF HUMAN RIGHTS.

● 1983–1989

Overview of violations

- 233 This period was notable for the highest levels of gross human rights violations experienced in the former Transvaal. Reported levels of severe ill treatment (approximately 1 700 violations), torture (about 1 200 violations) and killing (850 violations) reached unprecedented heights.
- 234 In 1986, all major violations reached a peak, coinciding with the declaration of a national state of emergency, street battles between police and township residents, massacres in Mamelodi and Soweto and mass detentions across the region. Numbers fell dramatically in 1987, when the former state used legislative means provided by the national state of emergency to regain control of the political conflict.
- 235 The beginning of this period of conflict was marked by what came to be known as the Vaal uprising on 3 September 1984, when clashes between township residents and police led to the death of fourteen people and the injury of at least eight policemen. In response, the government launched a joint army and police operation, 'Operation Palmiet'. Over the next four months, approximately 142 people died in street battles. This escalating conflict is reflected in Figure B3-5, which shows a rapid increase in violations from 1984.
- 236 The dominant contexts in which gross human rights violations took place throughout the region during this period were:
- a public order policing
 - b detention and torture
 - c covert actions by the security forces
 - d attacks on representatives of government authority and informers
 - e bombing and landmine campaigns by MK
 - f retaliatory violence used by the security forces and opposition groups, perpetuating the cycle of conflict.
- 237 Vicious street battles were an endemic feature of the period between 1984 and 1986, resulting in a large number of deaths. The Mamelodi massacre in November 1985 (thirteen dead), the 'Six Day War' in Alexandra in February 1986 (nineteen dead), the 'White City War' in Soweto in August 1986 (twenty-four dead) and the Winterveld massacre (eleven dead) were some of the salient events in this conflict. However, these incidents of mass killing constituted only a small proportion of the deaths that occurred in the ongoing conflict between police and township residents. Many died or were injured in small daily confrontations with the police and army.
- 238 Most victims were young. The overwhelming proportion of victims of severe ill treatment were males between the ages of thirteen and twenty-four, placing the youth at the centre of street-level political conflict.
- 239 A large part of the explanation for the high number of deaths and injuries is that the police and army saw control of political protest as part of a counter-insurgency war against 'terrorists' who posed a fundamental threat to the political

order. This was used to justify their use of lethal force and the deliberate targeting of particular individuals during protests. Riot units were given specific orders to eliminate ringleaders. An attitude of contempt on the part of the security forces, evident in the submissions of many victims, stripped black people of their identity as human beings and made their lives expendable.

- 240 Even higher levels of torture were reported for this period. Figure B3-5 (on previous page) reveals that there were substantially more acts of torture than killings during 1986–87. Although the government had already passed legislation providing for detention without trial, these powers were substantially extended under the partial state of emergency, declared in June 1985, and the nation-wide emergency imposed in 1986. An estimated 70 000 detentions took place between 1980 and 1990. Approximately seventy people died in detention.
- 241 Torture occurred primarily in places of custody. The SAP was identified as the predominant perpetrator of torture and was responsible for approximately five times more incidents of torture than the ANC, which had the next highest number. The majority of victims of torture during this period were young males between the ages of thirteen and twenty-four.
- 242 The power to detain was extended to all police, railway police, prison officials and defence force members. This substantially increased the capacity of the government to detain large numbers of people. In many communities, an initial ‘short-term’ two-week period of detention was used for the systematic detention of young males, the most overtly politically militant sector of society. Activists were also targeted for longer-term preventive detention and for shorter detention for the purpose of interrogation.
- 243 The majority of those detained were beaten and/or tortured. A study undertaken by the University of Cape Town in the 1980s established that 85 per cent of a sample of 175 detainees had suffered torture. This assessment is supported by the testimonies of Commission deponents, the majority of whom were tortured during their detention. Mechanisms which might have helped safeguard detainees, such as the right to visits from lawyers or family, were denied.
- 244 Evidence that an individual was actually a member or supporter of a political organisation did not appear to be of primary concern to police. Mass detentions served rather as acts of generalised intimidation of a constituency perceived to be non-compliant and dangerous to the security of the state. The security forces held black youth collectively responsible for the violence sweeping the country, and thus used torture as an essential component of counter-revolutionary warfare. This became increasingly evident during the 1980s, when the numbers of people detained escalated rapidly. One of the objectives of torture was to undermine the individual – psychologically, politically and socially – and thereby reduce his or her ability to engage in political activity.
- 245 In 1985, the charge of high treason was revived and fifty-five people were charged with high treason in seven separate trials. One of these, the Pietermaritzburg Trial, sought to demonstrate that the South African Allied Workers Union, the UDF and some of its affiliates – all lawful organisations carrying out legal activities – were operating as part of a revolutionary conspiracy. The Delmas trial, in which twenty-two activists were charged, lasted from June 1985 until December 1989 and is alleged to have been the longest trial in South African history.

- 246 Amnesty applicants who held senior positions within the police force confirmed to the Commission that the torture of detainees, including the use of electric shocks, was routine practice. The relatively small number of amnesty applications for acts of torture is a reflection of this attitude. Torture was not regarded as a gross human rights violation or infraction of police practice, and its perpetrators did not face sanctions either within or outside the police force. A further sense of impunity was created by the fact that the victim was often the only witness. Because of the often degrading and humiliating nature of torture, many of those tortured were reluctant to talk about their experiences. Those who died were permanently silenced.
- 247 As the use of torture became increasingly widespread and systematic, the number of resulting deaths escalated. Instead of implementing measures to halt these killings, senior police officials tried to mask the consequences of unrestrained torture. The death in police custody of Mamelodi activist Stanza Bopape on the tenth anniversary of the Soweto uprising led to a high-level cover-up involving the commissioner of police and a range of other senior police officers.
- 248 During this period, there was also a substantial increase in the number of reports of brutality perpetrated by members of the homeland police forces – in Bophuthatswana, Venda and Lebowa. By the 1980s, all the homelands, both independent and self-governing, had acquired their own police forces. As conflict escalated, these police forces were rapidly expanded. Methods of torture were brutal and simple. A number of deponents reported being sjambokked to within an inch of their lives. Reports of electric shock torture were less frequent but did occur, often when South African police became involved in an interrogation.
- 249 Beating was the most frequently reported form of torture in the former Transvaal during the 1980s, followed by forced posture and electric shock torture. Forced posture usually involved making a detainee stand, sometimes in an awkward position, for long periods of time.
- 250 Also notable in this period was an increase in covert operations carried out by the security forces, as in 'Operation Zero Zero' where eight young East Rand activists died after being given booby-trapped grenades by Vlakplaas operative Joe Mamasela. Covert operations led to a general escalation of violence on the East Rand, including the 'necklacing'²⁴ of a young woman, Ms Maki Skhosana, who was accused of being involved in the youths' deaths. In the wake of Ms Skhosana's highly publicised killing, State President PW Botha declared a state of emergency. Amnesty applicants to the Commission revealed that actions such as in 'Operation Zero Zero' were sanctioned at the highest levels of government. Security force members involved in covert operations had direct access to government resources and infrastructure which enabled them to counter opposition through unlawful actions, including murder and abduction.
- 251 During the 1980s, all who represented government authority – including police, community councillors and chiefs – became targets of widespread violence. Even those perceived to have simply been beneficiaries of the apartheid system, such as business people or teachers antagonistic to school boycotts, were vulnerable to attack. The numbers of persons killed for these reasons amounted to approximately a third of the total number of people killed between 1983 and 1989. According to the Human Rights Commission, the total number of people killed between 1984 and 1989 was 3 500. Of these, about 1 000 are estimated to have been policemen or victims of necklacing or burning. Police General van der Merwe told the Commission that the killing of policemen in townships during the 1980s

constituted a fundamental threat to state security and provided a reason for the government's use of extra-judicial forms of 'elimination' during this period.

- 252 Most attacks on government representatives were carried out through petrol-bombing and arson. The most infamous form of violence, used primarily against alleged informers, was the necklace method. Research sources outside the Commission indicate that at least 400 fatal incidents of necklacing took between 1984 and 1990. Approximately 400 people were killed by being doused with petrol and set alight, or when their homes were petrol-bombed. Only about a quarter of these were reported to the Commission, along with approximately the same number of non-fatal arson attacks. A number of arson attacks targeted political activists.
- 253 Approximately 144 policemen were killed between 1984 and 1987. The majority of victims were black policemen who lived and worked in the townships where they were attacked. Only about ten of these killings were reported to the Commission.
- 254 The perpetrators of these attacks were generally youth, often referred to as 'comrades', who were aligned to the United Democratic Front (UDF) but not necessarily members or activists. Commission data shows more than fifty acts of killing carried out by 'comrades' in the former Transvaal during this period.
- 255 In the context of escalating conflict and social dislocation, young people gained increasing power, exacting retribution on councillors, police, alleged informers, business people, chiefs and others. This self-appointed policing role also included the violent enforcement of the UDF's programmes such as consumer boycotts and stay aways. Those who violated these boycotts were exposed to summary punishment such as the forced consumption of toxic goods purchased in contravention of consumer boycotts. Others were brought before 'people's courts', set up in the absence of legitimate government structures. These courts were increasingly commandeered by youth who exacted swift and violent penalties from those they found guilty of offences.
- 256 In its submission to the Commission, the UDF placed the gross human rights violations committed by its members and supporters into a context including factors such as political immaturity, a climate of mistrust and fear generated by state violence and disinformation campaigns, a militaristic culture, particularly amongst youth, and widespread detention of leaders who could have curbed excesses. The UDF also acknowledged that it encouraged the use of defensive violence when activists and leaders were violently attacked, and that some UDF leaders, particularly youth leaders, publicly promoted political intolerance.
- 257 This period was notable also for a shift in the nature of the ANC's armed campaign within the country, largely in response to popular rebellion in the wake of the Vaal uprising. The new strategy involved the intensification of the organisation's military and political offensive and an important policy shift regarding civilian casualties. The ANC stated that, although it would not directly target civilians, the risk of civilian casualties would not be allowed to stand in the way of intensified armed struggle. Civilian deaths and injuries would be an inevitable consequence of this policy.
- 258 It was in this context that a series of bombs were planted in urban centres such as Johannesburg and Pretoria and a landmine campaign launched in the border areas of the northern and eastern Transvaal in 1985. Approximately 130

people died, the majority of whom were black civilians. Commission data shows approximately 150 killings carried out by members of the ANC during this period in the former Transvaal.

- 259 Violent retaliation created a self-perpetuating cycle of violence which dramatically escalated levels of conflict in townships around the country. This included the use of violence in public order policing, and attacks by opposition groups on representatives of government authority. While the violent dispersal of political protest was intended to curb further political opposition, it frequently had the opposite effect and precipitated the mobilisation of entire communities.

The state and allied groupings

The Vaal uprising

- 260 The Vaal uprising was sparked by the announcement of a rent increase by the newly elected Lekoa Black Local Authority in September 1984. The ensuing conflict led to a large number of deaths and to the occupation of the area by the South African Defence Force (SADF).
- 261 On the first day of clashes between police and residents in the Vaal, fourteen people died and at least thirty-two were injured. By the end of the month, ninety people were dead, among them four councillors. The government moved quickly to try and stem the violence.
- 262 The Vaal Civic Association responded to the proposed rental increase by calling for a public stay away from work and school, scheduled for 3 September 1984. An estimated 60 per cent of workers stayed away and almost 93 000 pupils in the Vaal Triangle boycotted classes.²⁵ Two thousand Sebokeng residents marched to the Houtkop Administration Board Offices to protest against the rent increases.
- 263 Widespread violence broke out. Councillor Motjeane's husband, Mr Caesar Motjeane [JB03870/01GTSOW] was one of three councillors killed in the first days of the uprising. He was hacked, shot, stoned and burnt to death. The house of Councillor Ntsoereng [JB01046/03VT] was burnt on September 5. Shops, bottle stores, a bus depot, a school and a beer hall were set alight and hundreds of cars were damaged.
- 264 Councillor Sonny Mofokeng [JB01048/03GTSOW] was one of the first councillors to be targeted in the hours after the outbreak of violence in Sebokeng in September 1984. His home, his father's home and his business were burnt to the ground:

I saw a group of people coming towards my direction and they were shouting. I listened to them and they were saying they wanted Sonny Mofokeng and I tried to get a look at those people. They were armed with pangas as well as knobkerries heading towards my direction. And I went into the house. I told my wife what was happening outside. I also told my three children that I had seen people armed and coming towards my direction singing that they wanted Sonny Mofokeng and I warned them that we should escape for our lives. I opened the car, I put my children as well as my wife in the car because at that time my wife was expectant ... they were pelting my house with stones.

- 265 Mofokeng and his family sought refuge at the local police station. Over the police radio he heard about the death of two other councillors. Later that night there was an announcement that his house was on fire.
- 266 Residents reported that they were assaulted and shot at without provocation by police patrolling the Vaal townships. As the violence intensified, police used tear gas and rubber bullets, and later birdshot and buckshot. Official figures stated that at least fourteen people had died and eight policemen and thirty-two civilians had been injured. However, residents and church leaders claimed that the figures were much higher, alleging that at least 250 people had been injured.
- 267 Conflict quickly spread to the neighbouring Vaal township of Sharpville. Private homes – including the house of an SAP warrant officer, beer halls, administration board buildings, buses and cars were stoned and set alight. The deputy mayor of Sharpville, Mr Sam Dhlamini, was hacked and stabbed to death. In Boipatong, the administration offices, a post office and a councillor's house were set alight. In Bophelong, the council offices and the home of an SAP warrant officer were burnt down.
- 268 The police placed all councillors' homes under guard. Transport into the township had virtually come to a standstill. People injured in the clashes were afraid to go to the hospital for fear of being arrested.
- 269 Residents wounded in police shootings were presumed to be perpetrators, irrespective of whether they had been involved in any offensive action such as stone-throwing or petrol-bombing. Many of those injured reported being detained or, if too seriously wounded, placed under police guard in hospitals before they recovered sufficiently to be imprisoned.
- 270 Mr Ramorakane Simon Mohajane [JB00824/03VT] was detained rather than hospitalised after being shot by police while standing outside his friend's home:

It was on a Sunday the 8th September 1984 ... a group came from the other direction running ... I only heard a blow on the head and it was from a gun. I was shot. I fell and I was asking myself what is happening. And the whites were around me trampling on me, kicking me and they even sprayed their tear gas on my face ... They were wearing soldiers' camouflage ... They were trampling on me, they were kicking me. I don't have some of the teeth in my mouth. As I was lying on the ground they were continually teargassing me. I cannot see as I am talking to you now. I am blind. I have been to many doctors and they said to me you will never see until you die ...

- 271 Shortly after the initial outbreaks of violence, Mr Louis le Grange (Minister of Law and Order), Mr FW de Klerk (MP for Vereeniging), General Magnus Malan (Minister of Defence), Mr Gerrit Viljoen (Minister of Education) and Mayor Mahlatsi of the Lekoa Town Council undertook a tour of inspection of the Vaal townships. Two thousand people blocked the main road through Sebokeng, forcing the ministers to turn back. After this, Le Grange announced that he did not believe rent increases were the main reason for the unrest but claimed that certain "unnamed individuals and organisations" were behind "what was happening in the Vaal Triangle".²⁶

- 272 Following the violence, over 1 000 people were arrested in the Vaal during September 1984. Some were charged while others were detained under section 29 of the Internal Security Act.²⁷
- 273 In the early hours of the morning of 23 October 1984, about 7 000 police and SADF troops conducted a major search and arrest operation in Sebokeng, Sharpville and Boipatong in the Vaal triangle in an exercise known as 'Operation Palmiet' (Bullrush). The police conducted house-to-house searches, while soldiers armed with R1 rifles lined the streets at ten-metre intervals to ensure that residents stayed indoors.
- 274 According to Mr le Grange, the purpose of the exercise was to "restore law and order" and to rid the area of "criminal and revolutionary" elements. About 400 people were arrested on charges relating to influx control and possession of stolen goods, dagga, firearms and pornographic material.
- 275 The violence that occurred in the Vaal precipitated a shift in the government's response to political opposition. For the first time the army was used to curb civilian political protest. Over the next two or three years the SADF played an increasingly significant role in township violence. Armed only with live ammunition, the army was equipped to use maximum force when dealing with civilian protest, leading to a rise in the number of deaths in street clashes.
- 276 The government's motivation for the deployment of troops in the Vaal townships is summarised in Mr le Grange's declaration: "as far as we're concerned it is war, plain and simple".²⁸
- 277 In response to the deployment of troops in the townships, a range of UDF-affiliated organisations and trade unions representing students, workers and residents called a two-day stay away in the Transvaal on 5 and 6 November. The importance of the regional stay away was evident from its scale alone: between 300 000 and 800 000 workers and large numbers of students observed the call in the PWV region.
- 278 'Operation Palmiet' was strongly criticised both in South Africa and internationally. According to Mr Jules Browde SC, chair of Lawyers for Human Rights, the use of both the defence force and the police caused untold damage to race relations and the cause of human rights in South Africa. He said:

*This action suggests that the army is to be used to enforce influx control and to suppress black political aspirations. This means the army will be perceived by blacks to be the instrument of white political repression and will promote hostility towards the defence force among blacks.*²⁹

- 279 The SADF's response was that the use of the army in civil disorder was not without precedent. The government had decided to use troops in Sebokeng because it felt that it was responsible for the protection of all South Africans, their property and the property of the state. The troops had manned roadblocks, thrown a cordon around the townships, protected important points, supplied logistical support, and provided communication and reconnaissance flights.

THE COMMISSION FINDS THE FORMER STATE, THE MINISTER OF BANTU ADMINISTRATION AND THE VAAL LOCAL AUTHORITIES RESPONSIBLE FOR THE SEVERE ILL TREATMENT OF THE RESIDENTS OF BLACK TOWNSHIPS IN THE VAAL IN THAT THEY ALLOWED AND IMPOSED INCREASES IN RENT AT A TIME WHEN THE TOWNSHIPS HAD NO INFRASTRUCTURE AND THE AVERAGE INCOME OF RESIDENTS WAS AROUND R264.00 PER MONTH. THE COMMISSION FURTHER FINDS THAT THE REFUSAL OF THE LOCAL AUTHORITIES TO TAKE INTO ACCOUNT THE FACT THAT MOST RESIDENTS LIVED BELOW THE POVERTY LINE FURTHER CONTRIBUTED TO FUELLING

INTENSE ANGER AGAINST THEM, WHICH CONTRIBUTED TO THE SUBSEQUENT VIOLENCE. THE COMMISSION FINDS THAT THE WAY IN WHICH THE CONFLICT WAS MANAGED BOTH BY THE LOCAL AUTHORITIES AND THE ORGANS OF THE FORMER STATE CONTRIBUTED TO AN ESCALATION IN VIOLENCE. AS A CONSEQUENCE, NINETY PEOPLE DIED AND COUNTLESS OTHERS WERE INJURED. THE PARTIES RESPONSIBLE FOR THESE GROSS HUMAN RIGHTS VIOLATIONS ARE THE FORMER STATE, THE MINISTER OF BANTU AFFAIRS AND THE VAAL LOCAL AUTHORITIES.

THE COMMISSION FINDS THAT THE USE OF EXCESSIVE FORCE AND IMPROPER CROWD CONTROL METHODS TO QUELL THE PROTESTS AND DISPERSE CROWDS HAD THE EFFECT OF MOBILISING THE RESIDENTS AGAINST THE POLICE AND REPRESENTATIVES OF THE STATE'S AUTHORITY LIVING IN THE TOWNSHIPS, SUCH AS THE COUNCILLORS. HITHERTO UNPOLITICISED RESIDENTS BECAME AWARE OF THE POLITICAL DIMENSION OF THE CONFLICT, RESULTING IN MASSIVE OPPOSITION TO THE STATE. THUS VIOLENT POLICE DISPERSAL METHODS WERE MET BY RETALIATORY ACTION BY TOWNSHIP RESIDENTS AGAINST COUNCILLORS AND POLICEMEN LIVING IN THE TOWNSHIPS. THE COMMISSION FINDS THAT THE FAILURE TO USE PROPER CROWD CONTROL METHODS, THE USE OF EXCESSIVE FORCE, THE USE OF LIVE AMMUNITION ON RESIDENTS, THE FAILURE TO DISPERSE PEOPLE IN AN ACCEPTABLE MANNER BY CALLING ON THEM TO DISPERSE AND GIVING THEM ADEQUATE TIME TO DISPERSE, AND THE FAILURE TO USE ALTERNATIVE METHODS TO DISPERSE THE CROWD RATHER THAN LIVE AMMUNITION LED TO THE DEATHS OF AT LEAST NINETY PEOPLE AND THE INJURY OF MANY OTHERS. THE COMMISSION FINDS THE COMMISSIONER OF POLICE, THE MINISTER OF LAW AND ORDER, AND THE VAAL COUNCILLORS RESPONSIBLE FOR THE GROSS VIOLATION OF HUMAN RIGHTS.

'OPERATION PALMIET' EVOKED INTENSE ANGER AGAINST THE STATE. THE OCCUPATION OF THE TOWNSHIP BY THE ARMY, THE MANNER IN WHICH HOUSE-TO-HOUSE SEARCHES WERE CONDUCTED, THE ROUNDING UP OF ACTIVISTS AND THE SECURITY FORCES' TREATMENT OF ORDINARY PEOPLE AS THE ENEMY WITHOUT ANY PROVOCATION LED TO GREATER VIOLENCE.

THE COMMISSION FINDS THAT AGAINST THIS CONTEXT, 'OPERATION PALMIET' LED TO GROSS VIOLATIONS OF HUMAN RIGHTS FOR WHICH THE HEAD OF THE SADF, THE COMMISSIONER OF POLICE, THE MINISTER OF LAW AND ORDER, THE MINISTER OF DEFENCE AND THE FORMER STATE MUST ACCEPT RESPONSIBILITY.

WHILST THE COMMISSION FINDS THAT THE STATE WAS RESPONSIBLE FOR THE INITIAL OUTBREAK OF VIOLENCE, AND THE BRUTALITY AND VIOLENCE THAT FOLLOWED, THE CIVIC STRUCTURES AND STUDENT ORGANISATIONS ARE HELD RESPONSIBLE FOR THE BRUTAL KILLING OF COUNCILLORS AND POLICEMEN. THE COMMISSION FINDS THAT THE NECKLACING OF MR CAESAR MOTJEANE CONSTITUTES A GROSS HUMAN RIGHTS VIOLATION FOR WHICH THE CIVIC STRUCTURES, STUDENT ORGANISATIONS AND THE UDF MUST ACCEPT RESPONSIBILITY.

THE COMMISSION FINDS FURTHER THAT THE KILLING OF TWO OTHER COUNCILLORS WAS DIRECTLY ATTRIBUTABLE TO THE ACTIONS OF THE CIVIC STRUCTURES, AND HOLDS THEM AND THE UDF RESPONSIBLE FOR GROSS VIOLATIONS OF HUMAN RIGHTS.

THE COMMISSION FINDS FURTHER THAT THE BURNING OF THE HOMES OF COUNCILLORS, POLICEMEN AND THEIR RELATIVES (AMONGST THEM COUNCILLOR SONNY MOFOKENG, HIS FATHER AND COUNCILLOR NTSOERENG), CONSTITUTES A GROSS HUMAN RIGHTS VIOLATION FOR WHICH THE CIVIC AND STUDENT STRUCTURES AND THE UDF MUST ACCEPT RESPONSIBILITY.

THE COMMISSION FINDS THAT THE BRUTAL KILLING OF COUNCILLOR SAM DHLAMINI BY PROTESTERS BELONGING TO THE CIVIC AND STUDENT STRUCTURES CONSTITUTES A GROSS HUMAN RIGHTS VIOLATION FOR WHICH THE CIVIC AND STUDENT STRUCTURES AND THE UDF MUST ACCEPT RESPONSIBILITY.

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

- 280 Rent boycotts were launched in townships across the Vaal following the announcement of rent increases by black local authorities, now under some pressure to meet their budget deficits and become self-financing. Township residents could not afford the rapidly escalating rents they were expected to pay. The 56 per cent rent increase announced by the Lekoa Town Council affected at least 300 000 people in the Vaal who were already paying some of the highest rents in the country, half of which were in arrears. The rent increases were in stark contrast to a 17 per cent rise in income between 1980 and 1985.
- 281 Opposition organised through civic and student organisations proliferated. Attacks on councillors trying to implement the increases intensified, leading to the resignation of many in 1984. Between January 1985 and July 1986, rent boycotts were launched in Ratanda, Katlehong, Atteridgeville, Mamelodi, Alexandra, Tembisa, Soweto and Vosloorus. By August 1987, it was estimated that rent boycotts in the PWV had cost more than R188 million.
- 282 Rent boycotts quickly spread beyond the confines of the PWV. In June 1985, tension around rent and school boycotts in the townships surrounding Barberton in the eastern Transvaal reached a peak. Many of those injured in the course of the ensuing conflict were not direct participants in the boycotts. Ms Thoko Lindiwe Mhlabane [JB01211/01MPNEL], eight months pregnant at the time, was waiting for a taxi to go to work during a boycott when she was shot in the hip by the police. She told the Commission that she was teargassed by a black policeman and beaten by a white policeman. When she regained consciousness, she was in hospital.
- 283 Violent government reaction to rent protests culminated in police shooting on a protest march on 21 November 1985 in Mamelodi where thirteen people died. Most victims were shot in the back. Captain le Roux of the SAP, who participated in the shooting, told the 1989 inquest hearing that the police had adopted a shoot-to-kill approach, aiming particularly at people who appeared to be leading the crowds.
- 284 In statements to the Commission, victims of the Mamelodi massacre spoke of a lack of warning before police opened fire. Mr Phillistus Botsietsa Lerutla [JB00756/02PS] was severely injured when police opened fire on the gathering. Mr Simon Boyizeli Msiza [JB00788/02PS] told the Commission that there had been a degree of coercion in getting township residents to participate in the march, although most protesters were supportive of the campaign against rent increases. Before the protesters could hand over the memorandum, he said, the police opened fire. His wife, Ms Elizabeth Baphelile Msiza, was shot in the back three times as they were fleeing, even though they were already more than a kilometre from the scene. "The Hippos", he said, "moved around the place like rabbits."
- 285 The Mamelodi massacre radicalised the township community. As in the Vaal, the violence of the police response to rent protests escalated protest and opposition, rather than curbing it. Sustained rent and consumer boycotts and stay aways were launched. Some of this protest was also accompanied by violence, and the toll of deaths and injuries rose as police again tried to curb the protests.

THE COMMISSION FINDS THAT THE IMPOSITION OF RENT INCREASES BY THE MAMELODI BLACK AUTHORITIES LED TO INTENSE ANGER IN THE TOWNSHIP AND CONTRIBUTED TO THE VIOLENCE WHICH SUBSEQUENTLY TOOK PLACE. THE COMMISSION FINDS FURTHER THAT THE MANNER IN WHICH THE CONFLICT WAS MANAGED, BOTH BY THE LOCAL AUTHORITIES AND THE POLICE, CONTRIBUTED TO AN ESCALATION OF VIOLENCE. THE COMMISSION FINDS THAT THE USE OF EXCESSIVE FORCE AND IMPROPER CROWD CONTROL

METHODS BY THE SAP LED TO THE MASSACRE ON 21 NOVEMBER 1985 IN WHICH THIRTEEN PEOPLE DIED AND MANY OTHERS WERE INJURED. THE COMMISSION FINDS THAT THE POLICE ADOPTED A SHOOT-TO-KILL POLICY AND FIRED ON PEOPLE REPEATEDLY AS THEY FLED. THE COMMISSION FINDS THAT NO ATTEMPT WAS MADE TO USE MINIMUM FORCE; INSTEAD, THE POLICE FIRED ROUND UPON ROUND OF LIVE AMMUNITION. THE COMMISSION FINDS CAPTAIN LE ROUX, THE COMMANDER IN CHARGE OF THE POLICE ON THAT DAY, AND MAYOR NDLAZI RESPONSIBLE FOR THE DEATHS AND INJURIES DURING THE MASSACRE ON 21 NOVEMBER 1985. THE COMMISSION FINDS THAT THE MASSACRE CONSTITUTES A GROSS HUMAN RIGHTS VIOLATION AND HOLDS THE COMMISSIONER OF POLICE, THE MINISTER OF LAW AND ORDER, THE MINISTER RESPONSIBLE FOR BLACK LOCAL AUTHORITIES AND THE FORMER STATE RESPONSIBLE FOR GROSS VIOLATIONS OF HUMAN RIGHTS.

- 286 Further clashes between the police and residents of White City, Jabavu, in Soweto during protests against rent and service charge increases in August 1986 resulted in the deaths of twenty-four people. Mr Tokelo Charles Maloke [JB05246/01GTSOW] was one of those who died in the 'White City War'.
- 287 As organisational capacity became stronger in Soweto, public protests against rentals and council bodies proceeded with vigour between March and June 1986. (The partial state of emergency was lifted on 7 March, but a new nation-wide state of emergency was declared on 12 June.) A total of 75 000 houses were involved in a rent boycott. The Council responded by cutting off services and prosecuting rent defaulters. On 16 June 1986, Soweto municipal police raided homes in Naledi, demanding rent receipts. One thousand women and high school students took to the streets in protest.
- 288 By September 1987, at least 166 families had been evicted from their homes for not paying rent between August 1986 and September 1987, by which time the debt of the municipal council had risen to R122 million. In 1987, the Soweto Civic Association was restricted and many of its leaders detained.
- 289 The Commission received statements from people who were shot by the police during conflicts around the rent boycott. On 14 November 1986, Ms Lillian Sibongile Mnguni [JB01859/01GTSOW], an executive member of the civic association in Meadlowlands, was shot in the back by police evicting people from their homes. At the time of the shooting, the deponent and other activists were barricading the streets to prevent the police from entering the township.

THE COMMISSION FINDS THAT THE RENT INCREASE IMPOSED ON RESIDENTS IN SOWETO RESULTED IN A RENT AND MUNICIPAL LEVY BOYCOTT BY THE SOWETO CIVIC ASSOCIATION. THE COMMISSION FINDS THAT TWENTY-FOUR PEOPLE WERE KILLED AND HUNDREDS WERE INJURED IN THE 'WHITE CITY WAR' BETWEEN POLICE AND SOWETO RESIDENTS. THE COMMISSION FINDS THAT THE POLICE USED EXCESSIVE FORCE AND IMPROPER CROWD CONTROL METHODS TO QUELL THE PROTESTS. THE COMMISSION FINDS FURTHER THAT THE STATE ATTEMPTED TO STIFLE AND SUPPRESS ALL POLITICAL PROTEST BY IMPOSING RESTRICTIONS ON THE SOWETO CIVIC ASSOCIATION AND DETAINING THE LEADERSHIP. THE COMMISSION FINDS THE COMMISSIONER OF POLICE, THE MINISTER OF LAW AND ORDER AND THE LOCAL COUNCIL RESPONSIBLE FOR GROSS VIOLATIONS OF HUMAN RIGHTS.

- 290 During these years, protests over rents coalesced with student protests about a range of educational issues. Following the January 1984 protests and clashes with the police in Atteridgeville near Pretoria, student leaders were suspended and schools in the townships closed down by the Department of Education. In response to police brutality, students intensified attacks on the homes of those perceived to be sympathetic to the policies of the state.

- 291 A thirteen-year-old pupil, Daniel Mothupi [JB01010/02PS], was shot dead on 10 February 1986 by a policeman while he was erecting a roadblock during the school boycott in Atteridgeville. According to Daniel's father, Mr Piet Mothupi, his son had been forced to participate in the boycott. At the inquest into Daniel's death, the magistrate found that the shooting was justified "as a public violence case".
- 292 In August 1984, students at Katlehong's twenty-nine schools began boycotting classes. The epicentre of Katlehong's school rebellion was Lethukuthula High School, where pupils left the school grounds, stoned vehicles and erected barricades. Three delivery vehicles were set alight near Katlehong High School. On the same day, 29 August, eight police vans surrounded Thokoza's Thoko Thaba High School and fired tear gas at pupils trapped in classrooms. The pupils were then *sjambokked* and beaten. The next day, Katlehong pupils marched to Thoko Thaba High School to gather more support.
- 293 In Tembisa, a July 1984 schools boycott involving about 4 000 pupils from five secondary schools marked the beginning of open conflict in the township. During August, pupils marched through the streets of Tembisa demanding that they be allowed to form representative councils. They set fire to a secondary school and the township mayor's house, and also tried to attack teachers and community councillors. Police arrested eleven people.
- 294 Ms Matilda Mavundla [JB01281/01ERKWA] told the Commission that her fourteen-year-old son, Kenneth, was shot by police on his way home from school in Wattville in August 1984. Teachers had sent students home when they saw police all over the location.

THE COMMISSION FINDS THAT THE INITIAL PROTEST ACTION SPILLED OVER INTO STUDENT DISSATISFACTION OVER A NUMBER OF ISSUES, INCLUDING CORPORAL PUNISHMENT AND POOR TEACHING. THIS RESULTED IN STUDENT PROTESTS WHICH LED TO THE CLOSURE OF SCHOOLS. THE COMMISSION FINDS THAT STUDENT PROTESTS WERE MET WITH VIOLENT POLICE ACTION WHICH RESULTED IN MANY STUDENTS BEING KILLED AND INJURED. THE COMMISSION FINDS THAT THE POLICE USED DEADLY FORCE WHEN ALTERNATIVE METHODS OF RIOT AND CROWD CONTROL WOULD HAVE RESULTED IN LESS DEATHS AND INJURIES. THE COMMISSION FINDS THE COMMISSIONER OF POLICE AND THE MINISTER OF LAW AND ORDER RESPONSIBLE FOR GROSS VIOLATIONS OF HUMAN RIGHTS.

THE COMMISSION FINDS THAT THE STUDENTS ENGAGED IN RETALIATORY ATTACKS ON ALL STRUCTURES AND INDIVIDUALS PERCEIVED TO BE IDENTIFIED WITH THE STATE SUCH AS POLICE OFFICERS, COUNCILLORS, ADMINISTRATION OFFICES, MAYORS, TEACHERS AND SCHOOLS. THE COMMISSION FINDS THAT STUDENTS STONED VEHICLES AND SET FIRE TO DELIVERY VEHICLES AND COUNCILLORS' HOUSES. THE COMMISSION FINDS THAT THE STUDENTS' CONDUCT CREATED A CLIMATE WHICH EXACERBATED THE VIOLENCE, RESULTING IN GROSS HUMAN RIGHTS VIOLATIONS FOR WHICH THE STUDENT ORGANISATIONS OF THE TIME MUST ACCEPT RESPONSIBILITY.

- 295 Deaths often led to violent retribution. ANC member Shadrack Mzimkhulu 'Moozie' Goliath, died in police custody in 1986 after allegedly planning to bomb the Khutsong police station on the West Rand. According to his brother [JB00407/03WR], Goliath had wanted to avenge the fatal shooting by police of his colleague and friend, named only as Gerry. It took three weeks before the police would release Goliath's body to his family. His brother alleges that he had been shot in the neck. The Commission heard that the police gave mourners only fifteen minutes to complete the burial, after which they approached and assaulted mourners.

- 296 During the 1980s, people who gathered for night vigils and funerals of victims of political violence were continually being dispersed violently by police – by *sjambokking*, teargassing and shooting with live ammunition.
- 297 Ms Philla Moima [JB01011/02PS] told the Commission that her grandson George was killed in 1986 at the funeral of one of his friends, who had been shot dead during political conflict. George's funeral also became violent.
- 298 Ms Joyce Mafuya's [JB00994/02PS] fifteen-year-old son Godfrey was shot on 7 December 1985. He never recovered from his injuries. Ms Mafuya told the Commission:

He was crippled by then. I use to feed him, he was on a wheelchair. There were still two bullets in his head and two on his body. They only extracted four bullets from him. His hands were lame. I use to feed him, wash him and then take him back for treatment to the hospital until he became very ill ... He passed away on the 7 of December 1987. His body was swollen, his head also.

- 299 The funeral and night vigil for Godfrey Mafuya were closely monitored. Ms Mafuya said that soldiers and police hovered around the home and watched as the family buried the boy.

THE COMMISSION FINDS THAT NIGHT VIGILS AND FUNERALS BECAME PART OF THE POLITICAL ARENA AND THEREFORE OF THE POLITICAL CONFLICT. FUNERALS AND NIGHT VIGILS WERE OFTEN THE ONLY PLACES WHERE COMMUNITIES COULD GATHER WITHOUT RESTRICTION, BUT THE POLICE THEN BEGAN TO ATTACK PEOPLE WHO GATHERED AT NIGHT VIGILS, RESULTING IN A NUMBER OF DEATHS AND INJURIES. THE COMMISSION FINDS THAT THE POLICE ATTEMPTED TO RESTRICT THE NUMBER OF MOURNERS AT NIGHT VIGILS AND FUNERALS. THEIR HEAVY PRESENCE AT FUNERALS INCITED YOUTHS INTO DIRECT CONFRONTATIONS WITH THEM. THE FUNERAL FEAST FOR MOURNERS REPRESENTED ONE OF THE MOST IMPORTANT SYMBOLIC WAYS OF DEALING WITH THE COUNTLESS DEATHS THAT TOOK PLACE. IN THE TESTIMONY HEARD BY THE COMMISSION, ONE OF THE MOST COMMON REFRAINS BY MOTHERS WAS THAT THE POLICE KICKED AND SCATTERED THE FOOD MEANT FOR THE MOURNERS. THE COMMISSION FINDS THAT THE POLICE WERE RESPONSIBLE IN THIS INSTANCE FOR CREATING A CLIMATE CONDUCIVE TO GROSS HUMAN RIGHTS VIOLATIONS, AND FINDS THE COMMISSIONER OF POLICE AND THE MINISTER OF LAW AND ORDER RESPONSIBLE FOR THESE GROSS HUMAN RIGHTS VIOLATIONS.

- 300 In Alexandra, an attempt by police to disperse a funeral sparked conflict that continued unabated for a week and fundamentally altered the political landscape of the township. The conflict became known as the Six Day War.
- 301 On 15 February 1986, over 11 000 people attended the funeral of Mr Michael Dirading (19), a member of the Student Representative Council at Alexandra High School, who was shot by a security guard in Wynberg. As mourners made their way back from the graveyard, they were confronted by a large contingent of security police. Soon after people arrived at Michael's home, the police opened fire on the crowd with tear gas, scattering people in all directions. Youths responded by barricading the streets with burning tyres.
- 302 By 17 February, at least nineteen people were dead and thirty-seven wounded. Residents stayed home from work and students did not attend school. A protest meeting at the local soccer stadium was attended by approximately 40 000 people. Police moved into the township en masse.
- 303 Over the following few days, civil war conditions raged in Alexandra. Youths pitted themselves against the SADF, SAP, councillors and informers.

- 304 The testimonies received by the Commission indicates an extremely high level of apparently deliberate and unprovoked police violence. Victims and relatives alleged that police randomly opened fire on residents in township streets and that, in some cases, those wounded were executed by police. Denial of medical treatment was also cited by deponents as a factor in some of the deaths. This ranged from leaving injured people lying in the streets for hours without help to blocking the ambulances' access to the victims.
- 305 Mr Nkosana Mngadi [JB01764/01GTTEM] testified that members of the security forces opened fire without warning or provocation as he and three of his friends were driving in Alexandra on 17 February. Mr Mngadi, who lost his leg as a result of the shooting, was one of two survivors of the attack. He told the Commission that they were shot at from Hippos parked in the area and that it took three hours before police got him medical assistance.
- 306 Nineteen-year-old Mr Jabulani Mkhele [JB01878/01GTTEM] was shot dead on his way to work on 18 February. His mother, Ms Dora Mkhele, testified that her son was shot dead by white policemen. His brother and two friends fled, but were pursued by the police and shot. Dora alleges that not only did the police refuse to allow any medical assistance to the injured, but they deliberately shot them again to ensure that they were fatally wounded.
- 307 Ms Margaret Madlana's [JB01732/01GTTEM] twelve-year-old son Bongani was shot dead by the SAP on 17 February. Ms Madlana witnessed police smashing a child's head against a rock after he was shot. She had not realised that she was witnessing the death of her own child, Bongani. Later she went to the government mortuary:

I stood in the queue and then one of the people there came to me and asked me what am I looking for. I told them that I am looking for my son. They asked me where is your son from. I told them I am from Alexandra. They asked how old was my son. I told them he was twelve. He said "Mommy, we have seen one child but we don't think – there is one child here but we don't think he is twelve years old because he came alone, he was carried in a Hippo, he came alone and he is from Alexandra. I don't know whether this is the one that you are looking for." And I told them mine is twelve years old, but he is short. And they asked me, "Are you strong enough to come and identify your child?" I said, "Yes, I can" ...

I found so many bodies lying on the ground. This one of mine was sitting on top of the plank and they asked me, "Is this your child?" I said "Yes". I found this is my child. I said, "Bongani, you left me behind."

- 308 After Ms Madlana had made a statement to the police about Bongani's death, she was questioned and asked to reveal the names of student leaders. Police later showed Ms Madlana and her husband photographs which apparently showed Bongani holding a petrol bomb. Police arrived at Bongani's funeral and threatened the Madlana family. Ms Madlana expressed her terrible anger and pain about the death of her son:

I would like to apologise before God ... The way they killed my son, hitting him against a rock, and we found him with a swollen head. They killed him in a tragic manner and I don't think I will ever forgive in this case, especially to these police who were involved and who were there.

- 309 After negotiations following a township stay away, security forces agreed to maintain a lower profile. By 22 February, the township appeared to be relatively quiet. On 5 March, a mass funeral for seventeen victims of the violence was held without incident.
- 310 Others shot dead in the Six Day War in 1986 included: Mr Solomon Mosue [JB01578/01GTTEM], Mr Jerry Molebatsi Smiles [JB01777/01GTTEM], Mr Steven Sithole [JB01734/01GTTEM], Ms Lucy Ledwaba [JB02499/01GTTEM] and Mr Jerry Mthembu [JB00130/01GTTEM]. Ms Daisy Mashigo [JB01877/01GTTEM] was shot by the SAP on 17 February and left permanently disabled. Four-year-old Ruben Lengwati [JB02503/01GTTEM] was shot in the head during a mass funeral and remains mentally retarded. Prior to the killing of Mr Mthembu, the police allegedly threatened to kill his sister, Ms Maria Mthembu, who was detained on 1 February when five months pregnant, and gave birth at John Vorster Square security police headquarters. During February, the Mthembu's home was petrol-bombed. Police allegedly later confessed that they had intended to kill Maria, not Jerry.
- 311 On 19 April 1986, in the wake of the Six Day War, the Alexandra Consumer Boycott Committee launched a boycott of local businesses, particularly those owned by councillors and policemen or whites. Its demands included the withdrawal of the SADF from the township, the release of political prisoners, improved housing and electricity, lowering of rentals and the resignation of all councillors from the town council. Shopkeepers in Alexandra alleged widespread intimidation of shoppers by gangs of youths on the first day of the boycott. One white owner of a restaurant reported that his business dropped by 20 per cent. On the third day of the boycott, the army sealed off the township after two people died in a night of violence.
- 312 By 22 April, pressure exerted on the council caused it to collapse following several resignations. This period also saw the emergence of 'street committees', many of them organised by trade unionists who led the Alexandra Action Committee (AAC), and 'alternative structures' such as 'people's courts'.
- 313 On the night of 22 April, disaffected police who had been driven from the township retaliated by attacking the homes of activists. Five people died. (See the section on *Vigilantes* below for more detail.) Despite the vigilante attack, the AAC announced on 30 April that 'people's power' had been established in Alexandra and that residents could now defend themselves against police. Streets and schools were renamed in a symbolic display of popular control. The following month, township organisation went underground after a mass meeting of all township organisations where it was agreed that the AAC should be the sole representative of the Alexandra community. However, the declaration of a nation-wide state of emergency on 12 June brought 'people's power' in Alexandra to an end. Security forces swept through the township the night before the emergency was declared, detaining large numbers of people ranging from high-profile leaders to grassroots activists.

