

# Political Violence in the Era of Negotiations and Transition, 1990-1994

## ■ INTRODUCTION

- 1 The Commission had considerable success in uncovering violations that took place before 1990. This was not true of the 1990s period. Information before the Commission shows that the nature and pattern of political conflict in this later period changed considerably, particularly in its apparent anonymity. A comparatively smaller number of amnesty applications were received for this period. The investigation and research units of the Commission were also faced with some difficulty in dealing with the events of the more recent past.
- 2 Two factors dominated the period 1990–94. The first was the process of negotiations aimed at democratic constitutional dispensation. The second was a dramatic escalation in levels of violence in the country, with a consequent increase in the number of gross violations of human rights.
- 3 The period opened with the public announcement of major political reforms by President FW de Klerk on 2 February 1990 – including the unbanning of the ANC, PAC, SACP and fifty-eight other organisations; the release of political prisoners and provision for all exiles to return home. Mr Nelson Mandela was released on 11 February 1990. The other goals were achieved through a series of bilateral negotiations between the government and the ANC, resulting in the Groote Schuur and Pretoria minutes of May and August 1990 respectively. The latter minute was accompanied by the ANC's announcement that it had suspended its armed struggle.
- 4 A long period of 'talks about talks' followed – primarily between the government, the ANC and Inkatha – culminating in the December 1991 launch of the Convention for a Democratic South Africa (CODESA). CODESA, which involved twenty different political parties and organisations, collapsed in disagreement over issues of majority rule and regional powers. In May 1992, talks resumed with CODESA II. However, barely a month later, the ANC withdrew in the wake of the Boipatong massacre of 17 June 1992 and embarked on a campaign against the remaining homeland governments. Talks resumed five months later, after the signing by the ANC, PAC and the government of a Record of Understanding.
- 5 The Record of Understanding marked a shift in the National Party (NP) government's negotiating strategy. It abandoned its *de facto* alliance with the IFP, through which it had hoped to secure enough electoral support to force a power-sharing arrangement with the ANC. Instead, the ANC and the government now co-operated closely while the

IFP aligned itself with a coalition of bantustan governments and elements of the white right wing. This latter grouping ultimately coalesced into the Concerned South Africans Group (COSAG) which, in July 1993, walked out of the talks and formed the Freedom Alliance. This development saw a further escalation in the level of violence. With the IFP's chief negotiator threatening a civil war if the elections went ahead without the IFP, deaths from political violence in July and August 1993 soared to 605 and 705 respectively, compared to 267 in June 1993.

- 6 In December 1993, a Transitional Executive Council (TEC) was installed, composed of representatives of all parties to the negotiations process. Meanwhile, behind-the-scenes talks continued with the Freedom Alliance to secure its participation. This was achieved shortly before the 27 April 1994 election.
- 7 Of 9 043 statements received on killings, over half of these (5 695) occurred during the 1990 to 1994 period. These figures give an indication of violations recorded by the Commission during the negotiations process. They represent a pattern of violation, rather than an accurate reflection of levels of violence and human rights abuses. Sources other than the Commission have reported that, from the start of the negotiations in mid-1990 to the election in April 1994, some 14 000 South Africans died in politically related incidents. While Commission figures for reported violations in the earlier part of its mandate period are under-represented in part because of the passage of time, they are under-reported in this later period because the abuses are still fresh in people's memories and closely linked into current distribution of power.
- 8 The violence during the 1990s stemmed from intensification in the levels of conflict and civil war in KwaZulu/Natal. While the province had been plagued for five years by a low-level civil conflict, conflict intensified dramatically in the 1990s. The Human Rights Committee (HRC) estimates that, between July 1990 and June 1993, an average of 101 people died per month in politically related incidents – a total of 3 653 deaths. In the period July 1993 to April 1994, conflict steadily intensified, so that by election month it was 2.5 times its previous levels.
- 9 Moreover, political violence in this period extended to the PWV (Pretoria– Witwatersrand-Vereeniging) region in the Transvaal. The HRC estimates that between July 1990 and June 1993, some 4 756 people were killed in politically related violence in the PWV area. In the period immediately following the announcement of an election date, the death toll in the PWV region rose to four times its previous levels.
- 10 The escalation of violence coincided with the establishment of Inkatha as a national political party, the Inkatha Freedom Party (IFP), in July 1990, and its attempts to develop a political base in the Transvaal. The development of self-defence units (SDUs) in largely ANC/UDF strongholds led to an escalation of violence in both provinces.
- 11 Many came to believe that a 'hidden hand' or 'third force' lay behind the random violence, which included military-style attacks on trains, drive-by shootings and a series of massacres and assassinations. The train violence swept the Rand from 1990 onwards. By June 1993 it had caused some 400 deaths and countless more injuries, and left thousands of commuters consumed with fear on a daily basis. Such attacks frequently generated further violence.
- 12 At this time, there was also a marked increase in attacks on police officers. Between July 1991 and June 1992, the HRC recorded a total of sixty-eight police officers killed. A further 200 deaths were recorded between July 1992 and June 1993.

- 13 Violence also arose from the continued use of lethal force in public order policing. The HRC estimated that killings by the security forces, primarily in the course of public order policing, numbered 518 between July 1991 and June 1993. In the first major incident, less than six weeks after President de Klerk's speech, seventeen people died and 447 were injured when police fired without warning on a crowd of 50 000 protesters at Sebokeng. Other massacres occurred in Sebokeng in July and September 1990 and in Daveyton and Alexandra townships in March 1991.
- 14 This was also APLA's most active period. A wave of military attacks was visited on largely civilian targets, primarily in the western and eastern Cape, as well as attacks on farmers in the Orange Free State.
- 15 Right-wing organisations were also active and vocal during this period, expressing their resistance to the changing political order. The right wing was responsible for several random attacks on black people as well as a more focused campaign of bombings before the elections in April 1994.
- 16 The term 'third force' began to be used increasingly to describe apparently random violence that could not be ascribed to political conflict between identifiable competing groups. Rather it appeared to involve covert forces intent on escalating violence as a means of derailing the negotiations process.
- 17 At about this time FW de Klerk appointed the Commission of Inquiry Regarding the Prevention of Public Violence and Intimidation headed by Judge Richard Goldstone. Initial reports of the Goldstone Commission found no evidence of a 'third force'. While there were many criticisms of the manner in which the security forces were dealing with the situation, the Commission pointed to high levels of political intolerance as well as wider-ranging socio-economic conditions as the primary causes of violent conflict. Notwithstanding Goldstone's findings, non-government organisations, including violence monitoring groups, and a number of national newspapers continued to allege the presence of a 'third force' in the violence. Allegations of security force involvement in the violence reached a climax with the Boipatong massacre.
- 18 In November 1992, during a Goldstone raid on the offices of the Directorate of Covert Collections (DCC), evidence emerged of security force involvement in illegal activities. President de Klerk responded by appointing General Pierre Steyn, assisted by General Conradie of the SAP, to conduct an investigation into the activities of certain military units.
- 19 General Steyn based his investigation on two investigative initiatives already underway and reported to President de Klerk and senior members of his cabinet on 20 December 1992. The substance of this report was that components of the South African Defence Force (SADF) – DCC, Army Intelligence, Special Forces and the 7th Medical Battalion – were involved in a wide range of illegal and/or unauthorised activity. These included the establishment of arms caches and springboards for attacks; an attempt to overthrow General Bantu Holomisa's government in the Transkei; the planting of weapons in Swaziland to discredit the ANC; corruption of DCC members in relation to arms deals; the selective leaking of information to right-wing groups; involvement in a chemical attack on FRELIMO, and corruption for personal gain.
- 20 In addition, he concluded that the security forces (and specifically 5 Reconnaissance Regiment) were probably involved in train violence; that there was probably a Chemical and Biological Warfare programme, as well as a

probable attempt to get CCB operative Danie Phaal to distribute poisoned beer to Zulu-speakers in the Transkei. Strong allegations were also made of further unlawful and/or unauthorised actions.

- 21 General Steyn indicated, however, that the intelligence was not sufficiently refined to stand up in court because of the extensive destruction of documents and other evidence, concern over the safety of sources, the fear that those implicated would resort to murder if they felt threatened, and the fact that many role-players protected each other.
- 22 De Klerk was given a staff report compiled for General Steyn by the SADF's Chief Directorate of Counter Intelligence. SADF chief General 'Kat' Liebenberg, army chief General Georg Meiring and chief of staff intelligence, General CP van der Westhuizen, were called to Tuynhuys and asked to draw up a list of people against whom action should be taken. Their list included General Thirion whom the Steyn report specifically recommended for exemption from action, and excluded other names – including those of the three generals who drew up the list – against whom the Steyn report had recommended that action *should* be taken.
- 23 The following day, De Klerk issued a statement saying that six top-ranking officials had been placed on compulsory early retirement and sixteen on compulsory leave pending further investigation. By the end of December, fifteen of the twenty-three had been cleared of possible links to illegal or criminal actions. It was announced that a board of enquiry would be constituted to examine possible illegal and/or criminal or unauthorised actions involving three SADF and four civilian members.
- 24 The Steyn documents were handed over to a team of investigators consisting of the Attorneys-General of the Witwatersrand and the Transvaal, the SAP and the Auditor-General, under the direction of Transvaal Attorney-General Jan D'Oliviera. Some of the allegations were referred to the Goldstone Commission for further investigation.
- 25 Steyn himself took early retirement in October 1993, at the age of fifty-one. His last progress report submitted to the Minister of Defence noted that few, if any, of the suspects had been questioned and that there had been little progress in gathering evidence.
- 26 In addition to Steyn Commission allegations in respect of taxi and train violence, the Goldstone Commission investigated a number of allegations of the involvement of a 'third force' in the conflict. These included the planning or instigation of acts of violence by the SAP in the Vaal area; the presence of RENAMO soldiers in KwaZulu; the existence of a 'third force' as alleged by the *Vrye Weekblad* on 30 October 1992; the existence of SADF front companies; the training by the SADF of Inkatha supporters in 1986 and of the 'Black Cats', and the involvement by elements within the SAP, the KwaZulu Police (KZP) and the IFP in criminal political violence.
- 27 The Goldstone findings initially rejected the notion of a 'third force' or 'hidden hand'. However, in his March 1994 report, "Criminal political violence by elements within the SAP, the KZP and the Inkatha Freedom Party", Goldstone alleged that the SAP were engaged in arming the IFP and pointed to attempts by senior police officers to subvert the Goldstone enquiry.

- 28 The Goldstone Commission submitted its final report in October 1994, some six months after the first democratic elections and the end of this Commission's mandate period. While the overall levels of violence dropped dramatically in the post-election period, allegations of sinister forces continued in relation to ongoing violence in KwaZulu-Natal.
- 29 The commission of gross violations of human rights by state security forces, homeland structures, the right wing and liberation movements are dealt with below.

## ■ SECURITY FORCES

### Detention and Torture

- 30 Evidence before the Commission indicates that detention<sup>1</sup> and torture continued to be used by the SAP in the early 1990s.
- 31 The majority of torture victims were short-term detainees, frequently arrested in connection with public unrest. Analysis of human rights violations statements indicates a far greater incidence of torture in rural areas and small towns than in the major urban centres. A possible explanation is the wide support enjoyed by the right wing in non-urban areas. The overwhelming majority of torture victims in this period continued to be those allied to the ANC and the Mass Democratic Movement (MDM). The Commission received fewer than ten statements from members of the IFP alleging torture at the hands of the South African security forces in the 1990s. Even taking into account the fact that fewer IFP victims came to the Commission, the disparity is marked.
- 32 The Commission received human rights violations statements from two members of right-wing organisations who were victims of torture. Phillipus Cornelius Kloppers [JB06109/03WR and AM4627/97], member of the *Afrikaner Weerstandsbeweging* (AWB) was arrested in January 1994 in connection with the roadblock killings of December 1993 on the Ventersdorp/Randfontein Road (see below), in respect of which he also applied for amnesty. He was blindfolded, bound, 'tubed' (suffocated with a tube) and subjected to electric shock treatment. Kloppers claims to have been denied medical treatment for nineteen months and to have lost 75 per cent of the mobility in his neck.
- 33 Mr Leonard Michael Veenendal [KZN/Mr/146/NC], a member of the *Orde Boerevolk* and an alleged NIS source, was detained under section 29 in July 1990. He was handcuffed and had his legs bound in chains and a balaclava pulled over his head. He was taken to a farm where he was assaulted with fists on his face and stomach until he vomited. During the night he was taken to an office and further beaten by *askaris*. On another occasion, he was told to undress and was bound to a chair. Three live wires were attached to his armpit, toes and genitals and he was subjected to electric shocks until he lost consciousness. After being revived with cold water, he was told to stand but was too weak to do so. His torturers then urinated over him. Veenendal was eventually released after a seventy-six day hunger strike.
- 34 An amnesty application was also received from a security police officer, Roelof Venter [AM2774/96], relating to the detention and 'intimidation' of a number of high-profile members of right-wing organisations.

- 35 The Complaints Investigation Unit of the Peace Accord raided the headquarters of the Internal Stability Unit (ISU) at Vosloorus in 1993 after the ANC had won an order restraining ISU members from assaulting and torturing people. Electric shock equipment and rubber tubing were found. In May 1994, after the first democratic election, Dutch observers discovered a machine for administering electric shock at the Vaal Riot and Crime Investigation Unit. According to the submission of the HRC, at least three people died in custody for security-related offences. They were Mr Clayton Sizwe Sithole, who is alleged to have committed suicide while held at John Vorster Square; Mr Lucas Tlhotlhomisang, who is alleged to have died from meningitis while held in Klerksdorp; and Mr Donald Thabela Madisha, who is said to have hanged himself at the Potgietersrus police station. In addition, there were a number of other cases of death in custody. A special investigation task team was set up in July 1991 to investigate the activities of police at the Welverdiend police station on the West Rand, dubbed the 'House of Horrors,' following numerous accounts of torture and assault and the deaths of some seventeen people in custody. Victims included sixteen-year-old Nixon Phiri and fifteen-year-old Eugene Mbulawa (see Volume Three).

WHILE THEY FALL OUTSIDE ITS MANDATE PERIOD, THE COMMISSION NOTES WITH CONCERN THE ONGOING REPORTS OF TORTURE AND DEATHS IN CUSTODY, WHICH HAVE REACHED ALARMING LEVELS. AS NOTED IN THE PREVIOUS SECTION, TORTURE OF SUSPECTS IN CRIMINAL CASES PRECEDED THE USE OF TORTURE OF POLITICAL DETAINEES. IT HAS BEEN SUGGESTED THAT SUCH METHODS WERE AND ARE ROUTINE METHODS IN POLICE CRIMINAL INVESTIGATIONS AND TO A LARGE DEGREE REPLACE ROUTINE INVESTIGATIVE WORK. THE COMMISSION RECOMMENDS THAT THE POLICE SERVICES UNDERTAKE URGENT MEASURES TO HALT THESE PRACTICES.

### **Violations associated with public order policing**

- 36 There was little change in the policing of demonstrations after 1990. Unrest and deaths continued to occur as a result of the use of deadly force. The following graphs indicate violations recorded by the Commission. While not reaching the same level as the 1984–87 period, killings by the SAP increased significantly between 1989 (the year of the Defiance Campaign) and 1990 and remained at relatively high and constant levels until the end of 1993. The breakdown reveals that over 600 of the SAP killings were the result of shooting. As the number of assassinations by known/identified security force personnel during this period was relatively small, most of these shootings would have arisen in public order policing situations.
- 37 In one incident which took place on 26 March 1990, police opened fire on a crowd of 50 000 people marching to Vereeniging to present a list of grievances. At least thirteen people died and more than 400 were injured. Many victims had been shot in the back. Police claimed to have fired in self-defence after the crowd threw stones and bottles. However, reporters present testified that they had seen no evidence of this. Participants alleged that the police had opened fire without warning. Judge Goldstone, appointed after calls for a judicial commission of enquiry, recommended that police be prosecuted. No action was taken.
- 38 On 19 April 1990, five youths were killed during a march at Viljoenskroon in the Orange Free State. The police gave orders to disperse, but it is alleged that, before the time had elapsed, a police officer shot into the air, causing panic among the crowd. The police then opened fire.

- 39 On 14 March 1991, police opened fire on a crowd of approximately 200 Daveyton residents, killing thirteen people and injuring twenty-nine. The police version was that they opened fire after they were attacked by a group which then hacked a police officer to death. A special police investigation into this incident was headed by Lieutenant General Jaap Joubert. The ANC rejected the results of Joubert's investigation. Several months later, a judicial enquiry under Supreme Court judge, Justice B Donovan, found that the police had used excessive force in their handling of the incident. In Judge Donovan's words:

*The one feature in my mind which is of decisive importance is the enormous number of rounds of ammunition (250) fired by the police ... It appears to me that the policemen involved in the incident were guilty of an excessive use of firearms in their defence and exceeded the limits of self-defence.*

- 40 The finding was referred to the Attorney-General who declined to prosecute.
- 41 On 8 April 1992, two women were shot dead and more than 100 injured in Phola Park following an attack on a 32 Battalion (SADF) patrol by unknown gunmen. Several women were also allegedly raped or sexually harassed during the twelve-hour raid. On 19 June 1992, an interim report of the Goldstone Commission found that more than 200 rounds had been fired and that the soldiers had acted in a manner "completely inconsistent with the function of a peacekeeping force and, in fact, became perpetrators of violence". The Commission recommended that the Battalion should not be used in any further peace-keeping duties. General Meiring, then chief of the army, responded that, while the army would act against any abuses, it would not withdraw Battalion 32 from the townships.
- 42 The Commission made a comprehensive finding regarding public order policing in the pre-1990 period.

THE COMMISSION FINDS THAT, IN THE POST-1990 PERIOD, THE APPROACH OF THE SAP TO CROWD CONTROL AND PUBLIC ORDER POLICING REMAINED LARGELY UNCHANGED AND EVIDENCE AVAILABLE TO THE COMMISSION INDICATES THAT LARGE NUMBERS OF PEOPLE DIED AS A RESULT OF THE UNJUSTIFIED USE OF DEADLY FORCE. SUCH DEATHS ARE GROSS VIOLATIONS OF HUMAN RIGHTS FOR WHICH THE SAP IS HELD ACCOUNTABLE.

#### Killings

- 43 During this period political opponents continued to be killed in circumstances which pointed directly to security force involvement.

#### *E x t e r n a l   k i l l i n g s*

- 44 On 22 April 1990, four members of the Chand family, Samsodien, Hajira and their two young deaf children, Amina and Ridwan, were killed, along with an unnamed security guard, in an attack on their home in Botswana. According to Colonel Eugene de Kock, the operation was authorised by Brigadier Nick Janse van Rensburg who had succeeded Schoon as head of C section. De Kock executed the operation with a team of Vlakplaas operatives. Five of the operatives involved applied for amnesty; namely, Colonel Eugene De Kock [AM0066/96], W A 'Willie' Nortjé [AM3764/96], Major Chappies Kloppe, Douw Willemse [AM3721/96] J H Tait [AM3922/96], WW Mentz [AM 2775/96],

D J Brits [AM3745/96] and Martinus Ras [AM5183/97]. Another applicant not directly involved in the operation, Izak Daniel Bosch [AM3765/96], applied for amnesty for his role in creating a decoy.

- 45 The Chands were victims of rivalries within the intelligence community – specifically in this case between the Western Transvaal Security Police and Military Intelligence’s Directorate of Covert Collections (DCC). According to evidence before the Commission from the section 29 hearing of Captain Hendrik Christoffel Nel in the late 1980s, DCC operative Tony Oosthuizen recruited Chand as a conduit for the infiltration of PAC members and APLA guerrillas into South Africa. Chand acted as a source for the Western Transvaal Security Branch but had been “put on ice” as they felt they had the PAC in Botswana under their control.
- 46 According to Nel, the Western Transvaal became concerned with this disruption to their mode of operation and because they learned that some of the APLA infiltrators had “got away” Matters came to a head after Chand brought a small PAC group into the country who, when intercepted at a roadblock, engaged in a shoot-out in which fifteen police were wounded and a number of civilians killed. “The next thing Sam Chand was eliminated.” Nel’s story is corroborated by other information collected by the Commission.
- 47 On 28 April 1990, Father Michael Lapsley [CT00654], a New Zealand citizen but long-time resident of Southern Africa, and well known for his support of the South African liberation movement, was severely injured in a parcel bomb explosion at his home in Harare, Zimbabwe. The explosive was contained in a registered package in a large manila envelope with a Dobsonville, Soweto postmark. A colleague in the room at the time, Mr Andrew Mutizwa, was slightly injured by the blast.
- 48 In his appearance before the Commission, Lapsley stated that the security authorities in Zimbabwe had warned him in 1988 that his name was on a South African hit list of targets for elimination. Given the recent spate of attacks on targets inside Zimbabwe, the warning was taken seriously and Lapsley was given a twenty-four-hour guard and warned not to open large packages. After the unbannings in South Africa in February 1990 and a statement by General Malan that there would be no further attacks in the front-line states, the protection was relaxed. The Lapsley case is the last known incident of an attempted cross-border or external killing in the mandate period.
- 49 Christoffel Nel, who had no direct knowledge of this operation, confirmed that Lapsley had been a DCC ‘target’ (for intelligence attention and not necessarily killing) since 1987, and that whenever

*Leon Nefdt (DCC operative responsible for Zimbabwe) ... presented his targets to the Generals, Father Michael Lapsley was included in the so-called support infrastructure of the Zimbabwean machinery and part of the political machinery ... there was at one stage a discussion about doing something to Father Michael Lapsley ... before I joined the CCB, about the possibility of sending him a parcel. Leon Nefdt in my presence had a discussion with a certain Colonel Hekkies van Heerden. He was known as ‘Colonel Hammer’ because it was jokingly said that he would use a hammer to kill a fly ... I think that’s exactly what happened in the case of Father Michael Lapsley, that he received a parcel.*

- 50 The one question that puzzled Nel was the timing of the operation – post-February 1990 – which made him feel that it was neither a DCC nor Special Forces/CCB operation. Joe Verster [AM5471/97], the CCB’s general manager who



appeared before the Commission, deviated only once from his position that he would not discuss external operations when, under oath, he denied that Lapsley was a CCB project.

- 51 Nel speculated that the Lapsley bombing was possibly a NIS operation. He argued strongly that NIS had an operational division with a strong presence in Zimbabwe. Its key operative, Danie du Plessis, was said to have had an intimate knowledge of the situation, particularly in relation to what was known as the 'white left'. There is other supporting evidence that NIS monitored Lapsley closely. The Commission received source reports on Lapsley dated 29 January and 8 May 1990.

### *i n t e r n a l   k i l l i n g s*

- 52 The HRC recorded large numbers of political assassinations during the early 1990s, the victims of which were largely office-bearers of the newly unbanned ANC, MK members or members of allied organisations. The security forces were allegedly responsible for several of these – including the deaths of Mr Scelo Msomi, Dr Henry Vika Luthuli, Mr Michael Mcetywa and the attempted killing of Mr Bheki Mlangeni.
- 53 According to the MK integration list, Mr Scelo Msomi [KZN/NN/340/DN] was killed by *askaris* in South Africa in 1990. Msomi had been in Tanzania in exile since 1986 and returned for an operation in June 1990.
- 54 Dr Henry Luthuli [KZN/SS/013/DN] was gunned down in his surgery in Esikhawini on 2 August 1990. The investigating officer, Detective Sergeant Derrick Ntuli, arrested a Vlakplaas member, Constable Thembinkosi Dube, for the killing. Ntuli was later taken off the case and subsequently died in mysterious circumstances. (Details of the case appear in Volume Three).
- 55 ANC chairperson in Pongola, Michael Mcetywa [KZN/HG/313/EM], was killed by local IFP member Emmanuel Mavuso [AM7921/92] on 22 November 1993. Mavuso was subsequently convicted of the murder, but evaded custody while out on bail. A co-conspirator, Mr Mdu Msibi, alleged that Mcetywa's killing had been planned by both IFP leadership and the Piet Retief Security Branch (see Volume Three).
- 56 On 16 February 1991, Johannesburg lawyer Bheki Mlangeni [JB00195/016GTSOW], was killed when he activated a Walkman music cassette player at his home in Johannesburg. The intended victim was former Vlakplaas commander Captain Dirk Coetzee. Colonel Eugene de Kock [AM0066/96] applied for amnesty for this killing, along with fellow Vlakplaas members WA 'Willie' Nortjé [AM3764/96], ID 'Steve' Bosch [AM3765/96] and W Riaan Bellingan [AM5283/97] Kobus Kopper [AM3762/96] J F 'Japie' Kok [AM3812/96], J. 'Kobus' Kok [AM3811/96], and then head of the security police's technical division, Wahl du Toit [AM5184/97]. In his book *A Long Night's Damage*, De Kock states that he was instructed to "make a plan" in respect of Coetzee by then C section commander, Brigadier Nick Janse van Rensburg, who also gave him Coetzee's postal address. Coetzee had by this time joined the ANC and was in the process of debriefing the organisation on his knowledge of security police activities. He was also due to testify in a pending civil suit against the head of the SAP forensic laboratory, General Lothar Neethling.
- 57 De Kock said that a senior officer suggested he list Mlangeni's name as the sender on the postal package, as he was a lawyer with whom Coetzee had been in regular touch and Coetzee would not find it irregular. The bomb was

prepared by the technical division and sent to Coetzee. Coetzee was suspicious of the package and refused to accept it from the Lusaka Post Office and, after some months, it was returned to its apparent sender Bheki Mlangeni, who was killed instantly when the device in the Walkman was detonated.

- 58 Several killings followed the abduction and interrogation of victims. Again, the security forces are implicated in such cases, including that of Mr Johannes Sweet Sambo, Mr Mbuso Shabalala and Mr Charles Zakhele Ndaba.
- 59 According to information supplied by Colonel Eugene de Kock [AM0066/96], Mr Johannes Sweet Sambo died in July 1991 while being interrogated by the Komatipoort security police. De Kock was requested by the head of the Komatipoort security police to help dispose of the body and assigned four members of his unit to the task. They blew the body up with explosives at a police farm in the area called Verdracht. De Kock, JJ de Swardt [AM3750/96], Kobus Kopper [AM3762/96] applied for amnesty for this killing. In his trial, De Kock received a six-year sentence for defeating the ends of justice by arranging for the disposal of the body. Later, three members of the Komatipoort police were charged with the killing.
- 60 Mr Mbuso Shabalala [KZN/NNN/138/PS], an *Operation Vula* operative, and Mr Charles Zakhele Ndaba [KZN/NN/076/DN] disappeared in KwaMashu in July 1990. Shabalala's car was later found in Camperdown cut into pieces. According to amnesty applicants General 'Bertus' Steyn [AM4513/97] and HJP 'Hentie' Botha [AM4117/97], Shabalala and Ndaba were detained for about seven days before being killed at the Tugela River mouth on 14 July 1990. Their bodies were thrown into the Tugela River. The applications implicate two high-ranking police officers. Other officers who have applied for amnesty in this case are SJG du Preez [AM4130/96], LG Wasserman [AM4508/96] and CA 'Cassie' van der Westhuizen [AM4388/96].
- 61 On 26 March 1992, Mr Khona Khabela, Mr Tiisetso (Tiso) Leballo [JB00241/ 01GTSOW], Mr Masilo Mama, Mr Mxolisi Ntshaota and Mr Lawrence Nyalende were killed near Nelspruit when the car in which they were travelling was ambushed. According to Colonel Eugene de Kock, he had been persuaded that a group led by Leballo was planning to rob a bank to build up the ANC's election funds. Leballo was known to the police as Winnie Mandela's former driver and a trained ANC member. Leballo was not in the vehicle but was reportedly picked up by Vlakplaas members soon afterwards and killed. De Kock was convicted for his role in these killings. During the trial, evidence was led that the motive for the ambush was not political but financial. De Kock [AM0066/96] applied for amnesty, along with Rolf Dieter Gevers [AM3752/96], Deon Gouws [AM3759/96], JJ de Swardt [AM3750/96], Ben Burger van Zyl [AM7722/97], JHP Hanekom [AM3886/96].
- 62 Members of the security forces were also responsible for deaths in custody or arising out of the process of effecting an arrest.
- 63 Mr Samuel Mzuga Baloi [KZN/ZJ/111/WE] was unarmed when he was killed in Gugulethu on 22 February 1990 by *askaris* acting under the command and with the approval of their commanders in the SAP. Officially, Baloi was found to be carrying "a grenade of foreign origin" and attempted to flee when confronted by the police.
- 64 Constable Alfred Benjamin Bambatha, a disaffected SAP member who had earlier been in charge of a group of *askaris* in the Eastern Cape, told the Commission that he was equipped by his senior commander with an attaché

case containing grenades and pistols with the instructions to plant these on any MK persons who were killed, in order to justify the death.

*I recall an incident in Cape Town during late 1989 or early 1990 in Gugulethu Township, when a male person was pointed out by the askaris. After stopping the vehicle, I approached him and informed him that I was a police official whereupon he ran away. As a result of this, the askaris jumped from the vehicle and chased the man whilst firing at him. Myself and Constable Koopman ... tried to stop them but they succeeded in fatally shooting the man. I then approached the body, discovering that he was dead as well as unarmed.*

*I had the attaché case with me and sent the askaris back to the Kombi so that they could not see what I was doing. I then placed a F1 hand grenade in the dead man's pocket under the guise of trying to help him as members of the community were watching. This fact made it impossible to place the Makharov pistol next to him ... In the process of pointing out a terrorist, it was the preference of the askaris that the person be killed as they feared that, should the court set him free or he speak to other terrorists about their involvement, they themselves would be killed ... I later also made a statement that I had discovered the F1 hand grenade on his person. After the incident, the Captain complimented me on my actions and pertinently stated that it was better that the terrorists be killed to prevent their possible release.*

- 65 Mr Mthunzi Velemseni Njakazi [KZN/NN/063/DN], a returnee, was shot in the legs and chest by the Security Branch on 28 January 1991. The Durban City police called an ambulance but the Security Branch allegedly delayed the victim's getting to hospital and he subsequently died. Police claimed that they shot Njakazi because he was attempting to steal a white woman's bag [see AM3770/96].
- 66 Former security policeman Andy Taylor informed Warrant Officer Tjaart Fourie of the Security Branch that one of his askaris had been involved in a shooting incident, and instructed him to go to the scene and give assistance. Fourie took a Russian grenade to plant on the victim to cover-up the killing.
- 67 On 7 July 1991, Mr Madoda Mkhize [KZN/NN/162/PM] and returnee Mr Thulani Xaba were shot by police in Port Shepstone. Xaba died, but Mkhize escaped from the hospital and was shot again in Durban.
- 68 Mr Wellington Mbili, a nineteen-year-old MK member [KZN/AB/011/PS and KZN/NN/225/PS] died on 4 October 1993 while in police custody. He had been arrested by Transkei police for alleged possession of a firearm and transferred into the custody of the SAP at Port Shepstone for investigation into the alleged killing of a police officer in Gamalakhe on 14 August 1993. Witnesses claimed they had seen him being taken out of a police van in handcuffs in a bushy area near his home and then heard gunshots. Police claimed that two detectives had taken him to the area to recover exhibits and that Mbili, pointing into thick bush, suddenly produced a grenade. One police officer fired a shot in self-defence, and the grenade exploded killing Mbili instantly.
- 69 On 17 January 1994, three people were killed in an alleged armed attack on a satellite police station in Pine Street, Durban. Two of the victims were allegedly APLA members and the other a bystander. The PAC denied responsibility for this attack.<sup>2</sup> According to ballistic tests carried out by Mr T Wolmaraans, the earlier investigation carried out by Warrant Officer van Biljon and Dr Book was a cover-up. Two police officers present during the shooting claimed they

were fired at. However no AK or handgun bullets were found in the charge office and the weapons used by the police were not examined.

- 70 Members of the security forces were also responsible for some killings within their own ranks. The order to kill *askari* Brian Ngqulunga, who had testified at the Harms Commission on the killing of Mr Griffiths Mxenge in Durban, allegedly came from a senior officer at Security Branch headquarters with the full knowledge of his superior. Willem Riaan 'Balletijies' Bellingan [AM5283/97], Pieter Hendrik Botha [AM5458/97], Colonel Eugene de Kock [AM0066/96], Captain Willem Wouter Mentz [AM2775/96] and Willem Albertus 'Willie' Nortjé [AM3764/96] applied for amnesty for the killing.
- 71 In their applications, they report that a fellow *askari*, Mr Simon Radebe, was assigned the task of befriending Ngqulunga. On 19 July 1990, Radebe took Ngqulunga to the Skurwebergpad near Vlakplaas, where he handed him over to Dave Baker, W Riaan Bellingan, Pieter Hendrik Botha and Captain Wouter Mentz, who tied him up and hit him till he was unconscious. They then drove him to Bophuthatswana where Bellingan shot him. Nortjé and De Kock then met them in Pretoria and drove to Johannesburg where they spent the night in order to create an alibi.
- 72 *Askari* Goodwill Neville Sikhakane [KZN/MR/011/DN] was killed near Greytown on 21 January 1991. Colonel Eugene de Kock, Dawid "Duiwel" Brits [AM 3745/96], JJ 'Blackie' de Swardt [AM3750/96], Larry Hanton [AM4076/96] and Willie Nortjé [AM3764/96] applied for amnesty for his killing.
- 73 Andy Taylor claimed that he suspected that Sikhakane was a double agent, and so supplied him with false information. This information got back to Taylor via other sources in Swaziland, proving Sikhakane was indeed assisting the ANC. A senior Security Branch general instructed Taylor to kill Sikhakane, but to use outside people to do so. Taylor contacted Eugene de Kock and the Vlakplaas operatives killed him a few days later. The authorisation by high-ranking Security Branch personnel is confirmed in the published account by De Kock who implicates both General 'Bertus' Steyn, then Officer Commanding the Port Natal Security Branch, and the then head of the C section, General Krappies Engelbrecht. Nortjé allegedly received a cash bonus of R2 000 after the operation.
- 74 Mr Johannes Temba Mabotha, allegedly a trained MK member, was arrested at Potgietersrus and became an *askari*. He was assigned to work with former *Koevoet* member Colonel Jan Daniel Potgieter at the Soweto Intelligence Unit, and apparently became involved with the Mandela United Football Club. It is not clear whether this was part of his work as an *askari*. At some stage, Mabotha's loyalty was questioned and, following a meeting with Vlakplaas members, he was taken to a farm and interrogated. According to De Kock, Mabotha was tortured so severely that he could not be released and was handed over to the Security Branch at Soweto and kept there until his injuries had healed.
- 75 De Kock claims that, when Mabotha was due for release, he was asked "to make a plan". Potgieter handed Mabotha over to Vlakplaas operatives and they took him to the Penge mine where he was again interrogated. Mabotha was then taken to the bottom of a quarry on the premises. De Kock continues:

*Explosives had already been placed there ... When Mabotha saw the explosives there he turned round and looked at me. I shot him twice in the heart with a .38 Special revolver. He died immediately.*

- 76 Members of Vlakplaas then repeatedly detonated explosives until there were no remains left.
- 77 Amnesty applicants in respect of this incident include Captain Willem Wouter Mentz [AM2775/96]; Sergeant Dawid Jacobus 'Duiwel' Brits [AM3745/96]; Colonel Eugene De Kock [AM0066/96]; and Colonel Jan Daniel Potgieter [AM5418/97]. While De Kock and Mentz give 1992 as the date of the incident, Brits and Potgieter claim that it took place on 4 October 1989.