THE COMMISSION FINDS THAT THE FUNERAL OF MR MICHAEL DIRADING WAS PEACEFUL UNTIL THE POLICE FIRED TEAR GAS AT THE 11 000 MOURNERS ATTENDING THE FUNERAL. THE COMMISSION FINDS THAT THE ATTACK BY THE POLICE ON UNARMED MOURNERS LED TO VIOLENT CLASHES BETWEEN THEMSELVES AND ALEXANDRA RESIDENTS, IN WHICH THIRTY PEOPLE WERE KILLED AND MANY OTHERS WERE INJURED. THE COMMISSION FINDS THAT THE POLICE ACTED IN A DELIBERATELY PROVOCATIVE MANNER BY SHOOTING AT PEOPLE WITHOUT ANY PROVOCATION. THE COMMISSION FINDS THAT THE POLICE PREVENTED THE INJURED FROM RECEIVING MEDICAL TREATMENT, WHICH LED TO FURTHER DEATHS. THE COMMISSION FINDS THE SAP, THE COMMISSIONER OF POLICE, THE MINISTER OF LAW AND ORDER, THE SADF AND THE MINISTER OF DEFENCE RESPONSIBLE FOR GROSS VIOLATIONS OF HUMAN RIGHTS THAT OCCURRED IN ALEXANDER IN FEBRUARY 1986 IN WHAT IS COMMONLY REFERRED TO AS THE SIX DAY WAR.

THE COMMISSION FINDS THAT DURING THE 'SIX DAY WAR', STATE EMPLOYEES SUCH AS POLICE OFFICERS, AND OTHERS PERCEIVED TO BE REPRESENTATIVES OF THE STATE, WERE ATTACKED AND KILLED. ONE OF THESE WAS POLICE OFFICER SAMUEL MASHILE, WHO WAS BURNT TO DEATH BY UNKNOWN ALEXANDRA RESIDENTS. THE COMMISSION FINDS THESE RESIDENTS RESPONSIBLE FOR GROSS VIOLATIONS OF HUMAN RIGHTS.

D e t e n t i o n a n d t o r t u r e

- 314 The Detainees' Parents' Support Committee estimated that fourteen individuals died in police custody in 1984–85 alone. Evidence of endemic police torture which has emerged from amnesty applications and victims' submissions to the Commission indicates that many of these deaths occurred as a result of torture.
- 315 The Commission's data for the former Transvaal reflects a peak in the incidence of torture during this period (1983–89) with approximately 1 500 torture violations recorded, constituting 20 per cent of all gross human rights violations recorded during this period. Nearly a third of these acts of torture occurred in the second quarter of 1986, after the declaration of a national state of emergency. This is the highest peak of torture in the former Transvaal during the Commission's mandate period.
- 316 Many of the victims of torture were youths and young men between the ages of thirteen and twenty-four. A number were activists who held local leadership positions. Several were detained and tortured repeatedly. The government hoped that the detention of these activists would significantly weaken organised opposition and contain the wave of mass protest that was sweeping the country. The strategy worked, to a large extent, and by 1987 many organisations had collapsed in the absence of most of their leaders.
- 317 Although Johannesburg's John Vorster Square was the national Security Branch headquarters and interrogation centre, most of those detained and tortured in this region by the 1980s were local activists. In earlier decades, the capacity for specialised interrogation of alleged terrorists and subversives had been limited to a few teams of high-ranking policemen based in the Transvaal or Western Cape. By the 1980s, however, the use of torture and assault in the interrogation of political detainees had spread throughout the country and was being used routinely by policemen of all ranks at small and large police stations and in a variety of different contexts. Among the Transvaal police stations named as venues of torture in statements to the Commission are Protea, Alexandra, Dunnotar, Germiston, Makwassie and Carletonville. Some detainees report that they were not taken to police stations but were held in secret venues where they were severely tortured before being released.
- 318 The work of the Security Branch was crucial to the maintenance of South African national security. Torture and assault of detainees by this unit was not questioned. It was even tacitly encouraged in the interests of defending the country against the total onslaught facing it. Lieutenant van Niekerk, an amnesty applicant, told the Commission:

In the Security Branch we had the situation where we dealt with the ANC, the onslaught of the MK, acts of terror and it was of crucial importance that that onslaught should have been stopped. And within this whole national political context, the Security Branch was allowed to do this ... In the Security Branch, it was a method

used to obtain information – urgent information that we had to acquire – and it was approved, and it was used generally.

- 319 Another amnesty applicant, Captain van Loggerenberg, described some of the torture methods he had become acquainted with during the course of his work as a police officer in the Eastern Transvaal:

... if we talk about it, there are various methods which were used, the shocking method ... With the old type of telephones, the winding telephones, where you apply the electrodes to a person's body and you wind the telephone [electric shock] ... and several other methods ... The broomstick method ... You make a person hang between two chairs, the other method is making him hang by his arms where he has been handcuffed, and the other one is where a person stands on a brick balancing on his heels or on his toes for hours while you are conducting interrogation [forced posture].

- 320 All the reports of torture and assault submitted to the Commission are notable for the punitive nature of the violence directed against the detainees. Only in a very few instances was a serious effort made to interrogate detainees in order to acquire credible information from them. Generally torture and assault would start before questions had been posed and continue long after it became clear the detainee knew nothing, would not talk or in fact had talked. Violence was often sustained and intense, bringing detainees to the brink of death. Despite the severe injuries sustained by detainees during their torture, medical attention was itself used as a punitive measure, often being withheld until it appeared that a detainee might die. Many of those who had been badly assaulted were simply left to recover from their injuries over time before torture would be resumed. Sometimes these detainees would be held in solitary confinement for several months.
- 321 During their incarceration many detainees were coerced into making confessions. These confessions were accepted – and sometimes even elicited – by magistrates, as Mr Thabang Mopeloa testifies below. The personal consequences for detainees and their families were substantial. Under torture, Ms Winnie Zondo [JB05603/ 01GTSOW] implicated her brother and sister in an incident of murder and arson. She and her two siblings spent the next six years in jail until they were released under indemnity provisions.
- 322 Despite the fact that the emergency regulations and legislation such as section 29 of the Internal Security Act already provided for indefinite periods of detention free from the scrutiny of family, friends and lawyers, there was a move during this period towards the use of extra-judicial methods, as indicated by reports of police wearing balaclavas to hide their faces, and of detainees being taken to private venues rather than police stations for periods of torture.
- 323 Mr Spankie Lesotho [JB02167/03WR], a founder member of the Azanian Students' Movement (AZASM), from Khutsong at Carletonville in the Western Transvaal, testified to the Human Rights Violations Committee of his experience as an emergency detainee. As a member of AZASM, he organised protests against corporal punishment and other educational grievances. Some of these protests were violent and involved the burning of school buildings, administrative offices and shops. He was repeatedly detained from 1985 onwards and then served a six-month sentence for public violence. On his release in 1986 he was detained again. He told the Commission that he was held for three weeks, and tortured. He was forced to frog-jump, his head was hit against a wall and his hair was torn out. A complaint to a prosecutor that he had been tortured merely elicited further abuse.

- 324 Mr Jacob Khoali [JB00238\01ERKAT] was a town councillor who became a member of the Katlehong Residents Action Committee (KRAC), a UDF-affiliated civic organisation. When the home of Katlehong's mayor, Mr Khumalo, was burnt down after the funeral of a victim of a police shooting, Mr Khoali was detained for fourteen days by the Germiston police and accused of involvement in the incident. He was assaulted and as a result falsely identified another Katlehong resident as a participant in the arson attack.
- 325 Mr Khoali was again arrested and held at Modderbee prison after the state of emergency was declared in June 1985. He was taken to a private house in Primrose called the 'waarkamer' where he was subjected to the 'helicopter' torture method and given electric shocks. As a result of his assault and torture by the police, both Khoali's legs were amputated above the knee and the use of his left arm is impaired.
- 326 Mr Thabang Reginald Mopeloa [JB01527/03NW] of Leboleng township in the Western Transvaal told the Commission of his detention and torture. On 17 June 1986, youths had gathered to sing freedom songs. As they were singing, there was a blackout in the township. They heard families shouting and crying that they were being attacked by "faceless people" wearing balaclavas and wielding plastic batons. The attackers arrived at Mr Mopeloa's home at about 03h00 and asked for him. Mopeloa said they beat him "as if they were beating the cows that didn't want to get into the kraal". Mopeloa and other youths were taken to the local police station, Makwassie, where they were slapped by white policemen wearing balaclavas. Eighteen-year-old Ms Cynthia Kedibone Morake [JB01852/03NW] was one of five young women arrested in the same incident.
- 327 Mr Mopeloa, who told the Commission that he didn't belong to any organisation at the time, was accused of being an ANC leader in the area and interrogated about his alleged involvement in the burning of a municipal office. When he denied that he was politically involved he was severely tortured. When he asked what evidence the police had that he was an ANC leader, he was beaten and handcuffed to the roof of a cell while electric shocks were applied to his genitals. The police did not allow his parents to see him:

After the three days that I spent at Makwassie, my parents were trying to get hold of me, to come and visit me. But unfortunately I was badly beaten and assaulted and they wouldn't even recognise it was Reggie.

- 328 The nightmare continued when the youths who had been detained were transferred to Stilfontein prison. While they were in the police van, the police told them that they were going to be thrown into an old mine shaft at Stilfontein. A tear gas canister was thrown into the vehicle.
- 329 At Stilfontein prison the young detainees were again teargassed and beaten. They were placed in a dark cell, and the beating continued. Later they were taken outside in freezing winter temperatures and sprayed with water and made to lie on the ground. They were surrounded by police vehicles and beaten once again with plastic batons. Mr Mopeloa told the Commission:

I was badly assaulted. I couldn't bear the pain ... and even asked God to take my life. They poured water on me and they made me lie in the bush and they said I should roll. They said I should sing and I was singing a

song 'God we praise you', and they put a hose-pipe into my mouth, they said "You are singing nonsense, why don't you sing the Mandela song, we want to listen to that ... "

I said to them, "I do not have an idea of what you are talking about, I can't even sing those songs." They forced me to sing and I kept on singing the hymns.

330 His torturers still did not believe that he knew nothing about political activity in the area.

They said, "You don't want to tell the truth. We want to show you now that you will tell us the truth ... " They took the hose-pipe and put it into my mouth and they opened the tap. My tummy was full of water and I felt as if it was going to burst. I couldn't breathe. Thereafter Scheepers came close to me and he said, "I am now showing you Mandela." He used his boot to kick me on the stomach and water came out of my mouth and nose. I was just in a terrible state ... After that they made me run along the cars that were parked in a circle. There were soldiers and policemen, whom I do not know, but I only knew Scheepers. Everybody I come across, used his stick to hit me. Each one of them wanted to have their share on me.

331 After five days of continuous assault Mr Mopeloa was finally taken to court. He hoped to find some relief from the judicial system, but was disappointed:

I was expecting at the court of law to give my statement. But no statement was taken from me. What actually happened was, one of the prosecutors came to me and he intimidated me and said if I do not agree to the charges against me, that is public violence, I will be sentenced for five years ... We were so scared of the boers at that time, and I was so scared of prison and when they mentioned five years, I got a shock of my life, and I have seen many people who have come from prison, whose lives have been turned into tragedy. I confessed after that intimidation from the prosecutor Jordaan, and I said yes, I was present. You know I just wanted to be free.

332 Mr Kokane Isaac Ditshego [JB03221/02GTTEM], secretary of the Moutse Civic Association, which was campaigning against the incorporation of the area into the KwaNdebele homeland, was arrested and tortured in police custody in 1986. While his initial arrest and assault was carried out by the KwaNdebele Police, they were clearly working in co-operation with the SAP, who subjected Mr Ditshego to suffocation by 'tubing' (placing a tyre tube over his face).

333 Like a number of other detainees, Ditshego reports that after his arrest he was not immediately taken to a police station. First he and his cousin were kept in a police van for approximately four hours:

It was about one o'clock at night. They put me in a cage, in a dog cage, as you know the police cars have this dog kennels at the back where they put two dogs. They had one dog in the other kennel and they put the two of us, me and my cousin in ... They drove with us to Hillbrow and parked their car there ... for the whole night and they went around on foot playing machines, drinking, doing whatever they want and they came back round about five o'clock.

- 334 Mr Ditshego and his cousin were not taken to a police station but were driven to an abandoned farmhouse where they were interrogated and lashed. He described the attempts of the police to suffocate him:

And all of a sudden I saw one of them with a car tube, a piece of a car tube about that size. These guys, bearing in mind that they were almost all of them heavily built, to me they looked quite a bit abnormal, they were too big and I didn't even – I didn't see such big policemen around here, I mean they were very fat people. They let me lie on my back, yet still handcuffed. One of them sat on my legs and one of them sat on my chest. On my stomach here and the other one comes in front of me and put that tube on my face to suffocate me. That was the worst thing they could do to me. I get suffocated only when windows are not open but what more then, when a tube of a car is pressed on my face and all what they are saying is that "Nou gaan jy waar praat". They did that to me three times. I cannot count how many seconds or how long they kept pressing the tube on one's face or how long did they do it on me but it was only when I felt I was about to die when they could remove the tube.

- 335 When Ditshego lost consciousness, the police poured water over him to revive him. He was left for two weeks before the torture started again. Ditshego told the Commission that he was brought to the brink of death by a blow to the head.

... one of the biggest of them all, when I just entered the door there, hit me with his fist under the ear and I fell and died a little bit.

- 336 When Ditshego regained consciousness, the police appeared to have been concerned that they had actually killed him, but had made no attempt to assist him or call for medical help. They forced him to stand for a day before taking him back to the cells.

D e a t h s i n d e t e n t i o n

- 337 Mr Stanza Bopape [JB0500/02NPPTB, JB03703/01ERTEM], a well-known activist and general secretary of the Mamelodi Civic Association, died in police custody at John Vorster Square on 12 June 1988, three days after he had been detained with his flatmate Mr Bheki Nkosi [JB05244/O1ERKAT]. A high-level cover-up, including a fake escape and secret disposal of Mr Bopape's body was approved by the commissioner of police, General Johan van der Merwe, in order to avoid the negative political ramifications of his death in police custody. Until the recent amnesty applications of a number of policemen involved in Bopape's death, a public fiction had been maintained that Bopape 'escaped' from police custody while being transported from Johannesburg to the Vaal. According to the then Minister of Law and Order, Mr Adriaan Vlok, Bopape escaped when three policemen with whom he was travelling got out of the car to change a punctured tyre. Bopape allegedly found the keys to unlock his handcuffs and fled. Police reported that they shot at him but failed to apprehend him, and claimed that he must have left the country to join the ANC.
- 338 Mr Bopape's mother, Ms Mokgaetji Francina Bopape, breaking down several times, made an impassioned plea at the Commission's Pietersburg hearings for information about her son's whereabouts. After a fruitless search by her husband for Bopape in the ANC exile community, Ms Bopape became convinced that her son had died in policy

custody. However, she was never able to confirm this. She told the Commission that she wanted “the police who were with him [to] come here and tell us where the bones are”.

339 In the months that followed Ms Bopape’s testimony, a number of the policemen involved in Mr Stanza Bopape’s arrest and interrogation applied to the Commission for amnesty, claiming that he had died of a heart attack after they had applied electric shocks to his body.

340 According to the amnesty applicants, they had information that Bopape had been involved in a variety of violent attacks, including several bombings and the murder of three police officers in Atteridgeville. When questioned about his activities, Bopape apparently refused to provide the police with any information. As the day wore on and Bopape still remained uncooperative, a decision was made to “give him a little fright”. It was proposed that electric shocks should be used. A police officer was sent to fetch the electric shock equipment from another police station.

341 All the amnesty applicants claim that Bopape was not assaulted prior to the decision to use electric shocks on him and that the device was turned only a few times before he slumped forward, dead.

342 However, Mr Bheki Nkosi, Bopape’s flatmate who was detained with him, told the Commission that Bopape’s torture may have been more severe. He described to the Commission how he himself was given electric shocks of increasing intensity when he did not respond to questions put to him.

343 Van Niekerk describes how Bopape was prepared for the shocks:

We decided to tie Mr Bopape on a chair ... There was a strong wooden chair in my office and because of the fact that my office was quite small we pushed the chair out into the corridor which was quite broad – wide – and Mr Bopape was placed on the chair. His shirt was removed, his hands were tied to the supports of the chair and his feet to the legs of the chair. Sergeant du Preez had the shock device in his hand ... There were two cords running from the device and at the tip of it, of these cords, there were two pieces of cloth which was wrapped around the tips of the cords. This device was turned two or three times by Sergeant du Preez and whilst he was turning it, Mr Engelbrecht pushed these cords against his body and moved it over Mr Bopape’s body ... It didn’t take very long, maybe two to four minutes, the device was turned, then it was stopped, then someone asked him whether he wanted to say something and if there was no reaction to that, then the machine was turned again and this must have happened around three times. By the third time Mr Bopape’s head fell forward and I realised there was something wrong. We immediately untied him, placed him on the floor and Sergeant du Preez gave him mouth to mouth resuscitation. It seemed that he was dead already and I think all of us standing there ... all thought that he was dead.

344 Realising the political implications of Bopape’s death – on the eve of the tenth anniversary of the 1976 Soweto protests and at the height of conflict between the government and opposition groups – the police officers involved in his interrogation did not try to obtain medical confirmation of his death, or medical assistance to resuscitate him. Instead, Van Niekerk telephoned his superior, General Erasmus, to express his concern about the possible political consequences of Bopape’s death and suggest that a ‘plan’ should be made. The plan was that Bopape’s body was to

be hidden while Van Niekerk and the other policemen involved in his interrogation waited for instructions regarding the next step:

... we thought we would put the body back in the office where Mr Mostert and Engelbrecht interrogated him at first and he was placed on the floor and a blanket was thrown over him. And then we waited to receive feedback from General Erasmus.

- 345 At approximately 18h00 that evening General Erasmus arrived at John Vorster Square to tell the waiting policemen what plans had been made. He had discussed the matter with the commissioner of police, who had suggested that a fake escape be arranged. Brigadier Visser of the Eastern Transvaal Security Branch would assist with the disposal of the body.
- 346 As night fell, Bopape's body was secreted out of the police station and taken away by the Johannesburg Security Branch members. Near Bronkhorstspuit they met up with members of the Eastern Transvaal Security Branch and drove together to a dirt road, where Bopape's body was moved from the boot of Lieutenant Zeelie's car to the boot of a car driven by Captain van Loggerenberg of the Eastern Transvaal Security Branch.
- 347 Van Loggerenberg drove to the Komati River, near a picnic spot frequented by police officers. He arrived at about 02h00 and immediately went to a crocodile-infested pool, where he deposited the body:

I rolled the body into the river and the body, the corpse sunk away into the water. I cannot tell you that it immediately disappeared, but I did not stay to look.

THE COMMISSION FINDS THAT THE SPECIAL BRANCH OF THE SAP WAS RESPONSIBLE FOR THE DETENTION AND TORTURE OF MANY YOUNG PEOPLE, INCLUDING MR SPANKIE LESOTHO, MR THABANG REGINALD MOPELOA, MR BHEKI NKOSI AND MR STANZA BOPAPE DURING THE PERIOD 1983–89.

THE COMMISSION FINDS THAT MR LESOTHO WAS ARRESTED IN THE CARLETONVILLE AREA AND DETAINED FOR LONG PERIODS DURING WHICH HE WAS SEVERELY BEATEN AND SUBJECTED TO REPEATED ELECTRIC SHOCK TORTURE. THE COMMISSION FINDS THAT MR MOPELOA WAS ARRESTED IN JUNE 1987 BY THE SAP AND SUBJECTED TO SEVERE BEATINGS AND TORTURE. THE COMMISSION FINDS THAT MR NKOSI WAS DETAINED AND TORTURED WITH ELECTRIC SHOCKS BY THE SAME SPECIAL BRANCH MEMBERS WHO DETAINED AND TORTURED MR BOPAPE. THE COMMISSION FINDS THAT THE TORTURE CONSTITUTES A GROSS HUMAN RIGHTS VIOLATION FOR WHICH THE THEN HEAD OF THE SPECIAL BRANCH, THE COMMISSIONER OF POLICE AND THE MINISTER OF LAW AND ORDER MUST TAKE RESPONSIBILITY .

THE COMMISSION FINDS THAT MR BOPAPE, A WELL-KNOWN ACTIVIST AND GENERAL SECRETARY OF THE MAMELODI CIVIC ASSOCIATION, DIED WHILST BEING TORTURED BY MEMBERS OF THE SECURITY BRANCH³⁰ AT JOHN VORSTER SQUARE ON 12 JUNE 1988. THE COMMISSION FINDS FURTHER THAT A NUMBER OF POLICEMEN WERE INVOLVED IN A COVER-UP OF BOPAPE'S DEATH AND DISPOSING OF HIS BODY, INCLUDING THE FORMER COMMISSIONER OF POLICE, GENERAL JOHAN VAN DER MERWE, GENERAL ERASMUS, BRIGADIER VISSER OF THE EASTERN TRANSVAAL SECURITY BRANCH, AND CAPTAIN VAN LOGGERENBERG. THE COMMISSION FINDS THE DISAPPEARANCE, TORTURE AND DEATH OF BOPAPE TO CONSTITUTE A GROSS VIOLATION OF HUMAN RIGHTS AND FINDS THE POLICEMEN AND THE MINISTER OF LAW AT THE TIME RESPONSIBLE FOR GROSS VIOLATIONS OF HUMAN RIGHTS. THE POLICEMEN HAVE APPLIED FOR AMNESTY.

Disappearances

- 348 Mr Ramatua Nicholas Thlapi [JB01185/03NW], from Ikageng at Potchefstroom, was arrested in Jouberton on 20 March 1986 along with several other young activists. Mr Thlapi subsequently disappeared in police custody. At the time of his disappearance, the SAP claimed that they had released him the day of his arrest. Mr George Morwaabusi Mangwejane [JB01452/03NW], one of the activists detained with Thlapi, said he last saw him lying on the floor in the Stilfontein police station, bleeding from the mouth. He claimed that he saw Constable April Tshwaedi jump on Thlapi's chest.
- 349 In 1993, former policeman Mr George Mbathu, who had detained Thlapi and the other activists, gave Lawyers for Human Rights a sworn statement alleging that Warrant Officer Viljoen, Sergeant Makiti and Constables Tseladimitlwa, Tshwaedi, Majaja and Mano had been involved in the arrest. He also alleged that Thlapi was dead and that his body had been dumped down a mine shaft. Later he pointed out an old disused mine shaft just outside Stilfontein.
- 350 On 29 December 1993, Lawyers for Human Rights, the Independent Board of Inquiry (IBI) and members of the SAP accompanied the Thlapi family to the mine, where a camera was lowered down the shaft and the family watched the camera's progress on a monitor. A number of shadows appeared on the screen, but there was no conclusive proof that Thlapi's body had been dumped there. In the light of what he had seen, Mr Abbey Dlavane of Lawyers for Human Rights felt that further investigation of the site was warranted. The police investigation into Thlapi's disappearance continues. Two of the policemen mentioned by Mbathu have been charged with serious assault against other detainees at the Welverdiend police station in Carletonville.

Staged escapes

- 351 Two KwaNdebele families made statements to the Commission regarding relatives who disappeared in strikingly similar circumstances. Both individuals were arrested by the police but were subsequently reported to have escaped from custody. Over a decade later, neither has been seen or heard from again. Even their families have given up hope that they are still alive. No one has applied for amnesty for either incident, but the Commission's investigations have made some progress in unravelling the mysteries surrounding these disappearances. KwaNdebele policemen are implicated in the probable deaths of both detained activists. A report on one of the cases has been sent to the Attorney-General for consideration.
- 352 On 11 February 1987, Mr Jim Msebenzi Mahlangu [JB02465/01MPMOU], a fifty-one-year-old headman, was detained at his home at 159 Tweefontein 'G' by three white and three black KwaNdebele policemen. Ms Anna Mbele, one of Mr Mahlangu's wives, and Ms Maria Mahlangu, his mother, witnessed his detention. They were told that he was being detained under the emergency regulations.
- 353 Later the same night, policemen returned to the Mahlangu home, claiming that he had escaped while directing them to an arms cache hidden at a friend's house. Before the police left, they detained one of the sons, Mr Themba Mahlangu, saying that the boy would "speak the truth". Themba Mahlangu was held at Kwaggafontein police station

for five days under the emergency regulations without being questioned. He did not see his father. Ms Anna Mbele searched police stations and mortuaries in the area, but found nothing.

- 354 The disappearance of Mr Mahlangu appears even more suspicious given the headman's previous political involvement. Mahlangu had a good working relationship with 'comrades' in the area and played an active role in the local 'people's court'. He had also assisted in a special police investigation into outstanding charges against KwaNdebele politicians and members of the Imbokodo vigilante group (see below). Mahlangu had helped the police collect statements on a raid in Tweefontein from twelve residents who might otherwise have been reluctant to co-operate with the police. These statements were central to the case against Imbokodo leaders.
- 355 The KwaNdebele Police insisted that they had no record of Mahlangu's detention, though entries in the investigation diary of the disappearance docket suggest that individual policemen may have known about the case, but had refused to give a statement. The investigation was subsequently closed for lack of information.
- 356 On 6 February 1987, Ms Happy Shabangu and her brothers Lucas and Stephen Shabangu were working at the Bundu Inn in Moutse, KwaNdebele, owned by their father, Mr JB Shabangu. Between 12h30 and 13h00 that afternoon, six KwaNdebele policemen arrived at the premises in several vehicles. They have been identified as Warrant Officer Eric Magagula, Constable SJ Kritzinger and Sergeants Arnoldus van Schalkwyk, Sam Mphelo (since deceased), Dumisani Mahlangu and Jacob Mthombeni.
- 357 The officers expressed a particular interest in searching the staff room that belonged to the Shabangus' elder brother, Mr George Shabangu [JB02849/01MPMOU]. Happy Shabangu unlocked the room and watched as the policemen searched the premises. One of the officers produced a firearm, alleging that he had found it on a ledge near the top of the wall in George's room. Happy, however, was suspicious of the policeman's claim as the gun had been recovered before the search was conducted. Nevertheless, she signed the policeman's pocketbook to confirm the particulars of the weapon when instructed to do so. The policemen told Happy that the weapon implicated George in a recent robbery at the Moteti Top Sport Garage. Again, Happy's suspicions were aroused, as she knew that the garage was owned by Mr Nyembe, her father's close friend. As the policemen left the premises, Lucas and Stephen Shabangu were detained for further questioning.
- 358 The policemen proceeded to Matchiding, where Sergeant Mthombeni led them to the house of George Shabangu's girlfriend, Ms Connie Mokwena. George was at the house and was also arrested and taken with his brothers to the Siyabuswa Murder and Robbery Unit.
- 359 On arrival, the younger brothers were placed in separate interrogation rooms across a garden from the room to which George was taken. Stephen was questioned twice regarding the gun. He stated then, and continues to affirm, that he had no knowledge of the gun. During a break in the questioning, Stephen witnessed two of the policemen, Dumisani Mahlangu and Eric Magagula, driving off in a pale brown minibus. When they returned some fifteen minutes later, Van Schalkwyk allegedly rushed to the combi to fetch a brown case. While Van Schalkwyk was on his way back to the room in which George was held, Stephen allegedly overheard the policeman say words to the effect that George was in for a hard time.

- 360 Shortly after Mahlangu, Magagula and Van Schalkwyk entered the room in which George was being held, Stephen and Lucas heard screams which they believe to have been from their brother. The screams lasted for approximately an hour before they suddenly ended. When the screams stopped, Mahlangu, Magagula and Mthombeni returned to Lucas and Stephen to take them home. When the brothers inquired after George, the policemen told them not to worry as he was in their care.
- 361 Later that night, Magagula and Van Schalkwyk returned to the Bundu Inn to report that George Shabangu had allegedly escaped that evening while pointing out an arms cache in the Marapong area. George Shabangu has not been seen since.
- 362 Four section 29 subpoena hearings were conducted with respect to the incident and several sworn *affidavits* were collected. A report on the Commission's investigations into the disappearance of George Shabangu has been forwarded to the Attorney-General for consideration.

THE COMMISSION FINDS THAT MR RAMATUA NICHOLAS THLAPI WAS LAST SEEN IN THE CUSTODY OF THE POLICE BASED AT JOUBERTON POLICE STATION IN 1986. THE COMMISSION FINDS THAT HE WAS ASSAULTED AND TORTURED BY WARRANT OFFICER VILJOEN, SERGEANT MAKITI AND CONSTABLES TSELADIMITLWA, TSHWAEDI, MAJAJA AND MANO OF THE JOUBERTON SECURITY BRANCH. THE COMMISSION FINDS THE JOUBERTON SECURITY BRANCH RESPONSIBLE FOR MR THLAPI'S DISAPPEARANCE, AND FINDS THAT IN ALL PROBABILITY HE WAS KILLED BY THE JOUBERTON POLICE IN WHOSE CUSTODY HE WAS LAST SEEN. THLAPI'S DISAPPEARANCE AND DEATH CONSTITUTE GROSS HUMAN RIGHTS VIOLATION FOR WHICH THE COMMISSION HOLDS THE COMMISSIONER OF POLICE, THE HEAD OF THE SECURITY BRANCH AND THE MINISTER OF LAW AND ORDER RESPONSIBLE.

WITH RESPECT TO THE CASE OF MR GEORGE SHABANGU, THE COMMISSION FINDS THAT :

- THE SEARCH OF MR SHABANGU'S ROOM ON 6 FEBRUARY 1987 BY WARRANT OFFICER ERIC MAGAGULA, CONSTABLE SJ KRITZINGER AND SERGEANTS ARNOLDUS VAN SCHALKWYK, SAM MPHELO, DUMISANI MAHLANGU AND JACOB MTHOMBENI OF THE KWANDEBELE POLICE WAS CONDUCTED ILLEGALLY.
- MR SHABANGU WAS DETAINED BY THE KWANDEBELE POLICE FOR POLITICAL REASONS AND NOT, AS CLAIMED BY THE POLICE, TO INVESTIGATE AN ARMED ROBBERY AT A LOCAL GARAGE.
- MR STEPHEN SHABANGU'S EYEWITNESS STATEMENT REGARDING EVENTS AT THE SIYABUSWA MURDER AND ROBBERY UNIT ARE IN ALL PROBABILITY AN ACCURATE ACCOUNT.
- THE SIYABUSWA MURDER AND ROBBERY UNIT POSSESSED A BROWN LEATHER CASE CONTAINING AN ELECTRICAL DEVICE USED REGULARLY TO SHOCK DETAINEES DURING INTERROGATIONS.

THE COMMISSION FINDS IT UNLIKELY THAT THE POLICE WOULD HAVE CONDUCTED A NIGHT-TIME SEARCH FOR AN ARMS CACHE WITH A SUSPECT THEY CONSIDERED DANGEROUS – AND WITHOUT TAKING SHOVELS OR TORCHES. THE COMMISSION REJECTS THE ASSERTION BY THE KWANDEBELE POLICE THAT MR GEORGE SHABANGU ESCAPED WHILE POINTING OUT AN ARMS CACHE. THE COMMISSION HOLDS THE KWANDEBELE POLICE RESPONSIBLE FOR THE DISAPPEARANCE OF MR SHABANGU ON 6 FEBRUARY 1987 AND

FINDS THAT IN ALL PROBABILITY HE WAS KILLED BY THE KWANDEBELE POLICE, IN WHOSE CUSTODY HE WAS LAST SEEN. THE COMMISSION FINDS THE DISAPPEARANCE AND DEATH OF MR SHABANGU TO CONSTITUTE A GROSS VIOLATION OF HUMAN RIGHTS, FOR WHICH THE HEAD OF THE KWANDEBELE POLICE MUST ACCEPT RESPONSIBILITY.

C o v e r t a c t i o n

363 The evidence of amnesty applicants to the Commission has provided confirmation of an increase in the use of extra-judicial mechanisms to control political opposition in the country during the mid-1980s. The secret Vlakplaas Security Branch police unit played a significant role in this escalation of covert activity. However, evidence from amnesty applications made to the Commission indicates that such extra-judicial activities became increasingly localised and widespread. Members of the Soweto Security Branch applied for amnesty for a range of illegal activities, including bomb attacks to boost the credibility of informers and the use of booby-trapped grenades against activists.

364 In the 'credibility operations', informers who had infiltrated MK cells would be assisted with various sabotage operations in order to maintain their credibility. These sabotage acts primarily involved destruction of property but may have also led to loss of life. Most of these operations were carried out between 1985 and 1987 by a team consisting of black police informers and white Security Branch officers. In 1989 a slightly different team organised a more serious operation – the murder of three activists using booby-trapped limpet mines.

365 One of the victims remains unidentified to this day, another is simply referred to as 'Castro', the third is identified in a statement as Mr Ncebe Cassius Snuma [JB01654/01GTSOW]. Mr Cindi Snuma reports that Ncebe, a UDF activist, disappeared mysteriously after leaving home on 18 July 1989. In September 1996, police at Braamfontein gave Mr Sandile Snuma some photographs by which he was to identify his brother Ncebe's body. Sandile was allegedly instructed not to contact the media or the Commission as two suspended policemen had been involved in Ncebe's death and any outside interference might jeopardise the investigation. According to the police, Ncebe was killed when a bomb given to him by an ANC member exploded in his possession.

THE COMMISSION FINDS THAT THE SOWETO SECURITY BRANCH USED EXTRA-JUDICIAL METHODS TO KILL ACTIVISTS, INCLUDING MR NCEBE CASSIUS SNUMA, ONE 'CASTRO' AND AN UNIDENTIFIED YOUTH. THE COMMISSION FINDS THAT THESE EXTRA-JUDICIAL KILLINGS CONSTITUTE GROSS HUMAN RIGHTS VIOLATIONS FOR WHICH THE SAP, THE SADF AND VLAKPLAAS MUST ACCEPT RESPONSIBILITY. THE COMMISSION FINDS THE COMMISSIONER OF POLICE, THE MINISTER OF LAW AND ORDER, THE HEAD OF THE SADF AND THE MINISTER OF DEFENCE RESPONSIBLE FOR GROSS VIOLATIONS OF HUMAN RIGHTS.

366 Important new information about the booby-trapped hand grenades has emerged both through the testimony of victims to the Human Rights Violations Committee and through the amnesty applications of senior security force personnel. The evidence reveals the level of co-operation between the covert units of the SAP, Vlakplaas and the SADF Special Forces. In his amnesty application Mr Willem Schoon states that he discussed the booby-trapped hand grenades with Major General Joep Joubert of the SADF Special Forces. He was told that Special Forces were able to reduce the timing device in a hand grenade to zero seconds. These hand grenades were later given to the East Rand activists. The distribution of booby-trapped hand grenades to young activists on the East Rand was seen as a means of re-establishing control over East Rand townships.

- 367 Eight people were killed in different hand grenade explosions on 26 June 1985. At least seven people were injured. The media announced the following day that the victims had been “on their way to commit acts of terror when they were killed by their own weapons”.
- 368 In an application for amnesty, Brigadier Jack Cronjé said this had been a propaganda exercise to create the impression that ‘terrorists’ had blown themselves up because they were poorly trained. “Our actions maintained the trust of white voters in the apartheid government and convinced them to vote for this government.” The use of the grenades had the dual benefit of permanently eliminating activists as well as making them appear incompetent, simultaneously undermining the credibility of the ANC’s armed wing, MK, within the township community and boosting the credibility of the South African security forces within the white community.
- 369 Amnesty applications from senior police officials make it clear that the use of booby-trapped hand grenades was authorised at the highest levels of government, but the exact line of command remains murky. Former Commissioner Johan van der Merwe was second in command of the Security Branch at the time of the hand grenade attack. He claims in his amnesty application that he initiated the project and gained the direct consent of his superiors up to the level of the Minister of Law and Order, Mr Louis le Grange. Police Commissioner Johan Coetzee was reportedly involved in the planning stage of the operation and Van der Merwe reported to him in full on its completion. However, Van der Merwe was reluctant to commit himself as to whether the use of the hand grenades had been approved at a higher level (i.e. the State Security Council) or to comment on a claim by Brigadier Cronjé that Van der Merwe was merely implementing a project initiated by the State President and the Minister of Law and Order.
- 370 By mid-1985, the use of state-sanctioned murder to contain opposition was well established. Although General van der Merwe does not acknowledge that orders were given to carry out illegal activities, he does state that “the impression was created” that the security forces should use any means necessary to halt the “total onslaught” facing the country:

I can say that if you talk with your people now it seems that the perception did exist that it was expected of them to do a lot more than that which could be done within the parameters of the legal system. Apart from our duties in terms of the Police Act and Regulations our instructions normally came from the State Security Council. What I would like to emphasise that in respect of all instructions coming from the State Security Council all these instructions fell within the ambit of the law. Instructions from the State Security Council, as far as I am aware, were never extra-legal by nature ... but if you look at the general perception at the time, the impression was created that the enemy had to be halted at all costs.

- 371 Brigadier Cronjé, in his testimony, is more explicit about the chain of command:

This instruction was given to me in Springs by General van der Merwe and during this instruction he specifically indicated to me that this came directly from Minister le Grange and that it had indeed been authorised by President PW Botha, as well as Commissioner Johan Coetzee, both of whom knew about this and authorised it ... If it should be claimed therefore by anyone that the State Security Council was not aware of the actions of the security forces and the security police or of any specific incidents this would not be true.

- 372 According to Van der Merwe, the project, which was to become known as 'Operation Zero Zero' was initiated in response to intelligence reports which indicated that a group of activists were planning armed attacks on the homes of black policemen living in East Rand townships. The activists were allegedly simply waiting for a consignment of hand grenades from an arms cache before launching their attacks.
- 373 Van der Merwe states that he was personally in charge of the operation, intercepting the explosives which the activists were to use and modifying their time-delay mechanism before passing them on to the askaris. The instruction was given to supply the activists with these 'Zero Zero' hand grenades.
- 374 After the incident, violence erupted in Duduza and continued for the next month. At least three people were wounded when police fired birdshot and tear gas to disperse more than 6 000 residents who had gathered around the bodies of the men killed in the hand grenade explosions. Members of the dead men's families and other residents sat near the bodies and refused to allow police to remove them. After firing tear gas and birdshot to disperse the crowd, the police took the bodies away [see JB02576/01ERKWA].
- 375 Residents believed a police informant was behind the deaths of the students. At the first funeral, Archbishop Desmond Tutu saved a suspected informer from being necklaced. But at the second funeral, the fury of Duduza was unleashed on Ms Maki Skhosana [JB00289/01ERKWA], suspected of being an informer because of her relationship with one 'Mike', who was in fact Vlakplaas operative Joe Mamasela posing as an MK operative (see under Necklacing, below). Soon after Skhosana's necklacing, State President PW Botha declared a state of emergency on 20 July 1985 affecting thirty-six magisterial districts.

THE COMMISSION FINDS THAT EIGHT PEOPLE WERE KILLED AND SEVEN SERIOUSLY INJURED IN SEPARATE HAND GRENADE AND LIMPET MINE BLASTS ON 25 JUNE 1985. THE COMMISSION FINDS THE FOLLOWING INDIVIDUALS RESPONSIBLE FOR SUPPLYING EAST RAND ACTIVISTS WITH BOOBY-TRAPPED HAND GRENADES AND LIMPET MINES, RESULTING IN GROSS HUMAN RIGHTS VIOLATIONS: FORMER VLAKPLAAS HEAD WILLEM SCHOON; FORMER SPECIAL FORCES OFFICER, MAJOR GENERAL JOEP JOUBERT; FORMER COMMISSIONER OF POLICE, GENERAL JOHAN VAN DER MERWE; BRIGADIER CRONJÉ; FORMER VLAKPLAAS COMMANDER, EUGENE DE KOCK; VLAKPLAAS ASKARIS DANIEL NKALA AND JOE MAMASELA, AND SPECIAL BRANCH MEMBERS ROELOF VENTER, MARTINUS DELPORT AND FRANCOIS STEENKAMP. THE COMMISSION FINDS THE FORMER MINISTERS OF DEFENCE AND OF LAW AND ORDER RESPONSIBLE FOR THE ACTIONS OF THEIR OPERATIVES.

A m b u s h e s

- 376 At an amnesty hearing in Pietersburg, new information emerged about an operation which led to the killing of six MK members in an ambush near the Botswana border in 1987.
- 377 Former Northern Transvaal security police chief, Colonel Willem van der Merwe, stated that he was involved in a plan to provide police transport for a group of MK insurgents who wanted to enter the country from Botswana on 10 July 1986.
- 378 "The idea was to keep track of the activities of such groups, and to eventually arrest them inside South Africa," he said. In this particular case, the plan had been to halt the vehicle carrying the insurgents at a roadblock. Several police units and members of Five Reconnaissance Battalion based at Phalaborwa were involved. Sergeant Mathews

Sehlwana, the driver of the minibus, was briefed on his role. The plan was to lob a tear gas canister into the vehicle to force the insurgents to surrender. Sehlwana was to jump out of the vehicle and seek shelter. "We believed that, with a show of force, we would be able to arrest them," Van der Merwe said. Although not actively involved in the operation, he supervised the formulation of the plan.

- 379 Sehlwana said his task as a member of the security police was to gather information about the movements of ANC insurgents planning cross-border raids from Botswana. Informants told him six infiltrators were seeking transport to South Africa. He offered to assist them, saying his father was a taxi-owner. According to official documentation before the amnesty committee, three of the victims were identified as Mr WT Alset [JB04421/02PS], Mr LM Moloi and Mr TR Mogashoa. The other three were not identified. At the time, Sehlwana was operating as a member of an anti-insurgency unit commanded by Captain Koos van der Berg. He informed Van der Berg of the infiltration plan. According to testimony heard by the Commission, two of the insurgents were planning to bomb the Checkers shopping complex in Pietersburg, two wanted to get to Phalaborwa, and the remaining two were heading for Johannesburg. The police ambush was carefully rehearsed, and Sehlwana went ahead with an arrangement to pick up the six men in a minibus provided by the police. Sehlwana said he was under the impression the insurgents would be arrested.
- 380 On 10 July 1987 he picked up the six men at a prearranged spot near Alldays in Northern Province and drove to a bridge where his colleagues were waiting. He testified that the insurgents were armed with automatic rifles and grenades and opened fire when they were attacked. All six MK operatives were killed in the shoot-out.
- 381 Van der Merwe said he was shocked to hear on the day of the operation that the plan had gone awry. The findings of an inquest, ordered at the time, did not reflect what happened at the scene of the shooting, he contended. In applying for amnesty in respect of this incident, Van der Merwe said he believed he and the other security policemen had acted lawfully in terms of existing legislation. "Our task was to prevent the violent overthrow of the government." Van der Merwe confirmed having authorised a R2 000 payment to Sehlwana for having done a "good job".

THE COMMISSION FINDS THAT A NUMBER OF ACTIVISTS LEAVING OR ENTERING THE COUNTRY WERE KILLED IN AMBUSHES BY THE SADF AND SAP NEAR THE BORDERS WITH SWAZILAND, MOZAMBIQUE, LESOTHO AND BOTSWANA. A NUMBER OF AMNESTY APPLICANTS, INCLUDING SPECIAL BRANCH MEMBERS AND COVERT GROUPS SUCH AS VLAKPLAAS MEMBERS HAVE ADMITTED AMBUSHING AND KILLING SUCH ACTIVISTS. THE COMMISSION FINDS THAT ON 10 JULY 1987, SIX ANC MEMBERS WERE AMBUSHED AT ALLDAYS AND SHOT DEAD BY POLICE. THE COMMISSION FINDS THAT THE KILLING CONSTITUTES GROSS HUMAN RIGHTS VIOLATIONS FOR WHICH THE MINISTER OF LAW AND ORDER, THE COMMISSIONER OF POLICE AND THE FORMER STATE MUST ACCEPT RESPONSIBILITY.

THE COMMISSION FINDS, AS A RESULT OF EXHUMATIONS, THAT A NUMBER OF CADRES WERE TORTURED AND KILLED AFTER HAVING BEEN ABDUCTED. EXHUMATIONS HAVE REVEALED THAT SUCH CADRES WERE SHOT DEAD WITHOUT ANY ATTEMPT TO DEAL WITH THEM IN A JUDICIAL MANNER. THE COMMISSION FINDS THAT LOWER-RANKING OPERATIVES, NOTING THE STATE SECURITY COUNCIL'S USE OF COUNTER-INSURGENCY STRATEGIES AGAINST THOSE IT CONSIDERED A THREAT, INTERPRETED THIS TO MEAN THAT SUCH CADRES SHOULD BE KILLED. THE COMMISSION FINDS THE MINISTER OF LAW AND ORDER, THE MINISTER OF DEFENCE AND THE HEAD OF THE STATE SECURITY COUNCIL RESPONSIBLE FOR GROSS HUMAN RIGHTS VIOLATIONS.

THE COMMISSION FINDS THAT THE FORMER STATE CONTRACTED WITH A NUMBER OF FUNERAL UNDERTAKERS' FIRMS TO BURY CADRES WHO WERE SHOT IN AMBUSHES OR EXECUTED EXTRA-JUDICIALLY. THE COMMISSION FINDS THAT THE UNDERTAKERS COLLUDED WITH THE STATE IN MANY CASES TO CONCEAL THE CIRCUMSTANCES OF DEATH OF SUCH CADRES FROM THEIR FAMILIES AND THE PUBLIC AT LARGE.

THE COMMISSION FINDS SUCH UNDERTAKERS, THE MINISTER OF LAW AND ORDER AND THE MINISTER OF DEFENCE RESPONSIBLE FOR THE SEVERE ILL TREATMENT OF THE FAMILIES OF THESE CADRES.

- 382 On 23 August 1987, Mr Caiphus Nyoka [JB00285/01ERKWA], a student activist from Daveyton, was killed in an alleged shoot-out with police during a raid on his room in the backyard of his parents' home. He sustained approximately ten gunshot wounds.
- 383 A number of policemen involved in the incident which led to the death of Mr Nyoka, and several of his relatives and friends made submissions to the Commission.
- 384 Nyoka was allegedly linked to eight hand grenades and six limpet mines found on two men on 23 August 1987. The men told the police that they had received the contents of the bag from him, and that they were supposed to return to his home that night. The two men, Mr Daniel Moseng and Mr Moses Mahlangu, were taken to Daveyton police station and the bag was given to Sergeant Engelbrecht of the Security Branch.
- 385 Arrangements were made to arrest Nyoka. Engelbrecht, who knew Nyoka, was to identify and arrest him with the help of Sergeants Stander and Marais. Any other people who might be in the room were to be removed, as the police did not know how Nyoka would react.
- 386 When the group of police officers including Marais, Engelbrecht, Stander and two others arrived at the house, they knocked and ordered the occupants to open the door. Getting no reaction, they kicked the door in. Inside, Engelbrecht used his flashlight to identify Nyoka. He saw three other men and took them outside immediately. He heard Marais ordering Nyoka to keep still. The next moment he heard shots and ordered the three men to lie down on the ground. Engelbrecht turned on the light in the room and found Nyoka, who was fatally wounded, holding a knife in his left hand. Marais said that Nyoka had reached under the bed and grabbed something which shone and looked like a weapon. Marais and Stander had then simultaneously shot at him.
- 387 The three men outside were arrested and taken to Benoni police station for questioning. They were Mr Excellent Mthemba, Mr Exodus Nyakane and Mr Elson Mnyakeni. According to these three young men, they had attended a funeral in Daveyton with Nyoka and had gone to a shebeen together afterwards. At the end of the evening Nyoka said they could all sleep in his room. They talked about the funeral and then went to sleep until the police kicked down the door.
- 388 At the police station, the young men were interrogated and tortured. Mr Nyakane heard someone screaming while he was left in an office in the Daveyton police station. Later, he was locked in a locker and smelled tear gas fumes. He was taken to another office and his face was covered with a cloth causing him breathing difficulties. He was given electric shocks on both hands. As the shocks continued, the cloth was tightened. He was hit in the face. An object

was then put in his mouth and he was shocked again. He fell to the floor still handcuffed to the chair. During the torture, he was questioned about whether he knew two other men, which he denied. He was later taken back to the previous room and locked in a locker again. He peeped through the door and witnessed two other people being locked inside lockers. He also heard more screams. He was later taken back to Daveyton and released.

THE COMMISSION FINDS THAT ON 23 AUGUST 1987, MR CAIPHUS NYOKA, A YOUNG ACTIVIST FROM DAVEYTON, AND THREE OF HIS COMRADES WERE SLEEPING AT HIS HOME IN DAVEYTON. THE COMMISSION FINDS THAT MEMBERS OF THE BENONI SECURITY BRANCH ENTERED THE ROOM, TOOK THE THREE COMRADES OUT INTO THE YARD AND THEN EXECUTED MR NYOKA IN COLD BLOOD. THE COMMISSION FINDS THAT THE THREE OTHER MEN, MR EXCELLENT MTHEMBA, MR EXODUS NYAKANE AND MR ELSON MNYAKENI, WERE TAKEN TO THE BENONI HEADQUARTERS OF THE SECURITY BRANCH AND TORTURED.

THE COMMISSION FINDS THAT THE KILLING OF MR CAIPHUS NYOKA BY MEMBERS OF THE BENONI SECURITY BRANCH CONSTITUTES A GROSS VIOLATION OF HUMAN RIGHTS, AND HOLDS THE MINISTER OF LAW AND ORDER, THE COMMISSIONER OF POLICE AND THE HEAD OF THE FORMER STATE RESPONSIBLE. THE COMMISSION FINDS THAT THE TORTURE OF THE THREE MEN NAMED ABOVE CONSTITUTES A GROSS VIOLATION OF HUMAN RIGHTS, AND HOLDS THE BENONI SECURITY BRANCH, THE COMMISSIONER OF POLICE AND THE MINISTER OF LAW AND ORDER RESPONSIBLE.

Homelands

- 389 The conflict which had emerged in the urban areas from 1984 began to manifest itself in homelands across the country during 1986. In Bophuthatswana, KwaNdebele and Lebowa in particular, violence reached intense levels.
- 390 Numbers of recorded violations in the Transvaal homelands rose dramatically in this period, with most reports emanating from KwaNdebele and Bophuthatswana.
- 391 With the spread of UDF and COSAS activities to the homelands during 1986, many forms of township protest also reached these areas. In most homelands the response to open political protest was severe, resulting in widespread detention and torture by homeland police.
- 392 The homelands, particularly those that had achieved 'independent' status, had security powers that sometimes exceeded those of the South African state itself. A discernible difference in the nature of violations emerged in this period between the self-governing homelands (those without their own police forces and army) and the independent homelands, which had their own security apparatus. In the independent homelands, Venda and Bophuthatswana, acts of torture were by far the most common violations (42 per cent), while in the self-governing homelands torture makes up a relatively small percentage (26 per cent). Many of the statements (particularly for Venda) referred to the detention and torture of activists and suspected MK guerrillas. Almost half of the perpetrators are identified as members of the homeland police forces themselves. However, the involvement of the SAP in detention and torture in both Venda and Bophuthatswana is significant. A number of deaths were reported arising out of acts of torture.
- 393 In the homelands as in the urban areas, a cycle of retaliatory violence was set in motion as violence intensified between homeland security forces and UDF-aligned youth. Petrol-bombing, arson and necklacing were all used during the course of these attacks. One of the main targets of attack by opposition groups were the chiefs who, like community councillors in the urban areas, became increasingly unpopular for their implementation of government

policy. The first major protests in the Transvaal against chiefly authority occurred in Lebowa and KwaNdebele. In many places, chiefs bore the brunt of youth anger, suffering physical assault, attacks on their houses and expulsion from their villages. The rise of the youth movement under the banner of the South African Youth Congress (SAYCO) and the UDF rapidly and systematically destroyed the power of chiefs in many districts.

- 394 Partly in response to the rise of youth organisations and in lieu of formal coercive mechanisms such as homeland armies, this period saw the emergence of conservative vigilante organisations, most notably Imbokodo, Inkatha and Kabasa. These are discussed in the section entitled Vigilantes below, and in more detail in the Homelands chapter in another volume of this report.
- 395 In Venda, gross human rights violations took place in two major contexts. The most significant of these was the conflict between the homeland government and emerging civic, youth and other UDF-affiliated structures which protested against the homeland administration. The second was the conflict between homeland security forces and ANC insurgents crossing the borders from neighbouring countries through the homelands.
- 396 In 1985 the Northern Transvaal Action Committee (NTAC) was launched in Thohoyandou. The NTAC and the Youth Congress mobilised and organised local residents and students against the homeland system, culminating in an anti-independence campaign led by Venda University students and drawing in pupils from a number of secondary schools. The Venda government responded by setting up roadblocks and raiding villages and townships, searching for local leaders.
- 397 The Venda government appears to have made extensive use of detention and torture in its efforts to control opposition. The SAP were frequently involved in the interrogation of suspected MK members in Venda.
- 398 The Venda government experienced considerable instability after the death in May 1988 of the Life President, Chief Mphephu, and his replacement by his cousin, Mr Frank Ravele. Opposition to the homeland government took an extraordinary turn as government officials were widely believed by residents to be involved in more than twenty cases of 'medicine murder' (murder of people for their body parts to make medicines or 'muti') which took place between 1987 and 1989. Many of the officials appointed after Ravele's accession to power were reportedly illiterate and deeply rooted in traditional beliefs about the power of ritual sacrifice.
- 399 The medicine murders evoked widespread anger in the homeland. Government officials were accused of mishandling the investigation and alleged perpetrators were reportedly granted bail and had charges against them withdrawn. Protest activities brought the homeland to a standstill for a brief period.
- 400 Clashes between the security forces and students became inevitable. The Venda security forces patrolled villages and raided the homes of political activists. They detained student leaders and dispersed student meetings violently. Priests and pastors who supported the students were arrested, detained and tortured. The youth retaliated by assaulting people suspected of ritual murders, and attacking their homes. Homes of schoolchildren who attended classes during the school boycott were also burnt down.

- 401 Commission data which shows that 12 per cent of the violations reported to the Commission from the independent homelands during this period were killings, as opposed to torture (42 per cent) and severe ill treatment (44 per cent). It appears that Venda Police tended to beat (rather than shoot) students who engaged in political protests. However, assault could also lead to severe physical damage.
- 402 Mr Ndwamato Peter Rumani [JB01269/02NPVEN] was severely assaulted by Venda policemen during a student march to Makhado police station in June 1989. Rumani was sick at the time and did not participate in the march. However, the police found him in bed and *sjambokked* him until he lost consciousness. He was reportedly refused medical attention and claims that he still suffers from the effects of the assault.
- 403 Ms Tshinane Daphney Kwinda [JB01416/02NPVEN] was sixteen years old when she was seriously assaulted by several Venda policemen in August 1988, during a protest march against corporal punishment. Ms Kwinda lost her right eye in the assault and sustained injuries to her entire body. As a result of her injuries she was unable to continue with her education. Shortly afterwards, a group of policemen visited Kwinda at home and threatened “to take serious steps” if she intended taking the matter further.
- 404 President Ravele appointed a commission to investigate the causes of the unrest and ritual murders in Venda. Judge le Roux, the Chief Justice, was appointed the sole commissioner for this investigation. His findings were that the unrest emanated from the controversial death of Mr James Mavhina, a mentally unstable teacher who disappeared mysteriously before his mutilated body was discovered. When pupils at his school did not receive an explanation from the school and government authorities, they launched a school boycott and a stay away in 1988.
- 405 Judge le Roux concluded that Mr Mavhina had in fact committed suicide, and said that the community’s perception of his death as ritual murder had been promoted by ‘radical’ organisations such as the ANC and UDF in collaboration with the Venda Lutheran Church which, under the banner of Christianity, condoned and promoted violence against apartheid and the homeland governments.
- 406 Mr Lufuno Joshua Mulaudzi [JB01374/02NPVEN], a student at Venda University and a member of the UDF-affiliated NTAC and SAYCO, was arrested and interrogated as a result of his involvement in the launch of the 1986 anti-independence campaign. Mr Mulaudzi was allegedly tortured at Sibasa police station by officers he names as Nesemari and Mganga. He said he was forced to write a statement about his organisational activities. He was subsequently charged with public violence, but the charges were never pursued. During the following two years, the Venda Police allegedly continued to monitor his activities and on one occasion reportedly threatened him with death for continuing with his political activities.
- 407 Mr Motimedi Malaka [JB01270/02NPVEN], a long-term activist who had already been detained in 1976 and 1977 for his involvement in Black Consciousness organisations, was detained again and tortured in 1985 for his leadership role in NTAC. He was subsequently hospitalised for three months.

THE COMMISSION FINDS THAT THE VENDA POLICE AND THE VENDA DEFENCE FORCE USED UNDUE FORCE IN DEALING WITH STUDENT AND COMMUNITY PROTESTS TO INTIMIDATE PEOPLE AND PREVENT THEM FROM EXPRESSING OPPOSITION TO THE VENDA GOVERNMENT.

THE COMMISSION FINDS THAT THE VENDA POLICE AND THE VENDA DEFENCE FORCE WERE RESPONSIBLE FOR THE TORTURE AND SEVERE ILL TREATMENT OF STUDENTS, CHURCH AND COMMUNITY LEADERS. THE COMMISSION FINDS THAT THE TORTURE AND SEVERE ILL TREATMENT CONSTITUTES A GROSS HUMAN RIGHTS VIOLATION FOR WHICH THE VENDA GOVERNMENT IS HELD RESPONSIBLE.

THE COMMISSION FINDS THAT THE VENDA GOVERNMENT AND IN PARTICULAR THE VENDA POLICE AND THE VENDA DEFENCE FORCE COLLABORATED WITH EACH OTHER IN THE ARREST, DETENTION AND TORTURE OF MK CADRES OPERATING IN VENDA. THE COMMISSION FINDS THAT THE SOUTH AFRICAN SECURITY FORCES CO-OPERATED WITH THE VENDA DEFENCE FORCE IN DEALING WITH OPPONENTS OF THE VENDA GOVERNMENT.

408 In Bophuthatswana, freedom of political expression and activity could hardly be said to exist. The ruling Bophuthatswana Democratic Party dominated parliament throughout the territory's history, and various attempts to establish alternative parties and associations floundered as a result of severe repression.

409 Mr Matome Cornelius (Ronnie) Sekhaulelo [JB03711/03NWRUS], a nineteen-year-old COSAS activist, and Mr Mahase Rampone [JB02751/03NWRUS] were two of the students killed by Bophuthatswana Police during student protests in February and March 1986. Mr Sekhaulelo's aunt, Ms Thalitha Sekhaulelo, told the Commission that she went to the bus stop where the incident took place:

... at a distance I was seeing police beating with batons and sjamboks and iron bars. When I arrived there they were picking Ronnie to police van ... When I arrived at that van Ronnie was inside that van and he was lying, his leg was curled as if it is broken ... I handled his leg and I said to Ronnie, "Ronnie!" then he didn't respond, then I did that again and then he didn't respond.

410 The police informed Sekhaulelo's family that he was dead and restricted his funeral to family only.

411 Not only did the government of Bophuthatswana act coercively against its political opponents, it was also involved in the ongoing persecution of non-Tswanas in the homeland, whom Chief Minister Mangope blamed for political opposition in the territory.

412 The experience of the Winterveld community is a stark example of this ethnic persecution. By 1986 it was alleged that the police had killed fifty people in the Winterveld area and detained and tortured approximately 500.

413 Winterveld, an informal settlement in the Odi district of Bophuthatswana, was inhabited mostly by non-Tswanas, but was incorporated into Bophuthatswana at the time of the territory's independence. From this period onwards, the Winterveld community experienced ongoing harassment by the Bophuthatswana authorities.

414 On 26 March 1986, conflict between the Winterveld community and the Bophuthatswana authorities culminated in a meeting of between 5 000 and 10 000 people which was held on a soccer field in Winterveld. Bophuthatswana police, led by Colonel AM Molope, opened fire on the crowd, killing eleven people and injuring 200. More than 1 000 people were arrested and charged with attending an illegal gathering or with public violence. Police allegedly continued to

assault residents even as they fled, dragging them out of houses and subjecting them to extensive battering, both at the scene and at GaRankuwa police station. Colonel Molohe, who had given the order to open fire, was promoted soon after the massacre. A commission of enquiry into the shootings (the Smith Commission) began its investigation in April. Two months later, Colonel Molohe was shot dead in a Winterveld house. Both the PAC and ANC claimed responsibility for the shooting. In July 1988 the Bophuthatswana administration announced that it would not publish the commission's finding as its recommendations had already been implemented.

- 415 Although the findings of the Smith Commission were never published, this Commission was able to gain access to the report. The evidence given to the Smith Commission states that the majority of the people being arrested for suspected involvement in these activities were between the ages of twelve and twenty, and that many were assaulted while in custody, kept for longer than the statutory forty-eight hours without charge, and then often released without charges being brought against them.
- 416 The report said "initially the meeting was calm but sometime after the arrival on the field of Brigadier Molohe the crowd became unruly. It was probably something that Brigadier Molohe said to the people that upset them and triggered off an advance on the police." The report found that the shooting was justified in order to protect the lives of the policemen.

THE COMMISSION, HAVING HEARD THE TESTIMONY OF WITNESSES AND HAVING READ THE REPORT OF THE SMITH COMMISSION, FINDS THAT ON 26 MARCH 1986, RESIDENTS GATHERED IN THE ODI STADIUM TO ELECT A COMMITTEE TO NEGOTIATE THE RELEASE OF DETAINEES WITH THE BOPHUTHATSWANA GOVERNMENT. THE PEACEFUL GATHERING WAS DISRUPTED BY THE BOPHUTHATSWANA POLICE UNDER THE COMMAND OF COLONEL MOLOPE, WHO THREATENED THE CROWD IN HIS ADDRESS TO THEM. THE COMMISSION FINDS THAT THE POLICE STARTED BEATING PEOPLE IN THE CROWD AND ALSO SHOT TEAR GAS INTO THE CROWD. THE CROWD BECAME INCENSED BY COLONEL MOLOPE AND HIS POLICE, AND STARTED THROWING STONES AT THEM. THE COMMISSION FINDS THAT THE POLICE DID NOT ENGAGE IN PROPER RIOT CONTROL MEASURES BUT INSTEAD USED EXCESSIVE AND DEADLY FORCE ON THE CROWD. THE POLICE FIRED REPEATEDLY ON THE CROWD WITH LIVE AMMUNITION, KILLING ELEVEN PEOPLE AND SEVERELY INJURING TWENTY-EIGHT OTHERS.

THE COMMISSION FINDS THAT COLONEL MOLOPE INCITED AND ENRAGED THE CROWD WITH HIS THREATS AND THEN UNLEASHED VIOLENCE ON THEM WHICH WAS EXCESSIVE IN THE CIRCUMSTANCES. THE COMMISSION FINDS COLONEL MOLOPE AND THE BOPHUTHATSWANA SECURITY FORCES RESPONSIBLE FOR THE WINTERVELD MASSACRE. THE COMMISSION FINDS COLONEL MOLOPE, THE BOPHUTHATSWANA SECURITY FORCES AND THE BOPHUTHATSWANA GOVERNMENT RESPONSIBLE FOR THE GROSS VIOLATION OF HUMAN RIGHTS.

THE COMMISSION FINDS THAT THE COMMUNITY, AND PARTICULARLY ACTIVISTS IN THE AREA, WERE ENRAGED BY THE ACTIONS OF COLONEL MOLOPE. THIS LED TO HIS ASSASSINATION ON 21 JUNE 1986. WHILST BOTH THE ANC AND THE PAC CLAIMED RESPONSIBILITY FOR HIS DEATH, THE COMMISSION IS UNABLE TO DETERMINE WHICH OF THE LIBERATION MOVEMENTS SHOULD BEAR RESPONSIBILITY. THE COMMISSION FINDS, HOWEVER, THAT HIS ASSASSINATION CANNOT BE CONDONED AND FINDS THE ACTIVISTS IN THE WINTERVELD AREA RESPONSIBLE FOR GROSS VIOLATIONS OF HUMAN RIGHTS.

- 417 Two years later, in February 1988, disaffected elements of the Bophuthatswana Defence Force (BDF) staged an attempted coup. They were led by Mr Rocky Malebane-Metsing, leader of the opposition Progressive People's Party (PPP), and Warrant Officer Mothuloe Timmy Phiri of the Bophuthatswana National Guard Unit. The coup lasted only fifteen hours before members of the SADF intervened and restored Mr Lucas Mangope to power. Five people died

and one person was injured in the course of the coup and counter-coup. While the actions of the SADF, which had been sanctioned at State Security Council level, severely undermined the homeland's claim to independence, the coup also had far-reaching implications for the citizens of Bophuthatswana who were subjected to even more stringent repressive measures than had been in force before the coup.

- 418 Some of the reasons for the coup included disaffection in the BDF, allegations of corruption, misappropriation of government funds and manipulation of the October 1987 elections in Bophuthatswana as well as dissatisfaction with low salaries in the civil service and defence ministry. The dominance of whites in the BDF was another source of discontent.
- 419 A number of organisations such as Transvaal Rural Action Committee (TRAC), the Bafokeng Women's Club, the Black Sash and the PPP were banned in the wake of the 1988 coup. A ninety-day detention law was introduced. Batswana in the Bafokeng region, as well as members of youth clubs and women's cultural groups, were harassed and detained by members of the BDF and SADF.
- 420 By 23 February 1986, 423 people were being held in connection with the coup. Of these, 182 were members of the National Guard Unit and fifty-seven were members of the BDF. Two were policemen. In the wake of the coup, hundreds of opponents of the Bophuthatswana administration went into hiding as the Bophuthatswana security forces conducted what was termed a clean-up operation.
- 421 The increase in repression after the 1988 coup is reflected in the Commission's data, with the number of violations in Bophuthatswana almost trebling from one year to the next (thirty in 1987 to eighty-three in 1988). Several members of the PPP were detained and severely tortured in the wake of the coup.
- 422 PPP member Samuel Galeboe Thwane [JB00361/03NW] was one of those detained by security police after the attempted coup and was interrogated by two white policemen whose identities were not revealed. He testified to the Commission:

After seven days at (Rooigrond Central Prison) ... I was told to remove my clothes and was tortured with electric shocks to my genitals. This lasted from 7 in the morning until 5 in the evening. I was then taken to my cell. Several days passed until I was eventually released on the 24th of February without any charges pressed against me ... On the 26th of February I was re-detained on the orders of Commissioner Seleke. I was driven back to Rooigrond Central Prison. On the 28th Captains Molale and Mojanaga and nine other security policemen tortured and assaulted me. I was subjected to electric shocks to my genitals and repeatedly slapped and kicked. I was threatened with death and kept in solitary confinement and deprived of visits from my family. I was eventually released in May 1988 without any charges being pressed ...

- 423 Ms Caroline Masethebe Rampe [JB06400/03NWRUS] told the Commission that her son, Mr Falvios Bathusi Molelekeng (24), an active PPP member, was arrested on 11 February 1988 and died shortly after his release from detention. She said Molelekeng was tortured so badly, he could neither sit down nor walk upright. Before his death, she said, "he was telling me that 'Mother, those people have killed me' ".

THE COMMISSION FINDS THAT FIVE PEOPLE WERE KILLED AND ONE PERSON WAS INJURED DURING THE COUP ON 10 FEBRUARY 1988 BY MR ROCKY MALEBANE-METSING AND THE COUNTER-COUP FIFTEEN HOURS LATER BY PRESIDENT MANGOPE WITH THE ASSISTANCE OF THE SOUTH AFRICAN GOVERNMENT. THE COMMISSION FINDS MR ROCKY MALEBANE-METSING, PRESIDENT MANGOPE AND THEIR RESPECTIVE SUPPORTERS, AS WELL AS THE SECURITY FORCES OF THE SOUTH AFRICAN GOVERNMENT, RESPONSIBLE FOR GROSS VIOLATIONS OF HUMAN RIGHTS.

THE COMMISSION FINDS THAT 423 PEOPLE WERE DETAINED AND TORTURED BY THE SECURITY FORCES OF THE MANGOPE GOVERNMENT IN THE AFTERMATH OF THE COUP. THE COMMISSION FINDS THAT THE TORTURE CONSTITUTES A GROSS VIOLATION OF HUMAN RIGHTS, FOR WHICH THE BOPHUTHATSWANA GOVERNMENT AND PRESIDENT LUCAS MANGOPE MUST ACCEPT RESPONSIBILITY.

- 424 The year 1988 also saw a high degree of inter-clan rivalry in response to the perceived nepotism of Mangope's government and the economic and political domination of his clan over other Tswana people. In 1988 there was a serious dispute in Taung when a chief affiliated to the Mangope regime, Mr Steven Molale, was imposed by governmental authorities over Chief Sam Mankuroane [JB04296/03NW], whom many of the Bathaping tribe felt to be their rightful leader.
- 425 Several reports were received of the police beating people and using tear gas during this period. In October 1988 Chief Mankuroane went into exile. According to the statement given by Mr Piet Basimane Kgabileng [JB04325/03NW], a roadblock was set up to prevent the chief from leaving. He was eventually smuggled out of the town in an ambulance. On 9 October 1988 a community meeting was held to inform the chief's supporters of his whereabouts in exile. Following the meeting, many people were beaten and intimidated by the Bophuthatswana Police. Ms Nananyane Susan Monye [JB04314/03NW] told the Commission that although she did not attend the meeting, she was attacked at about 14h00 by two Bophuthatswana Police members who demanded to know where Chief Mankuroane was, and started beating her before she was able to reply.

They then took me to the Chief's Court. There was a group of both young and elder people. The police then started sjambokking and hitting us with batons. I manage to escape at about 6pm from these beatings. I ran towards a nearby house behind the shop. I hid myself behind the toilet till about 9pm. Then I walked home.

THE COMMISSION FINDS THAT THE BOPHUTHATSWANA GOVERNMENT SOUGHT TO CONTROL THE APPOINTMENT OF CHIEFS IN AN ATTEMPT TO STIFLE POLITICAL OPPOSITION. THE BOPHUTHATSWANA GOVERNMENT IGNORED TRIBAL CUSTOM AND THE HEREDITARY SYSTEM OF CHIEFTAINCY AND DEPOSED THOSE WHO WERE SUPPORTIVE OF THE LIBERATION MOVEMENTS, REPLACING THEM WITH CHIEFS OF THEIR OWN CHOICE CONTRARY TO THE WISHES OF THE COMMUNITY.

THE COMMISSION FINDS THAT THIS POLICY OF THE BOPHUTHATSWANA GOVERNMENT CREATED A CLIMATE CONDUCTIVE TO CONFLICT AND GROSS HUMAN RIGHTS VIOLATIONS OCCURRED.

- 426 In Lebowa, tension between the homeland government of Lebowa and UDF-affiliated organisations escalated dramatically in the wake of the formation of a UDF branch in the Northern Transvaal. Widespread attacks on the homes of chiefs, police, alleged witches and anyone else suspected of any connection with the homeland government ensued. The Lebowa government responded with increasingly indiscriminate violence. Marches and gatherings were

dispersed with live ammunition. Dozens of people, including the very young and old, were rounded up and viscously assaulted. Among those detained were the chairperson of the UDF in the Northern Transvaal, Mr Peter Nchabaleng, who died two days after his arrest.

- 427 The Commission's data reflects the rapid escalation of torture in this period, with approximately sixty violations recorded between 1983 and 1989 in Sekhukhuneland, the heart of the conflict. Violence reached a peak in March 1986, when a battle broke out between Lebowa police and 'comrades'. As the conflict escalated, a sense of impunity appears to have developed among the Lebowa Police, who are described by a number of witnesses to the Commission as boasting about the death of Mr Nchabaleng, and their power to exact the same price from them.
- 428 Mr Peter Nchabaleng [JB00498/02NPPTB] died in police custody on 11 April 1986. Mr Nchabaleng was a central figure in the establishment of the UDF in the Northern Transvaal. He was an experienced political activist and as such was a considerable political threat to the homeland and South African government authorities. Nchabaleng spent eight years on Robben Island for MK activities. On his release in 1971 he was banished to his birthplace, Apel in the Northern Transvaal, where he became involved in local politics. In 1977 he was again charged for involvement in MK activities in Sekhukhuneland. His wife, Ms Matsatsi Nchabaleng, testified that he was threatened with death and beaten by policemen when he was arrested. Nchabaleng's son Morris was also detained. During the course of Mr Morris Nchabaleng's detention and torture, different police boasted that they had killed his father, and would kill him as well.

... in a police station, it was full of blood, water and one policeman by the name of Mapetho told me that the blood that I see is my father's blood ... He undressed me. He called other people who were also in the cells to come and grab me and they stretched my legs and my hands and then they were all supposed to hit me, and then they put me into water and they removed me and said to me that they will take me to show me where my father died. They showed me a big trunk and they said to me, "This is where your father died and you are also going to die here."

- 429 Mr Stephen Moganedi [JB05134/02NPPTB] was detained with a minibus-load of people when they stopped at a shop on the way back from a funeral. Police from Motatema police station shot at them and detained them, believing that the group of youths had intended to plant a bomb in the shop. Mr Moganedi was severely assaulted and tortured at Motatema police station. Unlike most reports of torture in Lebowa, Moganedi's assault appeared to have been carried out by white policemen whom he names as De Kock and Geld.

I told them that I didn't understand why they were torturing and assaulting me. They asked me if I knew Mandela and I said even if I do not know him personally I want him to be released so that we could be freed. I was then kicked and De Kock said I should lie down and he kicked at me. They started kicking me on my thighs and they twisted my testicles and they hit me with a fist and they used their boots to assault me and I started crying and they demanded that I should tell them the truth. I asked them what truth they want ...

- 430 The police told him that they had arrested and killed Mr Peter Nchabaleng and that Moganedi would die too because he was Nchabaleng's friend.

431 Mr Makompo Lucky Kutumela [JB00511/02NPPTB; JB04847/99OVE], a twenty-six-year-old journalist and AZAPO member, was beaten to death at Makopane police station in March 1986. He had apparently been detained because of articles he allegedly wrote, which implicated the police in murder. His death precipitated a number of revenge attacks.

432 An inquest the following year concluded that Mr Kutumela had been murdered; a post mortem report revealed forty-one sjambok marks on his body. However, the Kutumela family were never notified of the subsequent court case against the policemen involved and only learned later that they had been found not guilty.

433 Union activist Yasser Phokela Rasethaba [JB00557/02NPPTB] narrowly escaped death after being detained by the Lebowa Police in 1986. Mr Rasethaba described to the Commission the repressive conditions in Lebowa at the time:

In Seshego specifically and other areas surrounding it, there were human rights abuses in those areas. I can give an example, we were not allowed to hold any meeting ... every time we wanted to hold meetings whether for the workers or the people, we were attacked in different ways. We were attacked in churches, they threw tear gas canisters ... The other things which were disturbing were, they used to kidnap people in Seshego, they used to assault and do bad things to them, some of them now are paralysed, some of them have been buried, we just buried them before this Commission started ...

434 Mr Rasethaba was stopped at a roadblock on his way to church in the evening. He was put in a police van which drove from house to house detaining other people. After several hours in the van, he identified one of the policemen as his neighbour. Rasethaba said that this policeman told him:

Rasethaba, there is nothing that we can do, comrades in Seshego are burning our houses, us policemen, our houses are being burnt, there is nothing I can do, we want to protect our houses.

435 Instead of being taken to a police station, Rasethaba and the others who had been detained were driven to a deserted graveyard. He was briefly questioned about his political activities and was then severely beaten. He was then taken to the police station where he was beaten again. As a result of his severe beating, Rasethaba said, he was "raving unintelligibly". Eventually he was hospitalised. A month later he was subpoenaed to appear in court along with thirty-nine others on charges of public violence. After three court appearances, the case was withdrawn.

THE COMMISSION FINDS THAT THE LEBOWA GOVERNMENT AND ITS SECURITY FORCES WERE RESPONSIBLE FOR THE ARREST, TORTURE AND DEATH OF MR PETER NCHABALENG IN APRIL 1986 AND THE ARREST, TORTURE AND DEATH OF MR MAKOMPO LUCKY KUTUMELA IN MARCH 1986. THE COMMISSION FINDS THAT MR YASSER PHOKELA RASETHABA WAS DETAINED BY THE LEBOWA SECURITY FORCES IN 1986 AND WAS SEVERELY ASSAULTED BY THEM. THE COMMISSION FINDS THE LEBOWA GOVERNMENT AND ITS SECURITY FORCES RESPONSIBLE FOR THE GROSS VIOLATION OF HUMAN RIGHTS.

436 In October 1985, Mr Ngoako Ramalepe [JB02813/02NP], chairperson of the Student Representative Council (SRC) at Modjadji College of Education in the Gazankulu homeland, was beaten to death by members of the Lebowa Police after being arrested at a shopping centre. Mr Ramalepe had just returned from a march to celebrate the recent release from detention of another colleague. Mr Robert Makoga, also an office-bearer in the SRC, was arrested with

Ramalepe and was severely beaten at the police station. He alleges that Station Commander Ramulta of the Lebowa Police gave the order for the two to be arrested. Makoga told the Commission:

When I woke up I realised that we were in the bush. They dumped us there and I realised that Ngoako was with me there. As Ngoako was my senior or he was older than me, I could not pick him up, I just ran away and went back to the township in Gabane location. When I got there I explained to the students what happened to us and they decided to go to the hospital to look for Ngoako and they found that Ngoako was there at the hospital mortuary and he was dead and Mr Ramusi came to us the next day. He fetched me and he took me to his offices to get a statement from me

- 437 Sixteen-year-old Wilson Tibane [JB03220/02NPTZA] was also part of the wave of conflict which swept across Gazankulu during 1986. He was among a group of youths who marched towards Dan Village near Tzaneen to demand an end to the homeland government. They were intercepted by Gazankulu police who opened fire. Wilson Tibane was shot and killed. At his funeral the police violently dispersed mourners who ignored government restrictions on the number of people who could attend the gathering.

THE COMMISSION FINDS THAT MR NGOAKO RAMALEPE, THE CHAIRPERSON OF THE SRC AT THE MODJADJI COLLEGE OF EDUCATION, WAS ARRESTED AND DETAINED IN OCTOBER 1985 TOGETHER WITH A FELLOW ACTIVIST, MR ROBERT MAKOGA. THEY WERE BOTH SEVERELY ASSAULTED BY THE LEBOWA POLICE AND MR RAMALEPE WAS KILLED. THE COMMISSION FINDS THE LEBOWA GOVERNMENT AND ITS SECURITY FORCES RESPONSIBLE FOR THE GROSS VIOLATION OF HUMAN RIGHTS IN RESPECT OF MR RAMALEPE AND MR MAKOGA.

Forced removals

- 438 By the early 1980s, nearly 1.3 million forced removals had taken place in the Transvaal. A further 600 000 people were scheduled for relocation in terms of the 1975 plan to consolidate the homelands. Urban relocation was implemented more thoroughly in the Transvaal than anywhere else in the country. Some townships were moved in their entirety to the nearest homeland, from where people would then commute. Strict labour recruitment measures and control on housing over the years restricted access to prescribed areas. Most 'black spots' (African-owned land in 'white areas' bought before 1913) were removed, but there was active resistance in the few that remained in the western and eastern Transvaal.
- 439 Although forced removals are not defined by the legislation as gross violations and thus do not fall within the mandate of the Commission, the resistance of communities to these removals led to confrontations which sometimes resulted in gross violations. Examples from the eastern, north-western and northern Transvaal are given below.
- 440 In the eastern Transvaal, the Driefontein Council Board of Direction, chaired by Mr Saul Mkhize, spearheaded resistance to the government's plans for the removal of Driefontein. Residents were severely harassed by police, culminating in the fatal police shooting of Mr Mkhize at a protest meeting on 2 April 1983. According to the official police statement, Mkhize was shot dead by one of two young constables who had been sent to investigate a complaint that an illegal meeting was being held at Driefontein school. The crowd allegedly became 'riotous', forcing the two policemen to fire tear gas and retreat. The policemen then opened fire, fatally wounding Mkhize.

441 Mkhize's death caused considerable embarrassment to the government because the imperatives of internal and international pressure at this time made the public display of brute force untenable. During the 1980s an attempt was therefore made to change government discourse around removals from 'forced' to 'voluntary'.

THE COMMISSION FINDS THAT THE FORCED REMOVALS OF COMMUNITIES LED TO CONFRONTATIONS WITH THE AUTHORITIES. THE COMMISSION FINDS THAT MR SAUL MKHIZE, A DRIEFONTEIN COMMUNITY LEADER, WAS KILLED BY THE POLICE DURING A MEETING HELD BY THE DRIEFONTEIN COUNCIL BOARD OF DIRECTION TO PROTEST REMOVAL FROM DRIEFONTEIN. THE COMMISSION FINDS THAT THE KILLING OF MR MKHIZE CONSTITUTES A GROSS HUMAN RIGHTS VIOLATION FOR WHICH THE POLICE, THE MINISTER OF LAW AND ORDER AND THE FORMER STATE MUST ACCEPT RESPONSIBILITY.

442 For twenty years the north-western Transvaal communities of Braklaagte and Leeuwfontein struggled to stay on their 'black spots' near Zeerust, until they were forcibly incorporated into Bophuthatswana in December 1988. In April 1989, protest against the incorporation escalated into conflict, with intermittent school boycotts in both communities.

443 In Braklaagte, the Bophuthatswana Police allegedly set up roadblocks to stop pupils and ask them whether they regarded themselves as Bophuthatswanan or South African citizens. Those who said they were South Africans were allegedly struck with rifle butts. After the stoning of the house of a villager believed to be in favour of incorporation, police arrested more than 100 people and reportedly assaulted many of them. Doctors stated they had treated forty people for weals and wounds. In May, Bophuthatswana police clashed with residents of Leeuwfontein and allegedly assaulted many. Chief Mangope warned residents that the police were under his orders to maintain law and order in the area.

444 The conflict culminated in the killing of nine policemen and two civilians at a general meeting of the Leeuwfontein and Braklaagte communities on 1 July. The police reportedly halted the meeting, ordered the crowd to disperse and then opened fire with tear gas and rubber bullets. Police asserted that they were surrounded and attacked and had no choice but to defend themselves. Four of the policemen died when an army vehicle was set alight, trapping those inside; the other five were clubbed, stoned and hacked to death. A number of people were arrested, some by the SAP. Some were alleged to have been badly assaulted.

445 Sixteen people were charged with the murder of the nine policemen. TRAC, which was present during the incident, and its parent body, the Black Sash, were banned under the Internal Security Act.

446 In April 1986, when the government unilaterally incorporated the northern Transvaal township of Vleifontein into the Venda homeland, residents protested fiercely. Venda-speaking residents of the former ethnically mixed Tshikota township had been moved to Vleifontein a few years earlier in anticipation of their ultimate removal to the homeland. However, when the government tried to implement this incorporation, they met with serious opposition, because residents had been misled about the reasons for their earlier move from Tshikota.

447 At a mass meeting attended by almost all the adults in Vleifontein, a twelve-person committee called the Venda Crisis Committee (VCC) was elected, representing teachers, students and workers. The VCC's brief was to negotiate for the reversal of the incorporation or, if this was not possible, to allow Vleifontein residents to return to Tshikota township.

- 448 The Venda government responded by moving its army and police into the township. Homes of VCC members were raided and activists were assaulted and tortured by the Venda Police. In the early hours of 13 June 1986, the Venda Police detained three young VCC members, Mr Steven Nemavide, Mr Russel Molefe and Mr Mpho Ronald Mashau. According to eyewitnesses the three were severely *sjambokked* after their arrest. Soon afterwards five other members of the VCC were detained, including Mr Edward Makgato, Mr Punki Phulwana, Mr Peter Tshikota, Mr Stephen Mokoditsoa, Mr Sonnyboy Mulaudzi and Bethuel Mudau.
- 449 The parents of fourteen-year-old Bethuel Mudau [JB03119/02NPLTM] told the Commission that Bethuel died shortly after being released from three months' detention at Vuwani police station. He was unable to return to school as a result of constant ill health and what his parents described as "a wound on the head".
- 450 Pitso Manamela [JB03207/02NPPLTM], a sixteen-year-old student involved in anti-incorporation protests, was detained and tortured on 13 June 1986 after allegedly having participated in petrol-bombing the home of a policeman who supported the incorporation of Vleifontein into Venda. Manamela was later charged with public violence.
- 451 On the same day, a bus transporting Vleifontein residents to work in Louis Trichardt was stopped at a roadblock manned by Venda Police. After commuters refused to disembark, the bus driver was ordered to drive to Tshitale police station, twenty kilometres away, where the commuters were ordered out and *sjambokked* by a row of policemen. The police said the passengers had to realise that Vleifontein was now part of Venda. The commuters were eventually released on bail three days later. The Commission heard that Ms Elisa Nthangeni [JB03334/02NPLTM] was one of the passengers on the bus who had been beaten by police.
- 452 Mr Muzila Phulwana [JB03216/02NPLTM] was also stopped at a roadblock on 13 June and was asked whether he had paid his Venda taxes. Mr Phulwana was a long-term community activist who had fought against the removal of residents from Tshikota township to Vleifontein and was now a member of the VCC opposing the incorporation of the township into Venda. Phulwana was briefly detained before being released and re-detained on 15 June. After being beaten at Vuwani and Sibasa police stations, Phulwana was taken to Masise, where he was held for three months in solitary confinement. He was tortured with electric shocks and beaten. Convinced that the food he was being given was poisoned, he refused food and water, and was eventually admitted to the Trizine hospital.

THE COMMISSION FINDS THAT A NUMBER OF PEOPLE WERE SEVERELY BEATEN AND ILL TREATED IN THE CONFLICT BETWEEN THE BOPHUTHATSWANA POLICE AND THE RESIDENTS OF BRAKLAAGTE, WHO WERE RESISTING INCORPORATION INTO THE HOMELAND. THE COMMISSION FINDS THE BOPHUTHATSWANA POLICE AND THE BOPHUTHATSWANA GOVERNMENT RESPONSIBLE FOR THE SEVERE ILL TREATMENT OF THE BRAKLAAGTE RESIDENTS AND FOR GROSS VIOLATIONS OF HUMAN RIGHTS.