THE COMMISSION MADE COMPREHENSIVE FINDINGS IN RESPECT OF EXTRA-JUDICIAL KILLINGS IN THE PRE-1990 PERIOD.

EVIDENCE BEFORE THE COMMISSION INDICATES THAT, IN THE POST-1990 PERIOD, THE SAP CONTINUED TO CARRY OUT EXTRA-JUDICIAL KILLINGS AND ATTEMPTED KILLINGS, BOTH INTERNALLY AND EXTERNALLY. TARGETS INCLUDED HIGH-PROFILE POLITICAL ACTIVISTS PREDOMINANTLY ASSOCIATED WITH THE ANC. THE COMMISSION FINDS THAT SUCH EXTRA-JUDICIAL KILLINGS TOOK THE FORM OF ASSASSINATION, AMBUSHES AND ENTRAPMENT KILLINGS, KILLINGS AND ATTEMPTED KILLINGS BY WAY OF PARCEL BOMBS. THE COMMISSION FINDS THAT THESE ACTS CONSTITUTED GROSS VIOLATIONS OF HUMAN RIGHTS FOR WHICH THE SAP ARE HELD ACCOUNTABLE.

## Raids

- 78 On 8 October 1993, five sleeping youths including two twelve-year-old children were shot dead in a SADF raid on an alleged APLA base at the Mpendulo residence in the Northcrest suburb of Umtata. A press statement released by the then Minister of Defence HJ 'Kobie' Coetsee a week later stated that the raid was based on intelligence provided by three suspects in detention. Ostensibly the raid was to pre-empt attacks on civilians by APLA operatives, allegedly using the Transkei as a base from which to launch such attacks.
- 79 General Georg Meiring, chief of the army at the time of the attack, said in a section 29 investigative enquiry that more than fifty APLA attacks had been launched across the Transkei border in the period preceding October 1993 and that the role of the Transkei in providing both a safe haven for the APLA high command and APLA operatives, and in providing military training, had been confirmed by a Goldstone Commission enquiry. The State Security Council (SSC) had discussed the situation in August 1993. During September, the SADF received information from the SAP regarding the use of the Mpendulo residence as an APLA arms facility and base from which attacks in the Eastern and Western Cape were launched. According to this intelligence, some eighteen APLA operatives stayed at the house.
- 80 General Meiring indicated that he relied on then director of operations Brigadier Castleman, and a senior staff officer for intelligence, Colonel Gibson for the planning of the operation. With the approval of Minister Coetsee, an army reconnaissance mission was launched on 2 October 1993. This confirmed the SAP's intelligence but, on Meiring's admission, was unable to confirm whether weapons were indeed stored there. Further, the reconnaissance mission withdrew at approximately 20h00 on 7 October, hours after authority had been given "to conduct a limited strike on the house" in order "to neutralise the target". This authorisation emanated from a meeting of the SSC attended by, *inter alia*, Ministers Kriel, Coetsee, Pik Botha and then State President FW de Klerk.

- 81 The strike was conducted by the 45 Parachute Brigade, under the command of Colonel Hannes Venter. According to Meiring,

*the attacking force ... left their base at 20h00 ... by road and crossed the border at about midnight. The attack took place on 080245 bravo (02h00). When the attacking force reached the house, the house was dark ... The door was kicked open and because of security reasons, they did not switch on the lights ... but used flash lights, they were prepared to find as many as twelve people. There were actually only five persons in the house and all were killed because they reacted hostilely (sic).*

- 82 Asked to explain what he meant by “hostilely”, Meiring said that one of the youths had sat up with a weapon in his hand. While the operatives had been given instructions to incur minimum loss of life, they were also told to avoid endangering themselves and, in this respect, had a license to shoot. Asked whether such a license included a license to shoot to kill, Meiring replied: “...a soldier is never trained [to do] anything but shoot to kill. There is no way of asking how to shoot, you shoot for effect if you do shoot”. The police docket indicates that seventy-eight cartridges and twenty-six projectiles were found in the house. Four of the five victims were shot in the head.

- 83 After the shooting, a few weapons were allegedly found, together with some documentation. However, while the attacking team confirmed the existence of a reinforced storage room outside, supposedly for weapons, the expected weapons cache did not materialise. Further, in the furore that followed the raid, lawyers for the family arranged for an international US forensic expert to examine the seized weapons. The SADF has thus far failed to produce such weapons.

- 84 The following people were killed in the raid: Mzwandile Mfeya (12 years), Sandiso Yose (12 years), twins Samora and Sadat Mpendulo (16 years) and Thando Mtembu (17 years).

- 85 In 1995, the Government of National Unity issued the following statement, drawn up according to Minister of Justice Dullah Omar in consultation with President Mandela and Deputy President FW de Klerk:

*The raid on the house in Umtata was authorised on the strength of the intelligence provided by the security forces, that it was being used as an armed cache for attacks against civilians in other parts of South Africa. That information was inaccurate at the time of the operation and the killing of the youthful occupants was unjustified and inexcusable.*

THE COMMISSION FINDS THAT THE KILLING OF THE FIVE YOUTHS IN THE SO-CALLED UMTATA RAID WAS A GROSS VIOLATION OF HUMAN RIGHTS FOR WHICH THE FORMER SSC AND THE FORMER SADF ARE HELD ACCOUNTABLE. IN PARTICULAR, THE COMMISSION FINDS THAT THE WITHDRAWAL OF THE RECONNAISSANCE TEAM SOME EIGHT HOURS BEFORE THE OPERATION MEANT THAT THE SADF HAD NO REAL WAY OF KNOWING WHO WAS IN THE HOUSE AT THE TIME OF THE RAID AND REGARDS THIS AS GROSSLY NEGLIGENT. THE COMMISSION FURTHER FINDS THAT THE FAILURE OF THE SADF TO PRODUCE THE WEAPONS ALLEGEDLY SEIZED IN THE HOUSE FOR INDEPENDENT FORENSIC EXAMINATION CASTS DOUBT ON THE EXISTENCE OF THE SAID WEAPONS.

## **Alleged police complicity in political violence**

- 86 Allegations of police complicity in the violence that plagued pre-election South Africa included both the failure to act against perpetrators of violence as well as the provision of tacit or active support for one side of the conflict.

*Failure to act against perpetrators*

- 87 By August 1990, there were ongoing tensions between residents of Khalanyoni Hostel and the Phola Park squatter camp in Thokoza. These tensions came to a head shortly after the IFP launched a recruitment drive. After non-IFP members fled the hostel, residents from Phola Park attacked the hostel, destroying it brick by brick. The SAP's initial response was that the conflict was a factional one and that they would "not get involved in a political fight" between Xhosa and Zulus.
- 88 In Sebokeng, twenty-three people were killed in an initial attack and a further fifteen people in a subsequent attack by the SADF which opened fire on a crowd on 3 September 1990. (Sebokeng had also been the scene of a massacre in March 1990.) The first attack on the Sebokeng hostel was carried out by Inkatha supporters, armed with guns, hand grenades, home-made bombs, spears and axes and was an attempt by those who had been evicted from the hostel in July to regain their former residence. In the conflict that ensued, residents of Sebokeng trapped the attackers in a block in the hostel. The police managed to keep the opposing forces apart, thus preventing further casualties.
- 89 The second attack occurred when members of the SADF opened fire without provocation on a crowd which had gathered outside the hostel and was demanding that police wait for the arrival of ANC leaders before they proceed to remove the attackers, at that time holed up in the hostel (see further Volume Three). Although a judicial enquiry found that the SADF members had displayed unprofessional behaviour, no action was taken against them.
- 90 The actions of the Khetisi gang, led by Mr Victor 'Khetisi' Kheswa, are covered in some detail in Volume Three. Initially little more than a criminal gang, the Khetisi gang appears to have begun a reign of terror in Sebokeng appears to have begun when Kheswa established links with the IFP, giving him access to arms. The gang members were arrested for their involvement in the Nangalembe night vigil massacre on 12 January 1991, but were eventually acquitted due to lack of evidence.
- 91 Vaal police officer Masoli Meshack Mahlatsi stated in an *affidavit* that Kheswa and his gang were often detained in the police cells but received special food and treatment. He claimed that Kheswa often said that he and his gang were working together with the police. Further evidence of a link is the fact that Kheswa is known to have watched the proceedings of the funeral of ANC leader Ernest Sotsu's family from a police Casspir, despite the fact that he was widely believed to be the perpetrator of their killing. Kheswa eventually died under uncertain circumstances while under arrest in connection with the killing of nineteen people in Sebokeng in April 1993 and sixteen people in Sebokeng and Evaton in June 1993.
- 92 Mahlatsi indicated that, on the day Kheswa died, he was threatening to speak of his links with the police. Another member of the Khetisi gang, Mr Daniel Mabotho, a suspect in the Boipatong massacre, died shortly thereafter, having been struck by the car of Kheswa's arresting officer, Detective Sergeant Peens. At the time, and against the judge's instructions, Mabotho and three other suspects was being transported to take part in an identification parade. The dockets concerning the deaths of Kheswa and Mabotho have, according to the SAPS, 'gone missing.'

- 93 On 12 May 1991, twenty-seven people were killed and scores were injured in a pre-dawn attack on Swanieville informal settlement by approximately a thousand IFP hostel-dwellers from Kagiso. There were numerous allegations of police complicity in the attack. These included an allegation that the attackers had been escorted by armoured police vehicles as they made their way to Kagiso; that residents had been advised by the police to go to sleep early and stay off the streets; and that the police had confiscated weapons from Swanieville residents during a raid the previous day, while making no attempt to halt or disarm the attackers during the attack; and that balaclava-clad white men were among the attackers. The police were also alleged to have escorted the attackers back to their hostel. Police did not deny this but stated that this was to prevent a further attack on Kagiso residents.
- 94 Several IFP members were arrested, but subsequently acquitted owing to a lack of evidence. In his judgement Judge CJ Botha said that the fact that so few had been brought to trial was a "scandal". The judge noted the police's failure to call in the video unit, thus making positive identification of attackers difficult. The judge noted further that such actions reinforced public criticism and speculation about the role of the police.
- 95 At least forty-five people were killed in the night attack on Boipatong on 17 June 1992, allegedly launched from KwaMadala hostel in the Vaal. A number of witnesses reported that white men were part of at least one group of attackers. The monitoring organisation Peace Action noted that police failed to act on warnings of the impending attack (see further Volume Three).
- 96 After the Sebokeng massacre, an independent police team was appointed by Goldstone to assess the SAP's response to and subsequent investigation of the incident. The team, headed by Dr PA Waddington, produced a report that was highly critical of the police investigation into the massacre, describing it as "woefully inadequate in a number of respects". However Waddington ascribed this to "an absence of suitable organisational structures to facilitate effective policing" and said that "omissions arose not from deliberation, but incompetence".
- 97 The Goldstone Commission of Inquiry set up in the wake of the massacre had to suspend its work when crucial tapes recorded in the Vereeniging command office of the Internal Stability Unit at the time of the massacre were mysteriously wiped blank. The SAP's Major Davidson attributed the erasure of the tapes to "a technical problem I am unable to explain". The carefully worded report of British intelligence specialists said the superimposition of material on the recordings "may not have been accidental" and that "the technical evidence suggests that this may have been done deliberately and hurriedly to obscure the contents".
- 98 In March 1994, seventeen KwaMadala hostel residents were convicted and sentenced to prison terms of between ten and fifteen years on various charges of murder, attempted murder, and public violence in connection with the Boipatong massacre. They were subsequently released on bail pending the outcome of an appeal against their convictions in the Appellate Division of the Supreme Court in Bloemfontein. When the trial began in 1993, there were seventy-four accused. Charges against sixty-three of the accused, some of whom became state witnesses, were withdrawn during the course of the trial and eleven people were acquitted due to lack of evidence.
- 99 In the course of the trial of the KwaMadala residents, SAP Lieutenant D C van der Merwe told the court that his superior officer, a Major van Wyk (who has since retired), ordered the destruction of eight 9mm bullet shells and



bullet heads which had been found at the scene of the massacre. Van der Merwe told the court that he could not tell whether the eight shells and heads were standard police issue. He said that, as far as he knew, the shells and heads had never been subjected to ballistic tests.

THE COMMISSION FINDS THAT, IN THEIR APPROACH TO THE PREVENTION AND INVESTIGATION OF POLITICAL VIOLENCE, THE SAP WAS BIASED IN FAVOUR OF THE INKATHA FREEDOM PARTY AND THAT THEIR FAILURE TO INTERVENE IN AND TO PROPERLY INVESTIGATE SUCH VIOLENCE LED TO LARGE NUMBERS OF GROSS VIOLATIONS OF HUMAN RIGHTS AND STRENGTHENED THE PREVAILING CULTURE OF IMPUNITY. THE SAP IS ACCOUNTABLE FOR THE GROSS VIOLATIONS OF HUMAN RIGHTS THAT RESULTED FROM THEIR ACTIONS.

### *Provision of weapons to the IFP*

- 100 The March 1994 Goldstone report into criminal acts committed by members of the SAP, the KZP and the IFP implicated senior policemen not only in the supply of weapons to the IFP, but in attempts to thwart the Goldstone investigation into the issue. Subsequent evidence in the State vs Eugene de Kock and before this Commission corroborates the fact that the SAP, largely through Vlakplaas operatives, supplied the IFP with a considerable amount of weaponry during the 1990s. The Commission received a number of amnesty applications in connection with the supply and manufacture of weaponry for the IFP, including those of WA 'Willie' Nortjé [AM3764/96], AJ 'Brood' van Heerden [AM3763/96], WW Mentz [AM2775/96] and Eugene de Kock [AM0066/96]. Further applications were received from IFP recipients of some of these weapons.
- 101 Evidence before the Commission reveals that much of the weaponry supplied to the IFP was originally acquired from *Koevoet*, a Security Branch counter-insurgency unit based in Namibia. Many of the members based at Vlakplaas had previously been members of *Koevoet*. Several members of Vlakplaas applied for amnesty for the transport of weapons from Namibia to Vlakplaas. It would appear that this occurred on the orders of Brigadier Schoon on at least four occasions during the mid- to late 1980s. The weapons came from the stores of *Koevoet* as well as the SADF's Oshivelo base in Namibia. They included AK-47s and ammunition, M26 and Russian hand grenades and explosives, SADF explosives, Russian and SADF limpet mines, light machine guns, SAM7s, mortars, RPG pipes and ammunition, and various other items.
- 102 The initial link with the IFP was made during 1990 by a former Vlakplaas operative Andries (Brood) van Heerden, who had joined the security division of ABSA Bank in Johannesburg. In June 1990, Van Heerden was introduced to Mr Themba Khoza of the IFP who asked him to supply the IFP with weapons. Van Heerden then approached Colonel Eugene de Kock, and subsequently acted as the liaison person between the IFP and Vlakplaas. By De Kock's admission, he initially took on this role without higher authorisation, but says:

Ek het ... geweet dat hierdie hulpverlening in lyn was met die algemene gevoel oor die IFP onder polisie geledere ... ene Kaptein Frederick Botha het byvoorbeeld aan my gesê dat 'n massiewe hoeveelheide gelde deur die polisie bewillig is vir die IFP. (*I knew that this assistance was in line with the general feeling about the IFP amongst police members ... one Captain Frederick Botha, for instance, told me that a massive amount of money was earmarked by the police for the IFP.*)

- 103 Later, De Kock had a discussion with Major General Krappies Engelbrecht and Major General Nick Janse van Rensburg, then head of Section C, and they authorised him to manufacture home-made firearms for the IFP. After discussing the financial aspects with General Basie Smit, Janse van Rensburg told De Kock to make false claims sufficient to make 100 home-made weapons. De Kock then telephoned Snor Vermeulen and Daniel Snyman and they arranged to have the weapons designed and made. The cost of the weapons was about R60 000. One hundred weapons were distributed to Themba Khoza and Jac Büchner, then commissioner of the KZP.
- 104 According to the amnesty application of Mr Derek Rausch, he assisted Vlakplaas members Lionel Snyman and Snor Vermeulen to make home-made explosive devices. Rausch, a precision engineer and an ex-Rhodesian police officer (BSAP) had an engineering shop next to Mechem, a subsidiary of Armscor and frequently worked for them. Rausch bought the material and Lionel Snyman and Snor Vermeulen provided the explosives to build the explosive devices from Vlakplaas stores. In his amnesty application, Johann Verster stated that, on instruction from his superior at Mechem, he provided Snyman and Vermeulen with three tons of 107mm Chinese rockets and explosives to be used in the manufacture of home-made pipe bombs and hand grenades and that he assisted in their manufacture at Snyman's house. According to Verster, these explosives were intended for Inkatha.
- 105 Later Snyman and Vermeulen again approached Rausch to assist them in making home-made shotguns. Joe Verster of Mechem assisted with this project and Snyman told him that Basie Smit approved of the project. They made approximately 200 shotguns. According to Verster, Snyman later told him that General Le Roux was present when the prototype was tested and was very happy with the results. Both Rausch and Verster were told that the guns were intended for Inkatha. In his amnesty application, Douw Willemse stated that he assisted Snor Vermeulen and Lionel Snyman to test home-made weapons, on the instruction of De Kock.
- 106 Johann Verster also assisted Vermeulen and Snyman by removing identification marks from M26 hand grenades by painting them with black paint. Interviews with Vlakplaas members revealed that the hand grenades were modified in the following fashion: all the serial numbers were taken off, they were painted black and a piece of gut was connected between the hand grenade lever and the hand grenade in order to keep the lever close to the explosive point and destroy it completely.
- 107 Similarly, Rausch assisted in modifying AK-47s for the police. According to interviews with Vlakplaas members, some of the AK-47s given to Themba Khoza as well as those kept at Mechem were modified: they were shortened by removing the butts to make them easier to carry and conceal. Some of the AK-47s barrels were shortened, serial numbers were welded over and then ground off.
- 108 When De Kock realised that Khoza was only the youth leader of the IFP, he asked to meet Mr Humphrey Ndlovu, IFP leader in the Transvaal and an IFP Minister. He and Willie Nortjé met Mr Victor Ndlovu, Mr Themba Khoza, Mr Humphrey Ndlovu and the Reverend Celani Mthetwa at Brood van Heerden's home. It was agreed that one last batch of weapons, including two or three home-made explosive devices, made by Snyman, Vermeulen and Verster, would be given to Khoza.
- 109 According to Van Heerden, several further meetings were held and attended by Colonel De Kock, Warrant Officer Willie Nortjé, then Lieutenant Chappies Klopper, Lieutenant Piet Botha and Sergeant Charlie Chate from Vlakplaas.

Minister C J Mthetwa (IFP KwaZulu Natal), Themba Khoza, Humphrey Ndlovu, Ms Dlomo, Viktor Ndlovu and James Ndlovu attended on behalf of the IFP.

- 110 Nortjé obtained weapons from De Kock on a regular basis and delivered them to the above-mentioned IFP members. The weapons delivered included: M26 hand grenades, black M26 hand grenades, AK-47s, SKS machine guns, home-made shotguns, R4s, Makarov and Tokarev pistols, landmines, a magnetised car bomb and a variety of ammunition. De Kock further states in his application that between twenty-four and thirty black hand grenades and AK-47s were taken by De Kock and Nortjé to Revd Mthethwa's house in Natal, and on a second occasion another six or eight AK-47s plus ammunition were similarly delivered. On at least one other occasion, De Kock handed pistols to Mthetwa in Johannesburg.
- 111 Van Heerden claims that in 1993 he and Mthetwa were responsible for the formation of a self-protection plan in which the Johannesburg mid-city and all the IFP hostels were divided into self-protection teams. A copy of this plan is with the office of the Attorney-General in Gauteng and allegations of a similar nature appear in the Staff Report compiled by the Steyn investigation.
- 112 All the weapons and ammunition in the possession of Themba Khoza were distributed to the IFP hostels. An IFP supporting *induna* was identified in each hostel as the person who would distribute the weapons to IFP supporters. In addition, groups like the 'Black Cats' also received weaponry.
- 113 Some IFP members who applied for amnesty corroborate the above allegations. They include Mr David Zweli Dlamini [AM3685/96] a Caprivi trainee and hit squad member, Mr Bhekisa Alex Khumalo (aka Sosha) [AM4027/96], Mr Mhlupheni Petros Khumalo [AM2780/96] Mr Phupha Philemon Hlela [2779/96], Mr Israel Hlongwane [AM4600/97] and Mr Daluxolo Luthuli [AM4018/96].
- 114 Themba Khoza was arrested with a car load of weapons at the scene of the Sebokeng massacre in September 1990 and charged with unlawful possession of firearms and ammunition. Despite apparently strong evidence, charges against him were dropped, primarily because no fingerprints were found on any of the weapons, making it impossible to link them to any of the attackers. In addition, the court accepted Khoza's explanation that he had handed the keys of the car over to another IFP member and there was therefore a possibility that somebody else could have placed the weapons in the vehicle.
- 115 Subsequent amnesty applications indicate that Vlakplaas operatives Brood van Heerden and Willie Nortjie supplied Khoza with weapons which were used in the Sebokeng massacre, including AK-47s, black hand grenades and home-made bombs. Vlakplaas operative Willie Nortjé stated that the weapons used in the massacre were tampered with so that they could not be linked to the crime by forensics testing. Two Vaal policemen, Arthur John van der Gryp [AM4373/96], a warrant officer in the special Unrest Investigation Unit created to investigate political violence, and head of the Vaal Security Branch Jacobus Francois Conradie [AM4123/96], both admitted to removing and tampering with evidence in order to secure Khoza's release. The car in which the weapons were found at the scene of the Sebokeng massacre was also allegedly supplied by Vlakplaas. Khoza's bail money was supplied by Vlakplaas.

116 According to Colonel Eugene de Kock, he delivered six ten-ton truckloads of sophisticated weaponry to Mr Philip Powell for use in the self-protection unit (SPU) training project in KwaZulu-Natal. De Kock and Powell had been introduced by members of the Durban Security Branch. De Kock asked Jac Büchner whether Powell was somebody “he could walk the road with” and Büchner stated that he could be trusted.

117 De Kock met Powell on two further occasions and arrangements were made for the supply of weapons to the SPU project. A Mechem official, Joe Verster, notes that De Kock telephoned him and told him that he wanted the weapons he had stored at Mechem and any further weaponry available. Theo van Dyk (manager at Mechem) gave permission for De Kock to collect the weapons.

118 De Kock obtained access to Mechem stores in October 1993 and collected

‘n groot hoeveelheid ammunisie, geweer granate, ek dink daar was ses vuurpylrigters gewees met ‘n redelike groot hoeveelheid vuurpyle. Daar was een 81 millimeter mortier met ‘n klomp bomme gewees. Ek dink daar was twee of drie 60 millimeter mortierpype met bomme gewees, skrootmyne. *(a large quantity of ammunition, rifle grenades, I think there were six rocket launchers with a reasonable number of rockets. There was one 81mm mortar with a large number of bombs. I think there were two or three 60mm mortar pipes with bombs, Claymore mines.)*

119 At the time, De Kock was no longer in the employ of the SAP. He told the Commission that he had used an old police ID card to get into the gate and that no one knew he was no longer in the SAP.

120 At the same time as the weapons were delivered to Powell, Vermeulen, other Vlakplaas members and *askaris* went to Mlaba camp to assist with training in their use. Vermeulen stated that he was paid between R5 000 and R7 000 for the training and that Powell told him that the money had been obtained from a co-owner of a Zulu newspaper. Later, General Krappies Engelbrecht told him not to do any further training. He said he himself felt that the training had a political flavour, that he was training a private army and was not prepared to continue.

121 Acting on information received from Mr Israel Hlongwane in January 1994, a joint TEC/SAP raid was carried out on the Mlaba camp on 26 April 1994. A large quantity of weapons and ammunition was found in a rondawel at the camp, including twenty-six M26 hand grenades, five rifle grenades, seventy-six G-3 rifles, forty-nine shotguns and a large amount of ammunition. These weapons, together with a large number of documents, were seized. According to the SANDF, the hand grenades and detonators were SADF issue.

122 During the raid, Phillip Powell's vehicle was searched and two boxes of ammunition (.222 and shotgun rounds), a Ruger semi automatic firearm and a 9mm pistol were discovered. Concealed under his front seat was a ‘home-made’ shotgun. One of the musketry instructors, Sergeant Obed Zwelihle Nxumalo, identified the home-made firearm as belonging to Powell. Powell himself claimed that the firearm was found in one of the buses leaving the Mlaba camp and that he had intended to hand it into the Ulundi police station. He also claimed that he did not have any knowledge of the grenades found at the camp and had possession of the armoury key only for a short period on 27 and 28 April. Natal Attorney-General Tim McNally said that there was insufficient evidence to rebut Powell's explanation in respect

of the firearm and decided not to prosecute. Eugene De Kock was subsequently charged on various counts related to the illegal possession of weaponry transported to Powell and convicted.

- 123 According to De Kock, he kept a register of the recipients of weapons and ammunition but handed this to General Krappies Engelbrecht before his arrest. De Kock also claimed that he had given General Steyn of Durban a complete list of all the firearms given to Themba Khoza. This is confirmed by Rausch who states that “Eugene told me that he was ordered by the Generals to destroy all of [the documentation] which we did”.

THE AMNESTY APPLICATIONS RELATING TO THE SUPPLY OF WEAPONS BY THE SAP TO THE IFP HAVE AT THIS STAGE NOT BEEN HEARD AND THE COMMISSION IS THUS UNABLE TO MAKE A FINDING ON THIS ISSUE. HOWEVER, SUFFICIENT EVIDENCE IS AVAILABLE FOR THE COMMISSION TO MAKE A FINDING THAT FORMER SAP OPERATIVES PROVIDED SUBSTANTIAL AMOUNTS OF UNLICENSED HEAVY WEAPONRY, EXPLOSIVES AND AMMUNITION TO SENIOR MEMBERS OF THE IFP IN THE POST-1990 PERIOD.

### *Security force involvement in SDUs*

- 124 Evidence before the Goldstone Commission revealed that Phola Park SDU member Michael Phama was a police informer and had been instrumental in planning and carrying out the attack on IFP supporters on 8 September 1991, in which eighteen IFP supporters were killed (see Volume Three).
- 125 In Khayelitsha, Cape Town, the conflict between *witdoeke* and an ANC SDU was exacerbated when the ANC denied the SDU access to weaponry in an attempt to control the violence. A former *witdoek* leader Mr Prince Gobingca, who has been found by the Commission to have worked for both the Security Branch and Military Intelligence, established a relationship with the SDU in September 1993 and provided weaponry and other assistance in order to facilitate their attacks on ANC members (see Volume Three).
- 126 In Richmond, the Security Branch recruited both of the key protagonists in the conflict – Sifiso Nkabinde (ANC) and David Ntombela (IFP) (see Volume Three)
- 127 The reluctance of the intelligence community to reveal the names of past sources was a great hindrance to the Commission. Without identifying who was working for whom, the Commission was limited in its ability to uncover the dynamics and causes of violent conflict within communities.

### *Allegations of security force involvement in train violence*

- 128 Train violence first emerged in July 1990 with a series of attacks on commuters travelling on the Johannesburg–Soweto line, which left one person dead, and approximately thirty injured. Between 1990 and 1993, approximately 572 people were to die in more than 600 incidents of train violence. Only three people were convicted. Two applied to the Commission for amnesty.
- 129 Over time, the violence developed a momentum of its own. Unplanned group attacks and individual killings became more frequent than planned, orchestrated incidents involving large groups of people. Most early attacks were

characterised by large groups of men (up to 300), often dressed in red headbands and using anything from iron rods to automatic weapons. Gunmen would open fire from train station platforms or spray commuters with bullets from inside coaches.

- 130 Young and old, male and female and supporters of all political parties fell victim to the violence, suggesting that it aimed at causing general terror rather than at achieving a clear political objective.
- 131 Amnesty applicants to the Commission seem to support this thesis. However, there were points at which the connection between negotiations and an escalation of train violence appears clear. The launching of Inkatha as a national political party and the suspension of the armed struggle by the ANC in July 1990 and the announcement of a date for elections in July 1993 saw a general rise in political violence.
- 132 The two IFP supporters who applied for amnesty for their part in the train violence both stated that they saw themselves as participating in a political conflict between the ANC and IFP. Mr Felix Ndimene, a Mozambican who had served as a sergeant in 5 Reconnaissance Regiment (5RR), made a victim statement to the Commission in which he claims he was abducted from Mozambique on 23 August 1982 and was later 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 5RR together with members of RENAMO had been involved in train violence, particularly the Benrose massacre; he also named a Zimbabwean who had allegedly been involved in train attacks. Ndimene alleged that the intelligence division of Spoornet Security was composed of former members of the Special Forces, and that they orchestrated the violence on trains.<sup>3</sup>
- 133 A special investigation unit of the Goldstone Commission could not substantiate Ndimene's allegations. It ultimately found that the 51 Kommando named by Ndimene was at a legitimate clandestine internal (to the Eastern Transvaal) operation at the time of the Benrose massacre. It further found that most members who had allegedly been involved in the Jeppe attack were in the Phalaborwa camp at the time of the attack. However, a former senior Goldstone investigator told the Commission that he believed that this did not necessarily disprove Ndimene's allegations as Special Forces often operate in small groups of three to four men. The investigator believed it was possible that a small unit of 5RR could have been deployed covertly to conduct train operations. Further evidence to the Commission indicated that a senior commander in 5RR confirmed to an intelligence service that members of the unit were involved in such violence. A former deputy chief of staff intelligence expressed the view that the randomness of the attacks combined with their military precision pointed to people with Special Forces training.
- 134 SAP member Wayne Hugh Swanepoel, who applied for amnesty [AM3727/96], stated 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". During such actions, they wore balaclavas and those parts of their skin that were exposed were painted. Afterwards, they would go to the scene of the crime "to make sure they were dead" and his own unit would investigate the case. 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".
- 135 Former Vlakplaas *askari* Joe Mamasela alleged in the *New Nation* in March 1997 that Eikenhof farm in the Vaal area was used to house alleged train killers. Mamasela's testimony was confirmed by an ex-police officer referred to by

*New Nation* as 'Mandla'. Mandla stated that he and other Vlakplaas members were not allowed access to those they suspected to be train attackers and that they suspected that the attackers were foreigners; they "were very dark and spoke bad English", and that the men would be armed with R5 rifles and 9mm weapons.

- 136 A statement by Mr Xola Frank 'Jimmy' Mbane, enclosed in the files of amnesty applicants Thapelo Johannes Mbelo [AM3785/96] and Wilhelm Riaan Bellingan [AM5283/97], alleged that most of the briefings for train operations took place at Vlakplaas. He said that his train squad consisted of himself, Khayo, Sylvester, Mvelase, Shushe, Joss and Kilino. The last-named served as commander and paid the others R1 000 after successful operations.
- 137 The Commission was not been able to confirm the above allegations, some of which will be further pursued in amnesty hearings.

## ■ THE HOMELANDS: TRANSITION AND INCORPORATION

### Historical and Political Overview

- 138 The effects of the watershed in South African politics following the February 1990 unbannings was also felt in the homelands. Throughout the years of CODESA I and II, as well as the multi-party talks at the World Trade Centre, homeland leaders and their political parties manoeuvred between the dominant players in the negotiations, including the ANC, the NP and various white conservative groupings. Driven by their own agendas, homeland governments took – and when necessary changed – sides in an attempt to position themselves in a post-apartheid South Africa. Foremost on these agendas was the issue of homeland re-incorporation into South Africa.
- 139 Two important events in the homelands proved milestones in the larger history of this period as they resonated throughout South Africa and, in turn, helped to direct the course of events in the country. The incidents occurred in homelands whose leaders had proved reluctant to surrender juridical independence and re-incorporate into South Africa. In addition, the governments in both homelands showed themselves willing to engage in political brinkmanship in order to assert their power, particularly in the face of the ANC's increasing centrality to the negotiations.
- 140 In the first incident, on 7 September 1992, the ANC organised a march from South African soil to the Ciskei capital of Bisho. The march was part of a campaign to open up areas for free political activity before elections could be held. Ciskei troops opened fire on the marchers, killing thirty people including a Ciskei soldier. The incident became known as the 'Bisho massacre'. In the wake of the Boipatong killings and the ANC's withdrawal from CODESA, negotiations teetered on the brink of collapse. Rather than pushing the country over the precipice and into full-scale violence, the events at Bisho rather contributed to an increased determination to find a peaceful settlement on the part of most political leaders.
- 141 If events in the Ciskei renewed the process of negotiations, then developments in Bophuthatswana provided a visible sign of the final collapse of the politics of armed reaction. Throughout the negotiation period, President Lucas Mangope had increasingly adopted a hard-line approach to the multi-party talks and to the ANC in particular. In the

end, Mangope abandoned the negotiations altogether, announcing that he was prepared to take Bophuthatswana into the future on its own if necessary. As the date for elections drew near and popular resistance to the Mangope government intensified, Mangope called in members of the white right wing to help quell the opposition. In March 1994, the Bophuthatswana Defence Force, in conjunction with the SADF, took action against an estimated 5 000 armed members of the AWB who had answered Mangope's call. In the process, a film crew captured footage of a member of the BDF murder an injured white supremacist in cold blood. As the politics of white armed resistance collapsed in the wake of the AWB's ignominious withdrawal, the footage, which was broadcast around the world, became a symbol of the inevitability of change in South Africa. South Africa took over control of Bophuthatswana, installing an interim government under the Transitional Executive Council (TEC).