THE COMMISSION FINDS THAT THE POLICE REFUSED TO ALLOW A JULY 1989 MEETING OF BRAKLAAGTE AND LEEUWFontein RESIDENTS TO GO AHEAD, AND FIRED ON THE CROWD WITH TEAR GAS AND RUBBER BULLETS. THE COMMISSION FINDS THE BRAKLAAGTE AND LEEUWFontein COMMUNITY RESPONSIBLE FOR THE SUBSEQUENT KILLING OF NINE POLICEMEN AT THE SCENE, AND THEREBY RESPONSIBLE FOR THE GROSS VIOLATION OF HUMAN RIGHTS.

THE COMMISSION FINDS THAT THE VENDA SECURITY FORCES OCCUPIED THE VLEIFONTEIN TOWNSHIP AND ARRESTED, DETAINED AND TORTURED ACTIVISTS AND MEMBERS OF THE VLEIFONTEIN CRISIS COMMITTEE WHO RESISTED THE TOWNSHIP'S INCORPORATION INTO VENDA. THE COMMISSION FINDS THAT THE DETENTION OF A FOURTEEN-YEAR-OLD BETHUEL MUDAU FOR A PERIOD OF THREE MONTHS AND HIS SEVERE ILL TREATMENT BY THE VENDA POLICE RESULTED IN HIS DEATH SHORTLY AFTER HIS RELEASE. THE COMMISSION FINDS THE VENDA SECURITY FORCES RESPONSIBLE FOR THE GROSS VIOLATION OF HUMAN RIGHTS.

Vigilantes

- 453 Vigilante activities increased in the Transvaal at this time. The main groups were Imbokodo and Inkatha (used in the KwaNdebele homeland to enforce removals and facilitate independence) and disaffected police and/or councillors responding to attacks against them. Kabasa appeared to be concerned mainly with curbing political organisation by the UDF.

A l e x a n d r a

- 454 On 22 April 1986, the township of Alexandra was besieged by groups of men wearing balaclavas, who drove through the township in private cars, shooting randomly and singing songs, including 'We are the new comrades'. The group divided itself up and systematically sought out activists and community leaders. By morning, at least five people had been killed, thirteen vehicles destroyed and several activists' homes burnt. Many residents believed that the state was supporting the vigilantes, and some claimed that the vigilantes included black policemen who had been driven out of the township during earlier disturbances. In response, residents embarked on a stay away and held a protest meeting, which was attended by about 45 000 people.
- 455 Mr Obed Bapela [JB01889/01GTTEM] told the Commission that a group of gangsters, perceived to be members of the police, modelled themselves on the Soweto-based Ama Cabasa vigilante group:

... So they put those cloths on their heads, but then they had their uniforms on, the blue shirts and their navy blue trousers, but their blue shirts were not inside their trousers, they just pulled them out so that they pretended to be that group of Ama Cabasas who were on an attack. And from the direction that they came from is the Wynberg police station and then entered Alexandra, attacked all those targeted areas and they attacked all those areas where it was places of our meetings where in some instances it was our own people, our own leaders who stayed in those places and attacked during that night. And when they left Alexandra they retreated back to Wynberg police station.

- 456 The Commission received a number of statements from victims of this attack on the night of 22 April 1986:
- 457 Ms Moko Melita Lephuting [JB01785/01GTTEM] believes that the police attacked her family because they were activists. Her husband, Mr Samuel Zwane, was stabbed to death, her son Kenneth was wounded and their house was burnt down in the attack.
- 458 The Commission heard that Mr Linda Twala [JB01826/01GTTEM] and his family were attacked at their home on the same night. Mr Twala was a UDF activist who had been involved in politics in Alexandra since the 1970s. Ms Phumzile Twala [JB01871/01GTTEM] and two of her sisters, Ms Nomgcobo Madikane [JB00279/01GTTEM] and Ms

Gladys Twala [JB01870/01GTTEM], were left alone in the house when their father went out in the evening. A crowd gathered in the yard and threw a brick through the window. The three sisters fled from the house and hid themselves in a dog kennel behind a neighbour's house. From here Phumzile was able to see members of the crowd stoning the house and then throwing 'bombs' into it, setting it alight. She alleges that the attackers were white men with blackened faces, wearing police uniforms and carrying AK-47s.

- 459 Other recorded violations on 22 April 1986 in Alexandra include an assault on Mr Boy Mabusane Moqhae [JB01827/01GTTEM], whose house was burnt to the ground; an assault on Ms Maria Malakoane [JB01882/01GTTEM]; the beating and stabbing of Mr Johannah Koapeng [JB02483/01GTTEM], allegedly by the police, and the shooting of UDF member Edward Raadt [JB02484/01GTTEM] by members of the Kabasa gang.

THE COMMISSION FINDS THAT GANGSTERS IN THE TOWNSHIP ACTING IN COLLUSION WITH THE POLICE FORMED VIGILANTE GANGS WHICH ATTACKED ACTIVISTS AND COMMUNITY LEADERS. THE COMMISSION FINDS THAT A VIGILANTE GROUP WENT ON THE RAMPAGE IN ALEXANDRA ON 22 APRIL 1986, ATTACKING ACTIVISTS AND COMMUNITY LEADERS. FIVE PEOPLE WERE KILLED, THIRTEEN VEHICLES DESTROYED AND SEVERAL HOMES BURNT DOWN. THE COMMISSION FINDS THAT THE POLICE FAILED TO ASSIST THE COMMUNITY AND THAT THE ATTACK WAS LAUNCHED FROM THE POLICE STATION IN WYNBERG.

KwaNdebele: Imbokodo

- 460 The Commission held a special hearing in Moutse, KwaNdebele, in 1996 to focus on the conflict in and around this homeland, and the operation of vigilante groups, notably Imbokodo and Inkatha. Imbokodo's role was to realise the KwaNdebele government's aspiration for independence through the forcible incorporation of Moutse, which would make the homeland a more viable geographic and political entity. At Leandra in the eastern Transvaal, the Inkatha vigilante group was similarly trying to coerce residents to accept incorporation into KwaNdebele.
- 461 The political conflict over independence and incorporation which engulfed the KwaNdebele area from mid-1985 until 1988 became, in effect, a civil war. Human rights violations – committed by a variety of individuals and groups on all sides of the conflict – were numerous and widespread. Scores of people were killed, not only by the security forces deployed to repress the unrest, but also by erstwhile neighbours, fellow students, business colleagues, and even family members. KwaNdebele's limited infrastructure was razed to the ground in a matter of months. Schools stood empty, shops and offices were gutted and entire communities lived in fear. By the winter of 1986, KwaNdebele had been irrevocably changed.
- 462 At the very centre of this maelstrom was a vigilante organisation known as Imbokodo ('the grinding stone'), led by the homeland's political and economic elite. Imbokodo was formed as a vigilante organisation with the support of the South African government to assert the dominance of the KwaNdebele elite and to achieve the political goals of independence and incorporation. Its members carried out daring and brutal attacks in which hundreds of ordinary residents were viciously assaulted and publicly humiliated. The resentment and anger that followed such operations radicalised a previously apolitical population and was a significant cause of the unrest. However, once the conflict had begun, 'comrades' ruthlessly and methodically attacked suspected Imbokodo members and their families. Scores of suspects were summarily killed, often by the infamous necklace method.

- 463 At the hearing in Moutse, over 250 statements were made to the Commission regarding the conflict in KwaNdebele and Moutse in the mid-1980s. Collectively, the statements include almost 700 reports of gross violations. Of the 421 alleged incidents in which deponents have named perpetrators, over half list Imbokodo as the responsible organisation. These include allegations of Imbokodo involvement in seventeen deaths. 'Comrades' or ANC members are identified as alleged perpetrators in 14 per cent of the statements, including twenty-four killings. Amongst residents who approached the Commission, at least thirty-four victims had ties to Imbokodo or to the former KwaNdebele government. Together, their statements document twenty murders, all of which involved the burning of the deceased's body. At least nineteen of the deponents claimed that their residential and/or business properties were completely destroyed in arson attacks.
- 464 Vigilante activity was not new to the area. Earlier vigilante activity had targeted perceived agitators. When Imbokodo began their raids, entire communities were targeted, leading to widespread and indiscriminate assaults on residents. Although earlier vigilante activity enjoyed the express approval of the royal family, and as a result was accepted as legitimate by a large sector of the population, the actions of Imbokodo were denounced by the royal family and were clearly unacceptable to the vast majority of KwaNdebele residents. In the changed circumstances of the mid-1980s, vigilantism became a source of conflict rather than a means of diffusing it.
- 465 On balance, it is clear that the Imbokodo was a central protagonist in the KwaNdebele conflict. Its members were both perpetrators and victims of the violence that engulfed and nearly destroyed the homeland. Although not directly established or controlled by the South African government, politicians and policy-makers in Pretoria failed to act against the Imbokodo even when their officials on the ground encouraged them to do so.
- 466 On 1 January 1986, a large number of Imbokodo members (and KwaNdebele men forcibly enlisted for the day) attacked the Moutse villages of Moteti and Kgobokoane. In their effort to repel the invasion, Moutse residents killed a number of vigilantes. These included four Imbokodo members suspected of trying to abduct the Bantoane chief at the royal kraal in Kwarrielaagte, Moutse. Approximately 360 Moutse residents were abducted from their homes and taken to the community hall in Siyabuswa where they were subjected to up to thirty-six hours of torture and ritual humiliation. While chanting Imbokodo slogans, the victims were forced to perform physical exercises until they collapsed. They were subsequently stripped naked and publicly *sjambokked* on a concrete floor covered with soapy water.
- 467 On 28 April, Imbokodo members surrounded the Mandlethu High School in Vlaklaagte No. 1, leading to clashes between students and vigilantes. The police eventually intervened to separate the two groups. After the Imbokodo were escorted from the area, the students returned home peacefully. That night, however, the Imbokodo returned and engaged in a house-to-house raid in the village. Those of school-going age were especially targeted. A number of youth were loaded into cars and bakkies and taken to Emagezini, a small industrial complex in Kwaggafontein, where they were assaulted with a variety of weapons. Many were severely wounded.
- 468 Mr Jacob Skosana, a father of eight, was the only adult taken to Emagezini. When rumours reached him that one of his daughters had been taken from school by the vigilantes, Mr Skosana allegedly confronted various Imbokodo members about his daughter's whereabouts. That night a group of men abducted him from his home. Early the next

morning, Skosana's body was dumped back in the yard of his home, but surrounded by fire so that his family could not retrieve it immediately. The body had allegedly been mutilated.

- 469 Mr Skosana's funeral drew thousands. When the police arrived, reportedly with SADF back-up, they ordered the assembled crowd to disperse immediately. Soon afterwards they fired on the mourners with birdshot, rubber bullets and tear gas, creating panic in the crowd. Ms Sarah Mthimunya (19) [JB02212/01MPMPL] was run over by a bus when its driver was overcome by the tear gas. Many others were injured in the mêlée. That night, 'comrades' began burning businesses owned by suspected Imbokodo members and MPs in the KwaNdebele legislative assembly.
- 470 On 7 May 1986, State President PW Botha announced that KwaNdebele would take independence on 11 December 1986. When the press reports reached the homeland, residents approached the Ndzundza royal kraal and requested the king to call a public gathering with the KwaNdebele cabinet. The meeting was held on 12 May and was attended by an estimated 20 000 residents, the area's chiefs and two representatives of the homeland cabinet (who were advised to travel to the meeting in a Casspir armoured personnel carrier). At the meeting, three demands were presented to the government representatives: (1) the disbanding of Imbokodo; (2) the cancellation of independence; and (3) the resignation of members of the KwaNdebele cabinet and legislative assembly for acting without a popular mandate. The cabinet promised to prepare a response for a report-back meeting scheduled for 14 May, and the crowd dispersed peacefully.
- 471 A few days later, local magistrate JN Theron prohibited the report-back meeting at the royal kraal. An estimated 25 000 people assembled the following day, unaware of the magistrate's prohibitions. Commuters were stopped by youths at barricades on the Pretoria road and redirected to the royal kraal. The Putco bus company later reported that 'comrades' had commandeered its entire KwaNdebele fleet of some 300 buses. While the assembled crowds were still waiting for the KwaNdebele cabinet to arrive, security forces dispersed the meeting with tear gas and rubber bullets fired from a hovering helicopter and from several patrolling Casspirs. Participants have testified that no warnings or instructions were given to the crowd prior to the actions of the security forces. Chaos ensued. The bodies of two men were later found at the royal kraal.
- 472 In the midst of the confusion, a number of youths were abducted by Imbokodo members and taken to a makeshift detention camp in the Vaalbank area. Fifty-four youths were held there without food or water and were subjected to periodic assaults by their Imbokodo guards. The youths alleged that their guards trampled on their stomachs, squeezed their genitals in vice-grips and burnt their feet with hot coals. One of the youths, Mr Johannes Ramahlale, managed to escape on 19 May and report the matter to the police, who raided the camp the next day and released the 'comrades'.
- 473 In the days following the dispersed meeting at the royal kraal, a virtual civil war spread across KwaNdebele as 'comrades', Imbokodo and security forces engaged in running skirmishes. In addition to direct conflict, students, teachers and civil servants held successful stay aways in the following weeks in protest against the cabinet's policies and the detention of various resistance leaders. Statements collected by the Commission confirm the escalation of violations, and especially of killings, in the three months following the meeting at the royal kraal.

- 474 On 11 June, 'comrades' carried out a planned attack on a Vlaklaagte business complex owned by KwaNdebele cabinet minister and vigilante leader Mr Piet Ntuli. At least one security guard was killed during the attack. Imbokodo retaliated the following day by raiding Tweefontein, a large collection of villages in the Vlaklaagte area. Eyewitnesses have reported that the Imbokodo drove through the area in convoy, firing indiscriminately at youths running through the streets. At least four young men were fatally wounded. A number of residents were assaulted with *sjamboks* and *knobkerries*. Others were abducted and loaded onto a lorry accompanying the convoy.
- 475 Although the 'burning' of KwaNdebele reached its peak in May and June 1986, violence and unrest continued. The KwaNdebele cabinet remained committed to the goals of incorporation and independence while the Ndzundza royal family and the Moutse chiefs successfully marshalled popular resistance to such plans. The embattled Imbokodo retained sufficient strength to intimidate and attack the government's opponents, while the youth grew increasingly assertive, more effectively organised and much more violent in their approach. The homeland remained a no-go area until independence was called off in August.
- 476 On 29 July 1986 cabinet minister and vigilante leader Mr Piet Ntuli [JB02515/01MPMOU] was assassinated by South African security forces by means of a car bomb attached to his government vehicle.
- 477 A number of security force operatives have applied for amnesty for participation in or knowledge of the operation. These include: Brigadier Jack Cronjé (former divisional commander of the Northern Transvaal Security Branch); his subordinates Captain Jacques Hechter and Captain Jacob van Jaarsveld; Captain Chris Kendall (Security Branch commander at Bronkhorstspuit); General Joep Joubert (Commander General of SADF Special Forces); Sergeant Deon Gouws and Warrant Officer Stephanus A Oosthuizen (both of the SAP uniform branch).

THE COMMISSION FINDS THAT IMBOKODO ABDUCTED 360 MOUTSE RESIDENTS AND HUMILIATED AND TORTURED THEM AT A COMMUNITY HALL IN SIYASBUSWA. THE COMMISSION FINDS THAT THE TORTURE AND ASSAULT OF THE MOUTSE RESIDENTS CONSTITUTE A GROSS VIOLATION OF HUMAN RIGHTS FOR WHICH IMBOKODO, KWANDEBELE CHIEF MINISTER SS SKOSANA AND VIGILANTE LEADER PIET NTULI (DECEASED) ARE HELD RESPONSIBLE.

THE COMMISSION FINDS THAT ON 28 APRIL 1986, IMBOKODO ABDUCTED YOUTH FROM THEIR HOMES IN VLAKLAAGTE NO. 1 AND ASSAULTED THEM AT EMAGAZINI IN KWAGGAFONTEIN. THE COMMISSION FINDS THAT THE ASSAULTS ON THE YOUTHS CONSTITUTE GROSS VIOLATIONS OF HUMAN RIGHTS, FOR WHICH IMBOKODO, CHIEF MINISTER SS SKOSANA AND MR PIET NTULI ARE HELD RESPONSIBLE.

THE COMMISSION FINDS THAT MR JACOB SKOSANA WAS ABDUCTED BY IMBOKODO, TORTURED AND ASSAULTED, AND THAT HIS BODY WAS MUTILATED BY MEMBERS OF IMBOKODO. THE COMMISSION FINDS THAT THE ABDUCTION, TORTURE AND ASSAULT CONSTITUTE GROSS HUMAN RIGHTS VIOLATIONS FOR WHICH IMBOKODO, SS SKOSANA AND PIET NTULI MUST ACCEPT RESPONSIBILITY.

THE COMMISSION FINDS THAT THE SOUTH AFRICAN SECURITY FORCES ASSASSINATED MR PIET NTULI, THE LEADER OF IMBOKODO, ON 29 JULY 1986. THE COMMISSION FINDS BRIGADIER JACK CRONJÉ, CAPTAIN JACQUES HECHTER, CAPTAIN JACOB VAN JAARSVELD, CAPTAIN CHRIS KENDALL, GENERAL JOEP JOUBERT, SERGEANT DEON GOUS AND WARRANT OFFICER STEPHANUS OOSTHUIZEN, THE COMMISSIONER OF POLICE, THE MINISTERS OF DEFENCE AND OF LAW AND ORDER, THE HEAD OF THE SADF AND THE FORMER STATE RESPONSIBLE FOR THE DEATH OF MR NTULI, AND THUS FOR THE GROSS VIOLATION OF HUMAN RIGHTS.

KwaNdebele: Inkatha

- 478 In Labohang township, adjoining Leandra in the eastern Transvaal, attempts to move residents to the homeland of KwaNdebele led to violent confrontations with the police. In spite of a 1983 ruling of the Supreme Court that Leandra residents should not be moved, the violence continued.
- 479 In December 1985 four people, Ms Nelly Madonsela, Mr Aubrey Mokoena [JB02806/01MPWES], Mr Thomas Masombuka and Ms Rose Khumalo, were killed by the police during a stay away to protest the forced removal of residents to KwaNdebele. In the wake of these deaths there were further attacks on police and councillors' homes. Armed youths marched in the streets, saying they wanted to root out all police and informers. Twenty youths were arrested. A march was organised to demand their release, and running street battles with the police followed.
- 480 The Leandra Action Committee (LAC), led by Chief Ampie Mayise and Mr Abel Nkabinde, also came under attack for protesting against the proposed removal. On 11 January 1986, Chief Mayise was publicly hacked to death in a mob assault on his house. The attackers were allegedly members of a vigilante group calling themselves 'Concerned Citizens' or Inkatha, who conducted a number of attacks on members of LAC and the Mpumelelo Youth Congress in retaliation for violence against police and councillors. Many of its members were drawn from a football club owned by a prominent figure amongst the vigilantes. Although the vigilantes called themselves Inkatha, it appears that this was merely a general identification with the conservative traditionalism of the Inkatha movement in Natal, rather than any formal links to the political party. Chief Minister Buthelezi in fact publicly disowned the Leandra vigilantes.
- 481 Chief Mayise's widow described the attack to the Commission:
- He took his nap and I told him, alerted him that the Inkatha was coming and he woke up. We looked through the window and we could see that group approaching our house and they got to our house. They had bottles, nip bottles and they started attacking us, throwing those bottles and stones over our house and we were inside the house at that time, the two of us. Suddenly the house was set alight. The roof burst open and I decided to go outside to ask as to what was their problem and why they were attacking us. As I tried to go outside they attacked me, throwing stones at me, and we decided to run away. Outside there by, there was a car parked and he got inside then ... They got hold of him, they took him with ... After quite some time my son – the one who is sitting next to me – came and told me that my husband was lying down there, the father, and he tried to pick him up, but he failed.*
- 482 Ms Mayise names Mr Sipho Gadebe and Mr Maboy Zondo as two of the people whom she saw assaulting her husband.
- 483 A week after Chief Mayise's death, Mr Nkabinde and other LAC supporters applied for an urgent interdict restraining twenty-three named members of Inkatha, but further violent incidents took place after the chief's funeral. The police did not intervene.
- 484 During January 1986, an attempt was made on the life of Mr Nkabinde, whose home was also burnt. He later identified Sam and Joseph Zondo as leading assailants in the attacks on him. Mr Jan Nkabinde

[JB02828/01MPWES], a relative of Mr Abel Nkabinde and executive member of the Mpumelelo Youth Congress, was severely assaulted and threatened with death by the vigilantes. He had fled the area after the attack on Chief Mayise, but was abducted from his hiding place:

... the group of people who got into the house then came to me and told me that they have been sent by Mr Zondo to come and collect me, because he wanted to talk to me ... After about 100 m they started hitting me, telling me that it is long that they have been warning me about these things, but I was not listening ... They took me to the graveyard ... Upon our arrival Mr Zondo said that I should be killed, because if I can be left and I am their enemy, I am going to kill them if I am not being killed. So I was assaulted by pangas ... After I was beaten he asked me that I had to choose how I, how do I want to be killed. So they closed my eyes and he put a gun on my head and told me that I am going to die. Then I apologised to them. Then one of them who was having the pangas, looking at me, he was ready as if, he stood as if he was ready to kill so I apologised to him.

THE COMMISSION FINDS THAT THE LEANDRA POLICE KILLED MS NELLY MADONSELA, MR AUBREY MOKOENA, MR THOMAS MASOMBUKA AND MS ROSE KHUMALO DURING A STAY AWAY, AND FINDS THE LEANDRA POLICE RESPONSIBLE FOR GROSS VIOLATIONS OF HUMAN RIGHTS.

THE COMMISSION FINDS THAT THE CONFLICT AROUND INCORPORATION GAVE RISE TO THE FORMATION OF A VIGILANTE GROUP IN LEANDRA CALLING ITSELF 'INKATHA'. THE COMMISSION FINDS INKATHA RESPONSIBLE FOR THE KILLING OF CHIEF AMPIE MAYISE, THE BURNING OF HIS HOUSE AND THE ATTEMPTED KILLING OF MEMBERS OF HIS FAMILY. IN PARTICULAR, THE COMMISSION FINDS INKATHA VIGILANTE GANG MEMBERS SIPHO GADEBE AND MABOY ZONDO RESPONSIBLE FOR THE ATTACK ON CHIEF MAYISE. THE COMMISSION FINDS INKATHA MEMBERS SAM AND JOSEPH ZONDO RESPONSIBLE FOR THE ATTEMPTED KILLING OF LAC LEADER MR ABEL NKABINDE AND THE ARSON ATTACK ON HIS HOME. THE COMMISSION FINDS INKATHA RESPONSIBLE FOR THE ASSAULT AND ATTEMPTED KILLING OF MR JAN NKABINDE, A NEPHEW OF MR ABEL NKABINDE, AND HOLDS THE INKATHA VIGILANTE GROUP RESPONSIBLE FOR GROSS VIOLATIONS OF HUMAN RIGHTS.

K a N g w a n e : K a b a s a

- 485 The eastern Transvaal self-governing homeland of KaNgwane, led by Chief Minister Enoch Mabusela, also experienced an escalation of tension at this time. At the end of 1985, violence flared in the Nsikazi region of KaNgwane, claiming the lives of at least two leading businessmen, a trade unionist and a chief. In February 1986, education-related protests led to sustained conflict lasting well into the year. In February alone, at least four people died in unrest-related incidents in KaNgwane, and damage estimated at R2 million was caused in the townships of Kabokweni and KaNyamazane.
- 486 It was in this context that the vigilante group, Kabasa, emerged as a powerful and violent conservative force in opposition to the wave of radical protest in the homeland. The Kabasa gang was formed in 1986 and operated in the areas surrounding Nelspruit, including KaNyamazane, Pienaars Trust, Luphisa Trust and Kabokweni.
- 487 Accounts from members of the community suggest that the Kabasa gang, which had about seven members, was formed essentially to fulfil the needs of a group of elite businessmen known to the community as *Sibaya S'khulu* (meaning the main or central kraal). The most prominent members of *Sibaya S'khulu* were Mr Enos Mazibuko and Mr Julius Nkosi. It seems likely that the Kabasa gang was first mobilised in response to violence associated with the

school boycott launched in February 1986. This included attacks on businesses, development board offices, a school and police vehicles.

- 488 On 14 January 1986, development board offices and police vehicles were stoned and petrol-bombed at Kabokweni. The crowd was dispersed with birdshot. On the weekend of 22 February about 4 000 youths set fire to the Khumbula High School and two shops, one of which belonged to a school inspector. A week later, twenty-three vehicles and a number of buildings were burnt in further unrest in KaNyamazane.
- 489 Twenty-six pupils appeared in Kabokweni Magistrate's Court on charges of public violence. Thousands of fellow pupils marched to court to attend the trials, and pushed down a courtyard fence to get in. Police opened fire, killing at least three pupils and injuring eighty. Ms Elizabeth Mdluli [JB00954/01MPNEL] was one of those shot outside the court. The lawyer for the children appearing in court stated later that there had been no provocation by the crowd and that the police had given no warning to disperse. In later reports it emerged that most of the pupils had been shot in the back. The shootings later came to be known as the Lowveld massacre.
- 490 The court shooting was followed by several incidents of unrest, including an attempt by a group of 200 pupils to hijack seven buses. In another incident, a boy was killed when police dispersed a group of alleged stone-throwers. At Kadisiki school, a boy was seriously injured by police firing birdshot at 400 pupils who were 'intimidating' scholars.
- 491 Restrictions were placed on the funeral of the three students killed in the Lowveld massacre. However, hours before the funeral on 22 March, as mourners were returning from the night vigil, there was further confrontation between students and police. Mr Msongelwa Amos Maseko [JB00943/01MPNEL] was walking back home from the night vigil with a group of friends when they encountered the police. He told the Commission that the police opened fire from a vehicle without warning. Maseko was shot and injured. One youth was shot dead by police, another was run over by a police vehicle, and four were seriously injured.
- 492 It is in the wake of these events that the Kabasa gang appears to have come to the fore. The Commission received several reports of joint activities between the security forces and Kabasa during June 1986. The Kabasa gang appears to have co-operated closely with both the SAP and the SADF. KaNgwane did not have its own security forces at this time.
- 493 On 16 June 1986, a meeting of students to mark the anniversary of the 1976 Soweto uprising was violently dispersed, according to Commission deponents, by members of the SADF and Kabasa. Students had gathered on the previous evening to prepare for the commemoration. Ms Mildred Mthethwa's [JB01224/ 01MPNEL] fifteen-year-old brother, Bethuel, was killed when the members of the SADF and Kabasa opened fire on the protesters. Ms Mthethwa told the Commission of events before the funeral:

When the hearse arrived, the police were following the car ... When the police arrived at home they take the door, they were questioning where Bethuel is, they went here and there until they found him. They kicked him even while he was dead, they continues kicking him. When they were busy kicking the corpse, my father was becoming very angry. He tried to fetch something which we could use to fight the police because he was angry at what they were doing to the corpse. He questioned them, how can they kick somebody who is already

dead? He therefore asked the police to kill him and when we all saw that our father was angry, we also decided to help our father to fight against the police. We fought against them. The police went out of the house.

- 494 Ms Phindile Mavis Ngobe [JB00984/01MPNEL] told the Commission that she was also shot. She and three other injured students were taken to Temba hospital by township residents. They were followed by members of the SADF who refused to allow the students to be admitted to hospital and instead called the police in Nelspruit to come and detain them. In detention they were assaulted and denied medical treatment.
- 495 Mr Madala Andres Ndlazi [JB00949/01MPNEL] lost his teenage son, Sydney, during the same incident. Ndlazi told the Commission that he came home to find his son lying dead in the dining room. He questioned both the army, who were at the scene, and police at the local police station, about the shootings. Both denied any involvement.
- 496 Mr Neville Shabangu [JB00940/01MPNEL], a founding member of the Lowveld Youth Movement, a local UDF affiliate, alleges that Kabasa members were involved in burning down his home. His nephew had been one of those shot dead by police outside the Kabokweni court about a month earlier. Shabangu was at home at the time of the arson attack and suffered severe burns which hospitalised him for more than four months. While in hospital, he was questioned by police about the identity of the arsonists. The day after his discharge from hospital, Shabangu was detained for three months and tortured. He told the Commission that members of the Kabasa gang were working with the police and were seen helping in the police station.

THE COMMISSION FINDS THAT STUDENT ORGANISATIONS WERE RESPONSIBLE FOR THE BOMBING OF POLICE VEHICLES AND DEVELOPMENT BOARD OFFICES IN KAPOKWANI, KANGWANE, ON 14 JANUARY 1986. THE COMMISSION FINDS THE STUDENTS RESPONSIBLE FOR THE ARSON ATTACKS ON THE KHUMBULA HIGH SCHOOL AND TWO SHOPS ON 22 FEBRUARY 1986.

THE COMMISSION FINDS THAT THOUSANDS OF STUDENTS GATHERED PEACEFULLY ON 11 MARCH 1986 TO SUPPORT TWENTY-SIX STUDENTS WHO WERE DETAINED AND CHARGED WITH PUBLIC VIOLENCE. THE COMMISSION FINDS THAT THE KANGWANE POLICE ATTACKED THEM WITHOUT PROVOCATION AND WITHOUT GIVING THEM ANY WARNING TO DISPERSE, FIRED REPEATED ROUNDS OF LIVE AMMUNITION INTO THE UNARMED CROWD. THREE STUDENTS WERE KILLED AND EIGHTY WERE SERIOUSLY INJURED, MOST BEING WOUNDED IN THE BACK. THE COMMISSION FINDS THE KANGWANE POLICE RESPONSIBLE FOR THE KILLING AND SEVERE ILL TREATMENT OF THE STUDENTS, AND THUS FOR THE GROSS VIOLATION OF HUMAN RIGHTS.

THE COMMISSION FINDS THE MINISTER OF LAW AND ORDER AND THE CHIEF MINISTER OF KANGWANE RESPONSIBLE FOR GROSS VIOLATIONS OF HUMAN RIGHTS.

Resistance and revolutionary groupings

- 497 As the conflict deepened and escalated during the mid 1980s, gross human rights violations became increasingly generalised, drawing in an ever-widening range of sectors, organisations and individuals as perpetrators. The ANC, MK and individuals associated with the UDF were identified as perpetrators during this period.

Attacks on representatives of government authority and informers

498 Individuals aligned to the UDF, frequently referred to as comrades, engaged in a range of violent actions against local representatives of the apartheid government and anyone perceived to have been beneficiaries of the apartheid system, targeting councillors, police and government-appointed chiefs in rural areas. People who owned businesses, and any other individuals who were perceived to have unfairly amassed wealth in poor townships were also vulnerable to attack. Teachers and school principals who were conservative or opposed to school boycotts were targeted in some instances. Black local authority offices, schools, homes and businesses were also frequently attacked.

499 Many youths associated with the UDF increasingly became self-appointed community police, identifying and sometimes eliminating alleged informers or 'impimpis'. Methods used included petrol bomb or hand grenade attacks on homes, necklacing, stabbing and beating. This policing role also extended to the implementation of the UDF's programmes, such as the consumer boycotts and stay aways. This phenomenon reached its peak in the 'people's courts' which were set up in some townships as a rudimentary form of alternative governance.

S a b o t a g e c a m p a i g n s

500 The period between 1983 and 1990 was marked by a significant shift in the nature of the ANC's armed campaign within the country. This was at least partially precipitated by the popular rebellion which swept across the country after the clashes in the Vaal in September 1984. At the ANC's Kabwe conference in 1985, consensus was reached about the need to increase the organisation's military and political offensive. A strategy was adopted which aimed at the seizure of power through a people's war. This involved integrating armed MK combatants with mass organisations inside South African townships, and rendering the townships ungovernable through attacks on the security forces and other representatives of the state.

501 Two campaigns were launched in 1985–86 in the Transvaal, one involving bomb attacks on urban targets, the other involving landmines. Both led to civilian casualties. Most of the people who testified to the Commission about this type of violation are white, though it is evident from police statistics that the majority of victims of the ANC's armed actions were black.

502 From late 1985 to mid-1987, certain MK units were tasked with the laying of anti-tank landmines in the rural areas of the northern and eastern Transvaal, the aim being to target military patrols. A number of civilians – farmers, farm labourers and members of their families – were killed in approximately thirty landmine explosions. According to the ANC, twenty-three people died, two of whom were MK members laying a mine. However, other sources give a death toll of thirty-seven: twenty-five civilians, nine MK members and three security force members. Some of the victims of these landmine explosions have testified to the Commission. Most of the casualties appeared to have been women and small children.

503 On 16 December 1985, the Van Eck and De Nysschen families were holidaying at Messina when their vehicle detonated a landmine. Three women and four children between the ages of three and nine died in the blast. There were four survivors: Mr Johannes Frederick van Eck [JB00707/01MPWES] and his eighteen-month-old baby boy, Mr

de Nysschen and his daughter, who was seriously wounded. To this day, Mr van Eck does not know what happened to his three-year-old son, who had been travelling with them. He described the emotional trauma to the Commission:

Do you know how it feels to be blasted by a landmine? Do you know how it feels to be in a temperature of between of 6 000 and 8 000 degrees? Do you know how it feels to experience such a blast that is so intense that even the fillings in your teeth are torn out. Do you know what trouble reigns if you survive the blast and that you must observe the results thereof? Do you know how it feels – how it feels to look for survivors, only to find the dead and maimed? Do you know how it feels to see crippled loved ones lying and burning? Do you know how it feels to look for your three-year-old child and never, Mr Chairman, never to see him again and for ever after to wonder where he is? ... Mr Chairman, do you know how it feels to try to cheer up a friend while your own wife and two children lie dead? Do you know how it feels to leave a baby of eighteen months behind to go and look for help?

- 504 Two ANC insurgents, Mr Mthetheleli Mncube and Mr Mzondeleli Nondula were subsequently arrested for their involvement in the landmine blasts. They were tried for murder and possession of illegal weapons and were sentenced to death, later commuted to life. In 1992 both were freed in terms of an indemnity agreement on the release of political prisoners between the ANC and the De Klerk government. According to Van Eck, Mncube was given a hero's award by Mr Nelson Mandela in 1993.
- 505 In 1986, Ms Lindiwe Mdluli, a farm worker in the eastern Transvaal, and her eight-month-old baby were on their way to spend Sunday with their family when they were also killed in a landmine explosion.
- 506 Mr Johannes Roos [JB01350/01MPNEL] and his family were on their way home from a Sunday evening church service on 17 August 1986. Roos was following his wife in a separate car when the vehicle she was driving detonated a landmine. Ms Roos died three days later as a result of her injuries. Their son sustained severe brain damage and died seven months later. Mr Roos told the Commission of the trauma of seeing this happen right in front of him.

THE COMMISSION FINDS MR MTHETHELELI MNCUBE AND MR MZONDELI NONDULA RESPONSIBLE FOR PLANTING THE LANDMINES THAT KILLED MEMBERS OF THE VAN ECK AND DE NYSSCHEN FAMILIES. THE COMMISSION FINDS THAT THREE WOMEN AND FOUR CHILDREN WERE KILLED AND THE REMAINING MEMBERS WERE INJURED. THE COMMISSION FINDS MK AND THE ANC RESPONSIBLE FOR THE GROSS VIOLATION OF HUMAN RIGHTS.

THE COMMISSION FINDS THAT MK PLANTED LANDMINES RESULTING IN THE DEATH OF MS LINDIWE MDLULI AND HER EIGHT-MONTH-OLD BABY. THE COMMISSION FINDS MK AND THE ANC RESPONSIBLE FOR THESE GROSS VIOLATIONS OF HUMAN RIGHTS.

THE COMMISSION FINDS THAT MR JOHANNES ROOS LOST HIS WIFE AND THEIR SON IN A LANDMINE EXPLOSION FOR WHICH MK WERE RESPONSIBLE. THE COMMISSION FINDS MK AND THE ANC RESPONSIBLE FOR THE GROSS VIOLATION OF HUMAN RIGHTS.

THE COMMISSION FINDS FURTHER THAT THE ANC'S POLICY OF MINING AREAS IN THE NORTHERN AND EASTERN TRANSSVAAL LED TO THE DEATHS OF A NUMBER OF CIVILIANS. THE COMMISSION ACKNOWLEDGES THAT THE ANC HAS ACCEPTED RESPONSIBILITY FOR THE LOSS OF LIFE THAT OCCURRED DURING THE LANDMINE CAMPAIGN. THE COMMISSION NOTES FURTHER THAT THE LANDMINE CAMPAIGN WAS TERMINATED BY THE ANC DUE TO THE HIGH NUMBER OF CIVILIAN CASUALTIES.

- 507 During the 1980s, MK planted a number of bombs in urban areas of the Transvaal. According to ANC policy, the targets selected were meant to be security force personnel or the buildings in which they worked, such as police stations or military installations, but the reality was that more civilians than security force personnel were killed in such explosions.
- 508 The first major bomb blast of this kind was the Church Street bombing in Pretoria on 20 May 1983.³¹ Twenty-one people were killed and 219 injured when a car bomb exploded outside the building which housed the administrative headquarters of the South African Air Force. Eleven of the dead were employees of the South African Air Force, two others were MK operatives. The remaining casualties were civilians.
- 509 Three amnesty applications have been received in respect of this incident. Mr Aboobaker Ismail [AM109/97] applied for amnesty in his capacity as an 'Instructor (1978–79)', 'a member of the command structure of Special Operations (1979–87)' and 'Chief of Ordinance (1987–90)'. Mr Johannes Mnisi [AM7096/97] tested the devices and was part of the contact with Mr Freddie Shongwe and Mr Izekiel Masango, the MK operatives who died in the explosion. Ms Helene Pastoors [AM7289/97] delivered the car with the explosives for the two operatives to pick up.
- 510 A number of those injured by the Church Street bomb, and relatives of those who died in the blast, have testified to the Commission. Most of the deponents described the traumatic personal and economic cost of the blasts rather than the circumstances of the blast itself.
- 511 Ms Adrianna de Wet [JB00689/02PS], a member of the South African Air Force, lost her mother in the blast. Ms Walters [JB00696/02PS] lost her husband, Stephanus. Mr Neville Clarence [JB00702/02PS] was a member of the South African Air Force. He lost his sight as a result of injuries sustained in the blast. Ms Marina Geldenhuys [JB00163/01ERTEM], an employee of the South African Air Force, sustained severe injury to her eardrums, as well as other injuries.

THE COMMISSION FINDS MR ABOOBAKER ISMAIL, MS HELENE PASTOORS, MR JOHANNES MNISI, MR FREDDIE SHONGWE AND MR IZEKIEL MASANGO RESPONSIBLE FOR THE CHURCH STREET BOMBING IN WHICH A NUMBER OF PEOPLE WERE KILLED, INCLUDING MS MEYER AND MR STEPHANUS WALTERS, AND SEVERAL OTHERS INJURED, INCLUDING MR NEVILLE CLARENCE AND MS MARINA GELDENHUYS. THE COMMISSION FINDS MK, THE ANC AND THE INDIVIDUALS LISTED ABOVE RESPONSIBLE FOR THE GROSS VIOLATION OF HUMAN RIGHTS.

- 512 During 1987 there were several bomb blasts in Johannesburg. One of these bombings took place on 20 May outside the Johannesburg Magistrates Court. Four policemen were killed and fourteen other people injured. Mr Adriaan Pieter Duvenhage's son [JB02168/03WR] André, a policeman, went to assist the injured and was killed when a second explosive was detonated. Two applications for amnesty have been received in respect of this incident (Mr William Mabele [AM5313/97] and Mr Joseph Kgoetle [AM7500/97]).

A t t a c k s o n t h e p o l i c e

513 Attacks on policemen and their homes escalated dramatically once the ANC adopted the strategy of a 'people's war'. According to the former Minister of Law and Order, Mr Adriaan Vlok, 144 policemen were killed between 1984 and 1987.

514 Most of the information which the Commission collected about attacks on members of the SAP emerges from MK members' amnesty applications rather than from the police themselves coming forward to describe these attacks on them.

515 In 1988, Constable Edmund Gregory Beck [JB00135/01GTSOW] was patrolling with two other constables when he was shot in an ambush allegedly carried out by ANC members. Two recently arrested rent defaulters were in the police van at the time of the ambush. One of these was critically injured. Constable Beck was hospitalised for a year after the incident. He described the ambush at a Commission hearing:

I just suddenly heard the sound of automatic and rapid fire from – machine gun fire. Then I heard screams at the back ... the people at the back of the van that I was patrolling with were hit, one civilian was hit through the neck. And then suddenly I heard shots all over round me that was shot from the sides, concentrating on my position as the driver. The shots riddled through the bodywork of the vehicle, past my body, past my head and shattered the windscreen and windows of the vehicle. I then accelerated to pick up speed in order to get the people to safety and I didn't know whether my assailants were on foot or by car, but eventually the engine of the vehicle was struck and I was hit through the right leg at the tibia several times ...

516 Mr Mayeza Peter Mahavle [JB01101/01MPNEL] details the difficulties he faced as a black policeman working in the eastern Transvaal during the 1980s. He suffered two arson attacks in 1981 and 1986. According to Mr Mahavle, both incidents resulted from mistaken identity. In the first case he allegedly resembled a policeman who had detained ANC members, and in the second he was mistaken for a policeman who had shot a young boy during a stay away in 1986. Mahavle told the Commission that in spite of being targeted because of his role as a policeman, he also faced suspicion from his white colleagues who suspected that he had sympathies with the forces for liberation.

THE COMMISSION FINDS THE 'COMRADES' RESPONSIBLE FOR THE ATTEMPTED KILLING OF MS MAHAVLE, THE WIFE OF POLICE OFFICER MAYEZA PETER MAHAVLE, AND THE ARSON ATTACK ON THEIR HOME, IN 1981. THE COMMISSION FINDS THE UDF AND THE ANC RESPONSIBLE FOR GROSS VIOLATIONS OF HUMAN RIGHTS.

517 Few former community councillors came forward to testify to the Commission about the many attacks that were perpetrated against them in the Vaal area during this period. Such was the extent of violence against councillors that by June 1985 only five of the thirty-eight black local authorities remained in office. Attackers did not always discriminate between councillors and their families, who were frequently caught in the crossfire. The issuing of firearms to councillors for their defence contributed to the conflict. This is evidenced by events in Sebokeng, where a councillor opened fire on a group of marchers protesting against rent increases, thereby precipitating widespread violence.

N e c k / a c i n g

518 The necklace became a terrible symbol of the brutalisation of political conflict in South Africa during the mid-1980s and claimed at least 400 lives. Most of the victims were alleged informers, although councillors, police, and chiefs were also vulnerable to this sort of attack. Most of the perpetrators aligned themselves with the UDF. Although official policy of both the UDF and the ANC was to condemn necklacing, the public statements of the leadership of these organisations were sometimes ambiguous and appeared to give tacit and sometimes overt approval to the practice.

519 Ms Maki Skhosana [JB00289/01ERKWA] was necklaced in July 1985, on suspicion of complicity in the deaths of eight young COSAS activists on the East Rand. They had died while trying to use hand grenades which had been booby-trapped by security force agents (see under Covert Action above). Ms Skhosana, who was herself involved in student politics, had been the first person contacted by 'Mike' (Vlakplaas operative Joe Mamasela posing as an MK operative), and had put him in contact with the COSAS activists. It later emerged that Skhosana, unaware of Mamasela's position within the police, was involved in a relationship with him. Survivors of the attack still seem divided as to whether Skhosana had in fact betrayed them. However, after her sister, Ms Evelina Puleng Moloko, testified at the Commission hearings, the family was formally accepted back into the East Rand community in a significant symbolic process of reconciliation.