- 142 Two weeks after the Bophuthatswana clashes, the Ciskei government collapsed. A wave of strikes by Ciskei civil servants took place, culminating in a strike by police in the homeland's capital, Bisho during which striking policemen took senior security force officers hostage. Within days Gqozo had resigned, the SADF moved in to take control and an interim administration under the TEC was set up.
- 143 By 1990, the Pretoria dream of independent homelands had not only collapsed but had become a serious problem for the South African security forces. Transkei, under Holomisa, had become an area which Pretoria regarded as a liberated zone for liberation movements; this resulted in various efforts by the South African security forces over several years to oust Holomisa. Once Gqozo took over in Ciskei on 4 March 1990, just after the national unbannings, South Africa moved rapidly to turn him against the ANC when it appeared he might follow Holomisa's example.
- 144 The homelands became a crucial terrain during the 1990s. While it may have suited the security forces simply to close them down by enforced early incorporation into the rest of South Africa, this would not have suited the agendas of politicians on all sides: the ANC wanted territories such as Ciskei and Bophuthatswana closed down, but needed the organisational space offered by Transkei (apparently regarded as a bolt-hole should Pretoria suddenly crack down on the newly unbanned organisations again); Pretoria wanted control over Transkei but needed some of the other homelands as "independent" allies at the negotiating table (it is worth noting here that Ciskei invariably voted with Pretoria during negotiations); the right-wing later used some of the homeland rulers (including KwaZulu's Chief Mangosuthu Buthelezi, Ciskei's Gqozo and Bophuthatswana's Lucas Mangope) as allies in the Concerned South Africans Group (COSAG), a united black and white right-wing front formed in late 1992.

## Responsibility for gross violations of human rights

- 145 The table below shows the percentages of types of gross violations which were reported to the Commission for this period:

	Abduction	Killing	Severe ill treatment	Torture	Total
Homeland	3%	36%	55%	6%	100%
Non-homeland	3%	35%	57%	6%	100%



- 146 The table shows a noticeable rise in the incidence of killing violations, both in homelands and in non-homelands (from 22 per cent in the 1983–89 period to 36 per cent in the homelands, and from 23 per cent in the same period for the non-homeland areas to 35 per cent); there is a corresponding sharp drop in the torture violations (from 20 per cent to 6 per cent of the homeland cases and from 24 per cent to 6 per cent of the non-homeland cases). This reflects the changing nature of violence in the 1990s following the unbannings, with the ending of the state of emergency nationally but also a corresponding drop in detentions and torture in the homelands (where the independent homelands were not affected by the national state of emergency).

## **Transkei and Ciskei**

- 147 In July 1989, Transkei arrested six heavily-armed white men who allegedly set off from South Africa, crossed the border with ease and headed to Umtata to kill Holomisa. In December 1989 two more South Africans, including a serving member of the SAP, were arrested in Transkei on similar charges. Both these attempts seem to have been part of the ongoing attempts to unseat Holomisa which culminated in the abortive Duli coup attempt of November 1990; further attempts were made after this but none seem to have got as far as Umtata. During this period, there were frequent allegations that Transkei was harbouring, training and arming MK guerrillas.
- 148 On 4 March 1990 officers in the Ciskei military overthrew Lennox Sebe and installed Brigadier Oupa Gqozo in his place, an action in which South African security forces were apparently not involved. It appears that Gqozo was not part of the planning for this action but was instead asked to head the new government by the officers shortly after they had taken over. In the early months Gqozo's government allowed organisations to operate freely; however, within six months the SADF had sent in an MI unit which operated out of Ciskei and deliberately turned Gqozo against the ANC alliance.
- 149 In February 1991, in an ironic twist of history, Charles Sebe was shot dead by his former allies while on his way to the Bisho capital of Ciskei, apparently to overthrow Gqozo and fulfil his long-time dream of ruling Ciskei. Sebe was shot dead at a roadblock in an operation run by IR/CIS.
- 150 In July 1991, Gqozo announced the launching of the African Democratic Movement (ADM). Key members of this movement were linked to SADF MI and it appears that the ADM was either initiated by, or at least supported by, MI. The ADM moved closer to Inkatha and at one point Gqozo wrote to Chief Mangosuthu Buthelezi suggesting they join forces under his leadership. This did not happen and the ADM eventually contested the 1994 elections in competition with Inkatha.
- 151 From 1991 onwards, allegations by the South African government of Transkei aid for first MK and later APLA increased, particularly after APLA stepped up its armed struggle from 1992. South Africa accused Transkei of harbouring guerrillas, arming them, training them with Cuban assistance and allowing them to use Transkei as a base for launching attacks across the border. By March 1993 the SAP had thrown a blockade around Transkei. In November 1993 the South African conflict with Transkei culminated in the SADF attacking the home of a PAC member it claimed was being used as an APLA base. Five children were killed. Also during 1993, MI started planning an attack on Transkei which targeted Holomisa and the ANC's Chris Hani.

- 152 Sometime between August and October 1990, Ciskei established an intelligence unit which operated until August 1991. This unit, which was initially called International Researchers and later Ciskei Intelligence Services (IR/CIS), did not fall under either the military or the police but was described as the Ciskei equivalent of the South African National Intelligence Service and reported to Gqozo directly. Gqozo employed his former instructor at the SADF, Commandant Jan Anton Nieuwoudt, as the head of the unit. Gqozo told the Commission he was unaware that, throughout the time he was working in Ciskei, Nieuwoudt was acting on the SADF's instructions and that IR/CIS was in fact an SADF ME front.
- 153 IR-CIS recruited its personnel from the Ciskei Defence Force, from Gqozo's bodyguards, from the Ciskei security police, from the Transkei security police and from former CCB members who were now jobless (the CCB officially closed down on 30 July 1990<sup>4</sup>, immediately before IR-CIS was set up). Its members included at least one man wanted on murder charges<sup>5</sup>. While IR/CIS may not have been a CCB unit, it certainly operated like one: it was funded by a source unrelated to the SADF (that is, the Ciskei government); it was not publicly known as an SADF operation; it gathered intelligence, evaluated it and then carried out operations based on its own intelligence, contrary to standard security force operating procedures.
- 154 It appears that the unit's main agenda was to bring an end to Gqozo's good relations with the ANC alliance of the immediate post-coup days. By mid-1990 relations between Gqozo and the ANC alliance had deteriorated sharply and never recovered. The disagreements peaked in July 1991 when the Ciskei government reverted to supporting the headman system (initially abolished by the military government); a state of emergency was declared for a few weeks in November 1991 and by 1992 there was a low-scale war between Ciskei government supporters and ANC supporters which culminated in the September 1992 Bisho massacre.
- 155 The unit was eventually closed down in August 1991 when its operations had been exposed by CDF officers. The then Chief of the SADF General Kat Liebenberg personally travelled to Ciskei to oversee the closure. At the time of the closure the SADF reiterated its denial of links to IR/CIS.

### *The Duli coup attempt*

- 156 In the early hours of 22 November 1990 a group of heavily armed men attacked the Transkei Defence Force's Ncise base outside Umtata. By the end of the day, at least fifteen men from both attackers and defenders were dead, including the coup leader, some attackers had been arrested and others were on the run. The coup was led by Colonel Craig Duli, who formerly served on the Transkei military council until he fell out with the government and was detained. It was supported by the South African security forces, primarily through International Researchers-Ciskei Intelligence Services (IR-CIS).
- 157 The Commission received several amnesty applications from former security force members who were involved in support for this attack and/or other similar attempts to overthrow Holomisa. These included Jan Anton Nieuwoudt [AM3813/96], Eugene de Kock [AM0066/96], Daniel Lionel Snyman [AM3766/96], Leon William John Flores [AM3766/96], Nicholaas Johannes Vermeulen [AM4358/96], Willem Albertus Nortjé [AM3764/96] and Marthinus

David Ras jnr [AM5183/96], all from the South African security forces, and Sydwell Mzwamadoda Ntisana [AM6359/96] of the TDF. These applications indicated that weapons were supplied at various times by the South African Police (through De Kock) for the coup attempts.

- 158 Following the coup attempts in Transkei, allegations of South African support for plotters and a lack of action by South African authorities in processing extradition requests, there were several instances of unlawful snatches or failed attempts to snatch suspects from South Africa. The Transkei authorities, particularly the TDF MI and/or Army Intelligence, appear to have been involved in these incidents.
- 159 In mid-1989, South African Foreign Affairs Minister Pik Botha accused Transkei authorities of kidnapping former TDF chief Zondwa Mtirara from South Africa. This allegedly took place in July or August following allegations of a plot to kill Holomisa. In March 1990, two Transkei security policemen were arrested by Ciskei security forces near King William's Town; over a year later Ciskei announced that the two had admitted to being on an official mission to abduct or kill Duli or Mbotoli at the time.
- 160 Sometime in mid-1991, the TDF abducted key coup plotter Vulindlela Mbotoli from Johannesburg and took him to Transkei where he subsequently stood trial with the other coup plotters. This snatch was carried out with the assistance of Austrian businessman Mr Rainer Maria Moringner [AM0434/96] who said he had assisted the TDF MI since 1988.
- 161 In May 1991 the Transkei government passed a decree which amended the Criminal Procedure Act to allow for the prosecution of those taken across borders without their consent.
- 162 In late 1992, coup suspect Vulindlela Christopher Shologu disappeared from South Africa to re-appear in custody in Umtata.
- 163 In an abortive snatch two years later, three men apparently unconnected to the coup attempt were killed. The Commission received amnesty applications from TDF members Ntobeko William Matyolo [AM6078/97] and Mr Lungelwe Lupuwana [AM6371/97] in connection with the failed attempt to snatch Charles Wanase from his King William's Town home on 21 May 1993. Wanase was away at the time; instead the abductors snatched three young men, Lindile Kula, Nkosinathi Tuku and Nathaniel Koto and, when they could not say where Wanase was, killed them. Both Matyolo, who was a captain in the TDF's Army Intelligence at the time, and Lupuwana named Papama Mgudlwa [AM6081/97], a TDF source who applied for amnesty in connection with another killing, as the killer. Matyolo stated in his amnesty application they had been instructed to abduct Wanase by the then Transkei military ruler, Major General Bantu Holomisa. Both Matyolo and Lupuwana were charged with the killings in an East London court.

*Further coup attempts against Transkei:* Operation Abbot

- 164 Attempts to overthrow the Transkei government did not end with the abortive Duli attempt. The following year the SADF's *Operation Abbot* referred to expectations that Transkei civil servants would not be paid as usual on 15 June 1991 due to a financial crisis in that government, and drafted a plan ostensibly to deal with any violence resulting from this. The *Abbot* plan included a phase of initial deployment in the region, a second phase involving the closure of

the Transkei border on receipt of the code-word “close-up” and the third phase involving entry of South African forces into Transkei on the code-word “sort-out”. Third phase planning was done both for a scenario in which the SADF entered Transkei with that administration's permission and a scenario in which entry was carried out without permission, involving overcoming resistance by the Transkei security forces. An armed invasion into Transkei did not take place. On 12 June, the day Abbot was scheduled to start, members of One Parachute Battalion from Bloemfontein had arrived in the region to participate in what the SADF called at the time a group command control area protection exercise which was “straightforward routine” and not part of a troop build-up.

- 165 SADF call-ups for this period indicate additional troop movements. There were three consecutive “detached duty” call-ups for *Operation Tonto* in Komga (the nearest South African town to the main southern Transkei border post) for a constant period from 3 June to 30 August 1991 – three of sixteen detached duty call-ups run by Group 8 in East London over the three years from 1989–91. There was what appears to have been an additional “monthly camp” for 8 June to 2 July to the Kaffrarian Rifles in East London. There was also an “ops duties” call-up for the East London Commando from 13 to 27 June involving one company for “Ciskei stabilisation”. The availability of additional troops in the region during the Abbot time period was greater than during the period for the November 1990 Duli operation.
- 166 In the run-up to the expected 15 June payday crisis, there was an increase in tension between the Transkei and South African authorities, including:
- a In mid-May, Holomisa denied allegations that he had appointed Chris Hani as Transkei's Minister of Police and Defence and that Hani was amassing guerrillas in Transkei;
  - b On 24 May, Holomisa denied allegations that his government had made a loan to MK from the civil servants' pension fund;
  - c Foreign Affairs Minister Pik Botha gave weekend newspapers a press conference on Transkei's financial affairs and Holomisa accused him of deliberately provoking a financial crisis in Transkei in order to encourage a coup attempt. Holomisa claimed the South African government had delayed passing the Transkei budget;
  - d On 11 June, Holomisa flatly denied reports that the ANC had established two training bases in Transkei at a cost of R250 000;
  - e On 12 June, Pik Botha told Parliament that there had been no transgressions of the non-aggression and bilateral agreements South Africa had with Bophuthatswana, Venda and Ciskei, and that similar agreements with Transkei had been terminated by Transkei on May 10, 1978;
  - f On 13 June, pamphlets calling for Holomisa's resignation were circulated in Transkei, apparently dropped by air, by a previously unknown group calling themselves “The Voice of Bona Fide Transkeians”. Speculation at the time was that these pamphlets had been dropped by the South African government.
- 167 There was also increasing concern among the security forces in June 1991 that Gqozo's Ciskei government was on the verge of being overthrown by dissident former CDF members acting together with MK elements. Whether such a

plan was in process or not, IR/CIS was submitting "Top Secret" source reports to Gqozo (and presumably also to SADF MI as was routine for IR/CIS) stating that such plans were underway.

- 168 It is not clear what happened to stop *Abbot* from going ahead. Possibly it was aborted because of the widespread rumours of a South African-sponsored attack. It is possible the *Abbot* plan may have been revived two years later. On 31 March 1993 the SADF and SAP threw a blockade around southern Transkei for several days, in what was widely regarded at the time as an economic blockade. This appears to fit in with the "phase two" described in the *Abbot* plans.

### *The killing of Charles Sebe and Onward Guzana*

- 169 On the night of 27 January 1991, Ciskei rebels Charles Sebe [EC0904/96CCK] and Mangwane Onward Guzana [EC0405/96ELN] drove into Ciskei in the belief that a coup attempt was underway or had just taken place and that they were to head the new government with the support of the Ciskei troops. Guzana was a former CDF officer who had formed the military government with Gqozo until he was detained on allegations of coup plots and subsequently fled to Transkei. Here he linked up with Sebe, who had been in Transkei since his 1986 jailbreak.
- 170 Instead of driving into Bisho to take over the government they drove into a CDF roadblock where Guzana was shot dead. Sebe fled, was captured the following day in a nearby village and shot dead.
- 171 A lengthy inquest ensued and, as a result, murder charges in connection with Sebe's death were brought against Gqozo and his bodyguard, Thozamile Veliti. Both were acquitted. It emerged at the court proceedings that there had been a deliberate plot by IR/CIS to lure Sebe and Guzana back to Ciskei on the pretext of a "coup attempt". The inquest found that IR/CIS chief Anton Nieuwoudt worked together with Gqozo "in all the planning stages of the plot to eliminate the threat posed by Sebe and Guzana" and that while the two rebels believed they were involved in a coup attempt, "Nieuwoudt and company knew there was no inside component [to the coup attempt] and knew there was no danger to any interested party in Ciskei. The trap was set for one purpose only: to rid the regime in Ciskei under Brigadier Gqozo of any further threat from Sebe and Guzana"<sup>6</sup>.
- 172 The inquest could not make a finding on how Guzana was killed, but found that Sebe's death had been ordered by Gqozo and carried out by Veliti and others. The subsequent murder trial acquitted both Gqozo and Veliti, finding that there was no direct evidence that Veliti had fired at Sebe, that there was a reasonable doubt as to whether Sebe had been killed on the basis of an order from Gqozo, and that it was not proved that Gqozo had issued an order to kill Sebe unlawfully. The trial judge did however find that Sebe had been killed unlawfully.
- 173 The Commission received an amnesty application in connection with this matter from IR/CIS member Clive Brink [AM6373/97], who was stationed at the roadblock during the operation.

### *Counter-mobilisation: The African Democratic Movement*

- 174 The African Democratic Movement (ADM) was set up by the Ciskei government in July 1991. As a political party led by Brigadier Gqozo, the ADM aligned itself with Inkatha and with right wing groups in the Concerned South Africans Group (COSAG).
- 175 Throughout its brief history, the ADM was involved in violent clashes with the ANC. After the Bisho massacre of September 1992, these clashes erupted into more overt warfare, with increasingly sophisticated weapons being used (see the Eastern Cape regional profile elsewhere in this report). The highest number of attacks appeared to have been carried out by the ANC-aligned groups.
- 176 By late 1991 Ciskei had hired a private security company, Peace Force, to protect government property. Peace Force was given the use of the Ciskei's Wesley military base on the coast, where it ran brief training courses for ADM-supporting recruits. There were allegations that these recruits were then involved in violent clashes with ANC supporters.
- 177 In late 1993 and early 1994 there were several armed hit squad-style attacks on ANC supporters in the Ciskei. Five men were subsequently charged with murder, attempted murder and weapons charges in connection with these attacks; they were all acquitted. They were Titise Mcoiyana (the ADM chairman), Vuyisile Madikane, Dinga Somtsora, Mongezi Reuben Solani (a bodyguard to Gqozo) and Jeffrey Moshumi (former MK member from the Western Cape).

*The Bisho massacre, 7 September 1992*

- 178 The Bisho massacre occurred on 2 September 1992 when thousands of ANC supporters, marching from King William's Town to Bisho, capital of the 'independent' Ciskei were fired on by Ciskei government troops. The march had been organised in support of demands for free political activity in the Ciskei and for the removal of Brigadier Oupa Gqozo. Twenty-nine marchers died and one member of the CDF, Rifleman Vusumzi Sydney Nqabisa, was also shot dead. There were conflicting accounts of the soldier's death in the various inquiries; however ballistics indicated he was shot with an R4 rifle.
- 179 The Commission received a considerable number of statements in connection with deaths and injuries sustained in this event. Two public hearings were held on this matter during 1996, with testimony from victims of the shooting, politicians (including Brigadier Oupa Gqozo) and security force members.
- 180 The Commission heard that shortly before the main body of the March reached the stadium, an ANC advance party arrived at the border to assess the situation. This group found the gap in the fence: as a result the ANC decided that part of the march led by ANC officials including Ronnie Kasrils and Chris Hani would go through this gap and head for Bisho. Kasrils told the Commission:

*We broke into a run, beckoning others to follow with the intention of moving as swiftly as possible out of the gap and away from where the soldiers were deployed. We had covered approximately fifty metres when, without any warning whatsoever, the soldiers began shooting at us with automatic rifles ... The firing seemed to last for ages, but it has been estimated that there was one full minute of concentrated fire, then a pause of*

*approximately ten to twenty seconds, followed by a second round of volley fire lasting approximately thirty seconds ... If there had been a warning, we would have halted, and if warning shots were fired, we would certainly have retreated.*

- 181 Kasrils said he would never have believed that the soldiers would have opened fire in this way. "I accept in a profound moral sense that I was an element in the events that culminated in the massacre, and it still haunts me that perhaps we could have done more to avoid the terrible outcome," he said.
- 182 Lieutenant Colonel (now Colonel) Vakele Archiebald Mkosana [AM4458/96], the Officer Commanding 1 Ciskei Battalion and the Field Commander of the CDF troops, was present among the troops when the marchers ran towards them. He said he radioed his superiors, reported that the troops were under fire and, on that basis, received orders to open fire. Mkosana gave the order to open fire to the troops and, according to the CDF planning, only single shots were to have been fired. However firing was picked up by troops around the stadium and even machine gun fire and rifle grenades were used.<sup>7</sup>
- 183 Mkosana made various statements about the incident. In general, these statements confirm that he requested and received permission to open fire; however there are conflicting statements about the reasons for opening fire and the firepower used.
- 184 Ballistics expert Jacobus du Plessis told the Commission that nine marchers and the soldier were struck in the head and two marchers in the neck. Ten marchers were shot from behind while none of them were shot directly from the front. At least fourteen people were apparently shot while lying down or bending over. This seems to indicate that most people were shot while trying to flee. Du Plessis said that 404 cartridge cases, all from 5.56 mm bullets used in R4 rifles, were picked up at the scene. He was able to determine that these had been fired by 107 different weapons. He could not estimate how many rounds had been fired except that it was at least 404. Four rifle grenades were fired by the CDF.
- 185 The event is documented fully in the chapter on the Eastern Cape in Volume Three, where the Commission made a comprehensive finding on the massacre and on the role played by the Ciskei security forces and the ANC.

## **KwaZulu-Natal**

*The IFP, KZP and the battle for supremacy in KwaZulu and Natal*

- 186 Inkatha was found to be the foremost perpetrator of gross human rights violations in KwaZulu and Natal during the 1990s. Approximately 9 000 gross human rights violations were perpetrated by Inkatha in KwaZulu and Natal from 1990 to May 1994. This constituted almost 50 per cent of all violations reported to the Commission's Durban office for this period.

- 187 With the unbanning of the ANC and other affected organisations in February 1990, Inkatha's free reign in KwaZulu and Natal was threatened. A substantial recruitment drive was initiated by the IFP after its reconstitution as a political party in July 1990.
- 188 Open contests for support between the two parties took the form of territorial battles for the control of communities and geographical areas, leading to frequent and widespread outbreaks of conflict and violence in the province. Tens of thousands of people were affected by the violence – suffering death, injury, maiming, bereavement and displacement on a large scale.
- 189 The Seven Day War in 1990 was one of the most significant events in the history of political violence in the province during the period. The Seven Day War is the collective name given to the events that occurred in the greater Edendale Valley in the greater Pietermaritzburg area in the seven days from Sunday 25 March 1990.
- 190 In fact, the violence took place over many more than seven days. Over 100 people were killed, some 3 000 houses were destroyed by fire and approximately 30 000 people fled their homes as a result of the violence. The vast majority of the people killed and injured were from the non-Inkatha areas, and the vast majority of the property damaged, burned and looted belonged to non-Inkatha supporters.
- 191 The IFP did not give the Commission an official account of its involvement in the Seven Day War. Almost every witness who appeared at the special public hearing into the Seven Day War, other than the SAP and the SADF, laid the blame for these events at the feet of IFP members. Several witnesses, who were at the time residents of the worst hit areas like KwaMnyandu, Gezubuso and Caluza, and who witnessed acts of murder and arson, said that it was a complete misnomer to refer to this event as a war. A resident of KwaMnyandu, Mr Enoch Zondi, told the Commission that it was more like "a reign of terror".
- 192 The thousands of Inkatha supporters who took part in the armed attacks must bear overwhelming responsibility for the gross violations of human rights that took place during that week. Nonetheless, young UDF and ANC refugees must accept responsibility for starting the conflagration when, on 25 March, they stoned and attacked buses carrying IFP supporters travelling through Edendale on their return from a rally at King's Park, Durban. Tension mounted when leaders of the IFP made inflammatory speeches at further public gatherings of IFP supporters.
- 193 The Seven Day War is documented in Volume Three of this report; here the focus is on the involvement of the security forces. Some witnesses testified to watching in disbelief as police provided buckets of ammunition to the armed attacking combatants. Others described seeing uniformed and armed special constables participating on the side of Inkatha combatants, while yet others spoke of armed and uniformed KwaZulu policemen assisting Inkatha attackers. Several witnesses testified about large numbers of KwaZulu government trucks, with their registration plates obscured by sacking, conveying large numbers of men armed with traditional weapons and guns to the scene of the conflict.
- 194 The version given to the Commission by special constables Nelson Shabangu, Nhlanhla Philemon Madlala and Riot Unit Constable Basil Harrington described open complicity between the police and IFP forces. The Commission heard that on Wednesday 28 March 1990, IFP leader Mr David Ntombela held a meeting of Inkatha supporters at his house



in the Elandskop area. After this meeting, Ntombela instructed a member of the SAP Riot Unit to pick up a large group of special constables in a police vehicle and proceed to Gezubuso. Shabangu said that he drove a Riot Unit vehicle to pick up special constables. He met up with a large Inkatha crowd, including Ntombela and went with the group to the outskirts of KwaShange. There he watched with other members of his Riot Unit while the special constables attacked, burned and looted houses at KwaShange, and returned with stolen property. This was loaded onto a police vehicle and taken to Ntombela's home, along with cattle, which had been stolen from the residents of KwaShange. Fifteen people were killed in this attack.

- 195 There is evidence that police provided logistic support to Inkatha members, gave them ammunition, took part in the attacks side by side with them, refused to deploy Defence Force resources in areas where attacks were taking place, and made them available only to ensure that Inkatha members were not attacked on the Edendale road.

THE COMMISSION MADE A COMPREHENSIVE FINDING ON THE SEVEN DAY WAR AND ON THE ACCOUNTABILITY OF THE PRIMARY ROLE-PLAYERS IN A CONFLICT THAT RESULTED IN THE COMMISSION OF MANY HUNDREDS OF GROSS VIOLATIONS OF HUMAN RIGHTS. THE ROLE-PLAYERS INCLUDE: MEMBERS AND SUPPORTERS OF INKATHA, INKATHA MIDLANDS LEADER, MR DAVID NTOMBELA, THE KZP, THE KWAZULU GOVERNMENT, THE RIOT UNIT OF THE SAP, INCLUDING SPECIAL CONSTABLES, AND THE SOUTH AFRICAN DEFENCE FORCE. THE COMMISSION ALSO MADE A FINDING IN RESPECT OF THE PROVOCATIVE ROLE OF MEMBERS OF THE UDF IN THE CONFLICT.

### *The issuing of G-3 rifles*

- 196 As early as 1974, Buthelezi requested that the South African government grant firearms licences to "all chiefs for the destruction of vermin and to deserving businessmen and other Zulus of repute who need these firearms for the protection of their businesses and themselves". Again in 1985, Buthelezi approached the former government with a request for "the authority to issue licenses for the carrying of firearms".
- 197 In 1990, an amendment to the Natal Zulu Code of Law virtually legalised the carrying of dangerous weapons and the arming of the *amaKhosi* (chiefs). The department of the Chief Minister circumvented normal weapons' licensing regulations by making automatic weapons available to state functionaries for the protection of KwaZulu government property. G-3 semi-automatic rifles were issued to chiefs and headmen through the Department of the Chief Minister. These chiefs and headmen were in turn able to issue weapons, by way of permits, to their 'tribal police' or 'community guards'. By law, these weapons were to be used to protect KwaZulu government buildings and property. Evidence points to the fact that they were also put to use in clashes between ANC and IFP supporters.

### *Hostel violence*

- 198 After February 1990, township residents in the province tended to join with the ANC while hostels became the point of entry for Inkatha into the townships. Strangers entering the hostels were frequently suspected of being from the township and were killed. Similarly, hostel-dwellers travelling through the township to and from the hostels were frequently attacked by township youth.

- 199 In Bruntville outside Mooi River in the Natal Midlands, hostel-dwellers were predominantly Inkatha-supporting and members of the Inkatha-aligned United Workers' Union of South Africa (UWUSA). In contrast, the Bruntville township residents were predominantly ANC-supporting and members of Congress of South African Trade Unions (COSATU).
- 200 On 8 November 1990, sixteen township residents were killed during a massive pre-dawn attack by approximately 1 200 hostel-dwellers and other Inkatha supporters, who had been brought in especially to assist in the attack. About 1 500 people, mainly women and children, fled their homes in the aftermath of the attack.
- 201 Violence continued throughout the following year. Hostel-dwellers frequently paraded through the township of Bruntville with their traditional weapons. While the township residents were frequently disarmed and subjected to weapons searches by members of the security forces, the hostel-dwellers were permitted to brandish openly their traditional weapons. In October 1991, the ANC called a stay away-boycott to protest against what they perceived to be differential treatment.
- 202 On the night of the 3 December 1991, eighteen people were killed when large armed groups of Inkatha hostel-dwellers launched two large-scale attacks on houses and residents in the township. No prosecutions resulted and there is no evidence of an investigation having taken place.
- 203 Many hostels in the Transvaal were inhabited largely by migrant Zulus from rural KwaZulu who had sought employment in the mines and industries in the Transvaal. Township residents viewed them as outsiders. The hostel residents used their common ethnic identity as a means of uniting in a hostile urban environment. These Zulu migrants became a springboard for Inkatha's attempt to penetrate the urban Transvaal and launch itself as a national political force.
- 204 The initial hostel-related violence in the PWV region was signalled by a series of attacks on the Sebokeng Hostel beginning on July 22 1990. The violence rapidly spread to the East Rand, Soweto, the West Rand and Alexandra township. Over 200 township residents were killed in large-scale massacres perpetrated by IFP-supporting hostel-dwellers. Hundreds more died in running street battles between IFP hostel-dwellers and ANC township residents. Examples of some of the massacres carried out by IFP hostel residents in the Transvaal include:
- a The massacre in Sebokeng on 22 July 1990 in which twenty-seven people were killed by a group of approximately 1 500 IFP supporters who attacked Sebokeng residents after an IFP rally in the Sebokeng stadium. The attackers included busloads of Zulus from KwaZulu and various Transvaal hostels. Over the next four days, battles between Inkatha followers and ANC adherents followed, leaving thirty people dead.
  - b The pre-dawn killings in Katlehong during August 1990 in which Thokoza (IFP) hostel inmates killed twenty-four people in the Crossroads squatter settlement in Katlehong.
  - c The massacre in Sebokeng on 3 September 1990 in which twenty-three people were killed when Inkatha allegedly tried to lay siege to and occupy the Sebokeng hostel (see above).
  - d The killing of forty people in an attack by hostel-dwellers on a night vigil in Sebokeng on 12 January 1991.

- e Events on 26 March 1991 in which fifteen people were killed and sixteen others injured in an attack on a night vigil in the Alexandra Township. Six members of the IFP were later arrested and appeared in Rand Supreme Court. All were acquitted.
- f The pre-dawn massacre in Swanieville (West Rand) on 12 May 1991 by approximately 1000 Inkatha hostel residents from Kagiso on residents of the Swanieville informal settlement which left at least twenty-seven people dead and scores injured. Inkatha spokesperson, Ms Suzanne Vos said that the attack was a response to the earlier abduction of two hostel dwellers by Swanieville residents.
- g The Boipatong massacre of 17 June 1992 launched by a group of some 200–300 inmates of the KwaMadala hostel. Fifteen Inkatha supporters, all of whom were serving long prison terms for their role in the massacre, applied for amnesty for their roles. All fifteen applicants claimed they acted on the instructions of the IFP leaders in KwaMadala hostel, namely a Mr Bheki Mkhize and a Mr Chonco.