THE COMMISSION FINDS THAT MS MAKI SKHOSANA WAS WRONGLY ACCUSED OF BEING AN INFORMER AND RESPONSIBLE FOR THE DEATH OF THE 'COMRADES' IN THE BOOBY-TRAPPED HAND GRENADE INCIDENTS. THE COMMISSION FINDS THAT MS SKHOSANA WAS NOT AWARE OF THE FACT THAT 'MIKE' WAS JOE MAMASELA, AN ASKARI. THE COMMISSION FINDS THAT THE NECKLACING WAS A GRUESOME ACT OF EXTRAORDINARY VIOLENCE THAT CAST A BLIGHT ON THE STRUGGLE FOR FREEDOM. THE COMMISSION FINDS THE 'COMRADES' AND THE COMMUNITY AT DUDUZA RESPONSIBLE FOR THE NECKLACING OF MS SKHOSANA, AND THAT THE UDF AND THE ANC MUST ACCEPT RESPONSIBILITY FOR THIS GROSS VIOLATION OF HUMAN RIGHTS.

THE COMMISSION FINDS THAT THE ROLE PLAYED BY THE STATE IN MANIPULATING COMMUNITY PARANOIA AND INFILTRATING INFORMERS INTO COMMUNITIES AND ACTIVIST STRUCTURES CREATED A CLIMATE WHICH GAVE RISE TO VIOLENCE AND GROSS VIOLATIONS OF HUMAN RIGHTS.

520 Mr Frank Mlotshwa, the son of Ms Bayeni Annie Silinda [JB01323/01MPNEL], was burnt as an informer in September 1986. The reasons for his murder are unclear, but appear to be related to the fact that he had previously worked for the Nelspruit municipal council and did not immediately comply when ordered by a group of sjambok-wielding 'comrades' to come to a meeting. Mr Mlotshwa spent four days in hospital before he died.

521 Nineteen-year-old Mr Lucky Mnisi [JB1099/01MPNEL] was burnt to death on 3 July 1986. Mr Mnisi was a student activist who was repeatedly detained by police. It appears that, as a result of the violence he experienced while in detention, he agreed to work for the police. He was murdered soon after his release from jail. Before his death he told his mother, Ms Jameya Mnisi, that he had agreed to work for the police. Ms Mnisi told the Commission:

He said, "Yes mother, the police ended up arresting me, they took me to the cells and they assaulted me and after assaulting us we spent a week in jail and at the end of that the police gave us uniforms and they gave us guns." And I said, "Why did you take those?" And he said "Mother, I thought that they would leave me alone."

THE COMMISSION FINDS THAT THE 'COMRADES' WERE RESPONSIBLE FOR THE FATAL BURNING OF MR FRANK MLOTSHWA. THE COMMISSION FINDS THE 'COMRADES', THE UDF AND THE ANC RESPONSIBLE FOR HIS DEATH AND THUS FOR THE GROSS VIOLATION OF HUMAN RIGHTS.

THE COMMISSION FINDS THAT MR LUCKY MNISI WAS BURNT TO DEATH BY 'COMRADES' BECAUSE HE WAS SUSPECTED OF BEING AN INFORMER. THE COMMISSION FINDS THAT THE ROLE PLAYED BY THE STATE IN COMPROMISING MANY ACTIVISTS AND COERCING THEM INTO BECOMING INFORMERS AND ASKARIS RESULTED IN THE MURDERS OF MANY ACTIVISTS AND COMMUNITY MEMBERS. THE COMMISSION FINDS THE FORMER SOUTH AFRICAN GOVERNMENT RESPONSIBLE FOR CREATING A CLIMATE WITHIN WHICH GROSS HUMAN RIGHTS VIOLATIONS WERE COMMITTED. THE COMMISSION FINDS THE 'COMRADES', THE COMMUNITY, THE UDF AND THE ANC RESPONSIBLE FOR THE GROSS VIOLATION OF HUMAN RIGHTS.

Inter-organisational conflict

- 522 Although the 1980s were fairly quiet in terms of inter-organisational conflict compared to the 1990s, political divisions did lead to some violence, in particular between adherents of Black Consciousness and Charterist organisations such as the UDF.
- 523 Violence seemed to occur primarily between the youth or student branches of the UDF-aligned student organisation, COSAS, and the Black Consciousness student organisation, AZASM. A variety of violent methods were employed in the battle for ideological supremacy, including hand grenade attacks on homes. Conflict occurred primarily in the urban townships of Soweto, Tembisa, Mohlakeng and Alexandra, but one Commission deponent reports violence from as far afield as Lebowa in the northern Transvaal.
- 524 Conflict erupted early in 1985 when groups of Black Consciousness-aligned activists disrupted a rally at Regina Mundi Church in Soweto which was to have been addressed by Senator Edward Kennedy from the United States. The resulting conflict involved abductions, kidnappings, killings, bombings and attacks on homes. The president of AZAPO, Mr Ishmael Mkhabela, alleged that the last nine months of 1985 saw at least four members of AZAPO killed, nineteen attacked, thirteen arrested and thirty-three of its members' houses burnt in UDF–AZAPO conflict. Sites of conflict included Dlamini, Tladi, Moletsana, and Orlando East.
- 525 A few people came to the Commission to testify about this conflict. The two witnesses who testified at the Commission's Soweto hearings were both mothers whose sons had been killed in apparently targeted assassinations. Mr Walter Dhlamini (19) [JB00331/01GTSOW] was shot dead on his way home from school, allegedly by members of AZAPO. Mr Lereng Mahau (22) [JB00419/01GTSOW] was stabbed, stoned and necklaced, allegedly by UDF members, after attending the funeral of another youth killed in the conflict. Despite their youth, both Mr Dhlamini and Mr Mahau were long-term political activists. Dhlamini had been repeatedly detained and tortured by local police before his death. Mahau had recently been released after serving a five-year term on Robben Island for sabotage. Before they murdered him, Mahau's attackers allegedly accused him of thinking he was 'smart' because he had been to Robben Island.

THE COMMISSION FINDS THAT ONE OF THE LEGACIES OF APARTHEID WAS THE POLITICAL DIVISION THAT EXISTED IN COMMUNITIES BETWEEN THE CHARTERISTS AND THE ADHERENTS OF THE BLACK CONSCIOUSNESS MOVEMENT. WHILST RECOGNISING THE ROLE THAT THE STATE PLAYED IN EXPLOITING THE DIVISIONS IN COMMUNITIES, THE COMMISSION FINDS NEVERTHELESS THAT THE

STUDENT FORMATIONS OF THE UDF AND AZAPO, NAMELY COSAS AND AZASM, WERE ENGAGED IN BATTLES FOR IDEOLOGICAL SUPREMACY AT COMMUNITY LEVEL. THE BATTLES WERE BLOODY AND RESULTED IN A NUMBER OF DEATHS AND INJURIES, ALONG WITH A NUMBER OF HOMES BEING BURNT. THE COMMISSION FINDS THAT THE POLITICAL INTOLERANCE BETWEEN RIVAL POLITICAL GROUPINGS RESULTED IN THE GROSS VIOLATION OF HUMAN RIGHTS, FOR WHICH THE UDF AND AZAPO ARE FOUND TO BE RESPONSIBLE.

● 1990–1994

Overview of violations

- 526 Between 1990 and 1994, political violence claimed the lives of approximately 15 000 people. According to the HRC, during the preceding five years, 1984–1989, 3 500 people had died as a result of political conflict. The SAP estimated that, in 1990, damage to buildings and vehicles as a result of ‘unrest’ led to losses of R105 million compared to R34 million lost the previous year³².
- 527 Evidence before the Commission shows almost twice the number of reported killings (circa 1 550) occurred between 1990 and 1994 as in previous period (circa 850), becoming the most frequently reported violation.
- 528 The contest for power set in motion by the unbanning of organisations and the opening up of political processes in 1990 led to a substantial proportion, although not all, of the violence reported in the Transvaal in the period. The violence took the form of internecine conflict, rather than direct conflict with the security forces as in previous decades.
- 529 Much of the conflict that took place during this period was concentrated in the PWV (Pretoria–Witwatersrand–Vereeniging triangle) region of the Transvaal. Until July 1990, ongoing internecine violence had remained largely confined to Natal. However, in the wake of an Inkatha Freedom Party (IFP) rally at Sebokeng in the Vaal Triangle, which left twenty-seven people dead, it moved rapidly to the Transvaal, spreading to the East Rand, Soweto, the West Rand and Alexandra townships. In each case, non-Zulu hostel-dwellers were driven out of the hostels, which became launching pads for attacks against surrounding communities and, in particular, informal settlements.
- 530 Ironically, the violence of the 1990s took place in the context of political reform and a process of negotiated transition. However, it was precisely this process that precipitated the rapidly escalating conflict. The unbanning of political organisations by FW de Klerk in 1990 and the possibility of democratic elections created an environment of intensified political competition as long-banned political organisations returned to re-establish themselves in the country, while other organisations such as the IFP entered the national arena as a formal political party.
- 531 Although the violence was precipitated and fundamentally shaped by the contest for political power which took place in the wake of the unbanning of political organisations, there were a variety of other divisions, including generational, economic, territorial and personal, that impacted on the form that violence took and motivated people’s participation in it. These conflicts were intensified by the context of poverty and disempowerment within which they occurred.

- 532 The stakes were very high. The open expression of diverse political opinions had long been suppressed and levels of political intolerance were extremely high. In July 1990, COSATU called a stay away to protest against the high levels of violence in KwaZulu-Natal. Allied to this initiative, a number of organisations, most notably the South African Youth Congress (SAYCO), declared Inkatha “an enemy of the people” and the houses of many IFP officials in the Transvaal, particularly those town councillors who had allied themselves to Inkatha, were petrol-bombed.³³ On the other hand, members of the IFP were reportedly involved in a forced recruitment campaign in the PWV hostels, were expelling non-Zulu residents from hostels and engaging in numerous acts of violence against township residents and ANC supporters.
- 533 Evidence before the Commission for the area covered by the Johannesburg office reflects a shift away from the direct conflict between former state and its political opponents that dominated all previous decades. During preceding periods, the most frequently identified perpetrator was consistently the South African Police (SAP), during the 1990s, the number of violations attributed to the Inkatha Freedom Party (IFP) exceeded those attributed to the SAP. The SAP, however, remained the second most frequently identified perpetrators of reported violations. During this period, members of the ANC were also identified as perpetrators of gross violations. The arming of ANC self-defence units (SDUs) increased levels of violence as these units became involved in local conflicts, sometimes abusing their power. Right-wing organisations during this period also engaged in sometimes violent opposition to the political reforms introduced by state president Mr F W de Klerk. Criminal gangs, such as the Toasters and the Zim Zims, were also drawn into the political conflict, becoming perpetrators of political violence for the first time.³⁴
- 534 Not only did the violence of the 1990s claim more lives, its nature changed dramatically. Indiscriminate massacres in which gunmen opened fire on train commuters, people drinking in shebeens or sleeping in their beds became endemic. Violence against women, children and the elderly rose dramatically. The more generalised nature of the violence in the early 1990s is reflected in a wider age range of victims. However, the deaths of victims in the 25–36 age group show the most significant increase during this period. The number of women victims of killing also rose during this period, particularly in the 25–36 age group. By far the majority of victims of killing violations were, however, men.
- 535 The dominant forms of severe ill treatment occurring during this period were shooting, beating, and stabbing.
- 536 The major perpetrators identified are the South African Police and the Inkatha Freedom Party.
- 537 As the conflict continued, it became more sustained and pervasive and developed a momentum of its own. This was reflected in the intensified destabilisation of the political environment. In some areas, such as Soweto during the early 1990s and later in the East Rand, violence degenerated into an ongoing war of attrition with hundreds of people fleeing their homes to escape the killing.
- 538 Conflict between hostel-dwellers and residents of adjacent townships and settlements was a major site of conflict in this period. Since the 1976 attack by Mzimhlope hostel residents on protesting students in Soweto in which seventy people died, there had been a history of animosity between the two communities. This was exacerbated during the 1980s as the urban-centred nature of township politics frequently marginalised hostel residents.

- 539 The question of ethnicity gradually came to play a decisive part in the conflict between hostel-dwellers and township residents. After 1990, ANC-aligned organisations began calling for the abolition of the hostels and their replacement by family units. This fundamentally threatened the security of hostel residents who wanted to maintain their families and homes in the rural areas but could not afford to do so unless they could stay in the low-cost urban hostels.³⁵
- 540 Allegations of forced recruitment in the Transvaal hostels were prevalent in the early 1990s and were attributed principally to the IFP, which was launched as a national political party in July 1990. Soon after this, the organisation began a vigorous recruitment drive in the Transvaal area where surveys had shown not only a lack of support, but overt animosity towards the organisation.³⁶ The attempt by the IFP to politicise and manipulate ethnic identity was a powerful political tool and served as a springboard for Inkatha's attempt to penetrate the urban Transvaal and launch itself as a national political force. For hostel residents themselves, ethnic identities were used as a means of coping in a hostile urban environment. The result was the political mobilisation of a defensive community along ethnic lines.
- 541 The allegations of forced recruitment in the Transvaal were similar to those made in Natal during the mid-1980s in areas controlled by the KwaZulu government. However, in the Transvaal the IFP did not have the same administrative control as in KwaZulu-Natal and had to rely on more direct physical coercion. The IFP also accused the ANC of not allowing any opposition. Hostels were built at a time when African people were seen as temporary sojourners in South Africa's towns and cities. The large dilapidated buildings built to house single males in large concentrations created the ideal context for coercion and forced recruitment. This environment also facilitated rapid mobilisation, instant meetings and preparation for armed attacks.
- 542 During the early 1990s, violence from the hostels was characterised by mass *impi* (traditional army) attacks. Counter-attacks from the informal settlements followed a similar pattern. Initially, the primary locus of conflict occurred between squatter and hostel communities with conflict spreading to formal townships only later. The conflict led to a process of territorial polarisation with squatter camps and hostels becoming identified with either the ANC or IFP. Residents were no longer able to make personal political choices and in fact to do so could often be life threatening. The process of political polarisation, which increasingly overlapped with ethnic identity, led to major migrations of people from one area to another.
- 543 Allegations by residents that the police had not intervened to prevent violence or had overtly sided with attackers became commonplace during the 1990s. In August 1990, when Thokoza hostel residents attacked Phola Park squatters on the East Rand, the police issued a statement declaring that they would "not get involved in a political fight" between Zulus and Xhosas.³⁷ The ANC argued that political violence was being orchestrated and fanned by members of the security forces in order to undermine and weaken the recently unbanned organisation.
- 544 Over the next four years, political and civic leadership repeatedly issued warnings of impending attacks. These were ignored (as in the Sebokeng Massacre on 22 July 1990 where twenty-seven people died; the Nangalembe night vigil massacre where forty-five people died; the Boipatong massacre where forty-five people died). In addition, once attacks were underway, there were repeated allegations (at Boipatong, Swanieville and the Alexandra Night Vigil Massacre) that the police had failed to respond to calls for assistance. In the wake of the massacres, police frequently failed to arrest perpetrators. After the Boipatong and Swanieville massacres, attackers were escorted back to the

hostels. Incidents of political violence were not investigated or so poorly investigated there was no possibility that they would lead to convictions.

- 545 Evidence of the part played by sectors of the SAP and SADF in directly fuelling violence during the 1990s first emerged during the early 1990s. The Goldstone Commission revealed that a police informer, Mr Michael Phama, operating in a SDU in Phola Park, planned and carried out the killing of eighteen IFP supporters in Thokoza on 8 September 1991, precipitating a renewed outbreak of conflict on the East Rand. In November 1992, a Goldstone Commission investigation led to the seizure of documents from a secret military intelligence base. These revealed that, in 1991, the Chief of Staff of Military Intelligence had authorised the hiring of convicted double murderer, Mr Ferdi Barnard, to run a task force aimed at destabilising the ANC and its armed wing, MK.
- 546 In March 1994, on the eve of South Africa's first democratic elections, further revelations were made by the Goldstone Commission concerning alleged police involvement in the instigation of violence, including the organisation of train and hostel violence and gun-running. Those implicated included Lieutenant General Basie Smit, SAP Deputy Commissioner and Major General Krappies Engelbrecht, head of the department of Counter-Intelligence of the SAP. These two officers allegedly initiated a project that involved the manufacture of home-made guns, as well as the importation of a large range of weaponry from Namibia after the country gained independence. These arms were allegedly sold directly to senior members of the IFP, including Mr Themba Khoza, chairperson of the Transvaal Inkatha Youth Brigade. Central to the whole operation was Colonel Eugene de Kock, former commander of the C10 Security Branch unit, Vlakplaas. However, weapons stored at Vlakplaas were transferred to another venue and a number of former members of the unit continued to work under De Kock in various destabilisation operations.³⁸

Massacres

- 547 Between 1990 and 1992 there were 112 massacres in the Transvaal. The number of massacres and the resultant death tolls escalated steadily during this period. Twenty-five incidents occurred in 1990, forty-four in 1991 and forty-three in 1992. The death tolls for these years were 217 in 1990, 403 in 1991 and 334 in 1992.
- 548 The major massacres occurring between 1990 and 1993 were part of the so-called 'Reef township war'. Among them were:
- a the Sebokeng massacre on 22 July 1990 (twenty-seven killed);
 - b the Tembisa Vusimuzi hostel massacre on 12 September 1990 (twenty-five hostel residents killed);
 - c the Jeppe Station train attack, Johannesburg, on 13 September 1990 (twenty-six commuters killed);
 - d the Thokoza Hostel attack on 2 December 1990 (thirty residents killed);
 - e the Sebokeng Funeral Vigil attack on 12 January 1991 (thirteen people killed);
 - f the Gobikitwna Beer Hall attack, Sebokeng on 23 May 1991 (thirteen people killed);

- g the Alexandra Funeral Vigil massacre on 12 May 1992 (fifteen people killed);
- h the Swanieville squatter settlement massacre, Kagiso on 12 May 1991 (twenty-eight people killed);
- i the Thokoza hostel attack in May 1993 (sixteen hostel residents killed);
- j the Crossroads squatter camp massacre, Katlehong on 3 April 1992 (twenty-one people killed);
- k the Boipatong massacre, Vaal on 17 June 1992 (forty people killed).

- 549 In the Vaal, the conflict was triggered by an ANC rally on 2 July 1990. The IFP alleged that speaker after speaker resolved to remove all IFP members from the Vaal townships and to act against the IFP in support of a week-long campaign protesting against the ongoing conflict and violence in KwaZulu-Natal. In the days following the rally, it alleged that ANC-aligned youths attacked the homes and businesses of people perceived to be supporters of the IFP.
- 550 The IFP called a peace rally in Sebokeng on 22 July 1990. Prior to the rally, COSATU had tried to seek an urgent interdict, on the basis of intelligence reports from hostels which indicated that the IFP were coercing and forcing recruitment of hostel-dwellers. On the day of the rally, ANC supporters gathered outside the stadium and allegedly hurled abuse, and threw stones and petrol bombs at arriving buses. Following the rally, IFP supporters marched through Sebokeng, attacking and killing people on their way back to the hostel complex.
- 551 Over the next few months, conflict continued between the IFP and the ANC, resulting in expulsion of IFP supporters from their homes as well as 350 Zulu-speaking people from the Sebokeng hostel complex. Initially, these people lived in the veld but were subsequently accommodated at the KwaMadala Hostel, a building owned by ISCOR, the biggest employer in the Vaal.
- 552 On 3 September 1990, Inkatha members carried out an attack in the early hours of the morning on the Sebokeng Hostel. Twenty-three people were killed in this initial attack. A further fifteen people died when the SADF opened fire on the crowd.
- 553 These conflicts in the Vaal (and in other areas of the Reef) took place against the background of ongoing negotiations between the former state, the ANC and other organisations. The ANC and many other organisations alleged that there was a 'third force' behind these killings. Mr de Klerk appointed the Goldstone Commission, headed by Judge Richard Goldstone, to initiate an investigation into these conflicts.
- 554 During the 1990s, criminal gangs became increasingly drawn into the political conflict taking place in the PWV – their easy use of violence making them extremely effective participants in the contest for political power and territorial control. Associated with this was an attempt to establish people's power in many areas including the Vaal. The establishment of related 'people's courts' and street committees added to the culture of intolerance.

555 The 'forced removal' of IFP supporters from the Vaal townships and the primarily Zulu-speaking hostel residents from the Sebokeng hostel complex to the KwaMadala Hostel led to ongoing conflicts between these two groupings from the end of 1991 until the massacre that took place in Boipatong in June 1992. The Boipatong massacre prompted the ANC to suspend negotiations with the Government in protest against its failure to halt the violence sweeping the country at the time.

556 The Commission heard evidence from families of victims of the Sebokeng massacre of 22 July 1990 in which IFP supporters, returning from a rally, conducted random attacks on township residents and killed twenty-seven people. Among the victims was nineteen-year-old Fanyana Reuben Maduna. Ms Mamasondo Maduna [JB00795/03VT] told the Commission that she was told that her son was lying in the road:

When we went there to look, he was already removed and taken to the hospital, and a police van came and they said to us we must go and fight for ourselves. But I did not understand what they meant because I did not know what they were referring to...

And when we got to the hospital, we found that he had been dead. On the following day, we went to the mortuary at the hospital. When we got there, we found the place full.

557 It took the police at least four hours to arrive at the scene of the Sebokeng Massacre on 3 September 1990, although both the SAP and municipal police stations were less than 500 metres from the scene. The initial attack began at 01h00 and was carried out by Inkatha supporters armed with guns, hand grenades, home-made bombs, spears and axes. The attack continued for a number of hours. When the police *did* arrive, they allegedly found the group of attackers trapped inside the hostel by the Sebokeng residents, who were gathering outside. Police reported that they prevented further casualties by keeping the attackers and the residents apart.

558 The police subsequently called in the SADF, who arrived after 09h00 and, apparently without provocation, opened fire on the crowd outside the hostel. The crowd scattered. According to the police, they called in the SADF after the local ANC leaders Mr Bavumile Vilakazi and Mr Ernest Sotsu refused to allow the police to escort the Inkatha members from the scene before senior ANC members from Johannesburg arrived.

559 Mr Hamilton Piyose [JB00810/03VT] was shot dead by the SADF during this incident. According to his wife, Ms Alishia Bukiwe Galela, Piyose went to the Sebokeng hostel after he heard about the conflict at the hostel the night before. They had relatives living in the hostel. Their son, Mr Witness Galela, told the Commission what he saw at the hostel:

They (IFP members) were inside and they were surrounded by police. As we were still standing there, I saw my father, but I really doubted to go to him. Then I went to the other side of the road and I peeped through the hole to see the whole incident.

And the Zulus were right inside the hostel. As we were still watching all that was happening just behind us, there came soldiers ... and we turned around to face them to see what they had come to do. They got out of their Casspirs – nobody threw any stones at them, nobody was aggressive, we were just peeping through the

hole to see what was happening at the hostel. All of them got out of the Casspirs and they formed sort of a guard of honour and they were facing us.

We were a group, there were many of us, and we were facing them. We restrained ourselves. We told ourselves that we should just sit down. My father at that moment was at a distance ... because there were many of us; we were all sitting down from the front up to the back. Just before the last row at the back sat down we just heard a loud explosion and we realised that we were being thrown with a tear gas canister. And out of the corner of my eye, I could see my father because he was at a distance. And I didn't want to really face him because somehow I was scared. I saw him, it was as if he was trying to stand up and at that particular moment, I ran away.

560 Witness Galela did not know whether to go back and help his father, from whom he had so far hidden his presence:

I went back to look for my father, and when I went there I looked but I could not see any trace that he was there. I ran around trying to look for him but I could not find him anywhere. I kept on looking and I had this doubt in my mind that my father couldn't have run away. Probably something happened to him because he's an elderly man and he looked like he had a problem standing up and he had a very big build. And I felt in my heart of hearts that something had happened.

I went straight home and I asked my mother whether my father had come back. My mother said, no, he hadn't yet come back. I didn't tell my mother.

561 Ms Galela described her interaction with her son when he returned home:

My elder child asked me where the father was and I explained that the father had gone to the hostel and I knew nothing... He ... asked whether the father had not come back. I said the father had not come back. Then he started shaking. Then he started telling me that it meant that whatever he saw was the truth, but I didn't know what he was referring to. He went out the door.

562 Ms Galela eventually found her husband in the mortuary after searching for him for three days at local hospitals.

563 Mr Themba Khoza, the IFP Youth Brigade leader of the Transvaal and Security Branch and allegedly an informer³⁹, was arrested with guns and explosives in his car at the scene of the Sebokeng massacre and was subsequently charged with unlawful possession of firearms and ammunition. Despite apparently strong evidence against Khoza, charges against him were dropped. Amnesty applications made to the Commission indicate that Vlakplaas operatives supplied Mr Khoza with a car, bail money and at least some of the weapons that were used at the Sebokeng massacre, and that Vaal police tampered with evidence in order to secure Khoza's release. This cover-up is discussed in more detail elsewhere in this report.

564 In the attack which has become known as the Nangalembe Night Vigil Massacre in Sebokeng on 12 January 1991, forty-five people were killed at a night vigil for ANC Youth League (ANCYL) member, Mr Christopher Nangalembe [JB00317/03VT]. Mr Victor Khetisi Kheswa was allegedly responsible for Nangalembe's death. According to Kheswa's

mother, the two boys had grown up together. Kheswa, however, had a long history of criminal involvement and, when youth in Sebokeng and Evaton launched an anti-crime campaign, Kheswa inevitably came into conflict with some of his former associates in the ANCYL. One of the allegations against Kheswa was that he had killed a young women by forcing her to drink acid. Christopher Nangalembe sat on the 'panel' of a 'people's court' that accused Kheswa of this and other crimes. Kheswa was then shot, allegedly by members of the 'people's court'. Kheswa survived the attack.

565 Two days after Kheswa's shooting, some of his associates, who were to form a gang that was later implicated in many acts of violence in the Vaal, met to discuss how to respond to the ANC's anti-crime campaign. Among them was Mr Silwane Kubheka whose mother was an IFP official. He allegedly suggested that the group should seek help from the IFP.

566 Christopher Nangalembe's brother, Mr Mandla Nangalembe, told the Commission that the nature of the violence perpetrated by the Kheswa gang after it formed an alliance with the IFP changed:

They used to steal cars ... They only started troubling the community when they had joined the IFP because now they were having guns, they were armed and they could shoot and kill people... When they emerged, it was when they were members of the IFP.

567 On 2 January 1991, the first 'drive-by shootings' took place in Sebokeng, reportedly carried out by members of the Kheswa gang. The following day, Kheswa's mother was arrested in possession of AK47s.

568 On 5 January, Christopher Nangalembe, the ANC activist who had sat on the 'people's court' that had 'tried' Kheswa for various crimes, was abducted on the 5 January. His body was found the following day on a rubbish heap near Boipatong. He had been strangled with a piece of wire.

569 Mandla Nangalembe told the Commission that, before his death, their mother received a telephone call threatening to kill the whole family and burn their house down if they "couldn't get Chris". Several members of the Kheswa gang intercepted Christopher Nangalembe in the street in a car. (Kheswa himself was in hospital recovering from injuries. Mandla decided to go and seek help from the police:

I went to the Houtkop Police station. When I got there to report that my brother had been abducted and he was at Khetisi's place, the police told me that they were afraid to go there. They told me that if I was talking about Khetisi, Khetisi was armed to the teeth and they did not want to tamper with him. These were the policemen who were telling me this... The second thing they told me that they didn't know the number of the house... I must bring the number to them.

570 Shortly thereafter, Mandla Nangalembe received the news that his brother, Christopher, was dead. The family went to collect the body:

We got Chris at the dumping site. He was tied, his throat was tied with a wire and this wire was twisted with a pair of pliers. People saw him in the morning they could only identify him with his ANC card that he used to carry with.

- 571 The family was afraid to organise a night vigil for fear of being attacked. However, members of the community insisted and offered to protect the vigil goers. Mandla Nangalembe again went to request protection from the police.
- 572 On the night of the vigil youths patrolled the area and stones were placed across the road. A vehicle was seen and shots were allegedly fired from it. It had no registration plates but was believed to be associated with the Kheswa gang. On arrival at the night vigil, people in the vehicle opened fire and lobbed three hand grenades into the crowd that had gathered.
- 573 As a result of the attack, Ms Paulina Masimula [JB00836/03VT] spent five months in hospital recovering from gunshot wounds; Ms Elli Ndlebe's [JB00875/03VT] son, Mr Michael Zwandile, died and her daughter-in-law was injured; Ms Sophie Nomfutse Simelane's [JB00820/03VT] son, Andrew Maqwane was killed.
- 574 When the police arrived on the scene, Mr Mandla Nangalembe was told to accompany them to the police station. He again tried to point out the attackers:

As we were going, this car which had shot people and abducted my brother was following us. I pointed this car to them and said that this was the car that had abducted my brother. They said I must keep quiet because they were doing their job.

- 575 Mandla Nangalembe was then taken back to the scene of the massacre:

There were four Boer police. They did not even look at the corpses. They just collected the bullets that were strewn, the cartridges that were strewn around the yard, they just ignored the corpses. They even ignored the people who needed first aid who were lying down on the ground. I approached them and showed them that there is the car that had been busy shooting. They did not even pay attention to what I was saying. They flatly ignored me.

- 576 Mr Khetisi Kheswa and ten others were arrested for their involvement in the Nangalembe night vigil massacre. At least one of the suspects was tortured by the police. They were all acquitted due to lack of evidence and sought refuge in KwaMadala Hostel. This attack precipitated the formation of SDUs in the Vaal area.

IN REVIEWING THE EVIDENCE PRESENTED TO THE COMMISSION CONCERNING THE NANGALEMBE NIGHT VIGIL MASSACRE, THE COMMISSION FINDS:

- THE KHETISE KHESWA GANG WAS RESPONSIBLE FOR THE MASSACRE IN SEBOKENG ON 12 JANUARY 1991 AND FOR THE KILLING OF MR CHRISTOPHER NANGALEMBE.
- THE SAP IGNORED THE REQUEST THAT POLICE PROTECTION BE PROVIDED AT THE NIGHT VIGIL MADE BY MANDLA NANGALEMBE.

- THAT THE STREET COMMITTEE IN THE SEBOKENG AREA WAS RESPONSIBLE FOR THE ATTEMPTED KILLING OF MR KHETISI KHESWA.
- THAT THERE WERE STRONG LINKS BETWEEN THE IFP AND THE KHESWA GANG AND THAT THE IFP WAS SUPPLYING THE KHESWA GANG WITH GUNS.
- THAT THIRTEEN PEOPLE WERE KILLED AT THE NIGHT VIGIL AND MANY OTHERS INJURED.
- THAT THE KHESWA GANG, THE IFP AND THE POLICE MUST ACCEPT RESPONSIBILITY FOR THE COMMISSION OF GROSS HUMAN RIGHTS VIOLATIONS.

577 On 3 July 1991 Mr Ernest Sotsu's wife, Constance, his daughter, Margaret and his two-year-old grandson, Sabata, were murdered during an attack on their home while Sotsu⁴⁰ was attending an ANC conference. Two younger children, ten-year-old Vusi and twelve-year-old Vuyani, survived the attack by climbing out of the bathroom window. [JB0211/03VT] Both claim that Mr Victor Khetisi Kheswa was one of the attackers. The two surviving children allegedly identified Khetisi Kheswa as the attacker in an identity parade and consequently Khetisi Kheswa was charged but was released on bail. Before Kheswa could stand trial for the triple murder, he died in police custody⁴¹.

THE COMMISSION FINDS THAT CONSTANCE SOTSU, THE WIFE OF ERNEST SOTSU, HER DAUGHTER MARGARET AND HER TWO-YEAR-OLD GRANDSON SABATA WERE KILLED BY VICTOR KHETISI KHESWA AND HIS GANG ON 3 JULY 1991.

- 578 The 17 June 1992, the Boipatong massacre was allegedly launched from the KwaMadala hostel in the Vaal by a group of more than 200 men armed with knives, *pangas* and guns, leaving at least forty-five people dead and twenty-two injured. Victims included at least nine children, two babies and seventeen women, one of whom was pregnant.⁴² Residents were raped, hacked, stabbed, shot, beaten and disembowelled. Hundreds of homes were attacked and looted. Victims said they had been attacked by white men in security force uniform and black men with red and white head bands speaking Zulu and chanting Zulu slogans.
- 579 Conflict had been brewing in Sebokeng for some time. Zulu-speaking people in the township gravitated towards the KwaMadala hostel as tensions between themselves and the ANC increased. Attacks were allegedly perpetrated against the property of IFP supporters and Zulu-speaking people.
- 580 Repeated complaints from residents about violence emanating from KwaMadala hostel were ignored, as were petitions made by the Vaal Council of Churches to the police, ISCOR and the Goldstone Commission from early 1991. No action was taken and violence escalated unchecked.
- 581 According to the an article published in the *Weekly Mail*, twenty people were killed and ten injured in nine incidents of violence linked to KwaMadala hostel between January 1991 and May 1992, prior to the Boipatong massacre⁴³. Before the massacre, the South African Council of Churches (SACC) submitted evidence to the Goldstone Commission to the effect that most of the violence in the Vaal emanated from KwaMadala.

- 582 Before the attack that occurred on 17 June 1992, a large contingent of police in plain clothes and camouflage uniforms began patrolling the township and removing barricades. A resident described this as being “unusual in Boipatong”. Members of SDUs repaired the barricades after the police left. A number of warnings were received and passed on to high-ranking officers in the local police. At about 20h00 on the night of 17 June, Boipatong residents, fearing an attack, patrolled the streets. At 21h00 police arrived in the township and patrolling youths were ordered to get off the streets.⁴⁴ Those who did not were allegedly teargassed. The police reported that they fired birdshot when a police patrol was petrol-bombed on three occasions. The police denied using tear gas.
- 583 At approximately 21h30, Mr Meshack Theoane, a petrol attendant at a petrol station on the corner of Frikkie Meyer and Nobel Boulevard, approximately 300 metres from Boipatong, activated an automatic alarm when he witnessed a large group of armed men crossing the highway from the direction of KwaMadala hostel. The alarm was connected to the police station at Vanderbijlpark. Shortly thereafter, two white men arrived at the filling station in a van and asked Theoane why he had rung the alarm. He explained that there was a group of armed men entering the township from KwaMadala, but they seem uninterested in this information and left the area.
- 584 A security guard who was with Meshack Theoane at the filling station, then radioed his employers to report the movement of the armed men. Two white security men arrived at the filling station a few minutes later and apparently called the police on their radios. Two white policemen then arrived at the filling station and spoke to the security men, whereupon the security men said that the police had instructed them to take Theoane and the security guard away from the filling station because it was not safe. However the attendant and the guard returned to the garage later and saw the armed group leave Boipatong at about 22h30.
- 585 At 22h00, workers on the late shift at nearby factories Iscor, Metal Box and Cape Gate reported seeing two groups of police, one on the west and the other on the east side of the township, dropping off men from Casspirs at points next to Slovo squatter camp. Soon afterwards, the attacks began.
- 586 The attackers started at the Slovo squatter settlement and then moved through the township, killing and injuring people and damaging property (at least fifty homes were attacked in the township). Twenty people died in Slovo Park.
- 587 The attackers divided into three groups. The first squad allegedly moved ahead – shouting, breaking windows and causing confusion. It was followed by a second squad, armed mainly with *pangas* and *assegais*, which broke into houses and attacked residents. While this was happening, the third squad, reportedly consisting mainly of armed white men, surrounded the houses and gunned down anyone who tried to escape through the windows and doors. Twenty-one people died in Boipatong township.
- 588 Numerous allegations were made about the attackers and alleged security force collusion in the attack. Residents reported the following:
- a The attackers were Inkatha-supporting hostel-dwellers from the KwaMadala Hostel which was owned by Iscor.
 - b Some of the attackers were wearing white headbands, white gloves and white *takkies*.

- c The attackers asked for comrades or ANC members.
- d White men were allegedly involved in the attack. One resident alleged that the attack was led by white people with blackened faces; two residents reported that they heard a white man saying “*Moenie praat nie, skiet net...*” (Don’t talk, just shoot); and white uniformed men in armoured vehicles were seen assisting the attackers.⁴⁵
- e Attackers were seen getting out of police armoured vehicles on the outskirts of the township.
- f A resident from one of the first homes attacked reported that a police Hippo backed into the fence surrounding the house moments before they were attacked.
- g One resident reported that he saw a green police Casspir parked next to Slovo camp as he fled his home.
- h A police Casspir followed the attackers as they left the township in the direction of the KwaMadala Hostel.
- i Police failed to respond to calls of help from residents.

589 The Commission received a number of statements from victims of the Boipatong massacre, some of whom also spoke at a special hearing. Ms Dinah Sibongile Manyika [JB00122/03VT] told the Commission that both her parents were stabbed to death. Mr Klaas Mathope’s [JB00124/03VT] wife and nine-month-old son Aaron were killed. Ms Jane Nozililo Mbongo [JB00125/03VT] was stabbed, her husband killed and her younger daughter also stabbed. Ms Miriam Molete [JB00139/03VT] told how her husband was killed and how she, her sister and three-year-old daughter Mita were stabbed. Ms Paulina Matsie Mbatha [JB00140/03VT], who is now in a wheelchair, told the Commission how she was stabbed in the neck, stomach and back with a sharp instrument.

590 Some of the victims subsequently described their experiences during the massacre:

I was asleep and was awakened by women screaming. I thought she was being beaten by her man/husband. I went out to help. When I came out I saw four men throwing a baby onto the floor ... All had white headbands ... I continued to watch and saw a man standing at the back of the house next to mine. He was standing still and fixing the gun. I saw the back of his neck and hair. It was a white man ... When I passed house no 81 I saw the woman lying in the house and the baby child outside. The baby was dead; it could have been hit in the head.

My father was killed. I was asleep and my mother woke me up. She said we must get out, as it is bad outside. My mother took the baby, my younger sister on her back ... I saw a man in a dark blue overall and a sports cap running after my mother and then I heard him start to stab her and the baby. My father went out to see ... then this man started hacking my father ... My mother managed to crawl back into the house ... Next morning my father was found in the veld with bullet wounds and he is dead. My baby sister was taken to hospital for treatment.

My house was attacked at about 10:30pm. I was in bed, and heard people breaking windows, chopping doors and then my house was attacked. I asked, "what do you want?" They said "money". They spoke in Zulu saying "Usuthu". Some had red headbands and others had white headbands.

In our house we were sleeping and woke up because we heard breaking of our windows. One group was busy hitting the shacks (they had white head bands and white bands on their arms); they saw me and attacked the house saying, "Get out Mandela's dogs".

- 591 Mr Victor Mthembu, leader of the youth section of the IFP in KwaMadala hostel, was one of the participants in the attack. In his amnesty application, he gave his own version of how it was carried out. On the night of 17 June all men in the hostel were called to a meeting:

I attended the meeting where Mkhize, one of the indunas said that we are very tired of the people being killed in Boipatong which resulted in the IFP people having to live in the KwaMadala hostel because their houses were being burnt and they were being killed in Boipatong. Gqonqo said that night we were going to Boipatong to kill the people and said nobody was allowed to stay behind, only the women had to stay in the hostel...

They told us to take our traditional weapons and we had to put red headbands around our heads so that we would be recognised and would not kill one another by mistake... The people of Umsinga were carrying fire arms. I saw about ten who had guns. We were about 300 people who were going to Boipatong... We went into the township and started killing people and looting their houses.

- 592 Mr Victor Mthandeni Mthembu [AM1707/96] claimed that regional IFP leader, Mr Themba Khoza, came to the hostel the day after the massacre and allegedly told hostel residents to burn any evidence including blood-stained clothes and looted goods.

- 593 In the wake of the massacre, numerous Boipatong residents alleged that white men with blackened faces had taken part in the attack, that the security forces were present during the massacre and had either stood by and watched while the attack took place or actively participated by transporting the attackers to or from Boipatong. As the Goldstone Commission began its deliberations, tapes of transactions in the Control Room of the Internal Stability Unit (ISU) were erased.

- 594 Despite these allegations of police complicity in the Boipatong massacre, Justice JMC Smit, delivering judgement on sixteen KwaMadala hostel residents convicted of involvement in the massacre, unequivocally stated that, in the light of the testimony he had heard, there was no evidence to support the allegation that the police in any way participated or were involved in the Boipatong massacre. He concluded that the erasure of the tapes was the result of incompetence rather than a deliberate attempt to hide evidence of police complicity in the attack and came to a similar conclusion as regards the bullet shells which had been destroyed. Justice Goldstone also stated that he had not received any evidence that led him to conclude that the police were involved in the attack. In addition, Dr PA Waddington, who headed the enquiry into the police investigation of the massacre, concluded that the omissions in the police investigation were the result of inefficiency and incompetence rather than part of a deliberate cover-up.

- 595 When the accused in the KwaMadala trial appeared in court, they alleged that the police had assaulted them. On 10 July 1993, one of the accused, Mr Khetisi Kheswa (28) died in police custody. Three police officers were suspended pending an internal inquiry into Kheswa's death. Kheswa had previously been accused of killing thirty-five people in other incidents of unrest. Kheswa, popularly known as the 'Vaal monster', had become infamous since an attack on the Nangalembe night vigil which led to the death of forty-five people. Some of the incidents to which he was linked included the death of six members of the Lefhiedi family, whose son had recently returned from exile, and the murder of ANC activist Ernest Sotsu's wife, daughter and grandson.
- 596 A *post mortem* conducted by the state pathologist found that Kheswa had died of natural causes (heart failure caused by a virus). The conclusions reached at a later, private *post mortem* commissioned by the IFP and the Kheswa family were that he had died of "conditions including acute suffocation, electrocution, hypothermia and occult toxic substances." The Attorney-General declined to hold an inquest based on the first *post mortem*. Kheswa was in the custody of Detective Sergeant Peens at the time of his death.
- 597 In August 1993, a second accused, Mr Themba Mabote, died while allegedly trying to escape from a moving police vehicle. Mabote allegedly jumped from the window of a police van and was then run over by a second police van. There were two police officers in the vehicle from which he escaped. Mabote was not wearing handcuffs. Detective Sergeant Peens was in the second vehicle. Whether he was the driver or the passenger is contested. At a section 29 hearing, Peens' superior, Brigadier Mostert, stated that Peens was a passenger, not the driver of the second police vehicle. Detective Sergeant Peens was himself *subpoenaed* to appear before the Commission. In the early 1990s, Peens was implicated in several cases of torture and deaths in police custody. He was initially linked to the death of Mr Tsepo Lengwati, an MK member, who had informed his attorneys of his fear that Peens intended to kill him. Despite this, Lengwati was removed from the Leeuhof Prison by Peens for purposes of 'investigation'. He was later shot dead during an alleged escape attempt.
- 598 On June 20 1992, President De Klerk arrived in Boipatong to express his sympathy to the bereaved families. The depth of anger in the township, however, had been seriously underestimated. As police Casspirs started to leave two hours after the president's departure, youths threw a branch in front of the last Casspir, and when policemen got out to move it the crowd shouted insults at them. Other police went to the scene and created a line facing the crowd, leading to a tense stand-off. Finally the crowd began to leave, and the Casspirs followed them back to the township. One man was shot, however, and when the crowd tried to retrieve his body they were ordered to move back by the police. The crowd shouted at the police. In response, a police officer apparently fired his gun to try to frighten the crowd. This shot was followed by a twenty-second spate of gunfire from the police onto the crowd. Journalists who witnessed the event stated that no order to fire had been given. At least two people were killed and eighteen injured. The police maintained that no casualties had resulted from this incident and that television pictures showing casualties lying on the ground were fabricated by members of the crowd faking death or injury.

THE COMMISSION FINDS THAT FORTY-FIVE PEOPLE WERE KILLED AND TWENTY-TWO SEVERELY INJURED IN BOIPATONG ON 17 JUNE 1972 IN AN ATTACK PERPETRATED BY RESIDENTS OF THE KWAMADALA HOSTEL, WHO WERE PRIMARILY SUPPORTERS OF THE IFP. THE COMMISSION FINDS THAT KWAMADALA HOSTEL RESIDENTS, TOGETHER WITH THE POLICE, PLANNED AND CARRIED OUT AN ATTACK ON THE COMMUNITY OF BOIPATONG AND THE SURROUNDING INFORMAL SQUATTER SETTLEMENT, SLOVO PARK, ON 17 JUNE 1972. THE COMMISSION FINDS THAT THE POLICE COLLUDED WITH THE ATTACKERS AND DROPPED THEM OFF AT SLOVO PARK.

THE COMMISSION FINDS THAT WHITE MEN WITH BLACKENED FACES PARTICIPATED IN THE ATTACK. THE COMMISSION FINDS FURTHER THAT, DESPITE THE PRESENCE OF ARMoured VEHICLES IN THE TOWNSHIP, THE POLICE FAILED TO INTERVENE AND STOP THE ATTACKERS, DESPITE CALLS BY THE RESIDENTS OF BOIPATONG AND SLOVO PARK TO DO SO.

THE COMMISSION FINDS THAT THE POLICE WERE RESPONSIBLE FOR DESTROYING CRUCIAL EVIDENCE IN THAT THEY ERASED THE TAPES OF TRANSACTIONS IN THE CONTROL ROOM OF THE ISU.

THE COMMISSION FINDS FURTHER THAT THE KWAMADALA RESIDENTS IN THE CUSTODY OF THE POLICE WERE BEATEN AND ASSAULTED BY THEM. THE COMMISSION FINDS THAT KHESISI KHESWA, ONE OF THE ACCUSED, DIED IN POLICE CUSTODY. THE COMMISSION FINDS THAT THE SAP WAS RESPONSIBLE FOR THE DEATH OF THEMBA MABOTE, ANOTHER ACCUSED IN THE BOIPATONG MATTER. THE COMMISSION FINDS THAT THE SAP COLLUDED WITH THE KWAMADALA RESIDENTS IN PLANNING THE ATTACKS. THE COMMISSION FINDS FURTHER THAT THEY OBSTRUCTED THE ENDS OF JUSTICE BY TAMPERING WITH THE EVIDENCE RELATING TO THE MATTER. THE COMMISSION FINDS FURTHER THAT TWO OF THE SUSPECTS DIED WHILST IN THE CUSTODY OF THE POLICE.

THE COMMISSION FINDS THE KWAMADALA RESIDENTS TOGETHER WITH THE SAP RESPONSIBLE FOR THE MASSACRE, WHICH RESULTED IN THE DEATHS OF FORTY-FIVE PEOPLE AND THE INJURY OF TWENTY-TWO OTHERS. THE COMMISSION FINDS THE COMMISSIONER OF POLICE, THE MINISTER OF LAW AND ORDER AND THE IFP RESPONSIBLE FOR THE COMMISSION OF GROSS HUMAN RIGHTS VIOLATIONS.

- 599 Although drive-by shootings occurred throughout the PWV, the Vaal was particularly subject to this form of violence. All the shootings were marked by repeated allegations that the police had failed to respond to calls for assistance, sometimes allegedly allowing the killers to drive through the township for several hours. Evidence subsequently emerged that members of the IFP based at KwaMadala hostel were apparently involved in organising and executing attacks that took place during 1993. In November 1993, seven men were charged on fifty-six counts of murder and sixteen of attempted murder in relation to attacks on Sebokeng residents in April, June and July.
- 600 In the Vaal, the failure or inability of police management to respond to the safety concerns of black policemen led them to form the ironically named vigilante group, 'Codesa'. Initially Codesa's activities were legal. They set up roadblocks, searched for weapons and so on. However, as the attacks on black members of the SAP escalated, their tactics changed. They began actively hunting down SDU and MK members, assaulted, and sometimes murdered them. During one incident, three youths were killed and their bodies dumped in Poortje. This change in tactics led to a split in Codesa. The two groups then became known as Codesa I and II. Evidence seems to suggest that the latter group was involved in a number of drive-by shootings. A number of police witnesses subsequently came forward with information on the activities of the group.
- 601 The Commission has also received an amnesty application from Mr Victor Mthandeni Mthembu [AM1707/96, AM6130/97], vice-chairperson of the Sebokeng IFP Youth League, for the murder of four ANC members in Zone 3 Sebokeng, during an attack on Sebokeng residents on 12 July 1993.⁴⁶ Mthembu stated that he received an instruction from Prince Gideon Zulu, also known as Vanana Zulu, based at KwaMadala hostel to go and kill members of the ANC and was given firearms to carry out these attacks. Mthembu, who is currently serving a twenty-year sentence in Pretoria Central prison for his involvement in this killing as well as his role in the Boipatong massacre of

June 1992, explained how he became involved in the series of drive-by shootings which took place during 1993 (see further below):

After the Boipatong massacre, Vanana Zulu called me and asked me which person can we use to attack the ANC people. I told him he must choose between Sipho, Temba Mabote, myself and Victor Kheswa to do the attacks. He told me he would give us weapons to go and attack those people ... Several times during 1993 Mr Vanana Zulu or Prince Zulu as he was also known called us – that was myself, Victor Kheswa, Themba Mabote and Sipho Lukozi – and gave us weapons and ammunition and said we must go out and kill the people of the ANC. We robbed a car from a lady and we drove in the car and would stop and then some of us would get out and shoot the people in Sebokeng where we knew ANC people were living ... Every time we came back after going out and shooting ANC people at random we would come back and give back the fire arms and the ammunition to Prince Vanana Zulu who hid it ... The hit squad of Umsinga also went out several times on their own initiative to shoot members of the ANC. They also shot ANC members at random.

- 602 After the leader of the Kheswa gang, Victor Kheswa, died in police custody, the group was encouraged by Vanana Zulu to take revenge for his death. Although he had died in police custody, revenge was to be taken against local ANC members because they were believed to be 'happy' about Kheswa's death.

Self-defence units in the Vaal

- 603 The formation of armed militias in the Vaal was internally sanctioned by the ANC in November 1990 in response to the conflict with between the ANC and IFP in the area. However, the formation of SDUs precipitated a power struggle in Sebokeng between approximately 200 MK members who had returned from exile and local ANC and civic structures. The MK group was led by former MK operative, Mr Ernest Sotsu who was also a local ANC leader and trade unionist. Mr Jerry Ndamase representing the National Union of Metal Workers (NUMSA) set up a rival SDU structure. Sotsu believed that the rival group had been "bribed by a 'third force' of Iscor management and the security forces to sow seed of conflict in the Vaal".⁴⁷ In turn, the group led by Ndamase charged Sotsu with using for personal gain levies he had imposed on hostel residents to raise money for arms and of refusing to accept the political leadership of legitimate hostel structures.
- 604 Tensions between the two factions escalated steadily during 1992, and in May, Mr Colbert King, a NUMSA shop steward was murdered and four more people were killed during the ensuing months. A commission of enquiry was established and an uneasy peace enforced; however, the peace did not last long and, in July, two NUMSA members were shot dead execution style.⁴⁸
- 605 A protracted and complex conflict between SDUs in the Sharpville area began in February 1993 and continued until late 1994.
- 606 Tensions initially emerged in February 1993 when MK members approached the then ANC chairperson, Mr Siza Rani, to account for organisational finances of which he was sole signatory. MK members also demanded that ANCYL members, supposedly under Rani's command, be disarmed threatening that, if their wishes were not complied with by

19 February, they would themselves take action against the youth and confiscate weapons. On 19 February, unknown persons attacked ANCYL members and Mr Oupa Manete was killed.⁴⁹

- 607 In the wake of Manete's death, some sixty youths from his neighbourhood organised themselves into a gang they called the 'Germans'. The Germans immediately became involved in a host of common crimes and it was alleged that they were co-operating with the security forces to identify ANC supporters in other parts of Sharpville. Further, in July 1993, Oupa Manete's younger brother, Mr Lucky Manete, decided to avenge the death of his brother. An MK member, Mr Benny Scott, was shot and killed. As a result, MK cadres based in the Joe Slovo section of Sharpville forcibly disarmed the Germans, who were from the Matthew Goniwe section, and handed Lucky Manete over to the police. Whilst out on bail, he was gunned down in Sharpville's Rivonia Tavern. This turn of events, aggravated by subsequent violence at Manete's funeral, transformed the conflict into one between clearly defined, geographically bounded camps.

THE COMMISSION FINDS THAT RIVAL SDU FORMATIONS UNDER THE LEADERSHIP OF FORMER MK OPERATIVE ERNEST SOTSU AND NUMSA MEMBER JERRY NDAMASE ENGAGED IN A POWER STRUGGLE IN SEBOKENG WHICH LED TO THE DEATHS OF A NUMBER OF PEOPLE, INCLUDING A SHOP STEWARD, MR COLBERT KING.

THE COMMISSION FINDS THAT THE CONFLICT BETWEEN RIVAL SDU GROUPS IN THE SHARPVILLE AREA ESCALATED DURING THE PERIOD FEBRUARY 1993 TO 1994. THE COMMISSION FINDS THAT SDU MEMBERS WERE ENGAGED IN GUN RUNNING AND PROTECTION RACKETS. THE COMMISSION FINDS THAT, DURING THE CONFLICT, OUPA MANETE WAS KILLED AND THAT SIXTY YOUTHS FROM HIS AREA FORMED A VIGILANTE GROUP CALLED THE GERMANS. THE COMMISSION FINDS THAT OUPA MANETE'S BROTHER, LUCKY MANETE, LAUNCHED A RETALIATORY ATTACK, RESULTING IN THE DEATH OF AN MK MEMBER BENNY SCOTT. THE COMMISSION FINDS THAT SDU MEMBERS SEARCHED FOR LUCKY MANETE AND HANDED HIM OVER TO THE POLICE AND THAT HE WAS GUNNED DOWN IN A TAVERN WHILE OUT ON BAIL.

- 608 The Commission received statements from victims of what came to be known as the Alexandra Night Vigil Massacre⁵⁰, which took place early on the morning of 26 March 1991. At about 04h00, gunmen attacked an all-night vigil for political violence victim, Ms Jane Ramakgola (41), killing fifteen people and injuring sixteen others, including a seven-month-old baby. The attack took place within 800 metres of the police station. Six members of the IFP were later arrested for this attack and appeared in the Rand Supreme Court. All were acquitted.⁵¹

- 609 Ms Kate Martha Maphanga-Mkhwanazi [JB01884/01GTTEM], sister of the woman for whom the night vigil was being held, told the Commission that the attackers were clad in police uniform and were also wearing balaclavas.

THE COMMISSION FINDS THAT, WHILST ALEXANDRA WAS RELATIVELY PEACEFUL COMPARED TO OTHER AREAS ON THE REEF, A NUMBER OF EVENTS SUCH AS THE UNBANNING OF THE ANC, THE DECISION BY THE IFP TO BECOME A NATIONAL PARTY AND THE ONGOING CONFLICT BETWEEN THE IFP AND THE ANC IN KWAZULU-NATAL CREATED A CLIMATE OF POLITICAL INTOLERANCE WHICH GAVE RISE TO THE COMMISSION OF GROSS HUMAN RIGHTS VIOLATIONS. DURING THIS PERIOD, FIFTEEN PEOPLE WERE KILLED AND SIXTEEN SERIOUSLY INJURED WHEN GUNMEN OPENED FIRE ON MOURNERS AT A NIGHT VIGIL ON 26 MARCH 1991.

THE COMMISSION FINDS FURTHER THAT THE SAP WAS INFORMED ABOUT THE NIGHT VIGIL AS WELL AS THE FEARS OF THE COMMUNITY OF AN IMPENDING ATTACK BY IFP SUPPORTERS. THE SAP WAS ASKED TO PROVIDE SOME PROTECTION TO MOURNERS. THE COMMISSION FINDS THAT, NOT ONLY DID THE SAP FAIL TO PROVIDE ANY ASSISTANCE OR PROTECTION, BUT ARRIVED SEVERAL

HOURS AFTER THE ATTACK HAD TAKEN PLACE. THE COMMISSION FINDS THE SAP RESPONSIBLE FOR THE COMMISSION OF GROSS HUMAN RIGHTS VIOLATIONS IN THAT THE SAP FAILED TO PROTECT CITIZENS WHEN THEY WERE UNDER A LEGAL DUTY AND OBLIGATION TO DO SO.

610 On 12 May 1991, a pre-dawn attack by approximately 1000 Inkatha-supporting hostel residents from Kagiso on Swanieville, a neighbouring informal settlement, left at least twenty-seven people dead and scores injured. (See Ms Caroline Pinkie Nyembe [JB02379/03WR], Ms Noleni Fourie Kwinana [JB02350/03WR], Ms Doreen Manyobe [JB02345/03WR], Mr Simon Zolile Nkani [JB02366/03WR] and Mr Zamil Jackson Cetyewayo [JB01584/03WR]).

611 Several of the victims of this attack testified at the Commission's public hearings. Swanieville resident, Ms Thelma April, told the Commission that IFP members killed her boyfriend, Mr Joseph Makhubela [JB01703/03WR], on the night of the squatter camp attack. Mr Buka Pinzi [JB01707/03WR] lost an eye in the attack. He said he had:

heard on a radio broadcast that Swanieville men should not patrol the squatter camp that night and they should be asleep by 8pm. The radio announcer said the police would patrol the area.

612 Following the attack, an internal police inquiry found that there was no evidence of police involvement. However, the investigation questioned how a group of 1 000-strong, heavily armed men could have assembled and travelled approximately ten kilometres on foot to Swanieville without being seen, and why the local riot unit continued with its usual shift change without responding to the attack. Statements in the possession of the Commission state that police vehicles were on the scene before the attack or they were seen shortly after the first shots were fired.

613 Several Inkatha members were arrested and brought to trial for the attack on Swanieville. Judge CJ Botha acquitted the men but criticised the police for failing to take action more promptly to identify the killers. The court found that:

- a The police had first encountered the group of hostel residents at 07h00 and had escorted the men back to the hostel. The SAP commanding officer and the video unit were only informed of the incident at 09h30.
- b The police could not be criticised for escorting the group back to the hostel as this had probably prevented further conflict. However, he said he could not understand why the police had not made sure that they could identify the men at a later stage.
- c It was surprising that vital police evidence, such as logbooks and files, had disappeared mysteriously when they were needed during the investigation. (Earlier during the trial, the judge found that the statements made by the accused to the police were inadmissible. The accused had claimed that police had assaulted them to force them to make incriminating statements)
- d He could not exclude the possibility that police officers had participated in the massacre.

THE COMMISSION FINDS THAT RELATIONSHIPS BETWEEN THE ANC AND THE IFP WERE TENSE AND THAT ON 12 MAY 1991, IFP SUPPORTERS MARCHED ON SWANIEVILLE, AN INFORMAL SETTLEMENT ON THE OUTSKIRTS OF KAGISO, CARRYING BOTH TRADITIONAL AND MODERN WEAPONS. THE COMMISSION FINDS THAT THE SAP COLLUDED WITH THE MARCHERS AND FAILED TO TAKE ACTION AGAINST THEM EITHER BEFORE OR AFTER THE ATTACK. THE COMMISSION FINDS THAT TWENTY-SEVEN PEOPLE WERE KILLED DURING

THE ATTACK ON THE SETTLEMENT AND MANY WERE SERIOUSLY INJURED. THE COMMISSION FINDS THAT THE POLICE WERE CALLED UPON TO TAKE ACTION BEFORE THE MARCH, BUT FAILED TO DISARM MARCHERS OR TO PREVENT THE MARCH AND/OR PREVENT THE ATTACK ON THE COMMUNITY WHEN THEY WERE UNDER A LEGAL DUTY TO DO SO.

THE COMMISSION FINDS THAT THE SAP WAS DERELICT IN ITS DUTIES AND, BY OMISSION, ALLOWED THE GROSS VIOLATION OF HUMAN RIGHTS. THE COMMISSION FINDS THE SAP RESPONSIBLE FOR THE COMMISSION OF GROSS HUMAN RIGHTS VIOLATIONS.

THE COMMISSION FINDS THAT AN IFP SPOKESPERSON, SUZANNE VOS, CONFIRMED THAT IFP SUPPORTERS FROM THE NEARBY HOSTEL HAD CARRIED OUT THE ATTACK. THE COMMISSION FINDS THE IFP RESPONSIBLE FOR THE ATTACK ON SWANIEVILLE AND THE KILLING OF TWENTY-SEVEN PEOPLE AND THE INJURY OF MANY OTHERS AND THEREBY RESPONSIBLE FOR THE COMMISSION OF GROSS HUMAN RIGHTS VIOLATIONS.

- 614 During March 1991, twenty-four people were killed and fifteen injured at Meadowlands hostel in Soweto. After this initial clash, violence continued unabated well into the next year. In April, conflict between ANC and IFP supporters at Nancefield hostel left fifty-five people injured. Police used tear gas and shotguns to disperse the two groups. On 19 April 1991, Mr Moses Khumalo, mayor of Soweto's Diepmeadow township and chairperson of the local IFP branch, was ambushed and shot dead with an AK47. After his funeral on Sunday 27 April, ten people were hacked and stabbed to death, allegedly by IFP members.⁵² IFP supporters returning from this funeral assaulted Mr George Sokhela [JB01243/01GTSOW].

THE COMMISSION FINDS THAT ONGOING CONFLICT BETWEEN THE IFP AND THE ANC IN SOWETO DURING THE 1990S LED TO THE KILLING OF TWENTY-FOUR PEOPLE AND THE INJURY OF FIFTEEN OTHERS AT THE MEADOWLANDS HOSTEL. THE COMMISSION FINDS THAT THE AMBUSH AND KILLING OF MR MOSES KHUMALO, THE MAYOR OF DIEPMEADOW AND AN IFP SUPPORTER FURTHER HEIGHTENED TENSIONS. THE COMMISSION FINDS THAT TEN PEOPLE WERE HACKED AND STABBED TO DEATH FOLLOWING THE FUNERAL OF MR KHUMALO ON 27 APRIL 1991.

- 615 On 8 September, at least thirteen people were killed and eighteen injured in an attack on Soweto residents after an IFP rally at Jabulani Stadium. In the ensuing battle between residents and Inkatha supporters, hand grenades were allegedly thrown into the crowd of Inkatha supporters, killing five. A further eight people were later killed, allegedly by Inkatha supporters in retaliation.⁵³
- 616 The Commission received a number of statements from victims of the attack after the IFP rally. Mr Buti Simelane was stabbed and shot dead [JB00337/ 01GTSOW]. Mr Daniel Marumo's mother, Ms Elizabeth Marumo, was hacked to death [JB00618/01GTSOW]. Ms Emma Motsoeneng's house in Mofolo was attacked. Her mother, daughter and sister were hacked to death and household goods were stolen [JB00923/01GTSOW]. Each of these attacks was attributed to members of the IFP returning home from the rally. Mr Pius Khena was first shot by the SAP and then stabbed to death by supporters of the IFP after the rally [JB03071/01GTSOW]. Ms Nomacala Tshabalala was injured; her son stabbed to death and her home looted after the rally [JB04579/01GTSOW]. Mr Clifford Phiri was murdered and his body found at Dube hostel after the rally [JB00925/01GTSOW].
- 617 Ms Bongisiwe Manyamalala [JB05394/01GTSOW] lost her husband in conflict following the rally. Her husband had been involved in assisting people who were displaced from their homes. He was driving back when he encountered

the rally-goers on their way home. He tried to take another route but encountered a further group. They opened fire on the car. Ms Manyamalala told the Commission:

They shot at him. He couldn't get control over the car and the car came to a standstill. They were there already, within a short time; a group of people was there. Four them, or the men who were there, it is said that they are the people who killed him. When he stopped the car, they pelted the car with stones. They opened the door of the car; they took him out of the car. When I was identifying him in the mortuary, he was hit by a knobkierrie on his forehead and his clothes that he was wearing. He had a lot of wounds. There was another one that I think it was the worst wound, which was on his ribs. I don't even know whether it was a spear or if it was a knife. There was no bullet wound. You could see that they used spears or knives to stab him.

- 618 The murder of Mr Elbin Manyamalala was witnessed by journalists. The police were present but allegedly did not intervene to assist him.

THE COMMISSION FINDS THAT, ON 8 SEPTEMBER 1991, THE IFP DECIDED TO HOLD A RALLY IN THE JABULANI STADIUM. THE POLICE WERE INFORMED OF THE RALLY AS WELL AS THE FEARS OF RESIDENTS IN SOWETO RELATING TO THE RALLY. THE POLICE FAILED TO DIRECT THAT THE MARCHERS SHOULD TRAVEL ON ONE ROUTE AFTER THE RALLY. INSTEAD, IFP MARCHERS WERE ALLOWED TO MOVE FREELY, CARRYING ARMS, ALONG SEVERAL ROUTES FROM THE STADIUM. IN THE AFTERMATH OF THE MARCH, IFP SUPPORTERS ATTACKED INNOCENT RESIDENTS, KILLING THIRTEEN OF THEM AND INJURING EIGHTEEN OTHERS. THE POLICE FAILED TO TAKE ACTION TO PREVENT THESE ATTACKS. THE COMMISSION FINDS THE IFP AND THE SAP RESPONSIBLE FOR THE COMMISSION OF GROSS HUMAN RIGHTS VIOLATIONS.

- 619 On 8 September 1991, a three-month period of relative calm was shattered days before the signing of the National Peace Accord. Approximately 300 members of the Hostel-Dwellers Association on their way to a peace meeting at the Thokoza stadium on the East Rand were sprayed with gunfire by three AK-47 wielding gunmen, killing at least twenty-three people.⁵⁴ By the following night, forty-two people were dead and at least fifty injured in retaliatory attacks that swept Kattlehong, Tembisa and Johannesburg. Both the ANC and Inkatha later stated that they believed the killing was provoked with the aim of derailing the peace process. Members of the Political Violent Crime Unit based on a farm in Kattlehong called Vlakplaas arrested and allegedly tortured a number of SDU members in response to the attack. All were subsequently released.

- 620 The Goldstone Commission found in 1992 that this attack had been planned and carried out by a police informer, Mr Mncugi Ceba, who posed as the head of an ANC SDU in Phola Park. One of the participants in this attack, ANC member, Mr Michael Phama [AM3155/96], who is currently serving a life sentence for his involvement in the incident, applied to the Commission for amnesty for the killings. He stated in his amnesty application that he was ordered by his SDU commander to shoot "because IFP members might attack our people as they always attack when they have a rally".⁵⁵

THE COMMISSION FINDS THAT, ON 8 SEPTEMBER 1991, TWENTY-THREE PEOPLE WERE KILLED AT THE THOKOZA STADIUM ON THE EVE OF THE SIGNING OF THE NATIONAL PEACE ACCORD ON THE EAST RAND.

THE COMMISSION FINDS THAT FORTY-TWO PEOPLE DIED AND AT LEAST FIFTY PEOPLE WERE SEVERELY INJURED IN VIOLENCE THAT BROKE OUT BETWEEN SUPPORTERS OF THE ANC AND THE IFP IN THE TWO DAYS THAT FOLLOWED.

THE COMMISSION FINDS THAT THE INITIAL ATTACK WAS INITIATED BY ONE MICHAEL PHAMA, A MEMBER OF AN ANC SDU, ACTING ON THE INSTRUCTIONS OF HIS COMMANDER, MR MNCUZI CEBA. THE COMMISSION FINDS THAT CEBA WAS A POLICE INFORMER IN THE PAY OF THE SAP.

- 621 On 10 September, two days after the attack, the police declared four East Rand townships unrest areas as the death toll rose to sixty-nine with 101 people injured. On the same day, at least eleven people were killed and thirty-six injured when a car was ambushed, a commuter bus riddled with bullets and blasted with a hand grenade and a crowded railway station shot up by gunmen.
- 622 In May 1993, an ANC march past a Thokoza hostel catapulted the East Rand into turmoil. In the wake of the march, eighty-one people were killed and ninety-nine injured in seventy-one general incidents of political violence.⁵⁶ In the months that followed, violence continued. Between July and September 1993 alone, 544 bodies were found. Over a thousand women and children fled their homes to seek shelter and safety at hospitals and community halls. More than a hundred homes were gutted during the conflict.
- 623 On 22 May, at least nine people were killed and sixty-nine injured in clashes between ANC supporters, Inkatha hostel-dwellers and police.⁵⁷ It was reported that a march planned by the ANC was to start at Thokoza stadium, proceed through Thokoza to Alberton police station and there present a memorandum of demands.
- 624 During the march, reports were received of armed IFP supporters dancing outside the Thokoza hostel. Police also negotiated with the hostel-dwellers and march organisers in an attempt to defuse the situation. When the marchers reached the Thokoza hostel compounds, however, random shooting from the hostel and nearby houses began and the marchers returned fire. The ANC alleged that police shot at marchers as they tried to escape. The hostel-dwellers claimed that police fired tear gas at them.

THE COMMISSION FINDS THAT THE ANC THOKOZA BRANCH FAILED TO TAKE PROPER PRECAUTIONS IN THE PLANNING AND ORGANISING OF THE MARCH AND WAS RECKLESS AND NEGLIGENT IN ARRANGING THE ROUTE THAT TOOK THE MARCHERS PAST THE IFP-DOMINATED THOKOZA HOSTEL. THE COMMISSION ALSO FINDS THAT THE ANC FAILED TO EXERCISE CONTROL OVER THE MARCHERS, SOME OF WHOM WERE ARMED. THE COMMISSION FINDS THAT SHOOTING BEGAN FROM THE HOSTEL AND THAT THE MARCHERS RETURNED FIRE. THE COMMISSION FINDS THAT THE SAP, HAVING BEEN FOREWARNED OF THE MARCH, FAILED TO PROVIDE PROPER PROTECTION TO THE MARCHERS IN TERMS OF ITS LEGAL OBLIGATION TO DO SO.

- 625 On 28 March 1994, approximately fifty people were killed and more than 300 injured during violence associated with a march through Johannesburg in support of the Zulu king.⁵⁸ The violence occurred after Transvaal indunas (traditional leaders) called on Zulus in the PWV region to stay away from work and gather at the Library Gardens in Central Johannesburg to demonstrate their support for the Zulu sovereign, King Goodwill Zwelithini. After the events of 28 March, the IFP leadership was at pains to emphasise that the march was an independent initiative of the 'Zulu people', rather than a political gathering organised by the IFP. However, senior IFP leadership was present at the gathering and involved in its organisation.

626 From the start, information about the proposed gathering was confused. Many people believed that the marchers intended gathering at the offices of the Independent Electoral Commission (IEC) in order to demonstrate their opposition to the elections. However, such a march did not take place. It subsequently emerged that senior IFP leadership had received permission from the Johannesburg magistrate to hold a gathering at the Library Gardens, but had not sought permission for a march of any kind. No organised march did in fact happen. Instead, armed groups of men launched a series of 'offensives' against ANC offices in the city centre. The first three such offensives focused on the ANC regional offices. When the marchers moved on the ANC headquarters at Shell House, ANC security guards responded with automatic gunfire, killing eight people. Several of the ANC security guards who opened fire at Shell House applied to the Commission for amnesty. These hearings were ongoing at the time of reporting.⁵⁹

Ethnic and territorial polarisation

- 627 A crucial component of the escalation of conflict in many townships was the emphasis on ethnic and political boundaries through territorial control of particular areas. Thus, at the beginning of the conflict between township and hostel residents, most non-Zulus were driven from the hostels, while squatter communities around hostels were repeatedly attacked, often leading to their decimation. A Zulu ethnic identity and IFP political affiliation became absolute prerequisites for residence in the hostels. Thus, ideological, ethnic, political and territorial fortresses were created. On the other hand, people of Zulu ethnic origin or IFP political affiliation or those simply suspected of either of these, were forcibly and violently driven from the townships and obliged to seek refuge in the hostels, thus further reinforcing divisions.
- 628 The meshing of territorial and political boundaries through extreme coercion is illustrated by the stories of two Soweto residents on opposite sides of the political divide. In May 1990, IFP member George Mncube [JB04474/0101GTSOW] was reportedly threatened with death by the chairperson of the local civic association and harassed by 'comrades' in Meadowlands, Soweto after he had tried to prevent the eviction of another IFP member. Eventually, he was forced to move out of the township into Dube hostel.
- 629 Ms Dudu Howard and Mr Nester Howard were killed because they were trying to move out of an IFP stronghold, Msingville, the squatter camp in Mofolo, Soweto during September 1991 [JB00256/01GTSOW].
- 630 Once territorial boundaries were established, they were violently defended, making it impossible for people to return to their homes. The consequence was that many people who could not be absorbed into family or friendship networks were left homeless and remain so to this day.
- 631 In Thokoza, a systematic programme of political coercion was undertaken from January 1993 in Phenduka section, an IFP stronghold where many former Khalanyoni hostel residents had fled after the hostel was destroyed by Phola Park residents. Residents of Phenduka reported that they had been forced to attend meetings, pay protection money and participate in self-protection units (SPUs). Those who did not conform were issued with 'eviction' notices by armed youths. Most of the victims were long-term residents of Thokoza.

- 632 At the same time, Zulu-speaking residents were also forced out of their homes by SDU members, in particular areas of Thokoza such as Unit F, Extension 2.
- 633 In Katlehong, a violent process of 'ethnic cleansing' was carried out against Zulu speakers living in the township. The majority of victims were shack-dwellers whose families came from Natal. Most of these people were forced to flee to the Kwesine and Buyafuthi hostels in Katlehong during May and July 1993 after their homes had been razed to the ground. Many people were targeted simply because of a perceived association with hostel residents, Zulu speakers or the IFP. Sections most affected included Mngadi, Radebe and Likole.
- 634 Ms Zondiwe Mtshali and her husband, Mr Benson Mtshali, were victims of the blurring of ethnic and political boundaries. Benson Mtshali was burnt to death in September 1993 because he was Zulu-speaking. His attackers assumed that this meant that he was an IFP member. Ms Mtshali told the Commission that she and her husband had faced harassment and ostracism before his death and that they had been forced to seek refuge with other Zulu speakers. However, because of their refusal to align themselves politically, they faced further difficulties.

THE COMMISSION FINDS THAT, IN THE PERIOD 1990 TO 1994, 'ETHNIC CLEANSING' TOOK PLACE ON THE REEF, PARTICULARLY IN AREAS SUCH AS THE EAST RAND AND ALEXANDRA. THE COMMISSION FINDS THAT INDIVIDUALS AND COMMUNITIES BECAME IDENTIFIED BY THE LANGUAGE THEY SPOKE, THE CHURCH THEY SUPPORTED, POLITICAL MEMBERSHIP, AREAS THEY LIVED IN AND THE SCHOOLS THEIR CHILDREN ATTENDED. THE COMMISSION FINDS THAT THE STATE, THE IFP AND THE ANC CREATED A CLIMATE OF POLITICAL INTOLERANCE IN WHICH THOUSANDS OF PEOPLE WERE FORCIBLY DISPLACED FROM THEIR HOMES. THE COMMISSION FINDS THAT THIS CLIMATE OF POLITICAL INTOLERANCE FACILITATED THE COMMISSION OF GROSS HUMAN RIGHTS VIOLATIONS.

THE COMMISSION FINDS THAT MS ZONDIWE MTSHALI AND HER HUSBAND BUSA MTSHALI WERE VICTIMS OF THE ETHNIC POLARISATION THAT TOOK PLACE IN MOST OF THE REEF TOWNSHIPS. THE COMMISSION FINDS THAT BUSA MTSHALI WAS KILLED BY SDUS BECAUSE OF THE FACT THAT HE SPOKE ZULU AND WAS AUTOMATICALLY PERCEIVED TO BE ALIGNED TO THE IFP.

- 635 In March 1991, Alexandra was engulfed by a wave of violence. By the end of the month, seventy people were dead. Earlier, tensions had begun building in the township when the Civic Associations of South Africa (CAST) launched a campaign urging councillors to resign. A number of councillors, particularly the mayor, Prince Mokoena, had responded by joining the IFP. Mokoena also allegedly told KwaMadala hostel residents that the Alexandra Civic Organisation intended to demolish the hostel, fuelling hostel residents' fears that they would lose their place in the urban areas. People living in the squatter settlements bordering KwaMadala hostel were the first to be violently attacked by the new KwaMadala hostel residents.
- 636 The violence resulted in geographical polarisation. Zulu speakers living in the township felt increasingly threatened and sought refuge in the main men's hostel, the Madala or M1. At the same time, several hundred non-Zulu-speaking men living in the hostel felt at risk and left for the township. Roosevelt Street, previously a busy arterial road, now formed the main border between the two communities.
- 637 The Commission received statements from people who were displaced from their homes in Alexandra during 1992, many of whom remain homeless to this day. Ms Esther Grant [JB01763/01GTTEM] who lived opposite Madala hostel said she had to flee her home in 1992 because people were being "slaughtered".

638 Ms Bertha Lesiba's shack was burnt down on 9 February 1992, allegedly by ANC supporters who believed her to be an IFP member [JB02494/01GTTEM]. The Phetoane family was forcibly removed from home on 12 March 1992, allegedly by members of the IFP. Ms Jenifer Ramatlo was forcibly displaced from her home, allegedly by members of the IFP [JB01766/01GTTEM]. Ms Lettie Nyathi was displaced from her home, which was subsequently occupied by hostel residents during conflict between the hostel and township community in March 1992 [JB01773/01GTTEM]. Ms Mampi Mazibuko was displaced from her home during conflict between the IFP and ANC on 23 March 1992 [JB01776/01GTTEM]. Mr David Mofokeng was shot dead in January 1992. His mother, Ms Maria Makgajane was displaced from her home by IFP members [JB01879/01GTTEM].

Drive-by shootings

639 During the 1990s, so-called 'drive-by' shootings, where gun-men opened fire from fast moving cars, often shooting indiscriminately at people, became an increasingly endemic. Drive-by shootings had occurred during the 1970s, particularly in the wake of the Soweto uprisings where people reported that they were randomly shot at by police driving around the township. However, it was only during the 1990s, and particularly in the PWV, that drive-by shootings began to form an essential part of the fabric of political violence.

640 According to the HRC, 139 people died as a result of drive-by shootings between January and the end of October 1993, the year when this type of killing peaked.⁶⁰

641 Drive-by shootings were a strategy, a methodology of violence which could take place in a variety of contexts e.g. attacks on taxis, night vigils, in the street etc. They also sometimes lead to a large number of deaths, which in turn could be classified as massacres.

642 Reports of drive-by shootings include the following:

- a On 23 May 1991, two men with AK47s opened fire on some 100 patrons of the Gobzitwana Kooperasie Beer Hall in Sebokeng. Five people died instantly and, within four days, the death toll had risen to thirteen.
- b On 7 July 1991, five people were killed and fourteen injured when two masked men opened fire on the Erika Tavern in Zone 7, Sebokeng. It is believed that the same group was involved in the attack on 23 May, as well as the attack on the Nangalembe night vigil. (See Malebohang Sebina Khosi JB00812/03VT)
- c Early in April 1993, an attack on a shebeen led to the death of three civic members and the injury of five others. The civic members were apparently celebrating their election as civic leadership. According to eyewitnesses interviewed by the peace-monitoring organisation, Peace Action, about six gunmen burst into the shebeen at approximately 21h30. One attacker went to talk to a taxi owner who had recently been elected onto the civic leadership structure. After emptying everyone's pockets of their money, the gunmen allegedly opened fire on the people assembled in the shebeen.

- d On the eve of Chris Hani's funeral in April 1993, unknown gunmen drove back and forth through Sebokeng shooting randomly at residents. Nineteen people were killed and ten injured. Alina Mapelo Magoda [JB00811/03VT] testified before the Commission that she heard gun shots. She turned off the house lights. Shortly afterwards, a neighbour knocked at the door of her house. Her husband went outside and found the bodies of her daughter and her friend Molebatsi. Both were victims of the drive-by shootings that took place that night. Ms Maria Maki Moshodi [JB00827/03VT] lost three members of her family in a drive-by shooting on the eve of Chris Hani's funeral. Edward Maseko (8), Maria Moshodi and Paul Moshodi were all gunned down in front of the Moshodi house in Sebokeng.
- e Over one weekend in June 1993, twenty-three people were killed by gunmen in a series of drive-by shootings. As Zone 8 Sebokeng residents settled down to watch a long anticipated boxing match on television, gunmen launched a carefully planned attack. First they shot two people walking in the street and, when residents left their homes to investigate, the men positioned themselves strategically in the crowd and opened fire, killing thirteen others. During the same week, a further ten people were shot dead from moving cars at various points in Sharpsville.⁶¹
- f On 12 July 1993, at least fourteen people were killed and sixteen others injured when gunmen in a white Toyota Cressida, drove through the streets of Evaton and Sebokeng's Zone 12, randomly shooting at residents. Four women were amongst those injured. It was reported that nine people were killed instantly; others died in hospital. The vehicle used in the killings had been stolen from a Sebokeng woman and was later found abandoned in Sharpsville. One of the injured said that the vehicle drove past them, before three gunmen appeared and opened fire. The gunmen reportedly spoke "like Zulus". The Azanian National Youth Unity claimed that "white racists" were involved in the attacks. The injured were identified as Mr Ezekiel Mabuya, Mr Amos Mathe (16), Mr Petrus Phoswa, Mr William Pule, Mr Izike Maboe (18).⁶²

643 The pattern of attack in the last three incidents was similar in the sense that, first, there appeared to be no financial motive; second, in each instance, gunmen drove through the township shooting indiscriminately; third, the victims appeared to be randomly chosen; fourth, the areas chosen, particularly Sebokeng, were strongly identified with political organisations, such as the ANC or PAC; finally, although the police were called for assistance, they did not respond.

THE COMMISSION FINDS THAT 139 DEATHS CAN BE ATTRIBUTED TO DRIVE-BY SHOOTINGS. THE COMMISSION FINDS THAT THIS WAS A STRATEGY ADOPTED BY A HOST OF DIFFERENT POLITICAL GROUPINGS AND DESIGNED TO SOW TERROR IN THE HEARTS OF THE COMMUNITY. DRIVE-BY SHOOTINGS TOOK PLACE IN A NUMBER OF DIFFERENT CONTEXTS, BUT ALWAYS INVOLVED SEEMINGLY RANDOM ATTACKS ON CROWDS OR GROUPS GATHERED AT NIGHT VIGILS. THE COMMISSION FINDS FURTHER THAT VICTOR MTHEMBU, A SENIOR OFFICIAL IN THE SEBOKENG IFP YOUTH LEAGUE, WAS RESPONSIBLE FOR A SERIES OF DRIVE-BY SHOOTINGS ON ANC-ALIGNED RESIDENTS. THE COMMISSION FINDS THAT THE IFP LEADER AT KWAMADALA HOSTEL, PRINCE GIDEON ZULU AKA VANANA ZULU INITIATED AND INSTRUCTED VICTOR MTHEMBU TO ATTACK ANC RESIDENTS IN A SERIES OF DRIVE-BY SHOOTINGS. THE COMMISSION FINDS THAT PRINCE GIDEON ZULU SUPPLIED VICTOR MTHEMBU WITH ARMS TO CARRY OUT THE ATTACKS.

THE COMMISSION FINDS THE IFP RESPONSIBLE FOR THE DRIVE-BY SHOOTINGS IN WHICH ANC-ALIGNED RESIDENTS WERE ATTACKED, AND THEREBY FOR THE COMMISSION OF GROSS HUMAN RIGHTS VIOLATIONS.

Train violence

- 644 Train violence began in July 1990 with a series of attacks on commuters travelling on the Johannesburg–Soweto line that left one person dead and approximately thirty injured. Shortly after the initial outbreak of violence in Sebokeng, Soweto commuters were attacked on trains by armed men alleged to have been Inkatha supporters, who chanted the Zulu war cry, “*usuthu*”.
- 645 Although only 15 per cent of commuters used trains, violence on trains between July 1991 and June 1992 occurred twice as frequently as taxi and bus violence combined. Between 1990 and 1993, approximately 572 people died in more than 600 incidents of train violence. Only three people were convicted. Most of the larger scale attacks took place relatively early. Over time, the violence developed a momentum of its own.
- 646 From July 1990, the death toll steadily mounted, reaching a peak of forty-nine people killed and 129 injured by September. The most infamous of these attacks was the ‘Benrose massacre’ on 13 September where twenty-six people were killed and 100 injured by two gangs of men wielding a range of weapons including *pangas*, knives, sharpened instruments and guns. Fleeing passengers were killed by a second group of attackers waiting at the next station. Witnesses alleged that some attackers ran off towards George Goch hostel and others that the attackers had been speaking Zulu. The SAP suggested that the attack followed a prayer meeting in the train in which Buthelezi and King Goodwill Zwelithini had been insulted.
- 647 As train attacks escalated, commuters increasingly organised themselves in defence against the violence. People not ‘belonging’ to a particular coach would be considered a threat to commuters usually occupying that coach. A number of commuters were thrown from trains when they boarded the ‘wrong’ coach (did not have the appropriate political affiliation or ethnic identity). East Rand resident, Mr Paulos Nkondo told the Commission that he got into the ‘wrong’ coach in July 1991 when passengers were violently attacked.
- 648 Despite the fact that train commuters were usually organised along identifiable lines, train attacks were frequently indiscriminate. Young and old, male and female, supporters of all political parties and representatives of all political groups fell victim to the violence. This apparent lack of targeting seems to suggest that train violence might have been aimed predominantly at causing general terror, rather than at achieving a clear, direct, political objective. The terrible fear induced by train attacks is evidenced by numerous reports of people jumping to their death from moving trains.
- 649 Of the three people who were convicted in 1993 for train violence offences, two applied to the Commission for amnesty. Both said that they are IFP members or supporters and saw themselves as participating in a political conflict between the ANC and IFP. Mr Xolani Mnguni [AM3551/96] said that he was acting under the orders of an IFP official and describes how he and his accomplice specifically targeted an ‘ANC coach’.
- 650 On 25 June 1991, an attack on Kliptown train station left seven people dead and eighteen injured. The SAP arrested three men from Nancefield hostel in connection with this incident. Charges were later withdrawn due to lack of evidence. Mr Albert Msuseni Dlamini, a resident of Mazibuko hostel in Katlehong [AM1557/96], was involved in an attack on Katlehong station on 9 October 1991. He was arrested by commuters during the attack and was sentenced

in April 1993 to ten years imprisonment on one charge of attempted murder, and one of illegal possession and use of a .38 revolver. He claimed that he had been promised R9000 for the attack by "the Boere". His amnesty application was rejected on 1 August 1997.

- 651 Mr Xolani Mnguni received the death sentence in February 1993 for the murder of Mr Matsosale William Aphane on 29 November 1992 on a Naledi–Cleveland train. He said that he was acting under the orders of Mr Hadebe of the IFP who allegedly issued an order to kill any ANC supporter or any person speaking badly about Buthelezi. Mnguni and an accomplice entered a coach on the train that they knew was occupied by ANC supporters.
- 652 The East Rand was a major site of train violence. According to the Institute for the Study of Public Violence (ISPV), the track from Katlehong to Kwesine station was the line with the highest risk in South Africa. The Human Rights Committee records that the Germiston\Katlehong line suffered eighteen attacks resulting in twenty-seven deaths and eleven injuries between August and December 1992.
- 653 The first large-scale attack on the East Rand took place on 1 July 1991 on the Germiston–Katlehong line when eleven people were thrown from a moving train.
- 654 In July 1991, Mr Paulos Nkondo () of Mandela Section, Natalspruit was on his way home from work by train, when a group of men he thought were train conductors boarded the train at Germiston and started beating and hacking commuters with pangas.