#### *Hit squads*

- 205 Hit squad activity became widespread in KwaZulu and Natal during the 1990s. From information received by the Commission, it would appear that the hit squad operations were predominantly supportive of the IFP, drawing in officials of the KwaZulu government, the KZP and senior politicians and leaders of the party. As such, hit squad members had access to KwaZulu government resources such as vehicles, arms and ammunition. A measure of protection from prosecution was made possible through the collusion of the KZP and instruments of the state security forces.
- 206 In May 1990, Colonel MA van den Berg (MI) compiled a memorandum reporting on a meeting between himself, Colonel 'Cor' van Niekerk (also MI) and Chief Mangosuthu Buthelezi on 31 October 1989. In the memorandum, Van den Berg reported that Buthelezi had expressed concern that he was "losing the armed struggle and in that regard emphasised that 'offensive steps' were still a necessity, meaning the deployment of 'hit squads.'" When questioned on this passage, during a section 29 hearing, Van den Berg said he doubted that Buthelezi had used the actual words "hit squad". However, he said that he was "entirely convinced" that the offensive actions Buthelezi had in mind at this stage were indeed hit squad activities, including assassinations.
- 207 In the same 2 May 1990 memorandum, Van den Berg recorded that Inkatha's Mr MZ Khumalo (codenamed Reeve) indicated that "he had not yet given up on his idea of an armed force, or at the least 'cells' which could take out undesirable members."
- 208 In the Wartburg area during 1990, a Roman Catholic priest Father Garth Michelson wrote a letter to former Minister of Law and Order Adriaan Vlok, in which he expressed his concern that there was a police hit squad operating in the Mbava area, near Wartburg. He raised these concerns following the murder of two UDF activists, Mr Vusi Ngcobo and Mr Bonakwe Gasa [KZN/HG/922/NY], on the 6 January 1990. Vlok responded to Michelson's letter on the 30 July 1990 as follows:

*Investigations instituted have proved that so-called hit squads do not exist in the South African Police. This is a far-fetched figment which exists only in the imaginations of certain individuals, organisations, etc. and has no foundation whatsoever.*

- 209 Ngcobo and Gasas had been shot and killed in a mealie (corn) field in Swayimane. Witnesses said that one white and three black men wearing light blue shirts similar to the SAP uniform carried out the killing. The four men were seen arriving at the home of KwaZulu MP Mr Psychology Ndlovu in a yellow police van and then proceeding from Ndlovu's home in a white Cressida with a private registration number.
- 210 An informal inquest held in 1991 found that "persons unknown" were responsible for the deaths. A second inquest was held in May 1995 at which inquest magistrate RA Stewart found that former special constable Welcome Muzi Hlophe (aka 'BigBoy'), SAP Lance Sergeant Peter Smith, KwaZulu government driver Mr Abraham Shoba and a fourth unknown man were *prima facie* directly responsible for the murders. He also found that the original investigating officer, Major Joseph van Zyl, was an accessory to the murders and recommended that an investigation be opened with a view to a possible conviction of Van Zyl (also implicated in the Trust Feed massacre). He further found that the then secretary of the KwaZulu Legislature, Mr Robert Mzimela (at present deputy speaker of the KwaZulu-Natal parliament), KwaZulu employee ZG Mkhize (now an IFP member of the KZN parliament) and then head of the KLA Protection Unit Major Leonard Langeni (now retired) had been implicated in a cover-up operation.
- 211 KwaZulu-Natal Attorney-General Tim McNally declined to prosecute any but Hlophe and Smith. He further failed to pursue any investigations in respect of the other findings made by the inquest court. Hlophe and Smith were subsequently acquitted in the Pietermaritzburg Supreme Court.
- 212 Politically motivated violence between supporters of the ANC and Inkatha erupted in 1991 in the Esikhawini area near Richards Bay. A meeting was called at KZP Captain Leonard Langeni's office in Ulundi some time in early 1991. At the time, Langeni was the officer commanding the then KwaZulu Legislative Assembly Protection Unit. Others present at the meeting were Mr Daluxolo Luthuli, Prince Gideon Zulu (then KwaZulu Minister of Pensions), Mr M R Mzimela (then Secretary of the KwaZulu Legislature), and Mr M Z Khumalo (then personal assistant to Buthelezi). It was agreed that a group of reliable, trained operatives would be brought together to undertake operations directed at targeted members of the political opposition, members and supporters of the UDF and ANC.
- 213 Caprivi Trainee Gcina Mkhize was the first to be conscripted into this group. He testified that he was told that "the time had arrived to use the skills acquired at the Caprivi" and he was instructed to work directly with the mayor of Esikhawini, Mr BB Biyela, and IFP councillor Ms Lindiwe Mbuyazi. He was to report directly to Major Langeni and Daluxolo Luthuli. Mkhize was told to gather reliable people to assist him.
- 214 Initially, the plan was that he would assist Inkatha youth who were already involved in carrying out attacks in ANC dominated areas. He worked with IFP youths including a Mr Mathenjwa, Mr Lucky Mbuyazi, Mr Siyabonga Mbuyazi and others. Captain Langeni arranged for Mkhize to collect weapons for their activities from a Caprivi trainee based at Port Durnford, by the name of Mr Thomas Buthelezi.

- 215 The youth were unable to prevent the ANC from continuing to launch attacks on Inkatha members. This was reported to Langeni and Luthuli.
- 216 Over the next few months, a number of other meetings took place both in Ulundi and Esikhawini at which the operations and composition of the hit squad were discussed. It was decided to form a more sophisticated hit squad. Mkhize proposed former KZP member Mr Romeo Mbuso Mbambo [AM4598/97]. Luthuli proposed Mr Israel Nyoni Hlongwane [AM4600/97] who had been involved with Luthuli in the violence in Mpumalanga and Mr David Zweli Dlamini [AM3685/96], a 'Caprivi trainee' who had been involved acts of violence in both Clermont and Mpumalanga. Others included in the hit squad were Caprivi trainees PS Ndlovu and Jethro Mthethwa and KZP Constable Victor Buthelezi.
- 217 Mkhize was the leader of the group and in the main took instructions from Captain Langeni. Ms Mbuyazi and Mayor BB Biyela were aware of their activities and, in specific instances, provided actual support to their operations. Less frequent co-conspirators included Prince Gideon Zulu from Eshowe, Chief K Mathaba from Nyoni and Mr Robert Mkhize from Empangeni.
- 218 Ms Mbuyazi arranged with the district commissioner Brigadier Mzimela for the transfer of Romeo Mbambo to the Detective Branch where he would be in a position to cover up the crimes of IFP supporters and prevent their arrests. Mkhize was already a member of the Esikhawini Internal Stability Unit and his instructions were to ensure that patrols would take place away from where Inkatha was planning to attack. Mbambo's instructions were to ensure that cases against the hit squad members were not properly investigated by destroying evidence and making misleading entries in the police dockets. The hit squad was to carry out attacks on those nights when Mbambo and Mkhize were on duty.
- 219 Between 1991 and August 1993 (when Mbambo was arrested by members of the SAP), the hit squad killed and attempted to kill a large number of people in Esikhawini and surrounds, including people in the Mandini and Eshowe areas. Prominent Inkatha-aligned officials supplied ongoing direction and logistic (weapons, ammunition, vehicles, accommodation, finance and so on support) to the operatives. A number of hit lists were compiled at meetings with the IFP leaders. The hit squad's targets were all ANC leaders, members or sympathisers. The hit squad was *inter alia* responsible for the killings of Mr Naphtal Nxumalo, Mr Nathi Gumede, Mr April Taliwe Mkhwanazi, Sergeant Dlamini, Sergeant Khumalo, Mr John Mabika and four young MK members killed at a *shebeen*. In addition to targeting particular individuals for assassination, the hit squad also carried out dozens of random attacks on shebeens, bus stops, buses and streets where it was known that ANC supporters gathered.
- 220 Ms Zanele Cecilia Taliwe [KZN/NG/006/EM] told the Commission that her husband, April Taliwe Mkhwanazi, a shop steward for a COSATU-affiliated trade union and employed at the Mondi paper mill in Richards Bay, was killed on 19 April 1992. Mkhwanazi was also an active member of the ANC. He had received a number of threats. On the morning of his death, he told his wife that if he died she should know that Gcina Mkhize would be one of the suspects. Mkhize, Mbambo and Dlamini all implicated themselves in the killing. According to Mkhize, the instruction for the murder came from Major Langeni and Mayor BB Biyela provided his vehicle for their use. The murder was planned at the home of Ms Mbuyazi. Mbambo told the Commission that he reported back to Luthuli, Langeni and MZ Khumalo. He said they congratulated him and expressed their pleasure about the killing.

- 221 Members of Gcina Mkhize's hit squad killed Sergeant Khumalo, a KZP member stationed at Esikhawini, on 8 May 1992. Khumalo had been identified for assassination by the local IFP leadership because it was suspected that he was an ANC member and was leaking details of dockets to the local ANC leadership. He was killed with the approval of Captain Langeni. (Amnesty applications of Gcina Mkhize [AM4599/97] and Romeo Mbambo [AM 4598/97]; [KZN/NNN/507/EM].)
- 222 Sergeant Dlamini, also a KZP member stationed at Esikhawini, was shot dead by Israel Hlongwane on the 19 June 1993. Romeo Mbambo, Mthethwa and Gcina Mkhize accompanied Hlongwane. Mkhize, Mbambo and Hlongwane were all found guilty of murdering Dlamini in the Durban Supreme Court in 1995. According to the amnesty applications of the three convicted men, Sergeant Dlamini was identified for assassination by the local IFP leadership because he was supplying the Goldstone Commission with information regarding hit squad activities in Esikhawini. He was also thought to be an ANC supporter as he was allegedly selling ANC T-shirts.
- 223 Both Mbambo and Mkhize alleged that Mzimela, assisted in covering up their involvement in Dlamini's murder by tampering with the murder weapon. In passing judgement on the matter, Mr Justice van der Reyden said that the court had heard evidence about the initial investigation of Dlamini's death that could only be described as "disturbing". Van der Reyden said that it would be improper for the court to make specific findings concerning the initial investigation without giving the other parties an opportunity to reply. He therefore chose to refer the allegations made concerning the alleged cover-up by Brigadier Mzimela and others to the Minister of Safety and Security for investigation. Flowing from this, the Ministry appointed the Investigation Task Board (ITB), which was tasked with overseeing the investigation into hit squad activities in the province by the Investigation Task Unit (ITU).
- 224 Members of the Esikhawini-based hit squad led by Gcina Mkhize alleged that KwaZulu Cabinet member, Prince Gideon Zulu, summoned them to a meeting at his home sometime in 1993. Those present were Zulu himself, Gcina Mkhize, Romeo Mbambo, Daluxolo Luthuli, Robert Mzimela, Chief Khawula, Langeni, Chief Biyela and Mr Nyawuza (Prince Zulu's driver). Zulu told them that he wanted the hit squad members to kill Eshowe ANC leader Mr Sam Nxumalo.
- 225 The hit squad members were given a car from the chief minister's department. On the given day Mkhize, Mbambo, Dlamini and Hlongwane drove to the Eshowe Hospital. It appears that Nxumalo had somehow been warned of the planned assassination and, when he saw the operatives arrive at the hospital, he phoned the SAP who arrived within minutes. The operatives then left and decided to return later. That night they returned to the hospital but it was full of police so they again postponed the hit.
- 226 In his evidence to the Commission, Israel Hlongwane admitted he was involved in several murders and attempted murders in the Sundumbili area during 1992 and 1993. He alleges that local IFP leaders Bongani Hadebe and Shakes Mhlongo, as well as Chief Mathaba, a Mr Mpanza and Mr Jerry Mdanda provided him with a list of the names of about fifteen people they wanted him to kill. Hlongwane's victims include Siduduzo Cedric Khumalo (an ANC scholar he shot dead on 31 October 1992), Sipho Thulani Xaba (also known as 'Gindinga', ANC leader at Odumo High School), Themba Mkhukhu and Mr Mncedisi Kalude (two scholars from the Tugela High School shot dead on 7 August 1993), Mr Daludumo Majenga (shot dead on 29 March 1993), and Mr Canaan Shandu (a COSATU official).

- 227 Bheki K Mzimela, an *induna* located in Chief Mathaba's area of Nyoni, was alleged to be sympathetic towards the ANC because he supported the ANC's call for a ban on the carrying of traditional weapons. Mathaba enlisted the help of the Esikhawini-based hit squad led by Gcina Mkhize to kill Mzimela. Three members of the hit squad, namely Mkhize, Zweli Dlamini and Israel Hlongwane, together with Jerry Mdanda and a man identified only as Dumisani, went to *Induna* Mzimela's home on the night of 23 March 1992 and shot him dead. (Amnesty application of Mkhize [AM 4599/97] and Hlongwane [AM4600/97]).
- 228 The SAP arrested Gcina Mkhize, Romeo Mbambo and Zweli Dlamini in 1993. Advocate Neville Melville, police reporting officer, and the Goldstone Commission insisted that the SAP rather than the KZP make the arrests. In respect of Mkhize and Mbambo, an attempt was made by Brigadier Mzimela, Captain Langeni and others to prevent them from being arrested.
- 229 In 1994, the three were convicted for a number of crimes carried out by the hit squad. In mitigation of sentence, they argued that the hit squad had been set up by senior IFP, KwaZulu government and KZP members based in Ulundi and Esikhawini. Accepting their evidence in mitigation, the presiding judge, the Honourable Mr Justice Van der Reyden, said that when the trial commenced he had been taken aback by the appalling standard of investigation by the KZP. However, he later realised that what he had taken for incompetence was in fact a deliberate design to cover up. He said that the three accused could not have acted alone and called for "a full investigation into the alleged involvement of those persons identified by the accused as the masterminds and puppet masters behind the Esikhawini Hit Squad".
- 230 In 1994, the ITU was mandated to investigate the allegations of the three accused in the Mbambo matter. In June 1996, the ITU presented a comprehensive report to Natal Attorney-General, Mr Tim McNally, in which they recommended the prosecution of eight IFP/KZP/KwaZulu government officials: Prince Gideon Zulu, Mr M R Mzimela, Major M L Langeni, Mr Robert Mkhize, Ms Lindiwe Mbuyazi, Chief Mathaba, Mr BB Biyela and Brigadier CP Mzimela. In the report the ITU argued that:
- These persons utilised their position in the government and police, the very institutions which were meant to uphold law and order, to facilitate a murderous hit squad network ... It is imperative that those who manipulated and used young operatives, who believed that they were acting with impunity, be prosecuted as vigorously as the operatives have been.*
- 231 McNally declined to prosecute any of the suspects on the grounds that there were discrepancies between statements made to the ITU by the key witnesses and statements they had previously made to the Goldstone Commission and the SAP. To date, none of the Esikhawini hit squad's hierarchy nor any of the other operatives have been prosecuted.

THE COMMISSION MADE A COMPREHENSIVE FINDING IN RESPECT OF THE ESIKHAWINI HIT SQUAD IN THE FINDINGS CHAPTER. ACCOUNTABILITY FOR GROSS VIOLATIONS OF HUMAN RIGHTS IS APPORTIONED TO THE FOLLOWING PEOPLE: PRINCE GIDEON ZULU, MR M R MZIMELA, MAJOR M L LANGENI, MR ROBERT MKHIZE, MS LINDIWE MBUYAZI, CHIEF K MATHABA, MR BB BIYELA AND BRIGADIER C P MZIMELA.

- 232 In Wesselton and Ermelo (Transvaal), a group called the 'Black Cats' engaged in violent attacks on members of the newly unbanned ANC from 1990 to 1992. Over twenty people were killed and some of its own members were killed in counter-attacks. At least one Black Cat member was killed by another Black Cat member after testifying to the Goldstone Commission.
- 233 The Black Cats, supported by certain community councillors, received military training from Inkatha at the Mkuze camp in KwaZulu Natal in the early 1990s. IFP hit squad member, Mr Israel Nyoni Hlongwane, was sent to Ermelo for a while to assist in the direction of Black Cats operations. During this time, he was involved in the murder of numerous perceived ANC sympathisers. Hlongwane told the Commission that SAP members met with him and arranged suitable conditions as well as cover-ups of the Black Cats crimes. Hlongwane said that he stayed at the home of the local IFP Chairperson Mr Nowa Mqhobokazi in Ermelo, who provided him with guns and ammunition and instructed him to kill various prominent ANC members, ANC youths and suspected ANC sympathisers. Hlongwane was also approached by the IFP-supporting mayor of Davula township who requested his (Hlongwane's) assistance in eliminating the ANC in his township. Hlongwane gave examples of how the local police assisted in covering up the operations of the Black Cats. During his stay in Ermelo, Hlongwane was supported by the mayors of Davula and Ermelo who each paid him R800 and provided him with groceries.

### *Train violence*

- 234 Both local and regional IFP leadership were involved in the authorisation and planning of train violence. As indicated in the previous section, of the three people convicted for their participation in train violence, two were IFP members. 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 convicted in April 1993 and sentenced to ten years' imprisonment on one charge of attempted murder and one of the illegal possession and use of a .38 revolver. Mr Xolani Mnguni [AM3551/96] received the death sentence in February 1993 for the murder of Mr William Matsosale on 29 November 1992 at a Naledi–Cleveland train. He said that he was acting under the orders of a certain Hadebe of the IFP who allegedly issued an order to kill any ANC supporter or any person speaking badly about Buthelezi. Xolani and an accomplice entered a coach on the train to Cleveland, which they knew was occupied by ANC supporters.
- 235 A witness before the Goldstone Commission testified that IFP leaders Mr Themba Khoza, Mr Musa Myeni, Mr Humphrey Ndhlovu and Mr 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 Station, 25 June 1991 and Nancefield Station, 23 October 1991). The witnesses' testimony resonates with the statement of Mr Xola Frank 'Jimmy' Mbane who also refers to Nancefield hostel-dwellers being used in train attacks.
- 236 On 25 June 1991, an attack on Kliptown 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.

### *The KwaZulu Police*

- 237 The vast majority of reported cases of the alleged involvement of members of the KZP in gross violations of human rights occurred in the period 1990 to 1994. The victims were almost exclusively people perceived to be sympathetic



towards the ANC. The exception was a handful of KZP members who were killed by their own colleagues after they refused to cover up Inkatha or KZP criminal activity. Mention was made above of the KZP's role in the Seven Day War, in hit squad activities and in training the 'Black Cats'. In addition, KZP members were regularly seen transporting Inkatha perpetrators to the scene of attacks. They collaborated with IFP vigilante groups in intimidating and attacking non-IFP supporters. They refused to investigate cases of political violence reported by UDF/ANC supporters. They disrupted UDF/ANC rallies. They frequently failed to respond to calls from UDF/ANC supporters under attack. They openly participated in attacks on UDF/ANC supporters, including murder, shootings, assault, abduction, arson attacks, harassment and torture. The KZP were also deeply involved in providing paramilitary assistance to the IFP (see below).

- 238 A number of KZP stations gained certain notoriety for severe misconduct and partisan policing. These included Umlazi, KwaMashu, KwaMakhutha, Madadeni, Sundumbili and Esikhawini.

THE COMMISSION FINDS THAT THE KZP WERE OVERWHELMINGLY BIASED IN FAVOUR OF THE IFP AND THAT THEY ARE ACCOUNTABLE FOR GROSS VIOLATIONS OF HUMAN RIGHTS INCLUDING KILLING, ATTEMPTED KILLING, ABDUCTION, TORTURE AND ARSON.

*July 1993 to May 1994: resistance and insurrection*

- 239 In the run-up to the 1994 elections, Inkatha came into conflict with the central government and the Transitional Executive Council (TEC) concerning the issue of independence and sovereignty for KwaZulu. Inkatha adopted a publicly declared militant stance towards the rejection of its demands, culminating in a decision not to participate in the April 1994 elections. It was only on 19 April 1994, just six days before the elections, that Inkatha did an about-turn and announced that it *would* contest the elections. In the interim period, KwaZulu and Natal experienced the worst wave of political violence in the region's history. Approximately 3 000 gross violations of human rights were perpetrated by Inkatha in KwaZulu and Natal from July 1993 to May 1994. This constituted more than 55 per cent of all violations reported to the Commission's Durban office for this period.
- 240 In July 1993, when the date was set for the first ever non-racial, democratic elections, Mr Walter Felgate, then IFP National Council member, was quoted in the national media threatening that the IFP would "make it impossible for an election to take place, by embarking on a campaign of mass action, street action and disruption". On 14 February 1994, Buthelezi publicly called on all Inkatha members to "defend and fight back and resist the ANC and its communist surrogates".
- 241 Inkatha employed many strategies to undermine support for the ANC and/or the elections: IFP supporters occupied stadiums booked by the ANC for the holding of election rallies; busloads of IFP supporters were brought into ANC strongholds; voter education campaigns were disrupted, and whole households of ANC supporters were massacred.
- 242 It was at this time that at least three Inkatha paramilitary training camps were set up, including Inkatha's biggest ever paramilitary training project (at the Mlaba Camp) and a training programme in civil disobedience at another camp (Dinizulu). During this period, Inkatha sought assistance from right-wing organisations and disaffected members of the military and police. This assistance included the supply of arms and ammunition (see above), instructors for paramilitary training and the planning of joint Inkatha/right wing attacks on non-Inkatha supporters.

- 243 From the early 1980s right up to the April 1994 general election, Inkatha embarked on a number of paramilitary training projects in which supporters were trained by their leaders and/or by the KwaZulu government in weapons handling and paramilitary tactics. Many terms were used to describe these trained fighters, including community guards, tribal police officers, *amabutho* and so on. Training occurred at, amongst other places, the Amatigulu, Emandleni-Matleng and Mlaba Camps, all owned by the KwaZulu government.
- 244 Former KZP Commissioner, General RP During was opposed to this “indiscriminate training of large numbers of rural unselected untested” men. He said in a statement that:

*sending them into rural areas without supervision ... would inevitably precipitate further violence and unrest ... the deployment of such details into already politicised communities would result in further bloodshed and chaos ... Another unacceptable aspect was that these inadequately trained men with lethal weapons and of necessity be deployed in both defensive and offensive operations – this being completely contrary to existing instruction.*

- 245 In September 1993, the IFP and KwaZulu Legislative Assembly together embarked on the self-protection unit (SPU) training project run at the Mlaba Camp in northern KwaZulu between September 1993 and 26 April 1994. The programme saw between 5 000 and 8 000 Inkatha supporters receiving paramilitary training under the command of IFP leader Mr Phillip Powell. Instruction was also given by Caprivi trainees, Vlakplaas operatives, members of right-wing organisations and hand-picked KZP members. The logistical side of the Mlaba Camp fell under Captain Leonard Langeni, who was also involved in the operations of the Esikhawini IFP hit squads (see above).
- 246 The Mlaba course included training in ambush and counter-ambush techniques, booby-traps, camouflage, house-penetration, hostage-taking, fire and manoeuvre techniques, patrol formations, combat formations and raids. A musketry course was also included. Weapons training was given in the handling and use of AK-47s, Uzi machine guns, shotguns, G-3 rifles, 9 mm pistols, and hand grenades. In addition, the trainees were taught how to manufacture and use petrol bombs. Shooting practice took place in the Mlaba river bed. A (then) Vlakplaas operative N J ‘Snor’ Vermeulen, who was for a period involved in the training at Mlaba, said that Powell had requested that he provide training in the use of heavy calibre weapons but that he had refused.
- 247 Mr Israel Hlongwane [AM4600/97] participated in the training at Mlaba Camp. He said that the trainees at his passing-out parade were addressed by KwaZulu Minister of Justice, Reverend Celani Mthethwa, who told them that “the purpose of this training was to guard the chiefs, to eliminate the ANC and to stop the people from going to vote in the April 1994 elections”.

- 248 Mr Thami Hebron Ngubane, an SPU member from Ixopo, said of his training:

*On the day of passing out, our instructors/commanders gave us instructions that we must endeavour by all means to eliminate the ANC members ... There were no other duties assigned to us except of killing the ANC members.*

- 249 In April 1994, a thousand SPU graduates were recalled to receive further training as special constables. It was intended that those who received this training would be incorporated into the KZP's Internal Stability Unit (ISU). However, the training was brought to an abrupt halt with a joint SAP/TEC raid on the Mlaba premises on 26 April 1994, only hours before the national election on 27 April 1994.
- 250 The raid was carried out after it became known in early 1994 that illegal weaponry was being used in the training of the SPUs. When an officially marked police helicopter attempted to land at the Mlaba camp to carry out the raid, trainees threw stones at it, making a landing impossible.
- 251 Later, when police gained access to the camp, they seized a large quantity of weapons and medical supplies, including twenty-six M26 hand grenades, five rifle grenades, seventy-six G3 rifles, forty-nine shotguns, eleven cases of 7.62mm rounds of ammunition, twelve cases of shotgun rounds and a large box of 9mm ammunition. A search of Phillip Powell's vehicle revealed a box of .222 rounds, a box of shotgun rounds in the boot, a Ruger semi-automatic firearm and a 9mm pistol. A home-made shotgun was also found, concealed under the front seat.

THE COMMISSION FINDS THAT, ALTHOUGH THE SPU PROJECT WAS OFFICIALLY PLACED WITHIN THE AMBIT OF THE PEACE ACCORD AND THAT SELF-PROTECTION FORMED AN ELEMENT THEREOF, INHERENT IN THE PROJECT WAS ALSO AN INTENTION TO FURNISH INKATHA WITH THE MILITARY CAPACITY TO PREVENT BY FORCE THE HOLDING OF ELECTIONS WHICH DID NOT ACCOMMODATE INKATHA'S DESIRES FOR SELF-DETERMINATION. SUCH ARMED RESISTANCE WOULD ENTAIL THE RISK OF UNLAWFUL DEATH AND INJURY TO PERSONS AND, AS SUCH, CONSTITUTES A CONSPIRACY TO COMMIT MURDER.

- 252 Between December 1993 and April 1994, a third training project was run at the Dinizulu camp near Ndumo in northern Natal. Here Inkatha supporters were trained in civil disobedience with the intention of making elections in KwaZulu rural areas impossible. The camp was disbanded after Chief Buthelezi announced that Inkatha would contest the elections. Former IFP National Council member Walter Felgate, who played a central role in facilitating the training at Dinizulu, told the Commission that it was "inescapably a conclusion of the intention of that camp" that people would be killed.
- 253 An informal alliance between the right wing and the IFP emerged after the formation of COSAG in 1993. The alliance played itself out in weapons smuggling and paramilitary training, primarily on white farms and KwaZulu nature reserves. There were also a few cases where IFP and right-wing members took part in joint attacks.
- 254 Prominent South Coast IFP leader Mr James Zulu (now deceased) [AM5864/97] along with six right wingers (Christo Brand [AM6422/97], Morton Christie [AM6610/97], Harry Jardine [AM6178/97], Patrick Pedlar, Roy Lane and Andrew Howell [AM5961/97] all applied for amnesty in respect of the bombing of the Seychelles restaurant in Port Shepstone in February 1994 and the attack on the Flagstaff police station in the Transkei during March 1994. One police officer was killed and another injured in the latter attack. The applicants stated that they had conspired to bomb the Port Shepstone offices of the NP and ANC, but had abandoned these plans because of the commotion caused by the bombing of the Seychelles restaurant.
- 255 On 29 March 1994, eight local KwaMashu ANC leaders were kidnapped and five executed in the KwaMashu men's hostel, an IFP stronghold. The victims were part of a delegation of local ANC leaders that had arranged a peace

meeting with their local IFP counterparts. As arranged, the eight men went to an Inkatha hostel to hold the peace meeting, only to be kidnapped and taken to another section of the hostel where five of them were executed. The other three were able to escape. The chairperson of the Inkatha branch in the KwaMashu A section hostel, Mr Alton Khanyile, was found guilty on five counts of murder, eight counts of kidnapping and two of attempted murder and sentenced to twenty years' imprisonment. The IFP paid for Khanyile's defence during the trial.

- 256 On April 1994, eight employees of a private pamphlet distribution company were tortured and murdered in Ndwedwe, north of Durban. The eight men had been distributing Independent Electoral Commission (IEC) pamphlets explaining voting procedures. Mr Qaphela Dladla, an *induna* of Ndwedwe, was convicted on eight counts of murder after being found guilty of instructing his '*amabutho*' to execute the men for promoting an election which Inkatha did not support. The IFP paid Dladla's defence fees.

### **Ciskei and Transkei**

- 257 In the Eastern Cape, the major conflicts were between the Transkei military government and Pretoria, and between the Ciskei and the ANC.
- 258 In July 1989, Transkei arrested six heavily armed white men who allegedly set off from South Africa, crossed the border with ease, and headed to Umtata to kill Holomisa. In December 1989, two more South Africans, including a serving member of the SAP, were arrested in Transkei on similar charges. Both these attempts seem to have been part of the ongoing attempts to unseat Holomisa, which culminated in the abortive Duli coup attempt of November 1990.
- 259 On 4 March 1990, officers in the Ciskei military overthrew Lennox Sebe and installed Brigadier Oupa Gqozo in his place, an action that apparently did not involve South African security forces. In the early months, Gqozo's government allowed organisations to operate freely. However, within six months the SADF had sent in an MI unit that operated out of Ciskei and deliberately turned Gqozo against the ANC alliance.

## **THE WHITE RIGHT WING**

- 260 For the purposes of this section, the definition of the white right wing incorporates all white groups and individuals who organised themselves to acquire self-determination and against the democratic changes, but in particular those who were willing to commit violations in pursuit of their aims. These groups at times worked closely with other ethnically based nationalist groups, like Inkatha and the homelands leaders.
- 261 The comparatively short period of the constitutional transformation in South African society during the 1990s was marked by a radical mobilisation of white right-wing groupings. In a number of instances, unlawful acts perpetrated by members of right-wing organisations resulted in gross violations of human rights.

### **Background**

- 262 The first significant right-wing break-away from the NP in the mandate period occurred in 1969 when Prime Minister John Vorster expelled Minister Albert Hertzog from the Cabinet. He was followed across the floor by other conservatives who then formed the *Herstigte Nasionale Party* (HNP). The HNP stood unequivocally for a return to Verwoerdian politics for the Afrikaner *volk*, although the party did have not much of an impact on white politics in the country during the years of economic prosperity that followed.
- 263 In February 1982, Transvaal NP leader Dr Andries Treurnicht and twenty other members of Parliament walked out of an NP caucus meeting during a heated debate over the new constitutional dispensation which granted limited voting rights to coloured and Indian people. Treurnicht and his followers formed the Conservative Party (CP) a few weeks later. It was also during 1982 that the first right-wing weapons cache was found. The weapons had allegedly been provided by a policeman sympathetic to the *Afrikaner Weerstandsbeweging* (AWB), which had been formed in 1973.
- 264 In late 1989 three extra-parliamentary right-wing leaders, Mr Robert Van Tonder, Mr Piet Rudolph and Mr Eugene Terre'Blanche met with State President FW de Klerk and Mr Gerit Viljoen in Pretoria to state their demand for a *volkstaat* and for self-determination. The unbanning of the liberation movements on 2 February 1990 sent shock waves through conservative and right-wing circles. On 26 May 1990, CP leaders announced the beginning of the "third war of liberation". Mr Ferdie Hartzenberg was quoted at the time as saying that the Afrikaner would follow the example of the ANC and use the strategy of liberation struggle to attain freedom.
- 265 Between this date and the formation of the *Afrikaner Volksfront* (AVF) in 1993, the mood swung further towards violence. However, the right wing remained fragmented and most human rights violations during this time were perpetrated by extremist groups and individuals, some linked to the neo-Nazi churches.

### Right-wing groupings and structures

- 266 During the 1980s, right-wing groups became targets of Security Branch surveillance and detention. At the height of the state of emergency, a right-wing group, the *Blanke Bevrydingsbeweging* (BBB), was restricted. A statement taken from the National Socialist Partisans (NSP) – a four-person cell – observes that the restriction of the BBB demonstrated that the only effective way open to the right wing was that of underground military action. The unbanning of the liberation movements and the process of negotiations led to a further significant growth of right-wing groups. By the time of the first democratic election, it is estimated that just short of 100 right-wing groups were operational in the country.
- 267 Right-wing groups in the early 1990s could be roughly classified as the 'mid-right' (moderates), the loosely structured "*Boerestaat Alliance*" and the 'ultra-far right'. Most were later unified under the umbrella of the AVF. Many of the ultra-right members believed that the AVF would lead them into a war, while the moderates eventually opted for negotiations and participation in the 1994 elections.

#### *The mid-right*

- 268 Under the mid-right, the Conservative Party (CP) as parliamentary opposition took centre stage. The CP had its own '*Broederbond*', called *Toekomsgesprek*, which in turn formed links with various conservative civic organisations,

religious groups and some public institutions. *Toekomsgesprek* is said to have been instrumental in the formation of the *Boere Krisis Aksie* during the farmers' siege of Pretoria in 1991. It was assisted by General Constand Viljoen and Colonel Jan Breytenbach. According to amnesty applicant Mr Daniel Benjamin Snyders [AM0074/96], *Toekomsgesprek* also developed close ties with the AWB's *Wenkommandos* after 1991.

- 269 Some members of the CP, including leader Dr Andries Treurnicht and Mr Clive Derby-Lewis, were in contact with international right-wing organisations like the 'Monday Club' in the British parliament and the World Anti-Communist League (WACL), as well as the Western Goals Institute.
- 270 The *Boerestaat* Alliance emerged when a delegation of party leaders petitioned FW De Klerk in Pretoria during 1989 for a *volkstaat* in the Transvaal and Orange Free State. Significant parties in this alliance were the AWB, Mr Robert van Tonder's *Boerestaat* Party (BSP), the HNP, the *Oranje Werkersvereniging* and the Transvaal *Seperatiste* (TS). Also included under this grouping was the militant *Orde Boerevolk* formed in the early 1990s by Piet Rudolph, a former security policeman and the deputy leader of the BSP.
- 271 In the early 1990s, local self-protection committees, modelled on the neighbourhood watch system, were created in many right-wing towns by the AWB, including Welkom (*Blanke Veiligheid*), Brits (*Brandwag*), Klerksdorp (*Aksie Selfbeskikking*) and Virginia (Flamingos). Some groups engaged in vigilante actions. An AWB applicant (HJ Slippers [AM1002/96]) described how in November 1990 his commander ordered them to establish a 'white-by-night' regulation in Belfast in November 1990 which meant that blacks found in town after 21h00 were to be forcibly removed. He and three other members found Mr George Nkomane walking in town after the 'curfew' during February 1991, abducted and killed him.
- 272 Similarly, *Blanke Veiligheid* was engaged in a drawn-out 'vigilante' battle with the adjacent black town, Thabong, as early as 1990, fuelled by frequent speeches by AWB leaders in Welkom and a series of liberation movement rallies in Thabong.
- 273 On more than one occasion these organisations were at the forefront of confrontations with black residents during consumer boycotts. During such incidents white vigilantes normally encountered little or no intervention from the law enforcement agencies.

#### *The ultra-right*

- 274 On the ultra-right front, a succession of extremist and militant groups, as well as some non-militant groups, emerged. Some constituted 'armed wings' of the more recognised conservative groups, like the AWB's *Ystergarde* (Iron Guard) and *Wenkommandos* (paramilitary wing), the *Boere Weerstandsbeweging* (BWB) and its own armed wing, the *Boere Republikeinse Leër* (BRL), the *Orde Boerevolk* (OB), the *Wit Wolwe* (WW), the *Wit Bevrydingsleër*, *Magsaksie Afrikaner Nasionalisme*, the Pretoria *Boerekommando*, *Boere Vryheidsbeweging* (BVB) and the Wit Wolwe.