We were full in the train and different people and women were with us from Thokoza. The train left at 6 o'clock instead of at ten to six and some people came into the train whom I thought were ticket examiners. I did not pay any attention to them... They had dust coats [on] when they got into the train and that led me to think that they were the ticket examiners. When the train took off from Germiston suddenly the people changed and I was so surprised because in my mind they were ticket examiners ... From the other coach I heard a gun shot and when I was trying to peep and look to see what was happening I just received this bang on my head and that was from a panga... They were all over the train... They were speaking Zulu... There were many, I think about ten of them standing and seated.

- 655 Nkondo was stabbed, hacked and then thrown off the train.
- 656 Three large scale attacks also took place in 1992. In one attack on 13 November 1992, Mr Lazarus Shabangu [JB00354/01ERKWA] of Daveyton and his fellow passengers, the majority of whom were women, became the victim of an attack on train commuters by unidentified men. A group of about fifteen men opened fire indiscriminately. Shabangu was shot twice (despite an operation to remove the bullets, one is still lodged in his head), hacked on the forehead and assaulted. He was then thrown off the train but by then, he had already lost consciousness.
- 657 On 3 November, six people were killed and seven injured in a spree of violence that continued unchecked for three stations. Commuters waiting to board train number 7810 were shot at from the train by a group of armed men. Three people were killed.

- 658 The primary form of violence on East Rand train lines were continuous small-scale attacks initiated by one or two attackers.
- 659 Some IFP leaders publicly dissociated themselves from the involvement of IFP members in train violence as early as 1990 – at an IFP youth rally in George Goch Stadium in My 1990, Stezi Lamula, chairperson of the IFP's Mapetla, Soweto branch, expressed the IFP's displeasure about the harassment of commuters. He stressed that such actions were not official IFP policy. However, it is also clear that both local and regional IFP leadership were centrally involved in the authorisation and planning of train violence. For example, a witness before the Goldstone Commission testified that IFP leaders Themba Khosa, Musa Myeni, Humphrey Ndhlovu and Zondi were involved in train violence. The witness, a former Nancefield hostel dweller himself, testified that two train attacks had been planned at the Nancefield Hostel (Kliptown St, 25 June 1991 and Nancefield St, 23 October 1991). Some information, if still fairly tenuous, appears to be emerging regarding the involvement of elements of the security forces, particularly the SADF's covert special forces in train violence. Most of this evidence has emerged through the Goldstone Commission and was rejected unsubstantiated. At least one person who gave evidence to the Goldstone Commission has now approached the Truth Commission– Mr Felix Ndimene, a Mozambican who had served as a sergeant in Recce 5. Ndimene claimed that he had been abducted from Mozambique on 23 August 1982 and brought to the SADF's Phalaborwa base where he was tortured and forced to join the SADF. In an interview with the *New Nation* in July 1991, Ndimene alleged that the Selous Scouts of Pietersburg and 'Verkenningregiment 5' (VR 5, Recce 5), together with members of RENAMO, had been involved in train violence, particularly the Benrose massacre. He also alleged that the intelligence division of Spoornet Security was composed of former members of the special forces who orchestrated the violence on trains.
- 660 SAP member Mr Wayne Hugh Swanepoel, who applied to the Commission for amnesty [AM3727/96], to the Commission, implied that there was a link between the SADF and the SAP in the commission of train violence as early as 1988. Swanepoel said that he was involved in supplying guns to CCB member Mr Eugene Riley, which he believed had been passed onto members of the IFP. He said that he and others in his unit were involved in throwing people from the trains around 1988 "in an attempt to cause the ANC and the IFP to blame each other." About five people were thrown off. They wore balaclavas and painted those parts of their skin that were exposed. Afterwards, they would go to the scene of the crime "to make sure they were dead," and the case would be investigated by his own unit. He claimed that the people who assisted them were paid by the CCB and that the orders came "from inside the security police and higher up."
- 661 The Commission received information confirming the involvement of the Vlakplaas unit in train violence, as well as the link between this unit and hostel residents. Mr Joe Mamasela, former Vlakplaas *askari* alleged in the *New Nation* in March 1997 that alleged train killers stayed at Eikenhof farm in the Vaal area. A statement by *askari* Mr Xola Frank ("Jimmy") Mbane (enclosed in the files of amnesty applicants Mr Thapelo Johannes Mbelo (ref.no 3785/96) and Mr Wilhelm Riaan Bellingan (ref.no 5283/97)) alleges that most briefings for train operations took place at Vlakplaas. The train squad consisted of himself, Khayo, Sylvester, Mvelase, Shushe and Joss. Kilino served as commander and paid them R1 000 after successful operations. He further alleged that hostel-dwellers from the Nancefield Hostel were used at times in train attacks.

THE COMMISSION FINDS THAT TRAIN VIOLENCE WAS INITIATED BY GROUPINGS OPPOSED TO A DEMOCRATIC TRANSITION AND THE POSSIBILITY OF AN ANC LED GOVERNMENT.

THE COMMISSION FINDS THAT, WHILST TRAIN VIOLENCE WAS NOT OFFICIAL IFP POLICY, A NUMBER OF INDIVIDUALS AND LEADERS WITHIN IFP STRUCTURES WERE INVOLVED IN TRAIN ATTACKS.

THE COMMISSION FINDS THAT BETWEEN 1990 AND 1993, 572 PEOPLE DIED IN MORE THAN 600 INCIDENTS OF TRAIN VIOLENCE. THE COMMISSION FINDS THAT 62 PEOPLE WERE KILLED AND 100 INJURED IN THE BENROSE MASSACRE ON 13 SEPTEMBER 1990. THE COMMISSION FINDS THAT, ON A BALANCE OF PROBABILITIES, IFP SUPPORTERS WERE RESPONSIBLE FOR THE ATTACK. THE COMMISSION FINDS THAT, IN A NUMBER OF INCIDENTS, IFP SUPPORTERS COLLABORATED WITH MEMBERS OF THE SADF'S SPECIAL FORCES AND MEMBERS OF VLAKPLAAS IN PLANNING TRAIN VIOLENCE ATTACKS. THE COMMISSION FINDS THAT THE SAP AND THE SADF ARMED IFP MEMBERS.

THE COMMISSION FINDS THE IFP, THE SAP AND THE SADF RESPONSIBLE FOR THE KILLINGS THAT TOOK PLACE DURING TRAIN VIOLENCE ATTACKS AND THEREBY THE COMMISSION OF GROSS HUMAN RIGHTS VIOLATIONS.

Abductions

- 662 During the 1990s, reports of the abduction of people into hostels became increasingly frequent. During the latter half of 1993, in the wake of the ANC march past a Thokoza hostel (see above), a number of people were abducted into Mshayazafe hostel in Thokoza.
- 663 In one incident, the victims, Mr Dan Makhanye and Mr Amos Buti Tshabalala [JB00314/01ERKAT], were travelling along Khumalo road which passes Mshayazafe hostel when they were stopped and forced to drive into the hostel. Ms Zondi Ngobeni told the Commission that her husband, Amos Tshabalala, never returned home.
- 664 In another incident, on 29 July 1993, three young girls – fifteen-year-old Thembi Brilliant Mahlope, sixteen-year-old Molly Zondi and fourteen-year-old Winnie Makubela – who were on an errand for Ms Gloria Mahlope [JB03425/01 ERKAT], were abducted into Mshayazafe hostel in Thokoza on the East Rand and raped. Two of the girls were stabbed and shot dead. Winnie Makubela was shot and wounded but managed to escape. Ms Gloria Mahlope said:

When I went to see my child at the mortuary, I found that she had been chopped, she was full of grass all over and was naked. There was a post mortem, because they were found with lots of wounds and they had been stabbed all over their bodies...it was shown that they had been shot in the stomach. They were found with bullets in their stomach.

THE COMMISSION FINDS THAT MR AMOS TSHABALALA WAS ABDUCTED AND KILLED ON 1 AUGUST 1993 BY IFP-SUPPORTING HOSTEL-DWELLERS AT MSHAYAZEFE HOSTEL, THOKOZA. THE COMMISSION FINDS THAT HOSTEL-DWELLERS OF THE SAME HOSTEL WERE RESPONSIBLE FOR THE ABDUCTION, RAPE AND DEATH OF MS THEMBI MATLOPE AND MS MOLLY ZONDI AND FOR THE RAPE AND ATTEMPTED KILLING OF MS WINNIE MAKUBELA. THE COMMISSION FINDS THE IFP RESPONSIBLE FOR THE COMMISSION OF GROSS HUMAN RIGHTS VIOLATIONS.

Taxi conflict

- 665 In the context of intense political competition, economic competition for routes and passengers frequently became politicised, leading to 'taxi wars' around the country. Because some taxi owners lived in hostels and some in the townships, and because they had a range of political affiliations, these economic conflicts frequently became intertwined with other dynamics, particularly the political conflict between the ANC and IFP.⁶⁴
- 666 Taxi conflict on the East Rand first flared in March 1990 when tensions between the Katlehong Taxi Organisation (KATO) and the Germiston and District Taxi Association (GDTA), exploded into open violence. While the conflict was initially an economic dispute over control of taxi routes, it quickly became politicised. Most members of GDTA were Zulu speakers from Natal who lived as tenants in the township and were never fully integrated into the township community. KATO, on the other hand, won the loyalty of the youth by providing discounts for students. Thus, COSAS students became targets of the GDTA, particularly after some of its members were attacked.
- 667 On 3 March 1990, after approximately seven people, mainly taxi passengers, had died in conflict between the drivers of the GDTA and the KTO, about 10 000 attended a meeting organised by the Katlehong Civic and Crisis Committee and resolved to boycott the taxis until it was safe to use them. Three days later, GDTA taxi operators killed five school pupils and teachers at Katlehong High school, allegedly in response to the burning of the house of a GDTA official. On 8 March, the death toll in Katlehong reached fifteen as GDTA-aligned vigilantes continued to seek out and kill youths. Hostel inmates aligned themselves with the GDTA drivers, after a taxi load of migrants from Natal, headed for the hostel, was mistakenly attacked by some youths.
- 668 In September 1993, there was a spate of violent attacks on taxis in Thokoza. Forty-eight people died and forty-five were injured during these attacks.⁶⁵ Residents speculated that people associated with hostels in the East Rand were using hit squads to force taxi drivers to use the route along Khumalo Street, past the hostels. The military precision with which the attacks were carried out would seem to bear out the theory that the attacks were carried out by hit squads.
- 669 The Commission received statements from victims of taxi violence during this period. On 14 March 1992, Mr Josiah Monaisa was shot and killed while travelling in a taxi that was hijacked by two armed men and driven to Meadowlands hostel [JB00775/01GTSOW]. Ms Pamela Sebathe was travelling in a taxi when a bullet hit her and she lost vision in her eye. [JB01231/01GTSOW]. Mr Isaiah Nhlanhla Mchunu was shot and severely injured while travelling in a taxi near Mzimhlophe hostel on 3 June 1992 [JB05415/01GTSOW].

THE COMMISSION NOTES THAT TAXI ASSOCIATIONS, PARTICULARLY IN THE EAST RAND, WERE PERCEIVED TO BE IDENTIFIED EITHER WITH THE IFP OR THE ANC. THE COMMISSION FINDS THAT A NUMBER OF INDIVIDUALS WERE EITHER KILLED OR SEVERELY INJURED WHEN UNKNOWN GUNMEN AND ASSAILANTS OPENED FIRE OR LOBBED HAND GRENADES ON GROUPS OF PEOPLE TRAVELLING IN TAXIS. THE COMMISSION FINDS THAT IFP-ALIGNED TAXI DRIVERS WERE ACCUSED OF DELIBERATELY ABDUCTING ANC-ALIGNED TOWNSHIP RESIDENTS RESULTING IN THE DEATH, TORTURE AND DISAPPEARANCE OF THOSE PERSONS.

Union conflict

- 670 In the far East Rand township of Ratanda, disagreement between workers over the need for a strike at the Escort Bacon Factory coalesced around two unions – the Food and Allied Workers Union (FAWU) affiliated to the Congress of South African Trade Unions (COSATU) and the United Workers Union of South Africa (UWUSA), set up by the Inkatha Freedom Party. The conflict inevitably became drawn into the wider battle for political control that was being waged on a local level all over the PWV.
- 671 The labour dispute in Ratanda led to ongoing conflict in the area between July and December 1992, including attacks on homes and the petrol-bombing of buses taking workers to and from work. Violence peaked in August, a month before FAWU workers returned to work in September. Some IFP members joined the COSATU-aligned FAWU, rather than its Inkatha counterpart, UWUSA, because they believed that FAWU could represent their interests more effectively. However, Inkatha members assumed that those who joined FAWU had associated themselves with the ANC. Workers who belonged to both the IFP and FAWU thus became targets of attack. Similarly, it was assumed that people who belonged to UWUSA were necessarily members of Inkatha and became a targets of attack.
- 672 Mr Sipho Wellington Ndumo [JB02993/01ERKWA], a member of UWUSA, was attacked and stoned by a group of students in Ratanda in 1992 because of his IFP membership.
- 673 It was not long before political, ethnic and territorial polarisation began, with non-UWUSA members being violently forced out of the hostel. On 24 July 1992, after an early morning explosion at the hostel, FAWU members fled. Residents of the squatter settlement, Mandela Village, located opposite the hostel, were systematically attacked over the next month, precipitating a mass exodus that left the hostel residents completely isolated.⁶⁶
- 674 The Commission received a large number of statements from victims of two bus attacks. Both took place as buses turned into Protea Road, about 250 metres from the hostel. During the first incident on 28 September 1992, a bus carrying workers from the Escort Bacon Factory in Heidelberg to the local township, Ratanda, was attacked with hand grenades. One person was killed and thirteen injured. A woman lost her leg.
- 675 Ms Deborah Jokazi [JB03472/01ERKWA], one of the victims of this attack, describes why in the context of the conflict between UWUSA and FAWU, the bus in which she was travelling became a target of attack:

On the 28 of September in 1992, we were FAWU members ... We were all from work, but there were UWUSA people who used to use a different transport and we FAWU were using a different transport... It was a public transport but, during that time, because there was a fight between FAWU, FAWU wanted their own transport and they were also using their own transport.

- 676 She alleges that she saw a “boy” outside the hostel pointing at the bus and that the police teargassed the bus after hand grenades had been thrown at it:
- 677 On 14 November, a bus carrying people back to Ratanda from a sports event organised by the ANCYL was raked with gunfire as it turned into Protea Road, about 250 metres from the hostel. Approximately twenty rounds of ammunition were fired. One person died and eight others were injured.

THE COMMISSION FINDS THAT CONFLICT BETWEEN IFP AND ANC HOSTEL DWELLERS IN RATANDA ON THE EAST RAND EMANATED FROM A LABOUR DISPUTE AT THE ESCORT BACON FACTORY. THE COMMISSION FINDS THAT THE TWO UNIONS INVOLVED WERE FAWU, AFFILIATED TO COSATU, AND UWUSA, A UNION SET UP BY THE IFP. THE DISPUTE LED TO VIOLENT CONFLICT BETWEEN THE TWO UNIONS AND THEIR SUPPORTERS, INCLUDING ATTACKS ON THE HOUSES OF UNION OFFICIALS AND THE PETROL BOMBING OF BUSES TRANSPORTING WORKERS TO AND FROM WORK.

THE COMMISSION FINDS THAT THE IFP-ALIGNED UWUSA LAUNCHED AN ATTACK ON FAWU MEMBERS ON 24 JULY 1992, FORCING THEM OUT OF THE HOSTEL. THE COMMISSION FINDS UWUSA AND THE IFP RESPONSIBLE FOR THE DISPLACEMENT OF FAWU WORKERS.

THE COMMISSION FINDS THAT FAWU WORKERS USED DIFFERENT BUSES TO AND FROM WORK AND THAT, ON 28 SEPTEMBER 1992, A BUS CARRYING FAWU MEMBERS FROM WORK WAS ATTACKED WITH HAND GRENADES, KILLING ONE PERSON AND SEVERELY INJURING THIRTEEN.

THE COMMISSION FINDS THAT, ON 14 NOVEMBER 1992, A BUS CARRYING FAWU WORKERS BACK TO RATANDA FROM A SPORTS EVENT WAS ATTACKED 250 METRES AWAY FROM THE HOSTEL AND CAME UNDER GUNFIRE, KILLING ONE PERSON AND INJURING EIGHT OTHERS.

THE COMMISSION FINDS THAT, ON A BALANCE OF PROBABILITIES, THE ATTACKS ON THE BUSES WERE CARRIED OUT BY IFP-ALIGNED SUPPORTERS.

Criminalisation of political conflict

- 678 During 1990, criminal gangs became increasingly drawn into the political conflict in the PWV, becoming extremely effective participants in the contest for political power and territorial control. For criminal gangs, association with political organisations also provided valuable protection for and legitimated their criminal activities. Many gangs had become alienated from communities, and 'anti-crime campaigns', often initiated by ANC-aligned youth, sometimes led to violent retribution against gang members.
- 679 Criminalisation of political conflict was further facilitated by the police who frequently failed to intervene in the violence perpetrated by gangs, either by allowing them to carry out acts of violence unhindered or by failing to investigate incidents of violence perpetrated by gangs. Certain police units, such as Vlakplaas, were also more directly involved in supplying weapons to the IFP. Gangs that linked up with the IFP were one of the recipients of these weapons. The most significant example of direct security force involvement in gang violence is the Black Cats, who were given training by the KwaZulu Police. These trained gang members were then sent back to the Transvaal to attack ANC leaders in Wesselson and Ermelo. Here they received further assistance from local police who deliberately concealed and tampered with evidence that implicated KwaZulu police and gang members in acts of violence.

The Toaster gang

- 680 The Toaster gang, which was allegedly responsible for considerable violence in the township of Tembisa, consisted largely of former 'comrades' who had been pushed out of the political circle of the ANC. The gang specialised in car

hijackings. As the township community began to mobilise against the activities of the gang, it was forced to find a new home. The Vusimuzi hostel offered the ideal refuge, both physically secure and providing the possibility of a new political identity. The gangs' facility for violence was effectively utilised by the Inkatha Freedom Party.

- 681 Ms Kellina Manana [JB01691/01ERTEM] testified about the events relating to the killing of her husband, local ANC activist Mr Abel Butana, allegedly by members of the Toaster Gang on 25 February 1992. Mr Dumisani Henry Dlamini and his family were allegedly attacked by members of the Toaster Gang and IFP members in Umtjambeka Section on the evening of 1 April 1992. The attackers shot his friend in the left hand and fatally wounded his mother, Ms Lephina Dlamini [JB01597/01ERTEM]. He alleges that the family was attacked because they were ANC supporters.
- 682 On 12 April 1992, seven men were shot dead and six people seriously injured after gunmen armed with AK-47 rifles and shotguns travelling in a minibus and three cars, opened fire on residents preparing to patrol the township streets. The incident took place in Umthambeka section between 06h30 and 07h00. Witnesses reported that the attackers drove back to Vusimuzi hostel. Residents and police alleged that the Toaster Gang was responsible for an attack that appeared to be an attempt to deter residents from trying to defend themselves against attacks by the gang. Four of the casualties were identified as Mr Duma Fakude (35) [JB02319/01ERTEM], Mr Anton Chauke (52), Mr Absolom Mayo (35) and a person identified as 'Oupa' (37). The injured included Mr Eave Cefane (38), Ms Moffat Makaza, Mrs Friedah Monama (29), Ms Josephine Ntuli (22) and Ms Johanna Ledwaba.⁶⁷
- 683 In February 1993, charges against sixteen members of the Toaster Gang allegedly involved in this attack were withdrawn due to lack of evidence. Charges against another five members of the gang (twelve of murder, two of attempted murder, sixteen of robbery, one of rape and illegal possession of firearms) were also dropped due to lack of evidence.⁶⁸
- 684 On 1 May 1993, the leader of the Toaster Gang, Mr Yster Clement Jones, was shot dead by a Vusimuzi hostel resident. A senior IFP official, Mr Humphrey Ndlovu, later claimed on SABC television that Jones had been a member of the IFP. On 9 May, mourners returning from Jones' funeral were allegedly fired on and retaliated by shooting an ANC member, injuring three other people and damaging approximately thirty houses in Giyani and Ethafeni section. Witnesses to the attack by the mourners alleged security force collusion, saying that the attack happened in the presence of the security forces that made no attempt to arrest or stop the assailants.
- 685 The following day, Jones' body was exhumed from Emifihlwani cemetery by a group of people and taken five kilometres away to the Ndayeni Section taxi rank where it was set alight. Two weeks later, it was reburied by the IFP. A pact between ANC PWV and Inkatha leaders from Vusimuzi hostel was signed, with both parties pledging to keep the peace during Jones' second funeral.
- 686 This did not, however, prevent a massacre which took place on 31 July when thirty people were killed and twenty injured after members of the Toaster Gang and hostel residents from Vusimuzi hostel attacked homes in Umthambeka section and Ndayeni, Tafeni, Ntsonalanza sections of Tembisa township. The attack was apparently precipitated by the burning of a Toasters gang member by a group of residents from Umthambeka section. Homes were petrol-bombed and vehicles set alight during the attack. The attackers were repulsed by residents and retreated

to the hostel, before launching another attack on homes in the township. Twelve of the victims were killed when armed men stopped a taxi and opened fire on the passengers. Nine of the injuries were women.

687 At a roadblock manned by hostel residents, twelve minibus taxi passengers were killed. Mtzulisi Mashobane, a five-year-old who survived because his mother threw him out of the window, told the press how he watched his parents burn to death when their taxi was stopped at the entrance to Tembisa by a group of armed men who shot all twelve passengers before setting the taxi alight. Mashobane and the driver were the only survivors. Other hostel residents were deployed in Umthambeka section where they killed and maimed widely. On Sunday morning, hostel residents raided Thafeni section. Three men were arrested by police in connection with this incident.

688 Ms Nomusa Ngwandi's home was attacked and her husband, Mr Lucky Brian Ngwandi [JB01596/01ERTEM] killed during the massacre on 31 July. Her husband had been on the streets patrolling with a self-defence unit when the Toaster Gang attacked. He tried to conceal himself by pretending to be a member of the Gang, but was discovered. Ms Ngwandi alleges that the police were involved in the attack:

Then I tried to open a window to see what is happening outside, then I saw some men who were carrying guns. They were in a Casspir. They were shooting relentlessly.

THE COMMISSION FINDS THAT THE TOASTER GANG WAS FORMED BY FORMER 'COMRADES' EXPELLED FROM THE ANC IN TEMBISA. INITIALLY THE GANG SPECIALISED IN CAR HIJACKINGS. THE TOASTER GANG ALIGNED ITSELF WITH RESIDENTS IN THE IFP-CONTROLLED VUSIMUZI HOSTEL WHEN THE COMMUNITY IN THE TOWNSHIP BEGAN TO MOBILISE AGAINST THEM. THE COMMISSION FINDS THAT, ON 12 APRIL 1992, THE TOASTER GANG LAUNCHED AN ATTACK FROM A MINIBUS AND THREE OTHER VEHICLES ON RESIDENTS PREPARING TO PATROL THE TOWNSHIP. THE ATTACK RESULTED IN THE DEATHS OF SEVEN MEN AND INJURY TO SIX OTHERS. THE COMMISSION FINDS THAT THE LEADER OF THE TOASTER GANG WAS KILLED BY A RESIDENT FROM VUSIMUZI. THE COMMISSION FINDS THAT MOURNERS RETURNING FROM THE FUNERAL OF THE TOASTER GANG'S LEADER WERE ATTACKED AND RETALIATED BY SHOOTING AN ANC SUPPORTER. THE COMMISSION FINDS THAT A PEACE PACT WAS SIGNED BETWEEN ALL THE WARRING PARTIES TO ALLOW FOR THE REBURIAL OF THE LEADER OF THE TOASTER GANG.

THE PEACE PACT WAS NOT ADHERED TO AND, ON 31 JULY 1992, MEMBERS OF THE TOASTER GANG AND VUSIMUZI RESIDENTS ATTACKED HOMES IN TEMBISA. VEHICLES WERE ALSO SET ALIGHT. IN THE ENSURING CONFLICT BETWEEN TOWNSHIP DWELLERS AND HOSTEL RESIDENTS, A MINIBUS WAS STOPPED AT A ROAD BLOCK WHERE TWELVE PASSENGERS, NINE OF WHOM WERE WOMEN, WERE SHOT AND THE MINIBUS SET ALIGHT. IN ALL, THIRTY PEOPLE WERE KILLED AND TWENTY OTHERS INJURED .

THE COMMISSION FINDS THE TOASTER GANG AND THE VUSIMUZI RESIDENTS RESPONSIBLE FOR THE ATTACKS ON RESIDENTS IN TEMBISA. THE COMMISSION FINDS THAT THE SECURITY FORCES ASSISTED THE GANG AND HOSTEL RESIDENTS BY ARMING THEM. THE COMMISSION FINDS THAT THE SECURITY FORCES FAILED TO INTERVENE IN THE CONFLICT AND PROTECT RESIDENTS, DESPITE BEING UNDER A DUTY TO DO SO.

The Khumalo gang

689 The Khumalo Gang, based in Thokoza, was another major participant in the East Rand conflict. By 1993, Reverend Mbhekisini Khumalo, leader of the gang, had been personally linked to at least nine murders and five attempted murders. The gang quickly became associated with the political conflict in Thokoza, including the murder of political

leaders in the township. The assassinations of Mr Sam Ntuli, General Secretary of the Civic Association of the Southern Transvaal in September 1991, and Mr Vusi Tshabalala, the deputy secretary of the Thokoza Civic Association in October 1992, were both linked to the Khumalo Gang.

690 Statements made to the Commission indicate that the Khumalo gang began to carry out acts of violence from 1991. For example, Ms Nkosi claims that her son, Mr Dickson Nkosi [JB05120/03VT], was abducted on 5 September 1991 and, according to his sister, Nomosonto, he was taken to a van, beaten and later shot. The group of people allegedly responsible was associated with Reverend Khumalo. Khumalo himself said that violence between himself and township residents first emerged after his home was attacked by a group of ANC comrades calling themselves 'the Bad Boys'.

691 In January 1993, gang related activity in Thokoza reached an unprecedented level. Eleven people died and, in one shooting spree on 15 January, nine people were shot. Members of the Khumalo gang were implicated in all of these deaths. One of those killed during the month was Ms Sabeth Khumalo, Khumalo's wife who had allegedly fled to Tembisa to escape her husband. Khumalo was twice arrested and charged with a range of offences including murder, attempted murder and illegal possession of firearms. However, on both occasions he was released on bail. As levels of violence escalated, several eyewitnesses decided to come forward with information that could implicate the Khumalo gang in a number of deaths. The homes of two people who gave statements to the police were subsequently attacked and burnt. In one incident three people in the house at the time were shot.

692 From evidence before the Commission, the gang appeared to have been fundamentally integrated into the organisational hierarchy of the IFP. It was the IFP leadership who initiated political projects and directed their execution. Junior members of the Khumalo gang relied on the patronage of senior members and were rewarded in an *ad hoc* manner. Both applicants reported that they were not paid, but were promised "many things" and were generally "looked after".

693 On 29 September 1991, the Civic Association of Southern Transvaal general secretary, Mr Sam Ntuli [JB00389/01ERKWA] (31), was shot dead in Thokoza as he drove along Khumalo Street in Thokoza at approximately 11h00, according to the Human Rights Committee, bringing to sixty the number of activists killed by alleged 'hit squads' in the previous fifteen months.

694 Ntuli's father was one of the last people to see him alive. Just before Ntuli left home three men came into the house:

At that time, Sam walked out from the bedroom and immediately walked to his car. The last chap followed him. He did not even say goodbye. He just stood up and walked. Sam would not have taken notice of this extra man sitting there and he did not say goodbye. He just went straight to his car which was a Toyota Corolla parked outside next to the house in the yard. He reversed out and the last man who walked out (I was watching now through the window), that chap started pointing. He was pointing in a surreptitious manner because he was pointing down and he was not raising his hand. He was indicating to a man across the street. I could see that Sam had not noticed them but I was already worried. So Sam reversed and drove off in Mazibuko Street into Khumalo Street. I did not see where those chaps disappeared to and I saw nothing else. Later of course, I heard what happened. I was very suspicious about this and worried.

- 695 According to the police, the killers were driving a blue Toyota Cressida. A witness said that the killers' car followed Ntuli and tried to force it off the road. When Ntuli stopped, they fired twelve shots at him as they overtook his car.
- 696 Two men, Mr Thami Zimu and Mr Thulani Mlaba,⁶⁹ who are serving twenty years and life respectively at Diepkloof prison for murder and attempted murder, were allegedly involved in the killing of Khumalo's wife and in the murder of civic leader, Mr Sam Ntuli (see below). Both applied for amnesty.
- 697 According to Mlaba's allegations (untested at the time of reporting), the order to kill Ntuli came from the IFP leadership in Thokoza, including Ms Gertrude Mzizi, Mr Albert (Mafulela) Mlaba, Mr Obed Radebe and Mr Msomi (an *induna* at Mshayazafe hostel). Mafulela (Albert Mlaba) and Obed Radebe were tasked with the killing. Thulani was ordered to steal the cars, which would be used in the assassination. When he failed to deliver the cars on time, he was threatened with death. Mr Abraham Mzizi, Mr Lucky Khoza, Mr Sabelo, Mr Zweli Nicholas Chamane, Reverend Mbhekiseni and Mr Mzwakhe Khumalo were also identified as participants in the planning meetings. Firearms, including three AK-47s and three 9mm pistols, were provided by Obed Radebe and Msomi who distributed them amongst the group of assassins. Two stolen vehicles, a white Toyota Corolla and a white Toyota Hi-Lux van, provided by Thulani, were used, as well as Obed Radebe's personal vehicle, a Honda Ballade. After the killing, Obed Radebe returned alone and reported that Sam Ntuli was dead.
- 698 Mr Sam Ntuli's burial precipitated further violence. On 7 October, twenty people were killed and twenty-six injured before and after the funeral. However, the main violence appears to have occurred afterwards when about 12 000 people left the funeral. The carnage was apparently sparked by unidentified gunmen who opened fire on mourners.

THE COMMISSION FINDS THAT THE KHUMALO GANG, BASED IN THOKOZA, PLAYED A MAJOR ROLE IN THE VIOLENCE ON THE EAST RAND. THE COMMISSION FINDS THAT THE GANG WAS INTEGRATED IN THE ORGANISATIONAL HIERARCHY OF THE IFP AND EXECUTED PROJECTS UNDER ITS LEADERSHIP AND DIRECTION. THE COMMISSION FINDS THAT THE REVEREND MBHEKISINI KHUMALO, THE LEADER OF THE GANG, WAS LINKED TO NINE KILLINGS AND FIVE ATTEMPTED KILLINGS. THE COMMISSION FINDS THAT, BY JANUARY 1993, ELEVEN PEOPLE HAD DIED IN CONFLICT WITH THE GANG AND, ON 15 JANUARY 1993, A FURTHER NINE PEOPLE WERE KILLED. THE COMMISSION FINDS THAT THE KHUMALO GANG WAS LINKED TO ALL OF THESE KILLINGS.

AMNESTY APPLICANTS ALLEGE THAT THE KHUMALO GANG WAS RESPONSIBLE FOR THE KILLING OF SAM NTULI, THE GENERAL SECRETARY OF THE CIVIC ASSOCIATION OF THE SOUTHERN TRANSVAAL, AND OF VUSI TSHABALALA, DEPUTY SECRETARY OF THE THOKOZA CIVIC ASSOCIATION. THE COMMISSION NOTES THAT AMNESTY APPLICANTS HAVE IMPLICATED GERTRUDE MZIZI, ALBERT MLABA AKA MAFULELA, OBED RADEBE AND INDUNA MSOMI IN THE PLANNING AND CO-ORDINATION OF SAM NTULI'S DEATH. THE COMMISSION WAS NOT ABLE TO MAKE A FINDING AS THE AMNESTY APPLICATIONS IN THIS REGARD HAD NOT BEEN HEARD AT THE TIME OF REPORTING.

The Black Cats

- 699 In Wesselton and Ermelo in the Eastern Transvaal, a gang called the Black Cats was involved in a series of violent attacks on members of the newly unbanned ANC between 1990 and 1992. Over twenty people were killed during the course of this violence, including some members of the Black Cats who died during counter-attacks against the gang. SDU members from Ermelo applied for amnesty for the murder of Black Cat members.⁷⁰

- 700 The 1992 Goldstone enquiry into the Black Cat gang confirmed the involvement of Inkatha in its activities. The Commission heard evidence that the Black Cats, supported by certain community councillors, received military training from Inkatha at the Mkhuze camp in 1990. Trained gang members were then sent to Ermelo to assassinate people affiliated to the ANC in the area. One of the perpetrators, Mr Israel Hlongwane, stated that both white and black SAP personnel met with him to assist with resources and ensure that the murder of ANC members was covered up. He also said that the mayor and certain councillors supported him with monthly cash and groceries while he was in Ermelo to eliminate ANC members.
- 701 The gang launched a series of attacks on the ANC, backed by a handful of Caprivi trainees who routinely visited Wesselton as members of the KZP. They bombed the offices of a local human rights lawyer and participated in an attack on mourners at the funeral of a victim of one of their attacks. Black Cat gang members allegedly received backing from white police officers in Ermelo. The Goldstone Commission found that police officials in Wesselton were involved in the disappearance of a docket into the killing and injuring of ANC members at this funeral in August 1990.
- 702 The Commission heard evidence that a member of the KwaZulu Legislative Assembly, Mr Amos Mthungwa, had given a statement to Ermelo police shortly after the funeral shooting on 11 August 1990, admitting that Inkatha members had returned fire after shots had been fired at them from the ANC crowd. He added that two KwaZulu police Officers, Constable Zweli Dlamini and Warrant Officer Nhlanhla Khawula, were among those who had shot at the ANC crowd.
- 703 The Commission also heard evidence that one of the firearms belonging to the KZP men was ballistically tested and linked to the funeral shooting, but was later returned to the KZP. Warrant Officer Geldenhuys, who took over as an investigating officer in 1991, conceded that the manner in which the Ermelo police had handled the case could not have solved it. He admitted that, in the course of constructing a new docket for the investigation, he had concealed the relevant evidence.
- 704 Ms Busisiwe H Nkosi's [JB03771/01MPPIT] son, Lucky was killed on 24 July 1990. She told the Commission of the attacks the Black Cats gang had carried out two days earlier and of the attack that led to the death of her son. Lucky managed to get home after he was injured by gunfire. Ms Nkosi told the Truth and Reconciliation Commission that they were too afraid to take him to the Ermelo hospital in case he was detained. Eventually they decided to take him to the hospital in Bethal. He died on the way.
- 705 Ms Mawane Gertrude Mabuza [JB03500/01MPPIT] testified about the death of her daughter, nineteen-year-old Ms Queen Gladys Mabuza, on 9 December 1990. She was allegedly killed by members of the Black Cats gang. Ms Mabuza told the Commission that when she found the body of her daughter, an eye had been gouged out and the rest of the body was severely mutilated.
- 706 Mr Madoda L Mbokane [JB03759/01MPPIT] gave evidence about an attack by the Black Cats on his home in Wesselton, on 30 July 1991 including the shooting to death of the mother of the man they were apparently looking for. The attackers threw a grenade as they left the house, injuring Mbokane.

707 Mr Philemon J Malinga [JB03768/01MPPIT] testified that his home was attacked by members of the Black Cat gang on 27 July 1991. His mother Ms Belesia Malinga was shot and hacked to death during the attack. According to Malinga, the police first tried to set fire to his house. The attackers then allegedly went to the home of Wesselton mayor, Napoleon Mkonza and returned with reinforcements. On their return, the door of Philemon's home was broken down and the attackers entered the room, destroying everything in sight and shooting randomly. Philemon hid in a toilet where he could hear his mother being hacked to death:

They passed the toilet where I was hiding and they entered into my mother's bedroom. They continued shooting, using the guns, the pangas... it was so painful because when I heard my mother screaming and crying, saying ... "why are [you] killing me?" They responded by saying, "Keep quiet. Are you still making a noise you bastard?" They were insulting my mother. I felt I should come out and do something but I ended up saying, "You dogs, what are you doing?" I heard someone saying, "there is someone inside the room" and the other one said, "no there is no one, we have finished all of them". They were talking and saying, "they are already dead they're just saying their last words. Let's go".

I listened to that and someone insisted that there was someone somewhere inside the room and I crept down. I managed to creep under a mattress and I could see them through the hole of the toilet's door.

708 Philemon Malinga alleged that the police came to fetch the attackers. He heard the sound of a Casspir and a voice asking in Afrikaans "Have you finished?"

709 Because of the alleged link between the police and the Black Cat gang, the police became the target of violent attacks. Scheepers and another constable, Nkondo, were together in the township when their car was surrounded by approximately fifty people. Nkondo fired into the crowd, injuring some people and managed to flee. However, Scheepers was left behind. By the time Nkondo returned with reinforcements, Scheepers was already dead, lying in the road. In the wake of Scheepers death, a number of young ANC supporters were rounded up by the police. Sixteen-year-old Mr Nonhlanhla B Blose [JBP3753/01MPPIT] was among a group of young people taken into custody in June 1992 after a Constable Scheepers had been killed in the township a few days previously. Blose told the Commission that the police assaulted members of his family when they arrived at his home. In the early hours of the morning, Blose was released.

THE COMMISSION FINDS THAT THE BLACK CATS WAS A GANG OPERATING IN WESSELTON AND IN ERMELO. THE COMMISSION FINDS THAT THE GANG WAS SUPPORTED BY COMMUNITY COUNCILLORS AND RECEIVED MILITARY TRAINING FROM INKATHA IN A CAMP IN KWAZULU-NATAL. THE COMMISSION FINDS THAT THE GANG, TOGETHER WITH A NUMBER OF CAPRIVI TRAINEES, ATTACKED ANC MEMBERS AND ASSASSINATED THEM. THE COMMISSION FINDS THAT THE BLACK CATS WERE SUPPORTED BY MEMBERS OF THE SAP IN TERMS OF RESOURCES AND IN COVERING UP THEIR INVOLVEMENT IN ANC KILLINGS. MEMBERS OF THE BLACK CATS GANG HAVE APPLIED FOR AMNESTY FOR THE COMMISSION OF GROSS HUMAN RIGHTS VIOLATIONS.

THE COMMISSION FINDS THE BLACK CATS RESPONSIBLE FOR THE KILLING OF MORE THAN TWENTY ANC MEMBERS IN THE WESSELTON AND ERMELO AREAS.

THE COMMISSION FINDS THAT THE ANC SUPPORTED THE FORMATION OF SDUS IN THE TOWNSHIP AND THAT SDU MEMBERS WERE RESPONSIBLE FOR THE KILLING OF BLACK CAT MEMBERS. THE COMMISSION FINDS THAT THE WESSELTON COMMUNITY IS RESPONSIBLE FOR THE KILLING OF CONSTABLE SCHEEPERS IN JUNE 1992.

THE COMMISSION FINDS THE BLACK CATS, THE IFP, THE SAP AND THE SDUS RESPONSIBLE FOR THE COMMISSION OF GROSS HUMAN RIGHTS VIOLATIONS.

Inter-organisational conflicts

- 710 Violence flared between members of the IFP and the AZAPO in Bekkersdal, a traditional AZAPO stronghold, late in 1991. According to AZAPO, twenty-one of its members were killed and several others displaced since the “hostilities” began in 1991. Both parties blamed each other for the violence. After relative calm returned to the area during 1992, violence flared again in early 1993. As the conflict intensified during the last months of 1993, the protagonists broadened to include the ANC and the PAC.
- 711 The violence in the area was the result of a political battle for control, firstly between AZAPO and the ANC, and later between AZAPO and the IFP. The alliance between AZAPO and the IFP emerged when it appeared that IFP members could offer AZAPO access to weapons. However, as the violence escalated more and more AZAPO members were killed, allegedly by supporters of both the ANC and the IFP (See Ms Ntombizikhona Cynthia Martins [JB02069/03WR], Mr Samuel Ovar Lubisi [JB02067/03WR] and Ms Leah Jakoba [JB01939/03WR]).

THE COMMISSION FINDS THAT A CLIMATE OF POLITICAL INTOLERANCE DEVELOPED IN THE COMMUNITY OF BEKKERSDAL IN THE WEST RAND BETWEEN 1991 AND 1993. THE COMMISSION FINDS THAT THE PROTAGONISTS IN THE CONFLICT WERE THE IFP, THE ANC AND AZAPO.

THE COMMISSION FINDS THAT MORE THAN FORTY-SIX PEOPLE WERE KILLED IN THIS AREA BETWEEN 1991 AND 1993.

THE COMMISSION FINDS THAT ALL THREE ORGANISATIONS SHOULD TAKE RESPONSIBILITY FOR THE GROSS HUMAN RIGHTS VIOLATIONS THAT WERE COMMITTED IN THE AREA. THE COMMISSION FINDS THE IFP RESPONSIBLE FOR THE KILLING OF SELLO KASI, A SEVENTEEN-YEAR-OLD MEMBER OF AZAPO. THE COMMISSION FINDS THAT AZAPO WAS RESPONSIBLE FOR THE KILLING OF ROBERT HLOMUKA, SECRETARY OF THE IFP YOUTH BRIGADE. THE COMMISSION FINDS THAT THE SAP FAILED TO PROVIDE ADEQUATE PROTECTION TO THE COMMUNITY OF BEKKERSDAL. THE COMMISSION FINDS THAT THE SAP, THROUGH THE ISU, WAS AN ACTIVE ROLE-PLAYER IN THE POLITICAL INTOLERANCE THAT PREVAILED IN BEKKERSDAL BETWEEN 1991 AND 1993.

Intra-organisational conflicts

- 712 The ANC SDUs that emerged in townships on the Reef in 1991 were composed largely of politicised youth, sometimes armed with guns but often with home-made weapons (quashes) or other objects. In a number of townships on the East Rand, residents had agreed to pay R20 per household to SDUs in return for the protection of their neighbourhood. However, these ‘donations’ were extracted in an increasingly coercive fashion and the amount steadily escalated.