#### *Formation of the Afrikaner Volksfront*

- 275 Racial tension mounted in a number of regions following the killing of Communist Party leader Mr Chris Hani. Leading figures in the extreme right wing warned of retaliation in the event of reprisals following Hani's death. Heavily armed, flag-carrying AWB members and its *Ystergarde* drove around townships threatening residents that they would suffer the same fate as Chris Hani. The *Boere Weerstandsbeweging* warned that it would embark on a cleansing process, eliminating all black communists and agitators. The AWB *Wenkommando* promised merciless attacks on anyone who threatened the lives or property of whites. In a poster war, Mr Barend Strydom of the *Wit Wolwe* declared that his organisation would take up the battle with the ANC in the event of attacks on white citizens.
- 276 It was in the wake of the death of CP leader Dr Andries Treurnicht that a group of retired SADF generals known as the 'Committee of Generals' held a series of meetings around the country resulting in the formation of the *Eenheidskomitee 25* (EK25). This was later expanded to form the *Volkseenheidskomitee* (Vekom) with General Viljoen as leader, and a number of other leading ex-security force members including General 'Tienie' Groenewald (former chief of MI), General Koos Bischoff (former chief of operations of the army), General Lothar Neethling (a former deputy commissioner of police), and General Cobus Visser (a former head of CID) in leading roles. Vekom immediately began to establish regional committees in the rural areas of the Transvaal and the Orange Free State.
- 277 Less than two weeks after the creation of Vekom, the *Afrikaner Volksfront* was conceived at a meeting in Pretoria. A broad spectrum of right-wing groups were present, including the CP, HNP, *Afrikaner Volksunie*, *Afrikaner Vryheidstigting* (Avstig), the WAB, the *Boere Vryheidsbeweging*, Pretoria *Boerekommando* Group, and Vekom. Also present were the Mine Workers Union, the Iron and Steel Workers Union, the Transvaal and Free State Agricultural Union, the Church of the Creator, the *Oranjewerkers-Vereniging* and some business and church groupings.
- 278 General Groenewald convinced the CP's Dries Bruwer and the AWB to join the AVF. More militant groups like the BWB and the BRL also later became *de facto* members of the AVF. Simultaneously, the former *Boere Krisis Aksie* was reactivated through the *Boere Vryheidsbeweging* (BVB) for the establishment of a '*volksleër*' (people's army), consisting mostly of farmers. Its numbers were thought to be around 10 000, of whom 3 000 could be mobilised at short notice. The *volksleër* allegedly later became the military arm of the AVF. It was for some time under the command of Colonel Jan Breytenbach, formerly from Special Forces and commander of 32 Battalion.
- 279 The various groupings developed strategies of action involving the mobilisation of resistance and support from various quarters, including homelands parties and some international organisations. Some grouping planned armed actions against the state. In one such protest action, AWB members crashed through the doors of the World Trade Centre at Kempton Park, Johannesburg, in a Casspir (armoured personnel carrier). This was a warning sign that the AWB and some of its militant allies were not fully under the control of the generals. In the Freedom Front submission, General Viljoen acknowledged that they realised that the mood among some supporting groups was volatile and that it could "very well become uncontrollable".
- 280 In March 1994, Eugene Terre'Blanche disregarded an order from Viljoen not to join other AVF members sent to help President Lucas Mangope of Bophuthatswana with the turmoil caused by civil servant strikes (see below). Constand Viljoen [AM5667/97] then resigned as leader of the AVF, distanced himself from the AWB and agreed to take part in the election under the banner of the Freedom Front. The final phase of resistance/revolt was averted by the signing of the last minute pre-election 'Accord on Afrikaner Self-Determination' between the AVF, ANC and the NP government

on 23 April 1994. The accord made provision for the inclusion in the interim Constitution of the principle of self-determination and the establishment of the *Volkstaatraad*. From amnesty applications it appears that AWB members had in mind a “conventional war” to “overthrow” the former (NP) government and to convert it to a ‘*Boererepubliek*’. The aim was to generate secession in certain regions and then to take over the government with “military violence”. This was to happen in three phases, first, a propaganda campaign to create support; second, the stock-piling of food and weapons and the subversion of government authority and third, the use of sabotage and other violent actions to propel the government into as much social and political chaos as possible.

- 281 Amnesty applicants say that the AWB ‘*Generale Staf*’ gave orders to all commanders during November 1993 to plan in their regions for the take-over of all police stations. This was never carried through.
- 282 Shortly before the general election, the AWB drew up a strategy to acquire the Transvaal and the Orange Free State as a base against a future “Communist government”. It provided for the occupation of these areas by thousands of its followers “to ensure sufficient manpower was mustered to ward off any persecution or action against supporters of the right wing”. Twenty-three amnesty applicants asserted that before the election many right-wing town councils in the western Transvaal made an agreement with the AWB to protect key (logistical) points should the need arise. The AWB would then transform themselves into *volkstaat* police for the protection of such towns. The AWB was also granted the freedom of a number of western Transvaal towns during this time.
- 283 Closely associated with the AWB, the more radical BWB included an “armed wing”, called the *Boere Republikeinse Leër* (BRL). Amnesty applicants from the BWB claimed that they were given instructions at meetings to prepare for war, which included the procurement of weapons and ammunition.
- 284 After the formation of the AVF, the commandos were incorporated into the umbrella movement’s paramilitary structures. At this point, claims put the number of ‘soldiers’ that could be mustered at between 50 000 and 500 000.
- 285 Many AWB amnesty applicants refer to a meeting in Ventersdorp in February 1994 where they were informed that a coalition would be formed with the AVF and CP to declare secession in order to obtain the land that was to be ruled by the *Afrikaner Boerevolk*. Terre’Blanche allegedly pronounced at this meeting that he was the mouthpiece of the *Afrikaner Boerevolk* and ordered the AWB generals to return to their commandos and prepare for war.

### Links with other groups

- 286 There are a number of allegations relating to the involvement of MI structures in the formation of Vekom and later the AVF. On the one hand, it has been suggested that the AVF was a strategy to defuse the militant ultra-right and rogue security force members and to bring them into the fold of the negotiation process. An alternative version is that the initiative was aimed at mobilising the right wing to create an impression that a military-style coup was on the agenda, thus either strengthening the NP’s bargaining position in the negotiations or as a prelude to a military-style coup.
- 287 Although members of the former SADF and SAP had, since 1984, been prohibited by law from being members of the AWB and other right-wing organisations, many policemen were sympathetic to the right wing. The AWB boasted that had the support of between 40 and 60 per cent of the army and police.



288 The Commission received amnesty applications from security force members who supported the right wing and even actively assisted them with training and the purveying of information and weapons. Examples include:

- a During a meeting in Pretoria on 19 July 1993, Colonel Piet Botha, former policeman and then secretary of the AVF's executive council, submitted a twenty-page memorandum for a militant plan of armed resistance to take over the Union Buildings, SAP and SADF headquarters and the SABC, among others.
- b In June 1993 a Lieutenant Johan Kotze (SAP Phillipi) said the SAP was busy organising right-wing policemen to neutralise the SAP during a possible coup, by placing as many policemen with right-wing sentiments at all SAP stations and that former special forces and Koevoet members with right-wing sentiments were being encouraged to join the SAP's reservist force.
- c Another report from NIS says SAP members appeared to be part of right-wing armed mobilisation. The agent alleged that several SAP members were on the regional management of the BKA, in towns like Heilbron, Vredefort and Wesselsbron.
- d A BWB 'general' (Horst Klenz [AM0316/96]) described how the security police in some towns (like Cullinan) provided weapons directly to the group's deputy leader (one Von Beenz), for use by the BWB's approximately 100 active members.

289 At the same time, however, the security forces infiltrated the right wing. According to intelligence documents shown to the Commission, the SAP ran a Stratcom Project in the early 1990s called *Operation Cosmopolitan* which aimed to "utilise strategic intelligence in order to persuade the right wing to take part in negotiations and a peaceful settlement and to positively influence members of the SAP to accept and support the negotiation process". An application from Mr Klenz confirms this strategy:

*The entire BWB was infiltrated by the Security Police, if they were not in charge anyway ... The most fervent right-wingers were thus kept busy with war exercises, which satisfied their need for action, without achieving anything.*

290 The line between infiltration and participation is frequently difficult to determine. A security policeman applied for amnesty in relation to a number of acts carried out allegedly by the *Wit Wolwe* in mid-1990 – including death threats made to a Pretoria NP councillor after the city council decided to open facilities to all, and the shooting of an arrow at the house of a Democratic Party candidate in Alberton, with the words "*Wit Wolwe, wit woede, wit weerstand*" (White wolves, white rage, white resistance) attached. The applicant, who does not want to be identified as he claims still to be working undercover, says he has been involved in gathering information on the right wing since 1985, mainly with a view to identifying violent campaigns in the wake of the 1983 constitutional changes. During the late 1980s, his main task shifted to identifying those policemen who were actively involved in far-right organisations, as they might have had access to weaponry and military intelligence. He identified and named several such policemen.

- 291 Similarly, there are indications that a leading right-wing operative who applied for amnesty for gross violations of human rights was in fact a source of one of the intelligence agencies. Claims in amnesty applications that SADF arsenals were shown to the right wing and that co-operation was promised could not be substantiated. Individual defence force members may, however, have helped to create caches and obtain weapons through established networks.
- 292 Two amnesty applicants who committed fraud to obtain weapons for both the AVF and AWB said that the groups obtained AK-47s from Mozambique and UNITA and believe members of former SADF Special forces and *Koevoet* were involved in this. Another applicant (DB Snyders [AM0074/96]) indicated that the AWB had contact with weapon supplies from Maputo. While the Commission was unable to establish the veracity of these allegations, it must be noted that many of the right-wing groups formed in the early 1990s had former or serving SADF, Special Forces, CCB and MI members as leaders.

### **The right wing and the Inkatha Freedom Party (IFP)**

- 293 The AVF and the IFP became formally linked by the formation of COSAG in 1993, and its successor, the Freedom Alliance. Officially, the Freedom Alliance (FA) was a political pressure group, consisting of the AVF, the IFP, the Ciskeian and Bophuthatswana homeland governments, and the Conservative Party. All its members had pulled out of the multi-party negotiations at the World Trade Centre at one stage or another. The FA was united around the rejection of a unitary state and advocated a strong regional agenda.
- 294 Even before COSAG and the FA came into existence, AWB groups in KwaZulu (the North Coast in particular) and to a lesser extent the West Rand, were working closely with the IFP, providing training on their farms and often sharing membership.
- 295 One IFP amnesty applicant from Durban, Mr Alan Nolte [AM2501/96] claims to have been 'on loan' to the AWB when he set out with four other AWB members, on orders from the AWB, to poison the water supply of Umlazi with cyanide during 1993/4. The Commission found no evidence that this was executed. Nolte was later convicted of illegal possession of arms and explosives.
- 296 The Commission received several applications for amnesty from right-wing operatives involved in the procurement of arms which indicates co-operation and/or involvement of the IFP. Amnesty was granted to Mr Gerrit Phillipus Anderson [AM8077/97], an AWB member whose cell in Natal co-operated with the IFP in the procurement and hiding of weapons.
- 297 AVF/AWB member Mr JN Visser [AM 5199/97] described how weapons were bought from an IFP member and distributed to the AVF. Another AVF member, Mr JW Van Rensburg [AM5666/97] claimed he provided advice and military training to the IFP at Empangeni during 1993. An AWB amnesty applicant admitted that he was working as a security police informant in late 1993 and that during this time he was asked by the AWB to approach the IFP with a view to joint weapons' heists on police stations in the East Rand (T Chadwick [AM5193/97]). The weapons' heist at the Eastern Cape Flagstaff police station in March 1994 was thwarted when the police were warned of the impending attack by an informer and AWB commander Patrick Pedlar. The AWB applicants were granted amnesty in respect of

the murder of policeman Mr Barnabas Jagers, the attempted murder of Mr Wele Edmund Nyanguna and Mr Mzingizi Abednego Mkhondweni and theft of a police vehicle. The Amnesty Committee found that they were given the order to obtain arms to be used by the IFP's self protection units in their war against the ANC.

- 298 Nevertheless, in a section 29 investigative enquiry at the Commission's Durban office, Mr Walter Felgate, former IFP leader, said that the IFP declined most right-wing offers for joint operations to procure weapons.

### **Links with international right-wing groups**

- 299 The first link between ultra-right terrorism and foreign agencies came to light in 1982 when Mr Fabio Miriello, Mr Massimo Bollo and Mr Eugenio Zoppis, all white foreign expatriates known as the 'White Commando', were convicted of the 1979 bombing of the offices of prominent academic Dr Jan Lombard. Originally Mr Koos Vermeulen and Ms Monica Huggett (a foreign right-winger) were arrested with them, but Huggett turned state witness and Vermeulen was released after a few days. Huggett's name was subsequently linked to the shoot-out in March 1994 between the SAP and three German right-wingers in the Donkerhoek area. One German right-winger, Mr Stephan Rays was arrested, Mr Thomas Kunz was shot dead, and a third, Mr Horst Klenz [AM0316/96] later arrested. A fourth, Mr Alexander Niedneleun, was later charged in the Cullinan magistrate's court for illegal possession of a fire-arm.
- 300 Mr Robert Mahler [AM6397/97], an American citizen, claims in his application to have been recruited by the former SAP to act as firearms instructor. Mahler was caught in the United States, after he illegally imported a large cache of weapons to South Africa, using fraudulent names and passports. He claims allegiance to the CP, and said he had contact with other groups like the AVF and the AWB. He also said he was the USA fund-raising representative of the AWB.
- 301 The HNP, Avstig and the AWB were active in Namibia, particularly around the time of independence in 1989. South African right-wingers helped extensively with the provision of weapons across the border through AWB/BWB smuggling networks, mostly based in Pofadder. It is alleged that the CCB and possibly other members of the former security forces were also involved in these networks.
- 302 Intelligence sources claimed that several right-wingers, including AWB and BWB members, were involved in gun-running from RENAMO to South Africa. An AWB member allegedly tried to get funds for the movement in Europe, under the cover of fund-raising for the 'development' of Mozambique. A group of RENAMO soldiers was allegedly recruited by the right wing in mid-1993 to serve on the AVF's *Volksleër*, along with several former CCB, *Koevoet* and 32 Battalion members. Some amnesty applicants claimed that the right wing obtained arms from RENAMO and UNITA with the help of Special Forces members. This was corroborated by NIS source reports.

### **Violations committed by the right wing**

- 303 In the pre-1990 period, the right wing was mainly associated with isolated incidents of racial and other violence. The earliest example of a right-wing violence in any amnesty application is that attributed to Mr Eugene Terre'Blanche [AM7994/97] for the tarring and feathering of Professor Floors van Jaarsveld in 1979 after his 'liberal' speech in Potchefstroom.

- 304 Between 1982 and 1985 various AWB members, including Terre'Blanche, were charged with illegal possession of weapons and explosives.
- 305 In 1988, *Wit Wo/ve* member Barend Strydom massacred seven people in Pretoria in Church Square. Strydom initially applied for amnesty for this incident, but subsequently retracted his application.
- 306 In December 1988, Ms Linah Masesi Mazibuko [JB04588/01ERKWA] was assaulted and left to die by a named CP member near a shopping complex in Brakpan. In the same month, Mr Matthews Mokoena was set alight with petrol by an AWB member in Petrus Steyn, Orange Free State. Mokoena died later in hospital.
- 307 In August 1989 a black taxi driver, Mr Potoka Franzar Makgalemele, was fatally stabbed and shot by two right-wingers. A member of both the AWB and the radical *Orde van die Dood* applied for amnesty for the killing (CJ Lottering [AM1004/96]) saying he was under orders to kill various political figures, and committed this murder 'as initiation' to find out whether he was capable of it. He was denied amnesty for the act.

### **Human Rights Violations since 2 February 1990**

- 308 One of the earlier known cases of orders given for violence, was that of Piet 'Skiet' Rudolph of the *Orde Boerevolk* who advised – on an internationally distributed video recording in 1990 – that people should “shoot now” at those who posed a threat to Afrikaner and *Boere* self-determination.
- 309 From 1990 onwards, human rights violations perpetrated by supporters of right-wing organisations included targeted killings, indiscriminate attacks on individuals, the bombing of strategic targets/sabotage and violations associated with the Bophuthatswana invasion
- 310 Two AWB members from Potgietersrus, Mr Jan Harm Christiaan Roos [AM0801/96] and Mr AJ Vermaak [AMAM0818/96], killed a civic member Mr Max Serame in 1990, because of his alleged role in a boycott action in the town. The applicants claimed that commanders did not ask them to kill Serame and that they were in a position to make their own decisions. Earlier that year, Mr JW Rautenbach [AM0412/96], murdered Mr Iponse Beyi Dlamini in Lamontville. In October 1990, Mr Jeff Wabena was assassinated by a masked gunman during an ANC branch meeting in Border. Wabena was the national co-ordinator of the South African Domestic Workers Union (SADWU). He had previously survived two other attempts to kill him.
- 311 Chris Hani was gunned down on Easter weekend 1993 at his home in Dawn Park. Polish immigrant Januzs Walus [AM0270/96] and CP MP Mr Clive Derby-Lewis [AM0271/96] applied for amnesty for the killing. Hani's death led to fears of widespread reprisals and counter-reprisals that could derail the negotiations and an international team was set up to probe his assassination. Both Walus and Derby-Lewis were convicted and sentenced to life imprisonment. Allegations still abound that a wider conspiracy was involved in the assassination. Some of those alleged to have been involved (names withheld at this stage) have also been implicated in intelligence documents as part of the so-called 'Inner Circle' or '*Binnekring*' of 67 members of special forces (mainly CCB) and MI allegedly set up in July

1990. According to the former Transkei Intelligence Service they were tasked to carry out special operations by top generals in former MI structures.

- 312 Both Derby-Lewis and Walus had strong ties with Mr Koos Vermeulen, leader and founder of both the World Preservatist Movement (WPB) and the World Apartheid Movement (WAB). Both were and are suspected to have been South African Police fronts. Others associated with WAB include right-wingers Mr Adrian Maritz and Mr Henry Martin, both former intelligence sources. Maritz and Martin often worked closely with CCB operative Leonard Veenendal when he carried out violations between 1989 and 1991. Walus himself operated as a NIS source. The weapon used in the killing was stolen from the Pretoria SAAF air base by Piet 'Skiet' Rudolph, Veenendal and Francois van Rensburg in April 1991.

THE COMMISSION WAS UNABLE TO FIND EVIDENCE THAT THE TWO MURDERERS CONVICTED OF THE KILLING OF CHRIS HANI TOOK ORDERS FROM INTERNATIONAL GROUPS, SECURITY FORCES OR FROM HIGHER UP IN THE RIGHT-WING ECHELONS.

- 313 In February 1990, AWB member AJ Roets [AM4281/96] and others embarked on a random raid on black people and whipped and kicked an unknown victim to death. In the same month, a photographer was thrown out of an AWB meeting in Brandfort and sustained serious head injuries when he was attacked with *sjamboks* (whips) and pick-axe handles. The Orange Free State regional leader of the AWB and three others were charged with assault. A journalist from India was assaulted and thrown out of an AWB meeting in Pretoria.
- 314 In May 1990 the Soweto Civic Association warned residents of a group of whites pretending to be police. The group travelled around the township in a minibus without number plates. The civic issued this warning after two Soweto youths were shot dead by a white gang on separate occasions.
- 315 During a consumer boycott in Delmas, AWB supporters entered the township to cause trouble. On one occasion, an AWB supporter wounded a youth and on another a resident was shot dead. Three members of the youth executive disappeared.
- 316 During September 1990, Mr Johannes Masango was killed by two people in Johannesburg when they found him on their property (Van Deventer [AM2045/96]) In the same month Mr Abia Molise and two friends were thrown into a police van and tortured by alleged AWB members of the police in Bloemfontein.
- 317 In February 1991, Mr George Mkomane was killed by five AWB members in Belfast. Mr Hendrik Slippers [AM1002/96] said they were driving around trying to enforce the AWB's 'white by night' policy in the town. The victim was punched and kicked all over the body, then left to die.
- 318 In 1992, an unknown black victim was stabbed to death in May by an AWB member in Johannesburg. Mr V Vosloo [AM1003/96] said he decided to do this to show his dissatisfaction with the new order. In the same month, two AWB members (brothers Janse van Rensburg) were on their way to Witbank after an AWB meeting when they saw an unidentified black man walking along and they decided to kill him.

- 319 During May 1991, Mr Simon Rabesi Phiri [JB01567/03NW] and his mother Ms Maart Matlakala Phiri, Mr Judas Sithole, Ms Pauline Sithole and Ms Nkete Wlemina Mangwela were beaten as part of the AWB's 'clean-up' of their squatter camp in Tshing, near Ventersdorp. Eugene Terre'Blanche and Piet 'Skiet' Rudolph were part of the action.
- 320 During 1991, three people were killed in Louis Trichardt in the course of a weapons heist by a group of right-wing students. The victims were Mr Makwarela Dobani, Mr Wilson Dobani and Ms Maria Claudine Roux. The students were part of a right-wing cell called the National Socialist Partisans whose main aim was to prevent the ANC/SACP from taking over and to establish a *volkstaat* "through violent means". They set out obtain weapons, funds and to establish bases for the "purposes of training internally as well as in neighbouring countries". In November 1991, two members of the four person cell, Mr Johannes Jurgens Grobbelaar and Mr Jurgen White, died in uncertain circumstances at Noenieput in the far Northern Cape. The SAP claimed they had committed suicide after a "wild shoot-out". A number of reports stated that the SAP were investigating a possible link to two right-wingers with connections with the security forces, notably Maritz and Martin.
- 321 Grobbelaar's mother made a statement [JB0121/03WR] to the Commission alleging that the Security Branch might have been involved in the shooting that led to his death and pointing to irregularities in the police investigation. She alleged that she and her husband had been subject to intimidation and threats by the Security Branch both before and after his death. The Human Rights Violations Committee concluded that the two were shot and killed during a battle with the police, but that there was not sufficient evidence to disprove the inquest finding of suicide.
- 322 In December 1991, two other members of the alleged cell, Mr Cornelius van Wyk [AM1050/96] and Mr Jean du Plessis [AM0151/96] were refused bail after their arrest in connection with a break-in at an SADF base in Potchefstroom and at Walmansthal "after police had investigated the circumstances surrounding the deaths of Grobbelaar and White". Du Plessis and Van Wyk are still in prison and were refused amnesty as the Amnesty Committee found that their cell was not a "publicly known political organisation or liberation movement" as required by the Act.
- 323 During June 1992, Mr Fox Buys [KZN/BEN/08/FS] was brutally stoned to death by an AWB farmer near Bloemfontein for allegedly assaulting an employee of the farmer.
- 324 In 1992, two friends, Mr William Rankadi and Mr Petros Manyedi, [JB05677/03VT] were allegedly fired at by AWB members as they were walking down a street in Meyerton.
- 325 Mr Andries Plaatjies, [EC2024/97TS] an ANC member, was kicked and assaulted with pick-axe handles by several white vigilantes in Patensie in October during a boycott of white businesses. The police did not intervene. Plaatjies sustained serious injuries.
- 326 Mr Patrick Kwankwa [EC0859/96KWT] was walking home from Vanderbijlpark in June when AWB members shot him through the ankle without provocation. His foot was amputated as a result of this shooting.
- 327 In November 1992, Mr Moloi Mofokeng [KZN/PAM/004/FS] was shot in Heilbron by an AWB member during a strike by workers. Mofokeng had not taken part in the strike. He died in hospital.

- 328 In March 1993, a right-winger in Reitz allegedly abducted three men, including Mr Molefi Theletsane [KZN/PAM/014/FS], who was injured when he jumped off the bakkie to escape. A PAC member was shot by an unknown member of the *Wit Wolwe* while travelling near Welkom.
- 329 An AWB member shot and killed Mr Norman Linda [JB0141/03VT] in Boipatong during a march to the police station in April. Mr Samuel Moloi [KZN/SELF/066/FS] was shot and injured by an AWB member for no apparent reason in Kestell township, Bloemfontein later that same month.
- 330 On 17 April 1993, two AWB members decided to kill a black woman at Flamingo Pan, Welkom after the woman got out of a car with a white man. Their motive was that "blacks and whites should not be together". She was shot dead.
- 331 In May Mr Mika Bennet Moeti [JB05533/03NW] was severely injured when the car he and a friend was driving in was driven off the road near Pampierstad by AWB members and overturned.
- 332 Mr Class Mabuti Mofadi [KZN/BEN/027/FS] was shot and severely injured by an AWB member in June at Cansutt, Tikwana (Hoopstad). He was wearing an ANC shirt. In the same month Mr Samuel Chobane Papala [KZN/BEN/001/FS] was abducted by three AWB members while walking down the street in the same town. They locked him up and assaulted him.
- 333 On 1 July 1993 five AWB members (including Mr AML Fourie [AM0361/96] and Mr Gert Jonker [AM0484/96] abducted two black men in Carltonville suspected of theft and decided to kill them. One of them, a 'Commandant', applied for amnesty for the death of Mr William Lesenjogo and stated his political objective as being "to promote the ideology of the AWB and to decrease the number of blacks".
- 334 An AWB commander, Mr Gerald John Van Dyk [AM0113/96] from Carltonville, applied for the murder on a Rustenburg policeman during July 1993 and cites general orders from the AWB.
- 335 In September, Mr Tshamaano Robert Mahebeledzha [JB00571/02NPPTB] was severely assaulted in Potgietersrus by two AWB members (names withheld) for not being able to tell them the whereabouts of two black men they were pursuing. His leg was amputated as a result of the assault.
- 336 Mr Richard Mfanini Mthethwa [KZN/SANG/035/VH] was severely beaten, kicked and assaulted by four AWB members in Vryheid during September. He became blind and lost his job.
- 337 In October, Ms Tshibili Siobo [JB03332/02NPLTM] was called a 'kaffir' and dragged by a tractor at her place of employment near Louis Trichardt when she was pregnant. Her chest was torn up and other injuries were sustained. She is today a cripple.
- 338 Mr Nicklaas Engelbrecht and Mr Frikkie Witbooi was shot dead by amnesty applicant Mr GJ van der Sandt [AM1698/96] in November 1993 near Pofadder.

- 339 During December 1993 Mr Edgar van Wyk [JB5924/03WR] was severely injured and tortured by AWB members who broke into his house in Toekomsrus looking for his son who was supposed to have Obtained AK-47s for them. His wife was also beaten.
- 340 In the same week Mr Teboho Makhuzza [JB05972/01GTSOW] and three friends, Mr Theophilus More, Mr Gabriel Shabangu and Mr Simon Nkomboni were amongst those killed by the AWB gang who erected a roadblock. Eight amnesty applicants said they shot and killed four black people, wounding six others, after being told by their Western Transvaal commander that the "revolution" was to start that day. The applicants were Chief Commander for Randfontein area, Mr Phillippus Cornelius Klopers [AM4627/97], his second-in-command, Mr Deon Martin [AM4621/97] and Mr Andre Francois Visser [AM4571/97], Mr Marius Etienne Visser [AM7003/97], Mr Petrus Matthews [AM4624/97], Mr Gerhardus Johannes Diedericks [AM6662/97], Mr Frederick Jacobus Badenhorst [AM7004/97] and Mr Carel Hendrik Meiring [AM7002/97] and Mr Marthinus Lodewikus van der Schyff [AM5435/97].
- 341 The applicants claimed they were ordered by their commander, AWB General Japie Oelofse, that it was time to see "bodies" while exercising "hard options". After searching several cars for weapons they wanted to confiscate for their war, they assaulted and later shot the occupants of two cars. Oelofse allegedly requested a symbol of their activities and an ear of one of the victims was cut off to show him. During the amnesty hearings, Oelofse denied this. The Amnesty Committee had not yet made a decision at the time of reporting.
- 342 Weeks before the 1994 election, two people were shot at by AWB members in Bethlehem. One of them, Mr Daemane David Maphisa, [KZN/SMB/128/FS] died.
- 343 During March 1994, Mr Mcoseleli Benya [EC2116/97ELN] was stabbed to death with pangas by four named AWB members on the N2 in East London. The Commission heard that dangerous weapons were used in an AWB mission to remove "blacks" from the streets before the election.
- 344 Mr Itumeleng Ernest Kejane was shot by an AWB member at Hertzogville while participating in a march. He was severely injured.
- 345 In March 1994, three right-wingers, claiming to be AWB members, including Mr Tyrone Chadwick [AM5193/97], shot and killed two unknown victims in Heidelberg in the former Transvaal, then dug a trench and threw the bodies into it.
- 346 On 23 April 1994, four AWB members shot and killed an unknown victim in Secunda. Those who applied for amnesty were Mr WJ Van Zyl [AM5611/97], Mr OA De Meillon [AM4570/97], Mr Edmund William Holder [AM5610/97] and Mr Willem Johannes Van Schalkwyk.
- 347 On election day, 27 April 1994, Mr Viyani Papiyana was killed when two right-wingers took to the streets in the West Rand and shot at a minibus taxi in an effort to disrupt the elections. Mr Godfrey Papiyana was wounded. The applicants, Mr James Wheeler [AM2084/96] and Mr Corneliuys Rudolph Pyper [AM5179/97], were serving fifteen-year jail sentences for the attack when they were granted amnesty. The Amnesty Committee was satisfied that the applicants had believed themselves to be under orders from the AWB.



- 348 Two AWB members and a BWB member from Secunda were ordered to obtain automatic weapons for the 'revolution'. The Devon Radar Complex in Secunda was attacked and robbed on 24 April 1994. A police guard was shot and killed in the process. Mr WJ Van Zyl [AM5611/97] and Mr EW Holder [AM5610/97] claimed they were given orders by their area commander, Mr Ockert van Schalkwyk. Mr Ockert de Meillon of BWB [AM4570/97] allegedly pulled the trigger.

### *S a b o t a g e   a n d   B o m b i n g   o f   S t r a t e g i c   T a r g e t s*

- 349 During March 1990, a mosque in Nelspruit was bombed by right-wingers. Two months later Melrose House, the site of the signing of the Anglo-Boer War Treaty, was extensively damaged by a bomb. The *Orde Boerevolk* claimed responsibility for this as well as for bomb attacks on the office of the ANC and that of a trade union in Rustenburg later the same month.
- 350 In June, a bomb blast caused damage to a trade union office in Welkom. The neighbourhood watch-style vigilante group *Blanke Veiligheid* claimed responsibility. During the next two months right-wingers also placed bombs at some NP offices and the home and business of a DP councillor Mr Clive Gilbert, at a Jewish Centre in Johannesburg, at the home of a NP town councillor, at the home of Mr Serge Mokonyane of the Kagiso Residents Organisation in Krugersdorp, at the offices of *Vrye Weekblad* in Johannesburg and at the Carltonville offices of NUM. The former leader of the AWB in Johannesburg Mr Leonard Veenendal [AM3675/96], Mr Daryl Stopforth [AM3549/96], salesperson Mr Craig Barker and Mr Arthur Archer were charged in connection with *inter alia* the bombs at the synagogue, Burger's house and *Vrye Weekblad*. This was the first time that right-wingers had been charged with terrorism. None of the accused were granted bail, and Veenendal, Barker and Archer went on hunger strike.
- 351 In July, twenty-seven people were injured when a bomb exploded at a taxi rank in Johannesburg during peak hour. The *Wit Bevrydingsleër* claimed responsibility. In the same month a waiter was killed when a bomb exploded in the Richmond Hotel in Florida on the West Rand, and one man was killed and twenty-one injured when a white man hurled a grenade into the Roodepoort Hotel. The deceased were Mr Right Ngoma and Mr Kelvin Netsware.
- 352 The NP office in Bloemfontein was bombed by unknown persons. Commenting on the bomb attack in Bloemfontein, a member of the *Boere Weerstandsbeweging* warned: "If [the government is] going to continue selling us out to the communists they can expect more blasts like [the one at the National Party office] ... We are army guys and used to fighting communists and we will not stop before we have our Boer republics back".
- 353 In August 1990, a bomb exploded on a Saturday morning in a Pretoria street, near a taxi rank and COSATU's offices. About thirteen people were injured, some seriously. A bomb also exploded outside a residential hotel used by ANC and SACP supporters in Johannesburg. An M26 hand grenade was thrown into the third class section of Roodepoort station in Johannesburg. Mr Gilbert Aiking was killed and two women were injured.
- 354 During September 1990 two bombs exploded outside the *Beeld* newspaper offices in Johannesburg. The venue for the *Weekly Mail* film festival in Johannesburg was the target of a bomb attack, after a showing of a film called "How to make love to a Negro without getting tired". The *Orde Boerevolk* claimed responsibility for both attacks.

- 356 A white man petrol-bombed a Putco bus full of black passengers in Johannesburg. No one was injured.
- 357 In October 1990, a parcel bomb was delivered to a computer company in Durban, which did work for trade unions and anti-apartheid organisations. Several employees were ANC members and it was a venue for ANC meetings. Mr Nicolas James Elvin 'Nic' Cruise [KZN/KM/644/DN] was killed opening the parcel and three other workers were injured. The police detained six right-wingers in connection with a taxi rank bombing and the killing of Cruise, including three British citizens,.
- 358 The home of the American ambassador in Pretoria was the target of a bomb attack. The *Orde Boerevolk* claimed responsibility. Commercial explosives damaged a block of flats with black tenants and shop windows in Johannesburg. At the East London ANC branch launch, a petrol-bomb was thrown amongst the parked cars from a passing car.
- 359 Following announcements that the Group Areas Act was to be repealed and schools to be opened to all races, a number of schools were destroyed in a series of bomb blasts. A formerly white school in Pretoria, where ANC exiles' children were to be accommodated, was the target of two bomb attacks. Various radical right-wing groups simultaneously claimed responsibility. Two CP members, Mr Jan Petrus Kruger [AM2734/96] and Mr Marthinus Christoffel Ras [AM2735/96], bombed the Sabie Magistrates' Court in 1991 and the Lowveld High School in Nelspruit in 1992.
- 360 Another applicant, Mr JJC Botha [AM1703/96] applied for the bombing, together with four others, of Hillview School, Cosatu House as well as the Verwoerdburg and Krugersdorp Post Offices during 1991 and 1992.
- 361 Right-wing acts of sabotage and bombings resumed in late 1993, often with the explicit aim of derailing the election process. Four AWB members were convicted of a number of such acts, including robbery with aggravating circumstances, explosions and attacks on power stations in the former Transvaal during 1992 and 1993. The members were Mr Abraham De Klerk [AM0810/96], Mr JH Zietsman [AM0772/96] and Mr JA van der Linde [AM0809/96] and Mr Albertus Francois van der Merwe [AM0079/96].
- 362 Two BWB members from Cullinan, Mr Leo Froneman [AM0395/96] and Mr Pieter Johannes Harmse [AM3275/96], the latter also a commander in the BRL, were jointly convicted for an explosion at an Indian business complex in Bronkhorstspuit on 18 September 1993. Policeman Abraham Labuschagne died in the explosion and six people were injured. The bomb was home-made and one of a series made by the cell, who also aimed to stage a *coup d'état* by switching off the country's power supply. During their amnesty hearing, they handed in a video of a 1993 BWB meeting, during which it was stated that the party would declare war against the country. They were granted amnesty.
- 363 In 1993 an AWB Wenkommando member was arrested in connection with planned acts of sabotage against the Koeberg nuclear power station. In late 1993 a Commandant of the AWB's Special Task Force, an explosives unit (established allegedly on the orders of Oelofse) was sentenced for several counts of sabotage in the Western Transvaal, including the blowing up the Munsieville electrical substation, and the transport and possession of explosives.