- 713 In addition, SDUs became increasingly embroiled in internal conflict and territorial disputes, leading, in the most extreme circumstances, to the mass execution of rival units. The SDUs also increasingly took on the role of self-appointed 'community police', often becoming violent moral arbiters in community disputes. In theory, SDUs were community-based neighbourhood patrols and permitted as such under the National Peace Accord. In practice, however, there was no satisfactory system of control and accountability. SDUs easily degenerated into bands of armed young men using their guns to control territory, women and resources. SDUs were infiltrated by numerous police informers and, in many instances, drifted into criminal practices. Towards the end of 1992, the ANC took steps to halt the extortion, car hijackings, rape, robbery and summary executions that had become associated with the SDUs. These steps were only partially effective.
- 714 The Commission received approximately 150 amnesty applications from SDU members on the East Rand, primarily from members of Thokoza and Phola Park units. Among these are Mr Michael Phama, a police informant who was involved in organising an attack by the Thokoza SDU that led to the death of at least sixteen Inkatha supporters. Amnesty applicants included a chief commander, sixteen sectional commanders, the entire membership of the 'Committee of Seven' from Lusaka Section A, and approximately ninety 'ordinary' members of the SDUs.
- 715 A submission to the Commission by the Thokoza branch of the ANC indicates that fourteen sections, including the Phola Park squatter camp, under the control of the central command structure in this township. However, it is clear that the level of political control exerted over SDUs, particularly at a local level, was uneven and a number operated with increasing independence and little political mandate. Attempts to regain control over increasingly recalcitrant SDUs often resulted in further violence.
- 716 Sectional heads of SDUs who applied to the Commission for amnesty acknowledged that they were not always successful in establishing their political authority and that sometimes decisions about the activities of SDUs were taken in a variety of forums and circumstances, outside the official SDU command structure. Local community pressure appears to have had a significant influence on decisions made by local SDUs. For example, the 'committee of seven' cite a 1993 mass meeting where there was a decision to adopt the slogan, 'a killer must be killed'. Members of the community would call on SDU members to act against alleged 'informers'. This may have meant holding a 'people's court' and/or organising an execution.
- 717 The ANC Thokoza branch submission to the Commission acknowledges responsibility for such 'excesses' and admits that SDUs initiated attacks against, rather than simply defended themselves from, the IFP and security forces. However, the submission does not acknowledge the extent to which coercive and violent practices by SDUs became pervasive, particularly as conflict intensified.

Khutsong

- 718 From 1989–91, there were at least seventeen extra-judicial executions in Khutsong, a small township outside Carletonville on the West Rand. The victims were all members of the Khutsong Youth Congress (KYC). The KYC split into two factions – the 'Zim-Zims' and the 'Gaddaffis', both active UDF/ANC supporters. The Commission received over sixty statements relating to this particular period in Khutsong's history.

- 719 Attacks and counter-attacks on the families and homes of Gadaffi and Zim-Zim members followed the split. During one incident, members of the Gadaffi group abducted and murdered an ANC marshal, Ms Khosi Maseko [JB03109/03WR], leaving her burnt body to be found. At her funeral her coffin was dug up and burnt. In response, Zim-Zim members attacked the home of Ms Mpumi Nomandla, a Gaddafi member. During this attack Nomandla's father, Mr John Nomandla [JB00448/03WR] was killed and his home burnt. Victims made statements to the police but perpetrators were not arrested.
- 720 In May 1991, local organisations, the ANC and the Independent Board of Inquiry brought the two groups together and, after heated discussion, the two factions signed a peace pact. It was at this meeting that a decision was made to approach senior police personnel to set up a special task force to investigate the violence in the area.
- 721 In some of the cases of assaults and killings that occurred during this period, the police allegedly colluded with one faction in the conflict in Khutsong. For example, according to the testimony of surviving victims, at least two police officers in uniform actively participated with the Zim-Zims in the murder of Mr Solomon Mlangeni [JB00402/03WR] and the wounding of two other youths whom they had abducted from a house in Khutsong on 20 November 1990. The youths were taken to a river bank outside the township where they were allegedly kicked, punched, beaten with sticks and iron bars, thrown into the water and shot at by their abductors and the policemen. One of the abducted youths managed to escape. Mr Sipho Mlangeni, who died as a result of the assaults, and the third youth, who was severely injured, were later found by family members on a rubbish dump.
- 722 In 1993, internal conflict emerged in Khutsong when branch executive members of the ANC unleashed a reign of terror on the residents of the area. Several of these cases were brought before the Commission. The violence began shortly after the ANC branch executive committee (BEC) elections in January 1993. BEC members allegedly assaulted three women and a number of students on the day of the election. They then reportedly held 'kangaroo court' sittings at what was termed the 'Freedom Tree'. At least eight people lost their lives in the ensuing conflict. Eighteen-year-old Mr Abel 'Ngame' Motswaesane was killed on 23 May 1993 after refusing to reveal the names of youths who had attended a meeting to protest against the activities of the BEC. He was hit on the head with a pickaxe and, despite being taken to hospital, never regained consciousness. One of the students who attended the protest meeting said that he had been taken to the 'Freedom Tree' and questioned by the BEC regarding the meeting:
- I told them that the meeting was for the youth and not adults. I was then 'klapped' (slapped) and beaten with a knobkierrie. We were told that in future, if we have meetings we should invite them.*
- 723 A number of other youths related similar tales. On the day of Motswaesane's funeral, mourners were attacked. A woman who recognised her attacker as a member of the BEC was hit in the stomach with an iron bar. Following this incident, the ANC regional office intervened and the BEC was suspended. Several were criminally charged.

Public order policing

- 724 In addition to the failure of the security forces to intervene effectively in the internecine conflict that occurred during the 1990s, the police and army also continued, as in the 1980s, to be involved in the direct perpetration of gross

human rights violations. Most significant perhaps was the continued use of lethal force to disperse gatherings as well as ongoing use of torture in detention. For the first time during this period, concrete evidence of torture emerged when electric shock equipment was recovered during raids on two police stations. In addition, two major massacres occurred in Sebokeng and Daveyton after police opened fire on public gatherings leading to approximately twenty-six deaths. Renewed opposition to black local authorities in rural and peri-urban towns elicited a violent police response and resulted in a number of people being killed in street clashes with police.

- 725 On 26 March 1990, police opened fire on a crowd of 50 000 people who were marching from Sebokeng to Vereeniging to present a list of grievances. A petition was presented to the police commander by the head of the Vaal Civic Association, Mr Bavumile Vilakazi. It is alleged that, as he was speaking to the crowd, the police opened fire without warning. Tear gas was also used. At least thirteen people died and more than 400 were injured. Many of the injured people were shot in the back. Police claimed to have acted in self-defence when people started throwing stones and bottles at them. Reporters testified that they did not see any stone throwing. Commanding officer W du Plooy testified that he did not give orders to fire, but added that five stones were thrown at the police and that the reaction of the police officers who began firing was therefore reasonable.
- 726 In protest at the shootings, the ANC interrupted talks with the government. After calls for a judicial inquiry, former president FW de Klerk appointed Justice Goldstone to head the investigation of the Sebokeng massacre. This was the origin of the Goldstone Commission of Inquiry regarding the Prevention of Public Violence and Intimidation. Goldstone recommended that the police officers involved in the Sebokeng massacre be prosecuted.⁷¹ In August 1993 in the Vereeniging Circuit Court, trial of nine policemen who faced six charges of murder, one of attempted murder and negligent use of firearms in connection with the shootings at Sebokeng in march 1990, was postponed indefinitely.⁷² The Commission has received seven statements about this massacre, referring to eight victims, one of whom was killed and the remainder injured.⁷³

ON 26 MARCH 1990, POLICE OPENED FIRE ON A CROWD OF 50 000 PEOPLE WHO WERE MARCHING FROM SEBOKENG TO VEREENIGING, KILLING THIRTEEN PEOPLE AND INJURING OVER FOUR HUNDRED. MANY OF THE INJURED PEOPLE WERE SHOT IN THE BACK, INDICATING THAT THEY WERE FLEEING WHEN POLICE OPENED FIRE. THE GOLDSTONE COMMISSION FOUND THAT THE GATHERING WAS PEACEFUL BEFORE THE POLICE INTERVENED AND THAT THE POLICE DID NOT GIVE AN ORDER TO DISPERSE BEFORE OPENING FIRE WITH LIVE AMMUNITION.

IN REVIEWING THE INFORMATION ON GROSS HUMAN RIGHTS COMMITTED AT SEBOKENG ON THE 26 MARCH 1990, THE COMMISSION FINDS THAT THE SAP AND COMMANDING OFFICER W DU PLOOY WERE DIRECTLY RESPONSIBLE FOR THE DEATHS AND INJURIES THAT OCCURRED.

THE COMMISSION FINDS THE FORMER STATE, THE MINISTER OF LAW AND ORDER AND THE COMMISSIONER OF POLICE ACCOUNTABLE FOR THE KILLINGS AND INJURIES OF PEOPLE ON 26 MARCH 1990 AT SEBOKENG.

- 727 On 14 March 1991, thirteen people were killed and twenty-nine injured when police opened fire on a group of approximately 200 residents holding an 'illegal' meeting in Daveyton. Township residents alleged that they had gathered because they feared an attack following an Inkatha rally in the township. Police stated that they opened fire after they were attacked by the group that hacked one policeman to death. The Commission received eight

statements about the massacre, detailing one death and ten injuries. Two witnesses testified at the Commission's East Rand hearings. Both were held under police guard in hospital after they had been shot. They were later charged the murder of the white policeman, along with at least thirty other ANC supporters. They were subsequently acquitted.

- 728 Mr Samson Zolani Xakeka [JB05056/01ERKWA] ⁷⁴ told the Commission that, as the group stood deciding what to do next, they were surrounded by police and told to disperse minutes before the police opened fire. Mr David Sam [JB00271/ 01ERKWA] testified that the police specifically gave an order to shoot to kill:

This white man who had been swearing at us got out of the Casspir from behind and took out a firearm and said: "Kill". Before we could even respond to the two men who had come with the message, we heard them say: "Shoot to kill".

- 729 As the police opened fire, the group began to flee but they were pursued. Mr Samson Zolani Xakeka was shot in the chest and lay unconscious for some time. The Commission heard that the police showed vicious disregard for the dead and injured. Mr Xakeka said:

I held my chest for quite a while, pressing it. And in the meantime these white policemen and also black policemen were swearing all over us, saying, "Die, you kaffirs; die, you dogs; yes, die..." What really disturbed me the way in which these people were being loaded into the van. They would be taken and thrown into the police van.

- 730 Some policemen allegedly committed further violence by driving over the head and thereby killing one of the injured victims in a Casspir. Xakeka alleges that he saw a policeman with a video camera put a firearm next to the bodies of one of the deceased and begin filming. Still pretending to be dead, Xakeka was taken along with the corpses of people killed during the massacre to a police station:

I was also taken and thrown amongst the deceased. And when I was thrown in, my hand came away from where I was holding my wound and blood started flowing and when I came to I put my hand back on my chest and I thought we were on our way to the mortuary. But thank God, we were on our way to the police station.

- 731 He witnessed the police involved in the killings being congratulated by their colleague.

- 732 Several months later, a judicial inquiry concluded that police had used excessive force in their handling of the ANC supporters during the clash in Daveyton. Rand Supreme Court judge, Mr Justice B O'Donovan, also ruled that a group of six residents who were part of the crowd had taken part in the attack on a policeman, Lance Sergeant Jan Petus van Wyk, were guilty of murder.

IN THE REVIEWING THE EVIDENCE OF GROSS HUMAN RIGHTS VIOLATIONS COMMITTED IN DAVEYTON ON THE 14 MARCH 1991, THE COMMISSION FINDS THE SAP RESPONSIBLE FOR THE MASSACRE BY USING EXCESSIVE FORCE AND BY FAILING TO USE NON-LETHAL METHODS OF CROWD CONTROL. THE COMMISSION FINDS FURTHER THAT DAVEYTON RESIDENTS WERE RESPONSIBLE FOR THE DEATH OF A YOUNG POLICEMAN, MR HENNIE VAN WYK.

Protest against black local authorities

- 733 In urban areas, most black local councils had collapsed during the height of conflict in the mid 1980s. In rural and peri-urban areas, however, opposition had been less intense owing to an intensively conservative environment and many local councils remained intact. The opening up of the political process from the 1990s gave residents the opportunity to begin to form civic organisations and openly oppose the local authority system, as well as raise other issues of concern such as value added tax (VAT), high rent tariffs and so on. Conservative white town councils responded to these campaigns by cutting off water and electricity supplies to many black townships. Hundreds of thousands of residents were left without water. Sewage systems broke down and some townships were blacked out at night.
- 734 During 1990, there were a series of clashes between police and residents in the Northern Transvaal towns of Messina and Nancefield over protests against black local authorities and a campaign opposing VAT which was initiated by the recently formed Messina civic association.
- 735 On 10 March 1990, Mr Wilson Ndambale [JB04013/02NPLTM] was shot dead by police in Nancefield during a protest against black local authorities. His death led to the launch of a consumer boycott and a week-long stay away. During the course of the conflict, there were a number of arson attacks on the homes and vehicles of councillors.
- 736 On 4 August 1992, Ms Sarah Sekhwana, a mother of three small children, was shot and blinded by a member of the SAP in Messina during a protest march against the implementation of VAT. Ms Sekhwana was on her way to run an errand when she was caught up in the march. Her sister, Ms Annikie Sekhwana [JB04010/ 02NPLTM], testified that she was shot at point-blank range by a policeman sitting in a van. Sarah Sekhwana lost her sight in one eye as a result of the shooting. Annikie Sekhwana made a statement at the police station and contracted the services of a lawyer but the case was never taken any further. Ms Jeanet Ramakokovu [JB04006/02NPLTM] was also detained in the anti-VAT protests in Messina.

Detention and torture

- 737 Although the 1990s was not characterised by the mass detentions that took place in the 1980s, torture during detention continued to occur. This is reflected in the data collected by the Johannesburg regional office, which indicates that, although levels of torture decline substantially during the 1990s, it remained a major gross human rights violation.⁷⁵ During this period, however, the number of reported killings exceeded the number of reported torture violations. By far the majority of torture victims who identified themselves as members of a political organisation, were ANC members.⁷⁶ A larger proportion of torture victims during this period came from the 25–36 age group than was the case during period three where victims of torture were substantially dominated by the 13–24 age group.⁷⁷
- 738 In 1992, well-known pathologist Doctor Jonathan Gluckman stated that he believed the police to be responsible for ninety per cent of the deaths of 200 people whom he had examined after they died in detention. In 1993, torture equipment was found at the ISU base in Vosloorus on the East Rand and a special crime combating group, the

Yankee Squad, was disbanded after numerous allegations of misconduct were made against the unit, including widespread use of torture and assault.

- 739 The July 1992 death in custody of Mr Simon Mthimkulu, an eighteen-year-old Sebokeng youth, provoked pathologist Dr Jonathan Gluckman to make public his concerns about the treatment of people in police custody. His previous appeals to former President de Klerk, senior cabinet ministers and the Commissioner of Police, had proved fruitless. The Human Rights Commission confirmed that, at the time that Gluckman made his allegations, an average of three people died every month while in police custody.⁷⁸
- 740 On 16 July 1993 the 'Yankee Squad', was disbanded and three of its members suspended pending further criminal investigation. The 'Yankee Squad' was a police unit set up in February 1992, purportedly as a special crime-combating group. It specialised in covert operations in the Vaal, in particular the tracing of illegal weapons. The disbanding of the squad followed intensive investigations by police reporting officer, Mr Jan Munnik, into numerous allegations of assault and torture against the squad. Furthermore, it was alleged that the unit was responsible for the death of ANC activist Mr Edgar Mohapi [JB00967/01GTSOW] who died in the custody of the unit.
- 741 In September 1993, the ANC won an order restraining members of the ISU from assaulting and torturing people at Nyoni farm, the ISU headquarters in Vosloorus. The following month, the Complaints Investigation Unit of the Peace Accord conducted a raid on the ISU base next to Natalspruit hospital on the East Rand. A number of instruments of torture were allegedly found, including electric shock equipment and rubber tubing. East Rand residents arrested by the ISU had frequently reported electric shock treatment and suffocation with tyre tubes placed over their faces.
- 742 A special police task force set up in July 1991 in Khutsong on the West Rand (as a result of escalating violence in the area between the Zim-Zim and Gadaffi gangs) led to the suspension of thirteen policemen and the closure of the Welverdiend Police Station dubbed the 'House of Horrors' by the media (due to the high number of cases of torture taking place at the station). Over one hundred cases were reported to the task team; only one resulted in a conviction.
- 743 The task team was set up and investigated over a hundred cases of torture and assault as well as seventeen cases of extra-judicial executions, two of which involved sixteen-year-old Mr Nixon Phiri [JB01068/03WR] and fifteen-year-old Mr Eugene Mbulawa [JB00462/03WR]. Both youths died after being detained by the SAP. The police claimed that Phiri died as a result of an epileptic fit. There was no history of him having this condition at the time of his detention. Two witnesses who were detained with him and who witnessed his assault died in 'unrest incidents' shortly after making statements to the Phiri family's attorneys.

THE COMMISSION FINDS THE SAP RESPONSIBLE FOR THE DEATH IN CUSTODY OF MR EUGENE MBULAWA AND MR NIXON PHIRI.

Conflict between SAP and MK/APLA members

- 744 Between July 1990 and August 1991, attacks on the police increased from 107 to 137.⁷⁹ The major perpetrators of these attacks were ANC and PAC guerrillas who had returned from exile, some of whom located themselves within local SDUs. Frequently, it was black policemen living in townships that were the most vulnerable and were targeted by SDU and MK members. The Commission's Amnesty Committee received applications from ANC and SDU

members for attacks on policemen. ANC member, Mr Simon Khakha 'S'dumo' Ngubeni [AM3128/96], applied for amnesty for the killing of SAP member Peter Ransayile. Ngubeni says that he threw a hand grenade at the deceased. Mr Mosiuwa Isaiah Khotle [AM3443/96] applied for the killing of a policeman during a shoot-out on 22 March 1993. Mr Thabiso Samuel Ntho [AM7914/97] applied for throwing a hand grenade at the SAP in Sharpville on 24 January 1992.

- 745 Mr Abel Phele's [JB00828/03VT] son, Mr Frans Molefe Phele, a PAC member and returnee from exile appears to have been a victim of a drive-by shooting when he was shot dead, allegedly by police driving in a white city golf. According to Abel, the perpetrators, among them a policeman identified as Mohapi, are now standing trial in the Supreme Court. Phele testified that, since his return to the country, his son had been continually pursued by police. He took two of his son's friends who had witnessed the shooting to the police station to make statements. While there, one of them allegedly saw the car that had been involved in the drive-by shooting.
- 746 The conflict between the police and returned MK members led to a number of alleged shoot-outs with police, in the course of which MK members were frequently killed. In some instances, witnesses to such killings alleged that the MK members had been ambushed and executed and not, as was claimed, involved in shoot-outs with the police.

THE COMMISSION RECEIVED A NUMBER OF AMNESTY APPLICATIONS FROM ANC AND SDU MEMBERS FOR ATTACKS ON POLICE OFFICERS. THE COMMISSION FINDS THAT MEMBERS OF THE ANC WERE RESPONSIBLE FOR ATTACKS AND KILLINGS OF POLICE OFFICERS IN TOWNSHIPS, PARTICULARLY ON THE REEF IN THE PERIOD 1990 TO 1994.

THE COMMISSION FINDS THAT, DURING THE PERIOD 1990 TO 1994, THE FORMER STATE ITS ORGANS AND THE SAP AND SADF WERE RESPONSIBLE FOR EXTRA-JUDICIAL KILLINGS IN THE VAAL AREA.

The reincorporation of homelands

- 747 Political events in South Africa resulted in increasing pressure for the re-incorporation of the independent homelands and self governing states, resulting in a series of coups and attempted coups in the 1990s. In Ciskei, Brigadier Oupa Gqozo led a military coup against Mr Lennox Sebe on 4 March 1990. Venda followed suit on 5 April 1990, with Mr Gabriel Ramushwana ousting Mr Frank Ravele. In Transkei, Colonel Craig Duli failed to overthrow Major General Bantu Holomisa in November 1990. In Bophuthatswana, Mr Rocky Malebane-Metsing of the Progressive People's Party and some disaffected elements of Bophuthatswana Defence Force failed to overthrow Mr Lucas Mangope on 10 February 1988. Mangope continued to lay claim to independent status for Bophuthatswana and attempted to impose this through increasingly violent means.

V e n d a

- 748 During the 1990s, the conflict in Venda centred primarily on witchcraft and medicine murders, which had become increasingly politicised during the 1980s. During the 1990s, protests against witchcraft were closely linked to the rejection of the homeland government, which was believed to be responsible for or complicit in this practice. Protests against the homeland government lead to a military coup on April 1990 in which Chief Minister Ravele was ousted.

- 749 Between January and March 1990, about twenty people were reported to have died during anti-witchcraft unrest. People accused of being involved in medicine killings or being witches and wizards were hacked or burnt to death. After a rally in Venda capital, Thohayandou, celebrating the release of Nelson Mandela in February 1990, more than fifty houses were burnt down and hundreds of people had to flee their homes. Many of the victims were elderly.⁸⁰
- 750 The link between anti-homeland government protests and anti-witchcraft protests in Venda is reflected in the amnesty applications of a number of youths involved in the murder of alleged witches and wizards. The amnesty applicants specifically state that they believe their actions contributed to the downfall of the former Venda government, that medicine murders were associated with the homeland government, and that the practice of witchcraft by witches and wizards had to be routed out as it reflected backwardness and superstition. By eliminating such 'backward' practices, they believed that they were helping to ensure that Venda became a modern and democratic society.
- 751 The Commission received some statements from people who were attacked on suspicion of being witches and consequently suffered gross human rights violations.
- 752 Mr Tshililo Jackson Mulaudzi [JB01750/02NPVEN], a pensioner in his early seventies, was accused of being a wizard by 'comrades'. His house was burnt down during this period.⁸¹ Mr Thari William Masithi [JB01366/02NPVEN] was attacked by a group of youths, which accused him of practising witchcraft, turning people into zombies. His house was burnt down on 11 February 1990, and his mother Ms Nyamukamadi Masithi was trapped inside and burnt to death.⁸²
- 753 A number of people were killed or injured during clashes with the Venda police over the issue of witchcraft. Mr Asivhanga Rueben Mugivhela was shot dead by Venda police whilst he was amongst a group of men who went searching for an old man who had mysteriously disappeared.⁸³ Ms Joyce Bongwe [JB01970/02NPVEN] was also allegedly shot dead by the Venda police in March 1990. She had left home to attend a political meeting organised by the youth. Her body was found the next day with a bullet wound in her head.⁸⁴ Mr Lufuno Simon Mariba [JB01372/02NPVEN] was arrested and severely assaulted when Venda police raided his village after young people tried to pursue a Mr Sinthumule whom they believed to be a wizard. Mariba alleges that he was not involved in this incident, but was taken into custody nevertheless. He later made a statement reiterating his lack of involvement in the attempt to attack Mr Sinthumule with the result that he was labelled a spy by members of the community.⁸⁵
- 754 When organisations such as the ANC were unbanned in 1990, they met with considerable hostility from the Venda homeland government. Detention and torture was used to control this new wave of political opposition.
- 755 Mr Mbiza Mbokota, an ANC activist who had recently returned to his village from Turfloop University, was detained and tortured in February 1992 in the wake of the burning of a policeman's house.

G a z a n k u l u

- 756 In Gazankulu, dissatisfaction with the government of Professor Hudson Ntswanisi and his cabinet exploded into violence early in 1990. Police barracks and homes were attacked by youth in areas such as Kujwana village and in Nkowankowa. The house of Chief Minister Ntswanisi was damaged and his bottle store and garage were petrol-

bombed. Several other houses belonging to police and government-linked people were attacked. The riot police shot and killed several young people. These events led to the formation and launch of youth congresses in areas such as Giyani, which were previously not politically organised. Stay aways, consumer and school boycotts were subsequently organised in Giyani, spreading to Kujwana, Lenyenye, Nkowankowa, Elim and Bonn.

- 757 In Gazankulu, reported gross violations arose from street protests against the homeland administration and from the attempts of newly unbanned organisations to set up in the homeland. On 21 February 1990, Mr Ludick Machinane was shot and killed in Nkowankowa by the Gazankulu police. He was a bystander while a group of protesters was threatening to destroy Retabe bottle store owned by the Chief Minister, Hudson Ntswanisi. On the same day, Ms Nakedi Maria Mugadi was shot dead by the Letaba police whilst attending a SANCO meeting at Nkowankowa stadium. During school boycotts and other mass action in June 1990, Mr Thomas Shingange [JB03383/02NPTZA] was shot and killed with an AK-47 in a street near Teba Mining at Nkowankowa. Mr Phaladi Emmanuel Malesa [JB03226/02NPTZA] was similarly severely assaulted by unknown SAP members who also disrupted an election rally at Namakgale stadium.
- 758 Nonhlanhla Maluleka [JB03431/02NPLTM], a four-month-old baby, was hit by a tear gas canister fired by SAP and Gazankulu police during a boycott of Gazankulu Government Transport at Akanani Shopping Centre in May 1990. Ms Xinyata Shilowa, the mother of the baby, was getting into a taxi when the tear gas was thrown at them. The baby died on the spot. The inquest found the police responsible.
- 759 Mr Bennet Maakana [JB03430/02NPTZA], who had helped establish ANC structures in Nkowankowa, was detained and placed in solitary confinement in February 1990. Mr Theron Mdunwazi Mkwinka was arrested and detained for eight months at Gravelotte, after attending a meeting called by the Tzaneen Education Crisis Committee in June 1990. The Gazankulu police suspected him of being a 'terrorist' and he was tortured whilst imprisoned. Mr Mbiza Penstone Mbokota was detained and tortured by the Gazankulu police for allegedly participating in burning a house belonging to a policeman. Mr Moses Msisinyani Mabasa [JB01418/02NPTZA] was severely tortured for the same event in February 1992. Mr Elvis Sello Sekoati [JB03225/02NPTZA] was severely tortured by the Lebowa police for public violence in 1993. He was an ANC Youth League delegate sent to help set up the security and marshal Namakgale stadium, where Mr Ngoako Ramatlhodi was scheduled to speak in an election rally.

B o p h u t h a t s w a n a

- 760 In Bophuthatswana, workers, youth and community activists demanded Chief Minister Mangope's resignation and the reincorporation of Bophuthatswana into South Africa. The Bophuthatswana government reacted with defiance. Mangope asserted that "Bophuthatswana will be independent one hundred years from now". Major internal and external pressures, however, forced the Bophuthatswana administration to reconsider this position and, by the end of 1991, it began to engage in the negotiation process and participate in CODESA.
- 761 On 7 February 1990, the first protest march involving approximately 80 000 people was held in Garankuwa. The marchers, many carrying ANC flags, called for reincorporation and urged Mangope to resign and join "democratic forces" in creating a non-racial and unitary South Africa. Between seven and eleven people were injured when

Bophuthatswana security forces fired tear gas and rubber bullets at the marchers. Conflict between protesters and security forces continued, resulting in deaths and injuries.

762 Violence reached a peak on 7 March when Bophuthatswana troops opened fire on protesters, killing eleven people and injuring 450. Residents of Garankuwa, Mabopane, Soshanguve and Winterveld were marching to the Odi magistrate's court to present a petition demanding reincorporation into South Africa and the resignation of Chief Mangope 'within 100 hours'. The crowd numbered between 50 000 and 100 000 people. After the petition was presented, the crowd set fire to an army truck. Fifteen minutes later, Bophuthatswana troops fired at the crowd. Shooting with tear gas and rubber bullets is alleged to have continued for an hour.

763 One of the marchers, Mr Kgomotso Alfred Motaung [JB04176/03NW], was injured in the shooting. Mr Ezekiel Matsiela Matlou [JB04170/02PS] describes being run down by a police van on the same day:

There comes a police van with a high speed of about 160 km an hour. I was unable to run away because I was shivering of that speed my legs were unable to move, that van had injured 9 people and 3 were dead.

764 Despite the Mangope administration's attempts to curb opposition during the post- 1990 period, there was an upsurge in community organisation. The Bophuthatswana administration itself claimed that, in the period following the 1990 unbannings, one hundred action committees, civic associations and youth congresses were formed, all aligned to the ANC.

765 The launch of the National Union of Mineworkers (NUM) in the region led to considerable unrest and miners embarked on a series of strikes. In August 1991, Mr Itumeleng Isaac Mayoyo (JB00938/03NW) was arrested for his activities as a member of the organising committee of the NUM in the Bafokeng North Mine. He told the Commission:

Officer Shuffle then started beating me with a baton. On my fingers, toes and knees. I don't remember the other one who was helping him. My testicles were tied with an electric wire. An object was pushed into my anus. It was a piece of wood I was then charged with High Treason.

766 Mayoyo stated that, later, the Shaft General, Mr Drummond was attacked and injured by the workers. Although Mayoyo tried to stop the workers, he and Mr Jonas Kgositsele, another worker, were subsequently charged with the attempted murder of Mr Drummond. Kgositsele died after jumping out of the second floor window. He told the Commission:

Unfortunately Jonas Kgositsele jumped out of the second floor window and died. This is according to officer Ramogadi. He told me. I went through the same sort of torture. Except being taken to meet the then Bophuthatswana President Lucas Mangope ... He also offered me to be his spy earning R20 000. I should stop working at the mine. If I don't accept the offer then I am gone ... I went to court finally for all these charges. All charges were dismissed.

767 The unrest lead to the deaths of nine people and the destruction of fifty-one huts by vigilantes allegedly hired by management at the Wildebeestfontein mine in 1991. Fourteen people died in further violence at the Impala mine in

1992. Mr Pitso Simon Maema [JB03549/03NWRUS] had to have both his legs amputated after he was injured in the shooting during a strike at the Impala Bafokeng Mine.

- 768 The reluctance of Bophuthatswana to introduce political reforms and adjust to the changed political context culminated in a strike by civil servants in January 1994. Within days of Mangope announcing that he would not participate in the country's first democratic elections in April 1994, Bophuthatswana's civil servants began striking. Events eventually led to the invasion of Bophuthatswana by AWB members. The incident is dealt with elsewhere in the Commission's report.

THE COMMISSION FINDS THAT MEMBERS OF THE UDF IN THE NORTHERN TRANSVAAL WERE RESPONSIBLE FOR BURNING HOMES AND KILLING OF A NUMBER OF INDIVIDUALS.

THE COMMISSION FINDS THAT MEMBERS OF THE VENDA POLICE FORCE WERE RESPONSIBLE FOR THE PROLONGED DETENTION AND TORTURE OF A NUMBER OF YOUNG PEOPLE BETWEEN 1990 AND 1994. MORE SPECIFICALLY, THE COMMISSION FINDS THAT MR MBIZA MBOKOTA, AN ANC ACTIVIST WAS SEVERELY TORTURED BY THE VENDA POLICE IN FEBRUARY 1992.

THE COMMISSION FINDS THAT THE GAZANKULU POLICE FORCE USED UNDUE FORCE IN CONTROLLING PROTESTS AGAINST THE ADMINISTRATION OF PROFESSOR HUDSON NTSWANISI. MANY PEOPLE WERE SHOT AND INJURED DURING STREET PROTESTS AND A NUMBER OF ACTIVISTS WERE DETAINED AND TORTURED. THE COMMISSION FINDS FURTHER THAT THE GAZANKULU POLICE FORCE WAS RESPONSIBLE FOR THE DETENTION AND TORTURE OF A NUMBER OF ANC ACTIVISTS IN THE AREA. THE COMMISSION FINDS THAT MR ELVIS SEKOATI WAS SEVERELY TORTURED IN 1993.

THE COMMISSION FINDS THAT, ON 7 MARCH, THE RESIDENTS OF GARANKUWA, MABOPANE, SOSHANGUVE AND WINTERVELD MARCHED TO THE ODI MAGISTRATES COURT TO PRESENT A PETITION DEMANDING THE RE-INCORPORATION OF BOPHUTHATSWANA INTO SOUTH AFRICA AND THE RESIGNATION OF CHIEF MANGOPE WITHIN 100 HOURS. THE CROWD NUMBERED BETWEEN 50 000 AND 100 000 PEOPLE. TROOPS OF THE BOPHUTHATSWANA DEFENCE FORCE FIRED ON THE CROWD, KILLING ELEVEN PEOPLE AND INJURING 450.

THE COMMISSION FINDS THE FORMER BOPHUTHATSWANA STATE, THE MINISTER OF POLICE, THE MINISTER OF DEFENCE AND MEMBERS OF THE BOPHUTHATSWANA DEFENCE FORCE RESPONSIBLE FOR THE COMMISSION OF GROSS HUMAN RIGHTS VIOLATIONS IN THE ODI AREA ON 7 MARCH IN THAT UNNECESSARY AND EXCESSIVE FORCE WAS USED, PROPER ORDERS TO DISPERSE WERE NOT GIVEN, ADEQUATE TIME TO DISPERSE WAS NOT GIVEN AND RELIANCE WAS PLACED ON LIVE AMMUNITION AND LACK OF ALTERNATIVE METHODS OF CROWD DISPERSAL.

THE COMMISSION FINDS THAT THERE WAS AN INVASION OF BOPHUTHATSWANA BY MEMBERS OF THE AWB ON 11 MARCH 1994. (THIS INCIDENT IS DOCUMENTED ELSEWHERE IN THE REPORT.) IN BRIEF, THE COMMISSION FINDS THAT IN JANUARY 1994, CIVIL SERVANTS EMBARKED ON A STRIKE DEMANDING THAT BOPHUTHATSWANA GOVERNMENT INTRODUCE POLITICAL REFORMS AND ADJUST TO THE CHANGED POLITICAL CIRCUMSTANCES IN SOUTH AFRICA. PRESIDENT MANGOPE HAD TURNED TO THE VOLKSFRONT FOR ASSISTANCE IN MAINTAINING CONTROL OF HIS ADMINISTRATION. THE VOLKSFRONT HAD UNDERTAKEN TO INCORPORATE ITSELF UNDER THE LEADERSHIP OF THE BOPHUTHATSWANA DEFENCE FORCE BY 11 MARCH 1994. HOWEVER, MR EUGENE TERREBLANCHE, LEADER OF THE AWB MOBILISED A FORCE OF 600 AWB MEMBERS WHO ENTERED MAFIKENG IN BOPHUTHATSWANA AND PROCEEDED TO RANDOMLY ATTACK RESIDENTS OF MAFIKENG RESIDENTS.

Right-wing violence

- 769 The right wing was involved in various forms of political protest during the 1990s. Much of this protest activity was extremely violent and led to a range of gross human rights violations. In 1990, following Mr F W de Klerk's speech unbanning the ANC and other political organisations, members of the Conservative Party (CP) threatened mass demonstrations and strike action by whites. The largest demonstration was held on 26 May 1990 when approximately 50 000 protesters gathered at the Voortrekker Monument in Pretoria and were urged to fight to restore what the government had 'unjustly given away'.
- 770 In the period after 2 February 1990, right-wing violence took on a much more organised and orchestrated form. Isolated racist attacks on individuals were quickly eclipsed by mass right-wing confrontations. Two thousand AWB and Boerestaat Party members marched to protest the unbanning of the ANC. In Klerksdorp, 5 000 AWB supporters marched in support of police action. Farmers blockaded the city of Pretoria in 1991. An NP meeting in Ventersdorp was violently disrupted in 1991 leading to the death of three people and the injury of more than fifty others. The World Trade Centre where negotiations were taking place was occupied by members of the right-wing in 1993. Members of the AWB invaded Bophuthatswana in support of the homeland administration in 1994, and launched a pre-election election bombing campaign immediately before the 1994 elections.
- 771 According to the HRC there were, in the second half of 1990, at least forty-five right-wing attacks country-wide, resulting in the deaths of twenty-six people and the injury of 138. More than 33 per cent of these attacks took place in the PWV area, although the largest number of fatalities occurred in the Orange Free State and Natal.⁸⁶
- 772 The Western Transvaal, home to the headquarters of the AWB, was a centre of right-wing activity during the 1990s. The Commission received a number of statements regarding attacks carried out by the right-wing in this area. These included random assaults motivated primarily by racism as well as more co-ordinated attacks around issues such as land ownership or consumer boycotts.
- 773 Mr William Nxanxa [JB01533/03NW] was sitting in a parked vehicle alongside the road when he was assaulted by members of the AWB in the Western Transvaal town of Ottosdal in September 1990. He said that, after he was assaulted, his attackers told him that the road in which he had parked his taxi was "an AWB road". Nxanxa laid a charge and the case came to court but the four accused were discharged.
- 774 Ms Nkete Mangwele [JB01570/03NW] told the Commission that she was seriously assaulted during an attack on her home by "white people wearing soldiers camouflage". Mrs Mangwele could not identify her attackers but said that her home in Klerksdorp was not the only one that was attacked by these men.
- 775 Ms Helena Kroon De Kock [JB01563/03NW] testified before the Commission about the bombing of her non-racial school in Klerksdorp. She believed that the school had been bombed by "faceless individuals opposed to her idea that all children deserved a decent education." The De Kock family also received a number of death threats. The Amnesty

Committee received an application for this particular incident. Mr Johan de Wet Strydom, an AWB member [AM5168/97], says in his application that he provided the explosives that were used in the bombings. Many of the right-wingers applying for amnesty for the spate of bombings before South Africa's first democratic elections were from the Western Transvaal and the West Rand, traditional right-wing areas of support.

- 776 Mr Simon Rabesi Phiri [JB01567/03NW] was sleeping in his car outside the shack where he lives in Goedgevoeden when the AWB members attacked. He identified Mr Eugene Terreblanche and Mr Piet 'Skiet' Rudolph⁸⁷ as participants in the attack. A card belonging to Rudolph was allegedly found ten metres from Phiri's home. Ironically, Phiri got to know Terreblanche when he worked at a petrol station in Ventersdorp where the headquarters of the AWB are located. According to Phiri, the doors of homes to be attacked were marked with crosses.
- 777 Ms Emily Siko [JB01566/03NW] and her five-year-old child were also attacked by AWB members. As they left, they apologised for attacking the 'wrong' house. Mr Hassian MS Haffajee [JB01396/03NW], a Muslim shopkeeper in the Western Transvaal town of Bloemhof, was the victim of a racist attack because of his support of a boycott of shops owned by white people. The boycott was organised by the local branch of the ANC to pressurise the town council to accede to its demands for racial integration in the town. The AWB operated as a vigilante group that tried to break the boycott and ensure that racial integration did not take place.
- 778 Members of right-wing organisations applied to the Commission for amnesty with respect to several incidents.
- a the 14 April 1994 explosions at Sannieshof in the Western Transvaal involving members of the Boere Weerstandsbeweging (BWB);
 - b an explosion at the offices of the IEC at Bloemfontein;
 - c a fire at the Nylstroom telephone exchange on 22 April 1994;
 - d an explosion at the Natref oil pipeline between Denysville and Viljoensdrif in the Northern Free State;
 - e an explosion on 24 April 1994 in the Johannesburg city centre, killing nine people, including ANC Johannesburg North secretary general, Ms Susan Keane [KZN/APH/035/DN] and injuring ninety-two people; (See Ms Patience Alphina Nsele [KZN/NN/380/DN], Ms Simangele Loveness Kheswa [JB03273/01GTSOW], Ms Selina Manetja Mfete [JB06064/01GTSOW] and Mr Sifiso Freeda Ngwenya [JB03324/03 GTSOW]);
 - f an explosion on 25 April 1994 at a taxi rank in central Germiston, killing ten people and injuring approximately a hundred (See Ms Sindiswa Mavis Phungula [JB03154/01ERKAT], Ms Hanyane Anna Mbata [JB03375/01 ERKAT] and Ms Wisani Hilda Maluleka [JB05811/01GTSOW]);
 - g an explosion at the Randfontein taxi rank, for which Mr Johannes Andries 'JJ' Venter [AM6477/97] applied for amnesty;

h an explosion on 27 April 1994 at Jan Smuts airport in Johannesburg (See Mr Mosalakae Percival Moshwetsi [JB04635/02PS].)

779 In a police swoop at the end of April, thirty-four right-wingers were arrested in connection with the wave of bomb blasts. All of these men were members of the AWB's elite *Ystergarde* (Iron Guard). They were charged with nineteen counts of murder⁸⁸. The Commission received amnesty applications from several people convicted for these acts: Mr Jacobus Petrus Nel [AM6469/97], Mr Abraham Christoffel Fourie [AM6478/97] and Mr Petrus Paulos Steyn [AM6479/97] are all currently serving twenty-one-year prison sentences. Mr Johan Wilhelm Du Plessis [AM6480/97] also applied for amnesty in respect of various pre-election bombings carried out by the AWB. He was one of the original AWB members arrested and charged but acquitted in the Rand Supreme Court.

Statistics on Violations in the Transvaal

● NATURE OF THE VIOLATIONS

- 1 The pattern of violations in the region covered by the Johannesburg office of the Commission is similar to the national picture. The different types of killings reported are shown here.
- 2 Most people died as a result of being shot, with 1 600 cases being reported, followed by large numbers of unspecified or unknown¹ causes of death. The third most common cause of death was stabbing.
- 3 As in most of the other regions, beating was the most common form of severe ill treatment, followed by shooting:
- 4 Over 1 600 cases of beating were reported. The proportion of shootings to beatings was relatively high in the region compared to the other areas. Beatings were also the most common type of torture:
- 5 The second most common torture method reported in this area was by means of forced postures (differing from other regions), followed by electric shocks. Cases of suffocation were not as common.

Victim organisations

- 6 In the region covered by the Johannesburg office, the bulk of the victims of gross violations of human rights in the three categories of killing, severe ill treatment and torture belonged to the United Democratic Front (UDF) or the African National Congress (ANC). Almost all of the killings in the area were of members of predominantly black organisations:
- 7 ANC and UDF members account for most of the deaths. There are a few cases of South African Police (SAP) members being killed. The pattern is the same for severe ill treatment:
- 8 There are a few instances of police officers suffering severe ill treatment, but it was, overwhelmingly, members of black organisations who suffered severe ill treatment.
- 9 In keeping with the national pattern, members of the ANC, UDF and Pan Africanist Congress (PAC) suffered the most cases of torture.

Perpetrator organisations

- 10 The figure shows the numbers of killings attributed to perpetrator organisations, listing the top eight:

- 11 The number of killings allegedly committed by the SAP dominates the chart. The Inkatha Freedom Party (IFP) and the ANC are shown to have the second and third highest numbers of alleged violations. The pattern of killings by the top three organisations over time looks like this:
- 12 The figure shows that the killings allegedly committed by the SAP peak in 1976, then start increasing again in 1984, reaching a high in 1986. There is a drop in the late 1980s, then further peaks of killings attributed to the SAP in 1990 and 1992.
- 13 Killings attributed to the ANC² peak in 1986, then remain more or less constant at between twenty and forty cases per year until 1994.
- 14 Very few killings are attributed to the IFP until 1990, when there is a sudden increase. Killings allegedly committed by the IFP dominate the figure in the 1990s, with the steepest peak in 1993.
- 15 The pattern of severe ill treatment differs from that of killings with the third largest number of violations being attributed to the Bophuthatswana security forces:
- 16 The greatest number of instances of severe ill treatment are attributed to the SAP, followed by the ANC, with the Bophuthatswana security forces and IFP showing a similar number. As is the case for killings, the pattern changes at different periods of history, and closely matches the pattern of killings for the top three organisations: ^P
- 17 Severe ill treatment violations allegedly committed by the SAP reach a peak in 1976, followed by a great increase in 1985 and 1986, with a lull followed by another peak in 1990. Violence attributed to the ANC peaks in 1986, then drops to a low, constant rate for the rest of the period. Severe ill treatment attributed to the Bophuthatswana security forces shows a peak in 1989, a year earlier than the SAP peak.
- 18 The same three organisations feature in the pattern of torture attribution:
- 19 Again, it is overwhelmingly the police who allegedly tortured. Apart from the ANC and IFP, all the organisations in the top eight are state-controlled. As in the country as a whole, the chart showing alleged torture by the top three organisations against time indicates that it was at its worst during the states of emergency:
- 20 Most instances of torture were attributed to the SAP, with a large peak during the mid 1980s. There is a drop after the state of emergency, followed by an increase in 1990 and 1991. The instances of alleged ANC torture are clustered in 1986 and then tail off. The third organisation allegedly involved in torture, the Bophuthatswana security forces, peaks in 1989 and 1992.