- 364 In February 1994, three AWB/AVF members, Mr JB de Wet [AM6466/97], Mr de Wet Johan Strydom [AM5168/97] and Mr Pieter Breytenbach [AM5167/97] members went on a bombing and sabotage spree with explosives received mainly from *Boere Krisis Aksie*. Mr Kleinboo Ramolla [KZN/SMB/009/BF] was killed when an explosives device which they had planted detonated at a taxi rank in Bultfontein. Eight other explosions were caused by the two in the run-up to the election. Among the targets were two primary schools, the shops of three ANC supporters, and the SABC tower in Schweizer-Reneke.
- 365 An AWB colonel Jan Cornelis Labuschagne [AM3671/96] claimed responsibility for a series of explosions carried out with two other members, Mr Daniel Wilhelm van der Watt [AM3673/96] and Mr Johannes Jacobus Botes [AM3672/96] between September 1993 and February 1994. The three placed more than twenty explosive devices on railway tracks, power stations and in black townships to disrupt the infrastructure and gain publicity for the right-wing's anti-election cause. A number of people were injured.

#### *P r e - E l e c t i o n   B o m b i n g s*

- 366 A number of people were killed on 24 and 25 April 1994, when eleven members of an AWB cell went on a bombing spree of targets, mainly (black) taxi ranks. The eleven were part of a group of twenty-six found guilty on ninety-six counts of pre-election bombings, murder, and damage of property. Altogether twenty people died and forty-six were injured.
- 367 Bombs were placed at four different targets after call-up instructions were allegedly issued on April 14. A pipe bomb was thrown out of a car in Bloed Street, killing three and injuring four. Another bomb was built into a trailer, which was then parked at a taxi-rank in Germiston, killing ten and injuring eight people. The third target was in Bree Street, Johannesburg, where a car bomb exploded killing seven and injuring thirteen people. Lastly, a car bomb was placed on the top floor of the Jan Smuts airport parking area. Nobody was killed in the explosion but a number of people injured. Several statements were received from victims of these bomb attacks.
- 368 Shortly after the election, thirty-six AWB members including the chief of staff and the leader of the *Ystergarde* were arrested and charged with nineteen counts of murder and 191 of attempted murder in the PWV area during the week before the election. The Commission received a number of amnesty applications from those who participated in these bombings. During their amnesty hearing, the group claimed to have acted on orders from General Nico Prinsloo (and Brigadier Leon van der Merwe). The applicants are Mr Nicolaas 'Cliffie' Barnard [AM6484/97], Mr Abraham Liebrecht 'Koper' Myburgh [AM6465/97], Mr Etienne Jacobus Le Roux [AM6467/97], Mr Jan Bastiaan De Wet [AM6466/97], Mr Gerhardus Daniel Fourie [AM6468/97], Mr Johannes Andries Venter [AM6477/97], Mr Jacobus Petrus Nel [AM6469/97], Mr Abraham Christoffel Fourie [AM6478/97], Mr Petrus Paulus Steyn [AM6479/97], Mr Johan Wilhelm Du Plessis [AM6480/97] and Mr Johannes Petrus Olivier [AM6483/97]. All had previously been convicted for their part in the bombings and received sentences ranging from three to fifty years in prison. An Amnesty Committee decision was pending at the time of reporting.

#### *O t h e r   t a r g e t e d   a t t a c k s*

- 369 In August 1990 right-wingers chanted "AWB, AWB" to disrupt a Port Elizabeth students' meeting with ANC speakers. After the meeting a student and a journalist were attacked. In Bloemfontein a rock was thrown through an ANC member's window, with a note threatening to kill Mr Raymond Suttner who was due to speak at an ANC meeting.
- 370 The first open confrontation between State President de Klerk and the AWB took place in August 1991 at Ventersdorp when the National Party planned to hold a meeting in Ventersdorp, which was regarded as a Conservative Party constituency. The meeting was to be addressed by De Klerk. According to the AWB, the advertisement for the meeting stated that only NP members could attend. However, the AWB insisted that its supporters be permitted to attend as they wanted to discuss certain burning issues with the president. The AWB mobilised its followers and some 2 000 armed AWB members streamed into Ventersdorp. A confrontation with the police ensued. Three AWB members were killed and fifty-eight people were injured. Nearly the entire leadership of the AWB was arrested on charges of public violence. Eugene Terre'Blanche has applied for amnesty for the incident.
- 371 In June 1993, a crowd of 3000 demonstrating armed right-wingers invaded the World Trade Centre while negotiations were in progress between the government, the ANC and other parties. The police guarding the premises were completely outnumbered and the crowd of men and women, mainly in AWB uniforms ignored instructions to stop. From atop an armoured vehicle Eugene Terre'Blanche shouted instructions, led the crowd around the police cordon and smashed the armoured vehicle through the plate glass doors of the Centre. The right-wingers occupied the chamber for more than two hours during which time they said prayers and sang "*Die Stem*". Their representatives handed over demands for a *volkstaat*. There were some reports of white police mingling with the right-wingers. Sixty-six right-wingers were arrested in connection with the invasion of the World Trade Centre.
- 372 The Bophuthatswana administration had been one of the founding members of COSAG (Concerned South Africans Group) and was later part of the Freedom Alliance. General Constand Viljoen of the *Volksfront* agreed to provide assistance to maintain Mangope's position and planned for a Boere-Aksie force to enter Bophuthatswana unarmed on 11 March 1994. They would then be provided with arms and rations by the head of the Bophuthatswana Defence Force, General Turner. It was agreed that the AWB would not be involved, since Mangope stated that they would not be politically acceptable to his own forces.
- 373 The plan was pre-empted when Eugene Terre'Blanche mobilised a force of 600 AWB members, who entered the territory on 10 March. They arrived armed and broke away from the command of the *Volksfront*. Some AWB members then began driving through Bophuthatswana, shouting racial abuse and shooting bystanders. Mr Ezekiel Moatlhodi [JB04764/03NW] was shot in his spinal cord by AWB members at Magogoe village. He states that:

*During that time I was together with my fellow ANC members, about 150, holding the branch meeting and chanting the revolutionary songs. Whilst singing the slogans, two white gentlemen, armed with firearms arrived and asked for help. We refused to grant a help. Few minutes later arrived heavily loaded AWB soldiers. They didn't waste time, they started shooting at us. They used torch-light to see us precisely. I was shot immediately when I start to run away.*

- 374 Mr Martiens Motsumi [JB05627/03NW] reported that:

*A 4x4 bakkie arrived carrying armed AWB members. They stopped their bakkie and immediately started shooting people at random. I ran for cover but was unfortunate as they shot me in my back (next to the spine) and my left hand ... The AWB members were in the process of killing another employee when they were stopped by my boss... After our boss spoke to the AWB, they left the yard and continued shooting in Montshiwa township.*

- 375 The AWB members did not succeed in their aims and is generally seen to have signalled the end of the potential threat of the right-wing to engage in open warfare. Subsequent to the incident, right-wing unity under the *Volksfront* crumbled, Viljoen formed the Freedom Front and took significant sections of the right-wing into the electoral process.

THE COMMISSION FINDS THAT THE *AFRIKANER VOLKSFRONT* WAS RESPONSIBLE FOR THE COMMISSION OF GROSS VIOLATION OF HUMAN RIGHTS AGAINST PERSONS WHO BETWEEN APRIL 1993-MAY 1994 WERE PERCEIVED TO BE SUPPORTERS AND LEADERS OF THE ANC, THE SACP, UDF, PAC AND NATIONAL PARTY AS WELL AS OTHER GROUPS PERCEIVED NOT TO SUPPORT THE CONCEPT OF AFRIKANER SELF-DETERMINATION OR THE ESTABLISHMENT OF A 'VOLKSTAAT' AND THAT, TO THAT END, THE MOVEMENT'S POLITICAL LEADERS AND MILITARY GENERALS ADVOCATED THE USE OF VIOLENCE IN PURSUIT OF THE MOVEMENT'S AIMS AND/OR IN AN ATTEMPT TO MOBILISE FOR AN INSURRECTION.

IN MAKING SUCH A FINDING THE COMMISSION PLACED RELIANCE ON

- SPEECHES AND ORDERS BY THE MOVEMENT'S SENIOR LEADERS WHICH HAD THE EFFECT OF INCITING ITS SUPPORTERS TO COMMIT ACTS OF VIOLENCE AGAINST INDIVIDUALS AND INSTITUTIONS PERCEIVED TO BE THE ENEMY OF THE AFRIKANER;
- THE ARMING OF SUPPORTERS WITH WEAPONS IN CONTRAVENTION OF THE LAW;
- RANDOM ATTACKS BY MEMBERS ON BLACK PERSONS;
- CLANDESTINE COLLUSION WITH MEMBERS OF THE SECURITY FORCES AND/OR THE IFP EITHER TO COMMIT THE VIOLATIONS CITED ABOVE OR TO TRAIN PARAMILITARY FORCES TO COMMIT ACTS WHICH RESULTED IN THE LOSS OF LIFE OR INJURY;
- THE TRAINING OF SUPPORTERS TO UNDERTAKE VIOLENT ACTIONS DESIGNED TO PREVENT THE HOLDING OF ELECTIONS IN 1994;
- THE ESTABLISHMENT OF A *VOLKSLEËR* AND OTHER PARAMILITARY GROUPINGS TO THREATEN INSURRECTION AND REVOLUTION WITH A VIEW TO DERAILING THE DEMOCRATIC PROCESS.
- BY VIRTUE OF THEIR LEADERSHIP POSITIONS IN THE MOVEMENT, THE COMMISSION FINDS THE FOLLOWING TO BE ACCOUNTABLE FOR THE GROSS VIOLATION OF HUMAN RIGHTS COMMITTED BY SUPPORTERS OF THE MOVEMENT: GENERAL CONSTAND VILJOEN, GENERAL PIETER GROENEWALD AND MR EUGENE TERRE'BLANCHE.

BROADLY SIMILAR FINDINGS ARE MADE AGAINST THREE OTHER GROUPINGS, NAMELY, THE *ORDE BOEREVOLK*, THE *BOERE WEERSTANDBEWEGING* AND THE *AFRIKANER WEERSTANDBEWEGING* (AWB).

## ■ THE LIBERATION MOVEMENTS

### African National Congress

#### *The late 1980s: Operation Vula and negotiations*

- 376 In the year following the June 1986 national state of emergency, the government sought to re-assert its control over the highly militant and volatile conditions in townships around the country.
- 377 At this time, ANC was reassessing its own strengths and capacities. At the Arusha Conference in December 1987, the lack of a strong internal underground was identified as a crucial weakness. Flowing from this evaluation, *Operation Vula* was implemented with the intention of moving senior ANC leaders into the country so that strategic direction could be given from within South Africa. It was also at this time - around 1988-1989 - that the first indications of the possibilities of negotiation became apparent.
- 378 Realising the improbability of seizing state power through an armed insurrection, the ANC began considering the possibility of a negotiated settlement. At the same time, the organisation felt the need to continue building a strong internal underground network – including an internal military capacity. Under the banner of *Operation Vula*, the ANC continued with its clandestine activities while engaged in the process of negotiations. *Vula* was seen by some ANC leaders as an ‘insurance policy’: if the negotiation process failed, the ANC would still have some capacity to mount armed resistance.
- 379 *Operation Vula* was initiated by a 1986 National Executive Committee (NEC) resolution, and run under the auspices of the ‘President’s project’ chaired by ANC president Oliver Tambo. Others involved included Mr Joe Slovo (principal planner), Mr Mac Maharaj (recruiter and in-country commander), MK Deputy Commander Sphiwe Nyanda, Mr Ivan Pillay (administrator and project co-ordinator), Mr Ronnie Kasrils and Mr Alfred Nzo. Beyond this leadership, knowledge of *Vula* was restricted within the ANC to a small core of MK leaders, operatives and selected foreigners.
- 380 *Operation Vula* aimed to infiltrate into South Africa senior and middle levels of the ANC leadership in exile. The aim was to create an underground network that could co-ordinate actions against the former government and penetrate the South African security establishment for the purposes of collecting information.
- 381 Part of *Vula*’s task was to bring large quantities of weapons into South Africa, and to conceal them in ‘dead letter boxes’ so that they would be available if it became necessary. In the early 1990s, many such weapons were used by MK and SDU members in conflicts around the country. Indeed, the availability of weapons contributed significantly to the extent and nature of human rights violations in the 1990s.

- 382 In July 1988, four *Vula* operatives, including Maharaj and Nyanda, were smuggled into the country and established an underground 'Overall Leadership Committee' in Durban under Mr Jabu Sithole and a political mobilisation and 'Military Operations Committee'. Maharaj was responsible for decision-making and liaison with the *Vula* Committee in Lusaka and the Mass Democratic Movement. Nyanda was involved in the day-to-day activities of the operation. Foreign operatives rented safe-houses and assisted with logistics. A similar operation was set up in Johannesburg. The *Vula* network continued to expand and Kasrils entered South Africa at the end of 1989. Mr Mo Shaik was appointed the head of the *Vula* internal intelligence structure.
- 383 On the weekend of 6 July 1990, Durban Security Branch members arrested Mr Charles Ndaba and Mr Mbuso Shabalala. Captain HJP 'Hentie' Botha [AM4117/96] of the Security Branch intelligence unit, claims that this was a fiasco. His version of events is that he had recruited Ndaba as an informer in 1988. Ndaba then returned and became part of *Vula* in 1990. He thus knew of *Operation Vula* to the extent that Ndaba did. Ndaba and Shabalala were eventually killed by members of the Durban Security Branch after Ndaba signalled his intention to "take his chances with the ANC". Other members of *Vula* were subsequently arrested and later indemnified from prosecution<sup>8</sup>.
- 384 According to the police documents, *Vula* operatives rented or bought fourteen safe-houses in the country, nine in Durban and five in Johannesburg. The Security Branch discovered, from information found on disks in the *Vula* safe-houses, that weapons were to be brought into the country from 23 September 1989 to 23/24 June 1990. They allege that Nyanda acknowledged receipt of weapons in September 1989.
- 385 Nyanda confirmed that material was removed before the Security Branch could discover it. According to Ronnie Kasrils, he and Maharaj removed the weapons from places that they thought the police knew about. Kasrils said that these weapons formed part of a consignment that Mr Aboobaker Ismail handed it to the SADF as part of the ANC agreement with the then government. He acknowledged that he did not know if all the weapons were accounted for and that some of them may have gone missing.
- 386 In a submission to the Commission, Major General Stadler and retired police officers stated that *Operation Vula* aimed to bring about an "insurrection by means of a People's Army ... the classical Maoist third stage of the revolution". They claimed that *Vula* was mainly an initiative of SACP members.<sup>9</sup> According to Henri van der Westhuizen, formerly of the Directorate of Covert Collections (DCC), *Vula* reflected the tensions between the SACP-aligned Hani camp and the Modise camp in the ANC; *Vula* was a product of the Hani camp, spearheaded by ANC members who were also members of the SACP.
- 387 While it is not possible for the Commission to ascertain whether a 'Hani faction' linked to the SACP leadership was still intent on insurrection, *Operation Vula* was not linked to any specific human rights violations apart from those perpetrated by members of the security forces against *Vula* operatives.

*ANC strategy in the period February 1990 to May 1994*

- 388 While the ANC leadership may have anticipated some political changes in the country in 1990, the rank and file membership was caught off guard by State President FW de Klerk's announcement on 2 February 1990 that the government was unbanning the ANC, the SACP and the PAC. Many within the ANC met the announcement with deep

distrust. The announcement of suspension of armed struggle came only six months later, sealed in the Pretoria Minute of August 1990. During this time, the ANC began to establish its legal presence inside the country, building a mass political movement by establishing branches and issuing membership cards.

- 389 Over the next two years, violence escalated as the ANC came into conflict with newly-established IFP branches on the East Rand. The simmering violence in KwaZulu and Natal intensified. Violent conflict also erupted between ANC and PAC members, between supporters of the liberation movements and members of homeland parties such as the African Democratic Movement (ADM) in Ciskei and members of vigilante groups and gangs, some of which were aligned to the IFP.
- 390 The ANC SDUs played an increasingly dominant role during this period, having been trained and armed by MK members. In practice, MK had little real control over the SDUs, although a number of ANC leaders applied for amnesty, giving details of their involvement in the establishment and training of SDUs. In addition, a large number of 'ordinary' ANC members applied for amnesty for acts carried out in the course of their SDU membership in accordance with the policies of local ANC leaders.
- 391 The seizure of power in Transkei by General Bantu Holomisa of the Transkei Defence Force (TDF) on 30 December 1987 positively affected the fortunes of both the ANC and the PAC: both went on to establish active cells in the territory.
- 392 By 1992, the ANC had embarked on a strategy of 'rolling mass action'. The strategy was used, in part, to apply pressure on those who were resisting re-unification. Although ostensibly a non-violent campaign, it did, on occasion, result in the commission human rights violations.

*Victims of ANC violations in the post-1990 period*

- 393 In the Western and Eastern Cape, the main victims of ANC attacks were police, PAC supporters, Ciskei headmen, members of the ADM, ANC members suspected of being informers or framed for other reasons, people caught up in localised Transkei conflicts over stock-theft and certain factions that became identified with or labelled as 'Inkatha'. In certain isolated areas, local councillors also continued to be targets of attack.
- 394 In the Transvaal townships of Tembisa, Ratanda, Katlehong, Bekkersdal, Kagiso, Thokoza, Soweto and KwaThema and others, UDF/ANC supporters, many in ANC SDUs engaged in conflicts with IFP supporters, with vigilante groups (such as the 'Toasters' and the 'Russians') and with AZAPO. Other victims of ANC SDU or ANC Youth League (ANCYL) violations were 'non-aligned' individuals who refused to co-operate with ANC mass campaigns such as marches or rent boycotts. Cases of conflict were also reported between ANC SDU and ANCYL members. One example is the Katlehong massacre, where SDU members killed fourteen other community members, some of whom were ANCYL members.
- 395 The Commission received information on a number of cases in KwaZulu and Natal where IFP members and supporters were the victims of attacks by ANC members and supporters. In the Orange Free State, cases of conflict were reported between UDF/ANC supporters and vigilante groups and gangs such as the 'Eagles', the 'Three Million



Gang', as well as between UDF/ANC supporters and homeland parties such as the Dikwankwetla National Party (DNP) in QwaQwa.

- 396 These violations are dealt with in detail in Volume Three. For the purposes of this section, the role of the ANC as a perpetrator group is explored, in terms of the following categories of violations:
- a Violence relating to the campaign against homelands: violence in the Ciskei (against the ADM, the Ciskei security forces and traditional leaders), violence in KwaZulu and in the Orange Free State (against the Dikwankwetla Party);
  - b Violence relating to political intolerance: violence in Fort Beaufort (against the PAC); violence on the East Rand (including the establishment of SDUs) and violations in reaction to Chris Hani's assassination;
  - c Violence in other contexts: violence in Mount Fletcher, violence involving gangs in the Orange Free State and violence in Mpumalanga.

*Ciskei: Violence relating to the campaign against homelands*

- 397 The ANC campaign for the re-incorporation of the homelands escalated from 1992 onwards. Many clashes were reported between ANC activists and individuals loyal to the homeland governments, in both civilian and military structures. In the Ciskei, Brigadier Oupa Gqozo used his newly-established party, the ADM, to counter the influence of the ANC. He also re-imposed the traditional 'headman' system. Such activities inflamed the situation further.
- 398 A report of the Network of Independent Monitors (NIM) lists a number of attacks and weapons and targets suggest that these attacks were carried out by MK. Main targets included headmen and police in the Ciskei, as well as members of the ADM. The list includes forty-eight hand grenade attacks, twenty-three AK-47 attacks, and the laying of limpet mines.
- 399 Ciskei Police figures list 113 incidents of public violence in 1991, 381 in 1992 and 255 in 1993. Of the victims, 84 per cent or 629 individuals were Ciskei government personnel, members of Ciskei government structures, traditional authorities or parties aligned to the Ciskei government. Fifty-one individuals, just under 7 per cent were aligned to the liberation movements (ANC and PAC) or their allies (COSATU, SANCO or SACP).<sup>10</sup>
- 400 The majority of these attacks were carried out by supporters of the ANC, who fell under no military command structures and usually did not have sophisticated weapons. This is borne out by Ciskei police figures which indicate that, of the attacks above, 64 per cent (484) were petrol bomb or arson attacks; a further 6 per cent (42) were classified simply as 'intimidation'. Of the remainder, there were eighty-four attacks (12 per cent of the total) with hand grenades or bombs and sixty-seven attacks (or 9 per cent) with firearms (AK-47s, R4 rifles or pistols).<sup>11</sup>
- 401 There is also evidence that some SDU structures were set up in the Eastern Cape in this period, and that they obtained arms from the Regional MK Command based in Umtata. At the May 1997 'recall hearings' of the ANC, the

ANC leadership said that there were no organised MK operations against Brigadier Gqozo's rule, nor against structures of the Ciskei government, traditional authorities such as headmen, or members of the ADM. MK Commander Ronnie Kasrils told the Commission:

*It is clear from operations that were conducted arising out of the oppression in the Ciskei that former MK cadres were involved in hitting back, in responding, but this was never discussed at MK command level.*

- 402 While the ANC denied that its military headquarters authorised any operations in this period, there is evidence that the ANC continued to send considerable numbers of people outside South Africa for training. In the Eastern Cape, the ANC continued to conduct training and facilitate the distribution of arms through the MK regional command in the Transkei.
- 403 There was also evidence of strategic differences or divisions within the ANC on how to respond to the violent conflict. Some acts of violence were attributed to 'militant factions' who believed they were carrying out ANC, SACP or MK policy. In some instances, MK expelled such elements to make it clear that they were acting outside of ANC policy. One such case is Mr Nceba Bobelo, an MK member involved in the Queenstown SDU structure who, after involvement in 'criminal acts' including a murder, was eventually disarmed and expelled by the MK Command.
- 404 Ciskei Defence Force troops opened fire on an ANC protest march in Bisho on 7 September 1992, killing twenty-nine ANC marchers and one of their own soldiers (see above and in Volume Three). After the massacre, violence escalated further as angry ANC supporters - including MK members and members of armed SDUs - engaged in revenge attacks against representatives of the Ciskei government. One such case is that of the killing of a headman in Alice by ANCYL members.
- 405 Mr Zuko Makapela [AM6438/97] and Mr Ludumo Mati [AM6439/97] applied for amnesty for the stoning and burning to death of Mr Ndodiphela Maseti in Upper Gqumashe, Alice on 28 September 1992. Maseti was a headman and thought to be a member of the ADM. A group of ANCYL members attacked and burnt down Maseti's home. The following day, the ANCYL members apprehended Maseti, beat him severely, stoned him and set him alight. Makapela and Mati admitted to participating in the attack, and were granted amnesty in July 1998 on the grounds that it was "clearly of a political nature".
- 406 Many former headmen and supporters of the homeland joined the PAC. Political rivalry between ANC and PAC members, or organisations aligned to one or the other, began to have violent consequences.

*KwaZulu/Natal: Violence and the killing of IFP leaders*

- 407 Evidence before the Commission indicates that there was no overall strategy on the part of the ANC to kill IFP leaders in the 1990s. However, a number of IFP leaders and members were killed by ANC members acting in various capacities – as members of SDUs, as residents of ANC-supporting communities and, less often, as members of MK.
- 408 In most IFP submissions to various commissions of enquiry, no distinction was made between MK and SDUs as paramilitary units. The activities of the local SDUs/paramilitary structures were seen to have been directed by MK.

Whilst the Commission received amnesty applications from MK members who facilitated and armed the SDUs, in the majority of incidents analysed there is very little evidence of MK involvement in the direct or indirect killing of IFP office-bearers.

- 409 In a submission to the Goldstone Commission in 1992, Mr Kim Hodgson of the IFP said that, while the IFP believed that MK had been involved in the violence from the beginning of the conflict in KwaZulu/Natal, there had been an unprecedented military offensive against the IFP since August 1992. This included covert ANC hit-squad operations in KwaZulu/Natal and the systematic killing of IFP leaders.
- 410 After the ANC had made its first submission, the Commission asked it to clarify its military policy towards the IFP and whether the ANC leadership considered members of the IFP to be “legitimate military targets”. The ANC responded that it had no military policy with regard to Inkatha and that it had never considered Inkatha members or officials as targets simply because they aligned themselves with Inkatha. It attributed attacks on IFP-aligned individuals to the roles these individuals played as ‘state collaborators’, whether as warlords, vigilantes, councillors or informers. The ANC denied “allegations to the effect that MK has been engaged in ‘serial mass murder’ of Inkatha officials and alleged that this perception was a STRATCOM operation designed to prevent Inkatha from throwing in its lot with the ANC as the negotiation process began”.
- 411 Between 1990 and 1993, MK cadres were implicated in the murder of seven IFP leaders. In two cases – those of Mr Arnold Lolo Lombo and Mr Mfunzelwa Ngcongco – there was sufficient evidence to suggest MK involvement.
- 412 On 31 October 1990, Mr Arnold Lolo Lombo [KZN/GSN/073/PM] was killed with a 9mm pistol by two gun men posing as police detectives at his place of employment in the Pietermaritzburg city centre. Lombo was the IFP chairperson of the Mvundleni area. Mr Sipho Motaung [AM3902/96], Mr Nhlanhla Sibisi [AM3903/96], Mr Johannes M Sithole [AM3904/96] and Mr Bekimpendle Dlamini [AM3905/96] applied for amnesty in connection with this incident. Motaung and Sibisi were trained members of MK. Motaung appears on the certified personnel register of MK, Southern Natal region and was integrated into the SANDF. He died in 1997. The applicants were granted amnesty on 1 August 1997.
- 413 The family of Mr Mfunzelwa Ngcongco [KZN/FS/138/DN], an IFP organiser in Umbumbulu, told the Commission that he was shot in Ntiyane, Umbumbulu on 1 November 1991. In the week preceding his death, there were several attacks in the area. Six people were killed at a wedding ceremony at the home of IFP leader Mr Mbuzini Shezi, and IFP member Mr Falo Ngcongco was injured in a hand grenade and a rifle attack on his home. On 3 November the KwaZulu Police (KZP) station in Umbumbulu was attacked with RPG7 rockets, and on 11 November four people were killed and two KZP members injured in an RPG 7 rocket attack on a police van.
- 414 According to Security Branch records for this period, the main suspect was Mr Sbu Mkhize. It was noted that he appeared to be driven by revenge for the death of his father, ANC leader Sipho Mkhize, allegedly at the hands of KZP member Constable Simphiwe Mvuyane. Sbu Mkhize died in a shoot-out with police in July 1992. He was listed as deceased on the MK integration list but does not appear on the certified personnel register of MK. There was also a suggestion that Sbu Mkhize was involved in the murder of IFP leader Mr Wiseman Mthembu in Port Shepstone in December 1991.

- 415 On 22 February 1992, Mr Mnandi Dladla, IFP deputy-secretary in Wembezi, was shot near his home by an unidentified gunman armed with an AK-47, who fired at him from the vehicle of ANC leader Mr Teaspoon Mkhize. Witnesses stated that Mkhize and his son, Mr Jan Mkhize, were in the vehicle and confronted Dladla. Family members implicated an MK cadre, Mr Ntela Sikhosana, in the murder, although none of the eye-witnesses did. Ntela Sikhosana died on 23 August 1998.
- 416 On 30 September 1992, Gideon Sibiya (IFP Chairperson, Ningizimu), Mthembeni Xulu (IFP organiser) and a Mr Nene were shot at SJ Smith hostel in Durban. A hand grenade was hurled at Sibiya's vehicle and they were then gunned down with an AK-47 rifle. An MK cadre, Mr Vusumuzi Zungu, was found injured at the scene. An inquest report found that he and others participated in the attack. The IFP noted that Zungu had been militarily trained in Angola in 1984 and 1987. A Vusumuzi Zungu (Bonga Madlala) appears on the certified personnel register of MK and the MK integration list.
- 417 None of the witnesses identified the assailants. Sibiya's son stated that he saw Zungu when he returned to the scene after reporting the incident to the police. An AK-47 with blood stains and other armaments were found; the blood stains were tested and could have matched that of Zungu. However, Zungu tested negative for gunshot residue on his hands. Insufficient evidence meant that the Commission could not resolve the discrepancies and was unable to make a conclusive finding in this matter.
- 418 On 18 March 1993, Mr John Thembani and Mr Boyce Mpisane, both IFP convenors in Umlazi CC section, were gunned down with an AK-47 and 9mm pistol in Thembani's yard. ANC member, Mr Sibonakaliso Boni Mchunu, was convicted and sentenced to fifteen years' imprisonment. A second suspect, Mr Thumbu Nzama, could not be traced. The police interrogated a Mandla Sithole and others after receiving information that the deceased had been warned about an MK attack on them that day. Sithole could not be connected to the crime.
- 419 UDF/ANC community members or youth were implicated in the killing of a number of IFP supporters, including office-bearers. The majority of reported cases occurred in Pietermaritzburg. Most were unpremeditated. Precipitating factors in the attacks were:
- a The victim was passing through or visiting in an UDF/ANC aligned stronghold (section or area) on foot or in public transport. The attacks were opportunistic and there was no evidence of a common perpetrator grouping. Included in this category are Mr Dumisani Awetha and Mr Elliot Bongani Mncwabe, both sons of well-known IFP members.
  - b The victim was living in a UDF/ANC stronghold. Mr Meshack Xaba, a hostel resident in Bruntville, was killed as he walked towards the IFP-supporting hostel enclave in the midst of a UDF-aligned community. Three members of the Shandu family [KZN/LPM/100/EM] were killed on suspicion of being IFP members four months after they moved to Umgababa from KwaMakhutha.
  - c The victim intervened in some way in an action by a group of UDF/ANC members. Two IFP supporters were killed on 11 February 1990 when they drove through a funeral procession for a UDF member in Mpumalanga in 1990.

- d The victim died in a defensive attack. Councillor Shadrack Dlamini was petrol- bombed by ANC youth in KwaMakhutha in 1987, after he opened fire on a group which had come to discuss the water shortage with him. One youth was injured. Mr Momo Ndwalane [KZN/EDS/102/PS], an *induna*, was stabbed in Murchison in December 1991 after he approached youths in a threatening manner armed with a G3 firearm after the entire community failed to attend the Chief's Christmas meeting.
- e The victim died in an ongoing fight between ANC-aligned and IFP supporters. Mr CC Cele, IFP chairperson at SJ Smith hostel, was killed when a petrol bomb was thrown into his room in retaliation for an attack on the ANC leader in the hostel earlier in the day.
- f The victims were killed in a 'factional dispute' that had assumed political overtones. Mr Simon Buthelezi, Mr Sotho Makhatini of the IFP and herbalist Mr M Gumede were killed in an attack on their kraals in Swayimane in October 1989 by 500 members of the ANC-aligned Mabheleni clan.
- g The victim was involved in the traditional structure or was an office-bearer. Mr Alson Mbambo, an *induna* in Esikhawini, was killed by ANC youth in June 1992 at a communal water pump.

420 In the majority of these attacks, the victims were stabbed, stoned or petrol-bombed. In nine incidents firearms were used.

#### *Killings associated with SDUs*

421 In its second submission to the Commission, the ANC said that weaponry was supplied to certain SDUs by selected units of the ordnance department of MK,

*through dead drops or by providing sketches to senior personnel, which were then passed on. These ordnance units did not know to whom the material was passed on.*

422 A number of MK cadres based in KwaZulu Natal and elsewhere applied for amnesty for arming and training the SDUs. The MK commanders for Southern Natal and Natal Midlands – namely, Mr Sipho Joel Sithole [AM5950/97] and Mr Ntela Sikhosana [AM6332/97] (now deceased) – were prominent amongst these.

423 Former MK member Dick Absalom Ngwenya [AM0759/96] said that he was involved in training SDUs in Bulwer between 1990 and 1993. He trained the youths with weapons that he received from Mr Musi Thusi, his MK commander, before February 1990. Thusi was killed on the South coast.

424 In its second submission to the Commission, the ANC said that trained SDUs patrolled townships at night, setting up roadblocks and checking on unusual movements:

*In some instances the units carried out attacks on known warlords in their townships ... Tensions arose between HQ and Natal ANC structures where some leaders called for an offensive approach to deal with*

*Inkatha warlords and others who had been perpetrating violence with impunity for years ... Some SDUs became little more than gangs of criminals at times led by police agents, and inflicted great damage on popular ANC aligned-community structures: this was well illustrated in the case of the notorious Phola Park SDU, which was led by an agent of the SAP ... Another instance of this nature is provided by the activities of police agent Sifiso Nkabinde in the Midlands.*

- 425 UDF/ANC aligned paramilitary structures were implicated in the murder of thirty-one IFP office bearers. In twenty-six cases, the Commission obtained sufficient information to link ANC-aligned groupings or paramilitary structures to the killings – through ballistic evidence, the implication of perpetrators and similarities in *modus operandi*. This was particularly the case in Richmond in the Natal Midlands, in Umbumbulu and Port Shepstone on the South Coast.
- 426 In Port Shepstone, a group of youths, allegedly operating under the command of Mr Dululu Sipho Dlamini and Mr Zakhele Gcaba, were implicated in the murder of four IFP office-bearers in 1991 and 1992. The youth do not appear on the certified register of MK personnel.
- 427 IFP supporters Mr Bangukufa Cele [KZN/EDS/011/PS] and Mr Wiseman Mthembu [KZN/QM/0021/PS] from Mthengwane, Murchison (near Port Shepstone) were killed in late 1991. Cele was killed along with six others when three kraals were attacked by youth armed with AK-47 rifles. Gcaba and Dululu Dlamini were implicated by co-perpetrators as leaders of the group. In the case of Wiseman Mthembu, he and Mr Goli Mbambo were ambushed in a motor vehicle by a small group of men; 9mm and 18mm cartridges were found at the scene. Mbambo was a suspect in the murder of two ANC members and this attack was seen in their community as a reprisal killing.
- 428 In mid-1992, Mr Bhabhalaza Dladla and Mr Samson Majola [KZN/EDS/064/PS] were killed in Murchison. Dladla was killed when two kraals in his area were attacked by a group armed with AK47s and shotguns, allegedly in retaliation for an attack earlier on the ANC ward of Newton. Majola was killed when his vehicle was ambushed by attackers armed with an AK-47. ANC members alleged that Majola was implicated in the murder of an ANC supporter.
- 429 In all these cases, the police dockets were closed undetected.
- 430 In Umbumbulu on the upper South Coast of KwaZulu/Natal, two IFP office-bearers Mr Dominic Mhlongo [KZN/NMM/111/PM] and Mr Shiyabekhala Kweyama were killed in June 1992. Mr Muziwenhlanhla Msomi [AM5218/97] and others were charged with these murders as well as the possession of unlicensed firearms. Msomi, who is described in the court records as the '*induna* of the youth' in the area, was acquitted for the murder of Mhlongo owing to contradictions in the witnesses' stories. He was convicted for the murder of Kweyama but the conviction was overturned on appeal. One suspect was killed by police and another suspect could not be traced.
- 431 Kweyama was a taxi driver in Mpusheni and was killed in Folweni on the South Coast. The Human Rights Commission (HRC) report for June 1992 notes that taxis were being targeted for attack and were used in attacks by both sides. Mhlongo was allegedly targeted as he was implicated in the murder of the accused's friend.
- 432 In other areas, groups of well-armed ANC-aligned youths or men killed IFP office-bearers; however no consistent pattern emerged in the evidence as to the main persons involved. Different perpetrators were named; weapons used

could not be linked to cases. There is evidence, however, of the involvement of an ANC leadership figure in one case. In July 1992, Mr Mvimbezeli Mchunu's home in Nomganga, Wartburg, was attacked by a group of ANC members. The group were allegedly briefed and armed by the ANC chairperson before the attack. AK-47 cartridges were found at the scene. The deceased had allegedly told a named ANC member that he should attend IFP meetings or leave the area.

### *Killings by Extra Judicial Tribunals*

- 433 The Commission received reports of killings performed by UDF/ANC-aligned individuals, after findings of extra-judicial tribunals or area committees. Victims included IFP office-bearers and individuals associated with the former state and former state security forces, such as alleged informers, tribal policemen; in some cases, witchdoctors were targeted.
- 434 In March 1990, Mr Cetswayo Johnson Mbhele was stabbed and burnt in Murchison. A group of ANC youths found a tribal policeman, Mr Johannes Ndlovu, 'guilty' of being a police informer. Ndlovu was forced to lie on Mbhele's burnt out vehicle. His daughter watched as he was taken to a rock nearby and 'necklaced'. Mr Zakhele Gcaba and other youth were implicated by 'comrades' at the scene of the proceedings. In both cases, the Attorney-General declined to prosecute as suspects could not be traced. Many of the suspects later died in violent circumstances and the dockets were closed undetected.
- 435 Also in March 1990, Mr H Mzindle, a tribal policeman, was 'necklaced' in Bethania, allegedly by a group of 'comrades'. In Ezakheni near Ladysmith, Mr Francis Bhekani Mvelase, the son of a KwaZulu MP, was killed by a group of ANC youths. The ANC leader was present at the scene but allegedly left before the necklacing. The accused were acquitted at a trial.
- 436 In the Port Shepstone area, Mr Sishonke Ndwane [KZN/MP/257/MP] was 'necklaced' by a group which included his own sons in March 1990 on suspicion of being a witchdoctor. The youths involved admitted to police that they had tried the deceased and, in one instance, a youth who stabbed Ndwane admitted stating that he was a witchdoctor.

### *Violence relating to political intolerance*

- 437 In the years immediately following the 1990 unbanning of organisations, violence escalated as the ANC came into conflict with newly established IFP branches on the East Rand. The simmering violence in Natal reached new heights. Violent conflict also erupted between the ANC and PAC members, members of homeland parties such as the ADM in Ciskei and members of gangs which were sometimes aligned to the IFP. The ANC characterised the post-1990 violence as 'low intensity conflict' instigated by a 'third force'. It explains the involvement of its members in such violence as self-defence, essentially against attempts by elements within the former state and its security forces to destabilise the transition and weaken its potential to govern effectively. Opponents of the ANC explain the violence as political intolerance, and attempts by the ANC to exercise hegemony and prevent the growth of political opposition in the black community.
- 438 Conflict between supporters of the ANC and supporters of the PAC broke out in violence in early 1992.

- 439 Violence in Fort Beaufort flared up in March 1992 when police used tear gas, rubber bullets and birdshots to disperse a crowd that was stoning the police station. One man died and seven others were injured. This incident is apparently not related to the PAC/ANC conflict, but indicated that the township was still volatile. Towards the end of 1992, sporadic violence flared up again when a bakery truck was petrol-bombed and set alight, and a grenade was thrown at the house of a councillor in Tinis township. No one was injured in these incidents. Early in October, two men – Mr Linda Mnyazi and Mr Mluleki Izaac Qamani – were assaulted, killed and burnt near Dorrington township in violence that took place in the wake of the Bisho massacre of September 1992. The violence resulted in a state of emergency being declared for Fort Beaufort and other towns in the former Ciskei.
- 440 In February 1993, an ANC/PAC ‘feud’ broke out in Fort Beaufort and three men were killed and several seriously injured in violence in three separate incidents: Mr Luvuyo Mkwilase was shot in the chest and declared dead on arrival at Fort Beaufort hospital. The body of Ms Nomangwane Mandita was found in Tinis township with multiple burns and a head wound. Mr Zwelenkomo Afrika Swartbooi [EC0723/96ALB] died in Adelaide hospital as a result of multiple head injuries caused by a sharp object.
- 441 Police said they were also investigating five cases of attempted murder: Mr Thamsanqa Grootboom [EC2361/97ALB] was shot in the chest and hospitalised. Mr Felisizwe Lucky August [EC0719/96ALB] sustained serious head injuries and was hospitalised. Mr Mthetheleli Mana [EC2356/97ALB] was shot in the arm at his Mpolweni township (Fort Beaufort) house. Reverend Swelandile Kotsele was shot in the buttocks and hospitalised. Mr Madoda Resha was treated for shock after a gunman fired at the vehicle in which he was travelling. Four people were arrested for being in possession of weapons and police recovered other arms and ammunition.
- 442 Police also investigated three cases of arson after houses in Dorrington and Mpolweni were set alight. The media reported that residents “of the mostly ANC-supporting township” claimed that “PAC supporters were responsible for these attacks and vowed to defend themselves. They accused police of siding with the PAC”.
- 443 On 21 February 1993, Ms Nomangwane Mandita, a matriculant at Inyibiba High School and a member of Pan African Students’ Organisation (PASO) was ‘necklaced’ by ANC supporters. Mandita had left her rented room and went to stay with Ms Nomsa Mpangisa after receiving threats from ANC supporters. On the day of her death, a group set fire to Mpangisa’s house and abducted her and Mandita. The two were found hiding in the house of PASO office-bearer Mr Thozamile Tiyo and taken to another house. Mpangisa was locked in an outside room, and escaped. Mandita was carried away and ‘necklaced’.
- 444 Violence continued in early March, with a number of houses being set alight. After a further attack on a home involving automatic weapons, authorities imposed a curfew on the townships of Fort Beaufort in terms of the emergency regulations. On 23 March, 800 children fled in panic from Ilingelabantu Primary School to escape a group of PAC-supporting youths. Some children broke windows trying to run away and were injured. ANC spokesperson Phila Nkayi said the conflict started when a PAC-supporting teacher had been promoting children indiscriminately to higher standards. The ANC delegation challenged him. The PAC called for reinforcements from other regions. That’s how the friction started.



- 445 PAC regional chairperson Knox Tsotsobe disputed this, saying that supporters of the ANC were responsible for the clashes among schoolchildren. He believed COSAS supporters were responsible for burning the house of a school teacher by the name of Lata Camagu.
- 446 On 25 March 1993, PASO chairperson at Thubalethu High School, Mr Lata Camagu, was gunned down at his home in Tinis township. He was shot thirteen times with an AK-47 and died in hospital. Camagu was the PASO chairperson at Thubalethu High School. No one was arrested for the murder. On 3 April, the PAC named three ANC members as responsible for killing PAC supporters. They also claimed that ANC members whose names were known to the police were responsible for the death of Mandita, but had not been arrested. They accused the SAP of conspiring with the ANC to drive PAC members out of the area.
- 447 ANC Border media officer, Mr Mcebisi Bata, denied the allegations and alleged in turn that Camagu had been killed by PAC members because he was “drifting away from PAC students”. He appealed to the PAC to come back to the table and stop fighting. He said ten ANC supporters in Fort Beaufort had been arrested and tried for public violence and illegal possession of firearms. The SAP also denied collusion with the ANC. On the same day that the ANC statement was issued, it was reported that a twenty-two year-old man narrowly escaped death and was hospitalised after being ‘necklaced’ by a number of men at ‘Necklace Valley’.
- 448 In October 1993, four men and a woman were tried for the ‘necklacing’ of Ms Nomangwane Mandita in Grahamstown supreme court. They were also charged with arson and the kidnapping of Ms Nomsa Mpangisa and for setting alight a house belonging to the Bhofolo Town Council in Dorrington township in February 1993.

*East Rand: Violations committed by SDUs and other ANC members*

- 449 Violent conflict started in late 1990 in the townships of East Rand, when the ANC suspended the armed struggle, and the IFP was established as a political party and set up branches in hostels in various Reef townships.
- 450 Many of the violations committed by the ANC in this period were committed by paramilitary structures known as SDUs. The ANC argued in its first submission to the Commission that these structures were established in response to “grassroots demands for protection against the onslaught” of violence which began in August 1990, and that by the end of 1990, “pressure for the formation of SDUs had reached fever pitch”. The ANC emphasised that the SDUs were to be ‘non-partisan’ bodies established within local communities for their protection. They claim that, “It was made clear that the overall control of SDUs was to remain with community structures and MK cadres were to participate as members of the community. MK command was to play a secondary role”. However, given the climate of political intolerance which prevailed and the role of senior members of MK in training and organising SDUs, it happened that in many cases the SDUs were seen as ANC structures. They have thus been analysed as ‘paramilitary structures’ of the ANC.
- 451 The ANC’s second submission to the Commission details the manner in which SDUs were established and trained. The document entitled *For the Sake of Our Lives* is appended to the ANC submission as an example of the

instructions given by MK leadership for the training of SDUs in the 1990s. Regarding the setting up of SDUs, the ANC told the Commission:

*Various clandestine units for the training and organisation of the various SDUs were set up, and some cadres were tasked to provide weaponry where possible ... Selected members of MK, including senior officials from the command structures, were drawn into an ad hoc structure to assist with the arming of units ... We do not have a record of MK's role in SDUs since they were not HQ controlled structures.*

- 452 The Commission received amnesty applications from Mr Ronnie Kasrils [AM5509/97], Mr Robert McBride [AM7033/97], Mr Aboobaker Ismail [AM7109/97] and Ms Janet Love [AM6652/97] – all members of the MK Command and senior ANC leadership – for their involvement in the establishment of SDUs. In addition, there are applications from ANC leaders Mr Jeffrey Thamsanqa Radebe [AM7170/97] and Mr Alec Erwin [AM6091/97]. As regards the East Rand conflict, the amnesty applications pertaining to the involvement of SDUs in conflict and violence were received from ANC members Mr Esau Chechela Machitje [AM7634/97], Mr Michael Khinini Phama [AM3155/96] and Mr Marvin Mokgale Maesela [AM3149/96].
- 453 A large number of violations by the ANC in this period involve the killing or severe ill treatment of ANC members by other ANC members. The amnesty hearing for members of the Katlehong SDU was heard in Boksburg in March 1998. In this application, members of the SDU testified that they had killed fourteen members of their community, including members of the ANCYL, because of conflict between the two groups in this period. The political motive given for these acts was that they were acting for the 'self-defence' of their community against an 'enemy', defined in this case as being certain members of the ANCYL.
- 454 The Commission asked the ANC leadership whether it was not irresponsible of the ANC to arm and train a force over which it did not exercise control. In response, Ronnie Kasrils acknowledged that "It was a very problematic situation and one could say at times extremely confusing". However, he stressed the point made in the ANC submission that it "was made clear that the control (of these structures) was to remain with community structures. MK members were to participate as members of the community".

#### *A c c u m u l a t i o n   a n d   d i s t r i b u t i o n   o f   w e a p o n s   f o r   t h e   S D U s*

- 455 After the ANC was unbanned and the leadership returned to the country, the ordnance department continued to play a role in the distribution of weapons. In the second ANC submission, it is noted that it was agreed that selected SDUs, particularly in the Reef area, would be assisted in arming themselves. Selected MK members, including senior officials from the command structure, were drawn into ad hoc structures to assist in the arming and training of units. This was in line with the ANC policy of assisting communities to defend themselves as decided at the 1991 MK conference in Venda. In the 'recall hearings', Mr Thabo Mbeki testified that the original intention was to get arms caches licensed and distributed legally to the SDUs, but this did not happen.
- 456 According to Kasrils, he was given the responsibility of ensuring the SDUs were provided with weapons. At this time, he was a member of the NEC of the ANC. He turned to Aboobaker Ismail and Riaz Saloojee for assistance. They created dead letter boxes (DLBs) in the worst hit areas - Durban, Pietermaritzburg, Vaal triangle, East and West

Rand, Eastern Cape including Ciskei and the Western Cape. He claimed to have passed these to Chris Hani who then passed them on to those responsible in the areas concerned.

- 457 In other areas, SDUs made their own arrangements to obtain weapons from the central ordnance caches and/or outside the country. In the southern Natal region, an MK unit comprising of *inter alia* Mr Sipho Sithole [AM5950/97], Mr Vusi Ngobese, Mr Sipho Magwaza and Mr Mandlenkosi Makhoba [AM6620/97] were charged with various counts in relation to the transportation of weapons into South Africa from Mozambique through the Golela border post in 1992 and 1993. According to Sipho Magwaza, the weapons formed part of a cache laid down by central ordnance. He noted that not all areas had access to these weapons. His grouping had a personal relationship with an MK commander (whose name he did not wish to reveal) who assisted them in obtaining these weapons in Mozambique. These weapons were then distributed to various cells by MK 'Chief'. No register was kept of the weapons distributed and their final location is allegedly unknown.
- 458 Yet other amnesty applications indicated that certain SDUs obtained weapons and ammunition from sources other than central ordnance. SDUs, such as the Katlehong and Thokoza structures, collected funds from the community and gave them to their logistics officer to buy weapons in Phola Park<sup>9</sup>. According to an MK member interviewed by the Commission, in some areas ANC members bought weapons from hostels and/or IFP dominated areas such as Tugela Ferry under the guise of being IFP supporters. In some cases, ANC members obtained arms by stealing them from police and other considered to be 'enemies'.
- 459 Kasrils stated that strict instructions were sent out that the weapons were to be used for self-defence only. However, the fact that SDUs were armed and yet were not under any clear military discipline led to numerous situations in which human rights violations occurred. Two examples of this are the Katlehong SDUs on the East Rand (see Volume Three) and Khayelitsha SDUs in Cape Town (see above).

#### *Violence in the wake of Chris Hani's assassination*

- 460 In 1993, Mr Glen Weakley and Mr Alistair Weakley were killed in the Transkei by ANC members in the wake of Chris Hani's assassination. Their sister Ms Roslyn Stratford testified that Alistair, a lawyer from Grahamstown, and his brother Glenn, an engineer from Durban, were on a fishing holiday when they were ambushed and shot dead. The five attackers were all arrested and appeared in Umtata supreme court on murder charges. The accused admitted to being members of the ANCYL and claimed to have been driven by revenge for the death of Chris Hani. However, it is clear that in this case the ANC's policy was not to engage in acts of violence in retaliation for Hani's death – especially not against white civilians – and the ANC as a party cannot be held responsible for the actions of these members (see above and further in Volume Three)

WHILE THE COMMISSION ACCEPTS THAT THE VIOLENT CONFLICT THAT CONSUMED THE COUNTRY IN THE POST-1990 PERIOD WAS NEITHER INITIATED NOR IN THE INTERESTS OF THE ANC, THE ANC MUST NONETHELESS ACCOUNT FOR THE MANY HUNDREDS OF PEOPLE KILLED OR INJURED BY ITS MEMBERS IN THE CONFLICT. WHILE THE ANC LEADERSHIP HAS ARGUED THAT ITS MEMBERS WERE ACTING IN SELF-DEFENCE, IT IS THE COMMISSION'S VIEW THAT AT TIMES THE CONFLICT ASSUMED LOCAL DYNAMICS IN WHICH PROACTIVE REVENGE ATTACKS WERE CARRIED OUT BY BOTH SIDES. THIS SITUATION WAS EXACERBATED BY HIGH LEVELS OF POLITICAL INTOLERANCE AMONG ALL PARTIES, INCLUDING THE ANC. FURTHER, THE COMMISSION CONTENTS THAT THE LEADERSHIP

SHOULD HAVE BEEN AWARE OF THE CONSEQUENCES OF TRAINING AND ARMING MEMBERS OF SDUS IN A VOLATILE SITUATION AND IN WHICH THEY HAD LITTLE CONTROL OVER THE ACTIONS OF SUCH MEMBERS.

THE COMMISSION THEREFORE FINDS THAT, IN THE PERIOD 1990-1994, THE ANC WAS RESPONSIBLE FOR:

- THE KILLINGS, ASSAULTS AND ATTACKS ON POLITICAL OPPONENTS, INCLUDING IFP MEMBERS, PAC AND AZAPO MEMBERS AND MEMBERS OF THE SAP;
- CONTRIBUTING TO A SPIRAL OF VIOLENCE IN THE COUNTRY THROUGH THE CREATION AND ARMING OF SDUS. WHILST THE COMMISSION ACKNOWLEDGES THAT IT WAS NOT THE POLICY OF THE ANC TO ATTACK AND KILL POLITICAL OPPONENTS, THE COMMISSION FINDS THAT IN THE ABSENCE OF ADEQUATE COMMAND STRUCTURES AND IN THE CONTEXT OF WIDE SPREAD STATE-SPONSORED OR DIRECTED VIOLENCE AND A CLIMATE OF POLITICAL INTOLERANCE, SDU MEMBERS OFTEN 'TOOK THE LAW INTO THEIR OWN HANDS' AND COMMITTED GROSS VIOLATIONS OF HUMAN RIGHTS.
- THE COMMISSION TAKES NOTE THAT THE POLITICAL LEADERSHIP OF THE ANC AND THE COMMAND STRUCTURE OF MK HAVE ACCEPTED POLITICAL AND MORAL RESPONSIBILITY FOR ALL THE ACTIONS OF ITS MEMBERS IN THE PERIOD 1960-1994 AND THEREFORE FINDS THAT THE LEADERSHIP OF THE ANC AND MK MUST TAKE RESPONSIBILITY AND BE ACCOUNT- ABLE FOR ALL GROSS VIOLATIONS OF HUMAN RIGHTS PERPETRATED BY ITS MEMBERSHIP AND CADRES IN THE MANDATE PERIOD.

## **Pan Africanist Congress**

- 461 After the unbanning of the liberation movements on 2 February 1990, the PAC adopted a different strategic position to that of the ANC. While the ANC engaged almost immediately in 'talks about talks' with government representatives, the PAC told the Commission that it had held a principled approach to negotiations and believed that "one must negotiate from a position of strength". The PAC called for the formation of a patriotic front and for the establishment of an elected constituent assembly to draft a new constitution. They called for any meeting between the liberation movements and the regime to take place at a neutral venue under neutral chairpersons, so as to ensure a "level playing field". According to the PAC, the failure of CODESA to adhere to these principles led to the PAC's withdrawal. The PAC claims that: "Throughout this period the PAC adopted a positive outlook and urged the negotiating parties to be principled". It was, nevertheless, during this period of negotiations that the PAC's military wing APLA engaged in its most effective campaigns and was responsible for most of the human rights violations attributed to the organisation.
- 462 The targets of APLA attacks were twofold: Firstly, a series of attacks on white farmers took place, in which weapons were often seized. Secondly, there was a relatively small number of armed attacks on public places in urban areas, usually but not always frequented by white civilians.
- 463 APLA attacks increased during 1993, after APLA's chief commander Sabelo Phama declared 1993 'The Year of the Great Storm'. On 5 and 7 April 1993 Phama appeared in an interview with the SABC television declaring that "he would aim his guns at children - to hurt whites where it hurts most". By that time, APLA operatives had struck at the King William's Town Golf Club on 28 November 1992, killing four people. Phama confirmed he had sanctioned the

attack. Further attacks followed after Phama's interview. These included the attack on the Highgate Hotel in East London on 1 May 1993, on St James Church in Kenilworth on 25 July 1993 and Heidelberg Tavern in Observatory on 31 December 1993.

- 464 The PAC has stated in its submission that, whereas APLA strategy in the 1980s had been to target the security structures, "a new strategy arose in the 1990's where civilians within the white community were attacked". Because details of operations could not be prepared by their headquarters in Dar-es-Salaam, target selection was left to the local commanders. While internally trained cadres were in a position to carry out better reconnaissance and thus avert detection and arrest, they faced the disadvantage of not having received the kind of political literacy that was standard in the camps. The leadership accepted full responsibility for acts which may have occurred as a result of errors made by these operatives, although no examples of such errors were named. Many PAC members convicted for such acts applied for amnesty.
- 465 The claim that the attacks on white civilians were not part of the PAC's strategy must be contrasted with the statement of the APLA command as expressed in the submission to the armed forces hearing of the Commission. This division over military strategy was reflected in a divided approach to the question of negotiations so that when, in January 1994, the PAC leadership agreed to suspend armed actions and enter negotiations, some of the APLA leadership were not in favour of the decision.

*APLA attacks of 1992 . . 1994. period. in. which. civilians  
were killed*

- 466 Owing to the number and significance of violations perpetrated on urban 'soft' targets, they are presented here according to the region where they took place.
- 467 In the Western Cape, two of the attacks on white civilians which involved the most casualties took place in Cape Town in 1993:
- 468 An attack took place on the Heidelberg Tavern in Observatory, Cape Town on 30 December 1993. Civilians in the pub were sprayed with gunfire; four died and three were injured. Those who died were Ms Rolande Lucielle Palm [CT00415/SOU], Ms Bernadette Langford [CT03041/SOU], Ms Lindy-Anne Fourie [CT02703/SOU] and Mr Joss Cerqueira. The injured were Mr Michael Jacob January [CT00451/KZN], Mr Dave Deglon [CT03045/SOU], Mr Benjamin Braude [CT00415/SOU] and Mr Quentin Cornelius [JB00323/01GTSOW].
- 469 The Amnesty applications for this incident were Mr Luyanda Gqomfa [AM0949/96], Mr Zola Mabala [AM5931/97] and Mr Vuyisile Madasi [AM6077/97]. After their testimony was heard in a public hearing, they were granted amnesty on 15 July 1998.
- 470 The main thrust of their testimony was that they acted on instructions from APLA High Command in executing the Heidelberg Tavern killings. Gqomfa explained at the hearings that the order to attack was given to him by Mr Sichumiso Nonxuba and that he was told that the tavern was a place frequented by members of the security forces.

Nonxuba died in a car accident in May 1997. The following quote from Gqomfa's *affidavit* accompanied his application and summarises the testimony of all three:

*As far as I was concerned, the attacks was to get the land back from the whites who had taken it away from the African people through violent means. For us and for me in APLA, the only way to get our land back, and to liberate the black masses was through the use of force.*

- 471 The investigation into this attack and the amnesty hearing were complicated by allegations that Commissioner Dumisa Ntsebeza, head of the Commission's Investigation Unit, was implicated in the attack in that his car was used by the APLA members involved. The person who made the allegations, Bernard Sibaya, at first pointed Ntsebeza out in public; he later confessed that he had been blackmailed by the police into naming Ntsebeza.
- 472 Another attack took place on the congregation of St James Church in Kenilworth, Cape Town on 25 July 1993. In this attack, eleven people were killed and fifty-eight wounded. The attackers fired machine guns and threw two hand grenades at a congregation of about one thousand people. The attack lasted for about thirty seconds and the attackers escaped in a waiting car which was found abandoned at Ottery in Cape Town three days later. Apparently the car had been hijacked from its owner on the day of the attack.
- 473 Those killed were Mr Guy Javens [CT00620/SOU], Ms Denise Gordon [CT01124/ SOU], Ms Marita Ackerman [CT02922/SOU], Mr Richard O'Kill [CT03029/SOU], Ms Myrtle Smith [CT03029/SOU], Mr Gerhard Harker, Mr Wesley Harker, Mr Oleg Karamjin, Mr Andrey Kayl, Mr Valuev Pavel and Mr Valentin Varaska. The last four were Russian sailors. The Commission also received statements from a number of people who were injured in the attack.
- 474 Those who applied for amnesty for the attack were Mr Gcinikhaya Christopher Makoma [AM0164/96], Mr Mzukisi Bassie Mkhumbuzi [AM6140/97] and Mr Letlapa Raymond Mphahlele [AM3018/96].
- 475 At the amnesty hearing in Cape Town on 9 July 1997, Mkhumbuzi testified that, although the target had been selected by his unit leader Mr Sichumiso Nonxuba, he agreed that "whites were using churches to oppress blacks" and justified the attack on the grounds that whites

*took our country using churches and bibles. We know and we have read from books that they are the ones who have taken the land from us.*

- 476 All the applicants contended that they had no prior knowledge of the operation and that target selection was left up to Nonxuba. This functional delineation was corroborated by a statement from the PAC delegation at the special hearing on the armed forces, in which they submitted that the actual targets were decided by local commanders and that the APLA forces who carried out these operations followed their directives.
- 477 The applicants were asked about how they perceived the political objective and whether they considered that selecting the church as a target would advance the struggle which the PAC was waging, even though they might not have actually selected the target themselves. In response to this question, the applicants emphasised the land issue and the imperative of wresting the land from whites, thus taking the struggle to the white areas.

478 The applicants were granted amnesty on 11 June 1998.

479 The King William's Town Golf Club was attacked with hand grenades and automatic rifles on the night of 28 November 1992, while a Christmas social function for a 'wine club' was in progress. Four people – Mr Ian MacDonald and Ms Rhoda MacDonald, Ms Gillian and Mr David Davies – were killed in the attack, and seventeen others injured. The Commission has received statements from Ms Beth Savage [EC0051/96ELN] and Mr Robert Stanford [EC0078/96KWT] were injured in the attack.

480 The people who applied for amnesty in this incident were Mr Thembelani Thandekile Xundu [AM3840/96], Mr Malusi Morrison [AM5953/97], Mr Thobela Mlambisa [AM7596/97] and Mr Lungisa Ntintili [AM6539/97].

481 The amnesty hearing was held in public between 7-10 April 1998 in East London. Xundu testified that:

*Letlapa was the director of operations and it is common sense and common knowledge that (he) should be the person who sanctions the operation if it is an APLA operation. In this case particularly he sanctioned the operation or he approved the operation, that is what I'm trying to say ... So we had the full mandate that was given to us by the PAC, given to us by the APLA command structures.*

482 According to evidence heard, there were two functions organised at the Golf Club on the day of the attack. Earlier in the day, there was a gathering which was attended by a Mr Radue who, according to the testimony of Xundu, was a member of the NP. This gathering was to be targeted because it was to be attended by security force personnel. In the early evening, there was a Wine Tasting Club which included "senior citizens", the gathering that became the target for the APLA attack. Xundu, who gave the main evidence at the hearings, said they "took it as one occasion". The Amnesty Committee had not made a finding at the time of reporting.

483 In an armed APLA attack at the Highgate Hotel in East London on 1 May 1993, five people were killed and a number of others injured. The Commission received statements regarding those who were killed: Mr Deric John Whitfield [EC0101/96ELN] and Mr Boyce Michael Wheeler [EC0729/96ELN], and from those who were injured: Mr Karl Weber [EC0035/96ELN], Ms Doreen Rousseau [EC0052/96ELN], Mr Neville Beling [EC0167/96ELN] and Mr Nkosinathi Alfred Gontshi [EC0196/96ELN].

484 Members of APLA who applied for amnesty were Mr Augustine Zukile Mbambo [AM2892/96] and Mr Dumisani Ncamazana [AM2891/96]. The applicants were also involved in other APLA attacks – the attack on the Baha'i Faith Mission and the Da Gama bus incident. The Commission initially rejected the applications on the grounds that they were not political, but the cases were reconsidered after the applicants made second submissions, forwarding new evidence to the effect that the Highgate incident was politically motivated.

485 In the main evidence, Mbambo testified that, on the day of the attack, they had intended to attack East London station bar.

*but when we passed the Highgate Hotel, we noted that the Highgate Hotel was full, there was something like a disco on. We then decided that it is not necessary for us to go to the station bar, East London, let us rather make a U-turn at the railway station at Cambridge, and come back, hit the Highgate Hotel.*

486 He also said that the Highgate Hotel was given to them as a target. The Amnesty Committee had not made a finding at the time of reporting.

487 On 22 March 1993, APLA operatives attacked the Yellowwoods Hotel, Fort Beaufort, in which a student Mr Johan Jerling [EC2359/97ALB] was killed. For this incident, the Commission received amnesty applications from Mr Vuyisile Madasi [AM6077/97], who also applied for amnesty for the attack at the Heidelberg Tavern; Mr Lungisa Ntintili [AM6539/97] who also applied for the attack at the King William's Town Golf Club and Mr Nkopane Diaho-Moneng [AM6427/97].

488 The public hearings were held on 14 April 1998 in East London. Amnesty applicant and commander of the unit for this operation, Madasi, testified that the hotel had been selected as a target because it was patronised by members of the security forces, particularly on Friday and Saturday nights. He testified that the:

*people that chose the target are members of the high command of APLA. We were voluntary soldiers, we had to make sure that we carry out the operation, that was on our shoulders. We would go to a target place that had already been selected by the APLA High Command.*

489 He claimed that he and other members of his unit had received orders from APLA commander Letlapa Mphahlele. After the attack, they returned to Umtata to report to Mphahlele. The Amnesty Committee had not made a finding at the time of reporting.

490 On the evening of 14 February 1994, APLA operatives attacked with firearms the Crazy Beat Disco at Newcastle. One person was killed and several others were injured.

491 The Commission received amnesty applications for the incident from Mr Bongani Malevu [AM 0293/96], Mr Andile Shiceka [AM5939/97] and Mr Falibango Tanda [AM5784/97]. The applicants revealed at the hearings that the targets were initially identified as a restaurant and the Crazy Beat Disco, but plans to attack the restaurant were abandoned because of the potential for casualties amongst African people who happened to be in the vicinity of the restaurant. The disco was selected because it was frequented by whites. However, Malevu contends that the decision was not based on racism. Amnesty was granted to the applicants on 3 June 1998.

492 On 30 November 1993, a limpet mine exploded in a bus in Durban resulting in the death of one person. Eleven people were injured. One of the injured was Adrie Coetzee [KZN/NN/055/DN]. The amnesty applicants for the incident are Mr Mfundo Peter Seyisi [AM6263/97] and Mr Ndoda Mgengo [AM6386/97]. The amnesty hearing had not yet been held at the time of reporting.

493 On 25 August 1993, American Fulbright scholar Amy Elizabeth Biehl (26) drove into Gugulethu to drop off some fellow students. Youths stoned the car, injuring Ms Biehl and bringing the car to a stop. She and the other occupants



of the car fled, with a group in pursuit continuing to stone her. Several PASO members returning from a PASO meeting in Langa were also at the scene and played a leading role in the actual killing. A stab wound to the chest was fatal. In its submission to the Commission on 20 August 1996, the PAC expressed its regrets for the killing and sent condolences to the Biehl family. "They [PASO] wrongly targeted and killed Amy Biehl ... But misguided as the deed was, we support the amnesty applications of all those convicted and sentenced for the offence."

### *Attacks on white farmers. (rural... soft targets.)*

- 494 Part of the strategy behind the PAC's 'Year of the Great Storm' of 1993 was to drive white farmers off the land so that it could be reclaimed by the African people. A number of attacks were carried out on farms in this period, claiming the lives of many civilians died; weapons and vehicles were stolen. Attacks centred on the Orange Free State, the Eastern Cape and in areas bordering on the Transkei.
- 495 The Commission heard at various hearings that civilians died and weapons and vehicles were stolen in a number of attacks carried out on farms as part of 'Operation Great Storm' during this period (see also Volume Three).
- 496 Mr Letlapa Mphahlele, APLA Director of Operations, explained at a media conference during the amnesty hearings in Bloemfontein on 28 August 1997 that "there was no regret and no apology offered" for the lives lost during 'Operation Great Storm' in 1993. He acknowledged his involvement in the planning and execution of the operation. He said that his "proudest moment was seeing whites dying in the killing fields" and alleged that the Commission's amnesty committee was a "farce and a sham" which sought to "perpetuate white supremacy".

WHILE THE PAC PROCLAIMED A MILITARY STRATEGY OF A PROTRACTED PEOPLE'S WAR WHICH INVOLVED THE INFILTRATION OF GUERRILLAS INTO THE COUNTRY TO CONDUCT RURAL GUERRILLA WARFARE AND ATTACKS IN THE TOWNSHIPS, THE PRIMARY TARGET OF ITS OPERATIONS WERE CIVILIANS. THIS WAS ESPECIALLY SO AFTER 1990 WHEN, IN TERMS OF THE 'YEAR OF THE GREAT STORM' CAMPAIGN, THE PAC/APLA TARGETED WHITES AT RANDOM AND WHITE FARMERS IN PARTICULAR.

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

## ■ THE 'THIRD FORCE'

- 497 This section focuses on the notion that a 'third force' or 'third force' elements were involved in perpetrating the violence of the early 1990s. The Commission wishes to restrict the understanding of this phenomenon to the post-1990 period and specifically defines its central characteristic as violence covertly undertaken or encouraged. In this respect, the Commission distinguishes such a phenomenon from the discussions held at the level of the State

Security Council in 1985/6 in which the establishment of a third force was contemplated. While some participants may well have held sinister views as to what such a third force would constitute, it is clear from documentation available to the Commission that the overall intention at that time was to set up an above-board third leg of the security forces to deal specifically with unrest. With regard to the 1990s, the task of the Commission was to investigate whether security force or other operatives or agencies were involved in directing or encouraging violence, from within state security structures and/or in alliance with other groups.

- 498 Before discussing the existence of such a 'third force', a few preliminary points and arguments should be made.
- 499 In the first place, there was a strong tendency on the part of various security forces structures and operatives to see their task as one of continued war against the enemies of the National Party. Structures such as STRATCOM, whose primary purpose appears to have been to continue a propaganda war against the ANC, and the authorisation of operations such as *Project Echoes* (see below) that sought to undermine the credibility of the ANC, continued to function. For many security force members, their existence undoubtedly confirmed that pronouncements of levelling the playing fields and normalising the political situation for free and fair elections represented the public face of NP policy, but at another, covert level, the war was to continue. In this regard, the Harms, Kahn and Goldstone Commissions and Steyn investigation were seen by many as public relations exercises rather than determined initiatives to root out 'dirty practices'. The long history of cover-ups and condonation of lying to such commissions merely reinforced this perception. Consequently, many operatives continued to conduct an all-out war against 'the enemy' and, as indicated earlier, elimination and the deadly use of force continued as a matter of routine.
- 500 When asked how he viewed the change in strategy between the 1980s and 1990s, a Military Intelligence (MI) member said: "In 1989 there was a strategy of counter-revolution. What I saw in 1990 after the FW announcement, we were all in Kosi Bay, we all thought: this is it, fuck the kaffirs, this is the time to sort them out. That was the general situation in the security apparatus."
- 501 Similarly, some sections of the liberation movements, in particular its rank and file, continued waging war against the security forces and the IFP. While negotiations had always formed part of ANC strategy, for most members of the ANC and other liberation movements, this simply meant negotiation for the transfer of power. When negotiation assumed a completely different form, winning at the polls became inextricably linked with the often violent contest for support and power at a local level. The existence of Operation Vula, which became public with the detentions of Mr Mac Maharaj and others, the continued training of MK members in foreign countries, and above all the arming of SDUs reinforced perceptions that continued offensive strategies were a legitimate part of the ANC negotiation strategy, notwithstanding the public position of the ANC. The suspension of the armed struggle by the ANC was greeted with dismay by many rank and file members, occurring as it did in conditions of near civil war in many communities, particularly the PWV area and Natal.
- 502 In this context, the establishment of SDUs – although created to protect communities against attack in the face of a complete lack of confidence in the security forces – inevitably led to wide-scale abuse and, in many instances, operated not just defensively but offensively as well. This, as has been suggested, was exacerbated by the lack of clear lines of control and accountability. Further, SDU members were given very little training, either military or political. This made it almost inevitable that the effect of arming such groups would lead to violence –particularly in

areas that had already experienced violent conflict. In many respects, the training of SDU members was little different from the training of special constables in the 1980s, with similar consequences. While the IFP was clearly the main target of such offensive actions, the period also saw an increasing incidence of attacks on particularly black policemen. This in turn resulted in increased polarisation and reinforced security force perceptions that they continued to be engaged in a war.

503 Whether or not forces were fomenting conflict or violence in communities and among groups, one of the enduring legacies of the previous years was a high degree of political intolerance on all sides. While the creation of divisions had been central to the experience of colonial rule, the entire policy of apartheid was predicated on the maintenance of ethnic and other divisions. The policy of contra-mobilisation during the 1980s intensified this ethnic, generational, inter- and intra-organisational conflict. Thus, for example, the deepening of divisions between Inkatha and the UDF had been central to state policy from the mid-1980s. The experience of violent struggle during the 1980s and conditions of near siege in many communities during the emergency years had left a deep suspicion of those seen to be allies of state. These conditions resulted in many situations in open conflict, and at times became self-generating. In such situations, infiltration by the security forces made structures particularly vulnerable to those pursuing double agendas or acting as *agents provocateurs*. The examples of Mr Sifiso Nkabinde and Mr Michael Phama dealt with above are powerful examples.

504 On all sides of the divide, the rapidly changing political scenario also led to the development of groups of disaffected operatives. Again, the military intelligence operative quoted above commented:

*At the time of the FW purge of the National Party, he took the foundation of the securocrats from beneath their feet. The securocrats felt insecure, they still deemed (even until today) the ANC was the enemy ... After the announcement in 1990 and the securocrats were caught unaware, they sat with the question, where to go now. Then individual commanders developed individual strategies ... The last resort lay with the far right. By train violence, taxi wars, Boipatong, etc, can't we create anarchy?*

505 In such instances, security force and ex-security force members sometimes connected with elements of the right-wing who displayed increasing determination, at best, to prevent the transition or, at the very least, to strengthen the bargaining position of those attempting to negotiate the establishment of a *volkstaat*.

506 The NP itself was sharply divided about the appropriate strategic direction and different agendas were pursued by different factions. Thus, until the signing of the Record of Understanding in 1992, the principal negotiators, under the leadership of Minister Gerrit Viljoen, closely followed a direction that was welded to the notion of an IFP/NP alliance. Others, if only tacitly, remained closer to the kind of security force perspective outlined above.

507 A further factor in understanding the violence of the 1990s is the extent to which covert action, the existence of large amounts of secret funds and a climate of unaccountability led to an increasingly criminalised set of networks between members and ex-members of the security forces. In such cases, considerable financial interests were clearly furthered by a destabilised political situation. There is considerable evidence of ex- and serving security force members engaged in, for example, gun-running, as well as a range of other criminal activities. To some degree, the same pattern of criminalisation and involvement in gun-running is evident on the liberation movement side. Thus, for

example, the Commission received amnesty applications from members of APLA's 'Repo Unit' who applied for what appear to be largely criminal acts, as well as applications from SDU members involved in criminal activity. Such activity was partly a way of arming SDUs or APLA units, but there is evidence to suggest that, in some areas, criminal elements took over or got involved in SDUs. It is also clear that some impoverished disillusioned ex-guerrillas became involved in criminal networks.

508 Finally, the intensity and pace of the negotiations and the transition also resulted in rapidly shifting alliances between political parties – such as the IFP and the NP and later between the IFP and various right-wing groups. This made lines of command and accountability difficult to discern and identify.

509 These preliminary points need to be borne in mind when considering the evidence relating to a supposed 'third force'.

### **Evidence of security force involvement in 'third force' activities**

510 As indicated above, there was a long tradition of waging an all out war on the ANC, and in particular MK, that did not cease in 1990. Three related factors about the way in which this war was waged have a bearing on the issue of security force involvement in third force activities: firstly, increasing resort to unlawful methods by the security forces; secondly, a consistent attempt to make use of other parties or surrogate forces; and thirdly the use of covert structures. While this was especially true of the mid- to late 1980s, the origins of approach lay earlier.

#### *U n l a w f u l   m e t h o d s*

511 A number of examples can be given about the way in which significant sections of the security forces, with sanction from high up the chain of command, increasingly engaged in actions that involved transgressions of the law:

512 As indicated elsewhere, torture was widely and routinely used by the Security Branch from the early 1960s. That this practice was condoned is evident from the promotion of known torturers, the alleged involvement of ranking officers – including possibly two commissioners of police and a several heads of the Security Branch – and the ongoing refusal by responsible ministers or the cabinet to intervene, despite ongoing public pressure. This laid the basis for a culture of impunity among Security Branch officers.

513 Aside from torture, the security forces increasingly used unlawful methods in their intelligence-collecting process. An early example of this was provided by Major Craig Williamson, who was recruited by the ANC in the mid-1970s and set up an ANC cell consisting entirely of security police who were responsible for detonating pamphlet bombs.

*Mr Williamson: I never actually carried out any pamphlet bombs. I ordered them ... Basically, if the ANC told me to put up a pamphlet bomb, I'd say, OK I will do it, and three weeks later it happened and the ANC was very happy with them.*

*Commission member: Can you remember more or less when that was?*

Mr Williamson: *That was in 1976/77 ...*

Commission member: *So in that ANC cell that you set up after your trip, there was some genuine...?*

Mr Williamson: *No.*

Commission member: *You were all agents?*

Mr Williamson: All agents, but it did not really exist. That cell was the Security Branch. I did not go out and recruit real ... I mean non-security force members to that; that was all security force. There were obviously people whom the ANC and other people met whom they did not know were security force members, but they were all security force members. The people who went to London to get detonators from Stephanie Kemp, pick up suitcases full of the propaganda material, they were police officers ... People who were arrested by the flying squad after setting off a pamphlet bomb were police officers. On one occasion the flying squad managed to detect and arrest [people who placed a] pamphlet bomb in the library gardens, and the people who were arrested were police officers which caused some ... They had to recruit the staff, the flying squad guys into the Security Branch to keep them quiet.'

- 514 Williamson was handled by General Johan Coetzee, later commissioner of police, who himself instructed other Security Branch members to investigate the pamphlet bombs. This *modus operandi* was developed with deadly effect during the 1980s and led to entrapment operations – in which security force personnel recruited, trained and, in some instances, armed activists before killing them – as well as arson and sabotage operations conducted by the Security Branch in order to boost the credibility of agents.
- 515 The killing of political opponents both inside and outside of South Africa, as was discussed earlier, was widely carried out by the mid-1980s, frequently with the authorisation or involvement of senior Security Branch personnel. Further, and importantly, it is clear from SSC documents that such actions were widely considered to be in line with state policy.
- 516 A further area of illegality concerned various STRATCOM projects and operations, again carried out with the knowledge of both senior security force personnel and politicians. Former Minister Vlok himself conceded in his evidence to the Commission:

*It cannot be denied that certain STRATCOM conduct, or the consequences thereof in certain circumstances, could have been interpreted as unlawful or illegal. In this way I could have been part in an unconscious way of the taking of decisions which led to illegal conduct ... I'd like to say that I included that under STRATCOM conduct and operations which could have led to illegal actions ... It was illegal and unlawful.'*

- 517 The security forces were widely involved in acts of arson and sabotage, not simply as part of credibility operations as suggested above, but as part of a policy of meeting violence with violence. The involvement of the highest political authority in the Khotso House bombing is an eloquent example of the extent to which breaking the law was seen to be both legitimate and authorised.
- 518 The above examples of sanctioned and, in some cases, authorised illegal activities were central in establishing a view, particularly amongst the police, that the security forces could use all measures at their disposal, even if they transgressed the law in so doing. This view was underpinned by the notion that the security forces were engaged in a counter-revolutionary war and that in war the same civilian norms and laws do not apply.
- 519 The wide-ranging indemnity provisions of the Criminal Procedure Act were extended even further during the state of emergency in the mid-1980s, giving the security forces greater license. Moreover, the security forces were repeatedly involved in a long line of cover-ups of illegal or unlawful activity. This is evident, for example, in evidence given to inquests and trials in relation to torture and killings which again, in cases such as that of Stanza Bopape, reached the highest echelons of the police. There is no evidence to suggest that this practice was halted during the 1990s. The Harms Commission is a significant example of this: not only were witnesses instructed by their seniors to lie, but the Harms Commission failed to deter them from embarking on further operations.
- 520 The March 1994 Goldstone report on the criminal activities of the SAP, KZP and IFP provides further compelling evidence of senior police officers attempting to subvert a government-appointed commission of enquiry. According to the report, senior members of the SAP repeatedly approached police officers associated with the Goldstone Commission during the course of the investigation, in ways that could only be construed as obstructive. Further, once the police became aware of Goldstone's interest in false passports, persons in possession of such passports were requested to bring them in for destruction. Similarly, Goldstone investigators learnt that Major General Engelbrecht, head of C section, had ordered the destruction of all documentation relating to the SAP's involvement with Inkatha.
- 521 The fact that such cover-ups involved senior officers and continued well into the 1990s reflects the extent to which such groups saw them as an essential, but intensified, extension of the *modus operandi* developed in previous periods. In such a context, the impression must have been conveyed to more junior members of such structures that, despite negotiations, they were still at war and could make use of whatever means they had at their disposal, if not to rout, then at least to weaken 'the enemy.' The continued practice, in SADF operational commands, of referring to the ANC as 'the enemy' only underlines this point.

### *Surrogate forces*

- 522 Evidence has shown that, through contra-mobilisation, the notion of 'strategic communication' (STRATCOM) or 'communications operations' (COMOPS) was extended to include the establishment or covert support of groups opposed to the mass movements and the ANC. The covert nature of such support and the evidence that such individuals and groups were directly involved in violence takes this strategy way beyond legitimate political mobilisation, representing a direct intervention into communities. As with elimination, this policy is reflected in documents of the SSC where there is frequent reference to the '*uitbuiting*' (exploitation) of divisions within organisations and communities.

523 Of particular relevance in the 1990s is a previous history of encouraging divisions between Inkatha and the UDF. What is important to note is that this covert policy of encouraging and fomenting such divisions predates the outbreak of violent conflict in Natal and that, when the conflict assumed violent proportions, this was simply noted and no attempt was made to change the overall strategy. This indicates, at the very least, that this was regarded as acceptable, possibly even desirable. *Operation Marion* and the Caprivi training must thus be seen in the context of this overall State Security Council policy. A similar strategy was reflected in *Operation Katzen* and support for vigilante groups. Covert support for anti-UDF/ ANC groupings was well established by the 1990 and was seen as legitimate and authorised. This support led to the development of links between individual security force operatives and conservative individuals at a local level, providing a basis for ongoing destabilisation on the ground. The connection between this strategy and the violence in the 1990s is obvious. Indeed, support for Inkatha continued into the 1990s. It is thus not surprising that security force members believed that it was legitimate to provide support, including arms, to Inkatha, or to seek to protect and foster IFP-linked forces when policing violence-torn communities.

#### *Covert structures and activities*

- 524 It is also important to stress that the kind of activity outlined above was largely conducted by covert structures. The establishment of covert structures – covert precisely in order to obscure the link to the state – is central to this period. In the early years, the development of covert structures centred largely around two main arenas – propaganda (as is evidenced by the ‘Info’ or ‘Muldergate’ scandal) and sanctions busting.
- 525 Indeed, the 1980s saw an extensive proliferation of covert structures and front companies specifically designed to obscure links to the state. Thus, for example, the entire CCB operation was run via front companies, employing operatives who formally resigned from the SADF and SAP. A significant number of operatives remained in the ‘security business’ by establishing security companies, a cover that legitimately allowed them to have arms and to employ people with military or police training.
- 526 This process of ‘privatisation of the security forces’ relied to a large degree on a decentralisation of lines of command and control. Thus, on the one hand, the state increasingly emphasised the importance of centralisation and co-ordination – indeed, the notion of a ‘Total Strategy’ increasingly drew non-security departments and personnel into the ambit of tightly co-ordinated security policy. On the other hand, and in seeming contradiction, the increasing reliance on covert structures and methods demanded an increasing separation and decentralisation from such co-ordinated structures. In fact, the two processes were linked: joint structures frequently included non-security force members, necessitating a set of structures where more sensitive decisions and operations could be taken and planned. The central requirement of the covert structures was that the link to the state should at all times be untraceable. This meant operating in tight, but decentralised ways, and gave operatives a significant degree of discretion.
- 527 It needs also to be noted that there was a tendency in certain arenas for covert structures and operations to make use of criminal networks. Thus, for example, criminal elements were used as go-betweens, as intelligence sources or as operatives in sanctions-busting enterprises; in the smuggling of ivory used to finance UNITA; in procuring supplies and substances for the Chemical and Biological Warfare programme (described elsewhere in this volume); and by the CCB both in the collection of intelligence and in the execution of operations. The recruitment of people like Mr Ferdi

Barnard, still in the employ of the SADF following the revelations of the Harms Commission, is an eloquent example of this practice.

- 528 The development of covert structures and practices also needs to be seen in the context of the increasing politicisation of South African intelligence structures in the mandate period. Each development is marked by a close relationship between security or intelligence agencies and politicians – the relationship of Mr Hendrik van den Bergh, and thus the Security Branch and BOSS, to Prime Minister BJ Vorster; the relationship of successive chiefs of staff intelligence to both Minister Malan and President PW Botha; and the link between the NIS and President de Klerk. This had two effects. First, it had a tendency to lead to the politicisation of intelligence, with the effect that political agendas and demands skewed intelligence assessments. As a former deputy chief of staff intelligence put it: “There was an increasing tendency to tell the politicians what they wanted to hear.” Second, it led, under each regime, to the development of a corps of intelligence and other operatives whose immense power was both derived from and dependent on senior politicians, and who were charged with the responsibility of protecting the state at all costs, even if this included unlawful action. In this context, the notion of ‘plausible deniability’ combined with a culture of covering up illegal actions proved a lethal cocktail and gave certain sectors of the security forces *carte blanche* to engage in operations that were clearly dubious.
- 529 While covert companies and operations at an official level ran more or less independently of each other, they were bound together by a network of operatives, many of whom had shared significant operational experience over a lengthy period of time. One of the important arenas in which such networks developed was among those who had spent time engaged in operations in the Western Front (Namibia and Angola), and, for many, Rhodesia (the Eastern Front). Throughout the 1980s, key military and Security Branch positions inside South Africa were occupied by personnel who had served time on the Western Front. For example, by the end of the 1980s, staff in key posts in the SADF such as chief of the SADF (JJ Geldenhuys), chief of the army (Kat Liebenberg), officer commanding Special Forces (Joep Joubert then Eddie Webb), chief of staff intelligence and many of the officers commanding of the territorial commands had emerged from the war in Namibia/Angola. Similarly, ranking Security Branch officers such as head of C section (Willem Schoon), officers commanding divisional Security Branch offices (Cronjé – Northern Transvaal) as well as all virtually every commander of Vlakplaas had spent time in Rhodesia and/or then South West Africa.
- 530 Such networks frequently drew police and military together and involved both high-ranking and lower-ranking operatives. For example, Willem Schoon, head of C section of the Security Branch, had spent time in Namibia, where he got to know Joep Joubert who, by the mid-1980s was head of Special Forces. Joubert was responsible in the mid-1980s for drafting a plan whereby Special Force operatives were seconded to key Security Branch offices. A central component of this plan was the killing of political opponents.
- 531 The Steyn staff report notes that new recruits were drawn into such networks, and those who conformed tended to be promoted – creating a self-generating and self-perpetuating cycle. This set of networks, deepened by joint involvement in covert operations that increasingly involved unlawful activity and involving very high-ranking personnel, increasingly led to the development of what can be termed an ‘unofficial official command structure’. An example of such a structure is given in a memo by the surgeon general in relation to the Chemical and Biological Warfare programme. He refers to the existence of two command structures – the official one and ‘an informal official



system' that operated directly from an authorising structure via Basson to groups executing decisions. From a reading of amnesty applications, section 29 enquiries, interviews and intelligence reports, it is clear that such 'informal official' chains of command existed more broadly, and were central to security strategy in the mid- to late 1980s. Further, as the staff report indicates, dubious and illegal activities had been so successfully woven into authorised and official operations that it was difficult to distinguish between the two, or at what level authorisation began and ended.

- 532 The placing and promotion of personnel linked into such structures led the Commission to believe that those in charge of the security forces were well aware of their existence and effectiveness. Again, the Steyn staff report notes that those in command were either personally involved or, if they were exercising effective command, knew what their operatives were involved in. Given the seniority of a number of perpetrators, the Commission rejects the argument put forward by the NP that violations were committed by a handful of rogue elements or 'bad apples.' The fact that some incidents involved the commanding officers of the security forces and appeared to lead, at least in the Khotso House bombings, to cabinet and the State President himself, makes such an explanation unacceptable.

#### *Namibian elections*

- 533 For many, the acceptance of UN Resolution 435 and the ensuing elections provided a dry run for the elections in South Africa. All efforts were thrown into reducing the SWAPO vote – with considerable success given the time frame. To this purpose, some R180 million was made available for operations *Victor* and *Agree*. These operations included providing extensive infrastructure for the DTA, the South African government's alternative to SWAPO, conducting an extensive disinformation campaign, and embarking on campaigns to intimidate voters, disrupt meetings and so forth. It seems that some of this money also went towards the funding of a right-wing group, *Aksie Kontra 435*, involving people such as Mr Horst Klenz, Mr Leonard Veenendal and Mr Darryl Stopforth, who undertook sabotage actions. According to CCB intelligence officer Chris Nel, the entire resource base of the CCB was used in Namibia. CCB operatives from all regions were deployed in Namibia and were offered production bonuses. Aside from the Lubowski assassination, the Commission is aware of at least two other assassination plans – that of Mr Daniel Tjongarero and Ms Gwen Lister.
- 534 With the elections over, most of these operatives returned to South Africa together with the rest of the South African military machine. The SADF representative to the Co-ordinating Intelligence Committee (KIK) raised the need for the KIK to develop a similar plan for South Africa's transition. Moreover, throughout the period of the war and following South Africa's final withdrawal from Namibia, at no stage did the security forces engage in any processes of demobilisation and re-integration of its members into a non-war situation. To all intents and purposes, then, operatives and soldiers moved from one theatre of war to another.
- 535 The Namibian strategy had its roots in an earlier high-level discussion of security force generals, intelligence personnel and SSC functionaries in October 1985 regarding the question of a settlement with the ANC. While there were dissenting views, the general thrust was that some form of settlement was unavoidable in the long term, but that every effort should be made to weaken the ANC and destroy its revolutionary potential. In the words of General Groenewald, "*Jy kan dus slegs uit 'n posisie van krag onderhandel. Onderhandel ons met die ANC met die doel om hom te elimineer, is dit aanvaarbaar. Onderhandel ons met die doel om hom te akkommodeer, is dit onaanvaarbaar.*" (You can thus only negotiate from a position of power. If we negotiate with the ANC with the purpose of eliminating it,

that is acceptable. If we negotiate with the purpose of accommodating it, that is unacceptable.) There is nothing to indicate that this view ever changed. The handling of the Namibian elections would tend to indicate that this remained the dominant perspective.

536 By the 1990s, then, a clear pattern of security force conduct had emerged that crossed the boundaries of legality and was condoned and in some instances encouraged as part of state policy. A network of security force operatives, bound by blood and secrecy, had emerged, with informal channels of communication and in possession of, or with access to, material resources and weaponry. While the new De Klerk government significantly dismantled many of the formal securocrat structures, little obvious attempt was made to dismantle these networks or to change the mindset of operatives intent on continuing an all-out war on the ANC and its allies. Indeed, where efforts were directed at uncovering such networks – as with the establishment of the Harms Commission – security force personnel were instructed by their seniors to lie, sending a clear signal that these were simply public relations initiatives and that they were not intended to change the status quo. The fact that Vlakplaas personnel continued with unlawful activities at the very time that the Harms Commission was sitting is clear testimony to this. Given this background, it is unsurprising that evidence should emerge of security force involvement in the violence and destabilisation of the 1990s.

537 Clear evidence of security force involvement in the following issues has been confirmed:

- The provision of weapons and training to the IFP by members of the security forces, and thus by implication, involvement in the violence in the PWV and KwaZulu/Natal regions. It is notable that this continued after the exposure of government financial support to the IFP.
- The cover-up after the arrest of Mr Themba Khoza with weapons on the scene of the Sebokeng massacre and thus, by implication, involvement in the massacre itself.
- The involvement by MI operatives and structures in the destabilisation of the homelands, including the development of a plan to invade Transkei.
- A official plan by MI to abduct and/or assassinate Mr Chris Hani and Mr Bantu Holomisa in Transkei.
- The existence of SAP hit squads that continued to be engaged in killings.
- Continued efforts to conduct disinformation campaigns against the liberation movements generally and against particular individuals. Examples include *Project Echoes*, a South African army intelligence (GS2) project which sought to generate disinformation about MK, and a strategic communications project which targeted Ms Winnie Mandela.
- The running of high-level sources such as Mr Sifiso Nkabinde and Mr David Ntombela, who were deeply implicated in violence in the Richmond area.

538 In addition, some evidence exists regarding:

- The involvement of security force operatives in train violence.
- Involvement of security forces in right-wing agendas and structures, possibly including the establishment of some right-wing groupings. While the security forces indicate that this was for the purposes of intelligence-gathering, the case of Mr Leonard Veenendal shows a continued and disturbing blurring of intelligence and operational lines.
- The involvement of Mr Prince Gobinca as a key player in several sites of violence in the western and eastern Cape. This includes his involvement in the Western Cape United Squatters Association (WECUSA) and his involvement in deploying an ANC SDU in violence locally as well as for the ADM in Ciskei. The Commission found Mr Gobinca to have links with both MI and the Security Branch, and found extensive involvement of MI in the ADM.
- The existence of alliances between certain security force operatives, the right wing and sectors of the IFP who clearly believed they were arming and training people for a full-scale war.

- 539 It should perhaps be noted that, in the Port Elizabeth area, the security forces seem broadly to have accepted the move towards a negotiated transition and, as is borne out by official police documentation, appear to have developed a working relationship with local ANC leaders. It is noteworthy that, in the one area where such a working relationship developed, 'third force' violence did not manifest itself. The fact that the Port Elizabeth area had previously always been at the cutting edge of conflict between security forces and resistance movements merely underlines this point.
- 540 Beyond the specific violations and arenas of violence, a major issue the Commission was unable to determine was the degree to which the involvement of security force operations was part of government strategy at the time. As indicated at the beginning of this chapter, the position of the ANC and a number of other structures was that the NP was pursuing a twin-track strategy of publicly negotiating while continuing to wage war against the ANC.
- 541 The position of the NP, on the other hand, was that President de Klerk and his government did everything in their power to put an end to such violence and that, at every point that allegations were made, an attempt was made to investigate them. In this regard, the Harms Commission (1990), the Kahn Commission, the Goldstone Commission (1990) and the Steyn investigation (1992) are seen to represent a willingness to investigate such allegations.
- 542 While the Commission commends such efforts on the part of former President De Klerk, a number of factors continue to cast doubt on the integrity of such efforts. These include:
- a Appointment of personnel: In 1989, Tim McNally, the Attorney-General of the OFS was appointed to investigate the allegations made by Almond Nofemela, Dirk Coetzee and David Tshikilange that a 'death squad' existed at Vlakplaas. Despite having concluded that there was no substance to these allegations, McNally was appointed as counsel for the Harms Commission, whose mandate was to determine precisely what McNally had already dismissed. Further, his investigative team was comprised of police officers. The Commission is of the opinion that these appointments were inappropriate.

Similarly, with regard to the Steyn investigation, while the Commission acknowledges former President de Klerk's reasons for believing that an SADF appointee would have better access to and knowledge of the area he was investigating, to all intents and purposes this appointment meant that the SADF was investigating itself. The Commission is of the belief that, at the very least, independent and non-security force personnel should have been appointed alongside General Steyn in the interests of transparency.

- b Limited mandates: All the above commissions and investigations were severely hampered by the limited mandate they were given. Despite allegations of security force involvement in numerous cross-border assassinations, the mandate of the Harms Commission was confined to South Africa. Thus, although that Commission spent a substantial portion of its time investigating the activities of the CCB, considerable areas remained unscrutinised because the CCB consisted predominantly of external regions.

Similarly, Professor Ellison Kahn's terms of reference were so narrowly defined that he did not have the authority and mandate to initiate and/or engage in proactive investigation, but had to rely on the willingness of the security forces to furnish him with such reports. This meant that the security forces retained the discretion to determine which secret projects they should report on.

- c Follow-up action and investigations: The Commission notes that, while Judge Harms identified some security force personnel as having committed perjury in their evidence, no prosecutions followed.

The Commission has noted that former President de Klerk appeared to take no heed of General Steyn's repeated pleas for a co-ordinated and thoroughgoing investigation of the allegations contained in the staff report. Moreover, despite the fact that significant allegations about the role of police structures such as Vlakplaas emerged during the course of General Steyn's investigation, there was no attempt to institute a broad-ranging enquiry. In the interest of conveying a public and determined intent to uproot dubious practices, the Commission submits that the decision to pass piecemeal allegations to the Attorney-General, the Office for Serious Economic Offences and the Goldstone Commission, was a short-sighted one. Mr de Klerk chose to appoint three generals who had themselves been seriously implicated in the Steyn investigation to make recommendations about follow-up action. This constituted a serious error of judgement.

- 543 The Commission thus finds that, commendable such initiatives may have been, they were largely ineffectual in rooting out the modus operandi and thinking that had developed during the previous period or, crucially, dismantling the associated 'informal official' networks. This criticism needs to be weighed against the rejoinder that President de Klerk's capacity to intervene in this arena was limited owing to the fact that he lacked a security force background, and that his actions were further constrained by the extraordinarily difficult task of ensuring that the security forces as a whole continued to support the transition, and did not turn towards a military rather than a political solution. Significant role-players continue to believe that the threat of a coup was a real one, and while the SADF as a whole never presented a threat and supported political and constitutional processes, individuals within it, and even sections of the security forces, may well have opted for a violent resolution. It needs to be noted that, while such a coup never materialised, the above confirms that there were indeed those who opted for violence.

- 544 Aside from the failure of such commissions to root out illegal and unauthorised activities, there are other worrying factors about the NP's response to the violence enveloping South Africa. While some security force involvement in dubious agendas of violence is apparent, and sufficient evidence of this was already within the public domain, at no stage did the NP concede that sectors of its security forces were out of its control. More than this, despite the fact that former President de Klerk was aware that his commissioner of police had been involved in illegal activity regarding the bombing of Khotso House, he continued to retain his position as the most senior policeman in the country. Similarly, despite allegations emerging from the Steyn investigation relating to the chief of the defence force and the chief of the army – the two most senior defence portfolios – former President de Klerk assigned them to the task of deciding what action should be taken against those implicated by the investigation.
- 545 While former President de Klerk may well have been constrained by the delicate balance within the security forces and a fear that firmer action could lead to a schism between the NP's negotiation agenda and disgruntled security force members, the Commission notes that no such constraint applied at the time that former President de Klerk made his submission to this Commission. De Klerk made no attempt to take the Commission into his confidence and to explain the very real dilemmas and difficulties that he faced at the time.
- 546 It was precisely this seeming unwillingness to take more significant action against individual security force members and structures that led to a public perception that the violence, if not part of an NP agenda, was in some way in its interest. The violence directed against black communities was seen to hurt the ANC the most, in that its support base began to lose confidence in its leadership's capacity to defend them. The Commission has no doubt that, had white communities experienced a fraction of what their black counterparts were experiencing, there would have been an infinitely more robust effort to bring an end to the violence. Thus, for example, in the Commission's hearing on the Seven Day War, a senior police official was asked: "If the violence on that scale had happened in a white area, you wouldn't have tolerated that at all, surely?" His response was: "During those times, more than likely no, we wouldn't".
- 547 There is also circumstantial evidence to suggest that the signing of the Record of Understanding led to a fall in the rate of random and anonymous attacks associated with 'third force' violence. It has been suggested that by this stage there was a real possibility that violence could become uncontrollable and lead to civil war. This was demonstrated most clearly by the events in Boipatong and the violent reaction to Mr de Klerk's attempt to visit the area. Further, the escalation of violence was beginning to threaten the NP itself as, locally and internationally, it was increasingly suggested that the government had lost control. According to this argument, the Record of Understanding is widely seen to have represented a significant shift in NP strategy, marked by an end to its close alliance with the IFP and an increasing convergence with ANC interests – at least in terms of effecting a transition to democracy. To some degree this argument is borne out by statistics, which demonstrate a shift in patterns of violence.
- 548 This shift in strategic direction also meant an increasing convergence between the right-wing/IFP and security force agenda. In this respect, there is some evidence that right-wing structures were funding by MI (see above), raising the suspicion that violence was encouraged by forces and/or structures of the state, but in a way that could not be associated directly with the governing party. The Commission was unable to establish conclusively whether there is any substance to this.

- 549 Thus, while the involvement of security force individuals and structures in 'third force' violence was to some degree corroborated, lines of command and accountability, were not established. It is not clear whether senior security force personnel so involved represented their own, state or right-wing agendas. In a rapidly changing political situation with shifting alliances, is probable that there were several agendas involved.
- 550 At the same time, levels of political intolerance were extremely high and, indeed, little instigation was required to generate self-perpetuating cycles of violence.
- 551 In conclusion, the Commission did not make significant progress in uncovering the forces behind the violence in the 1990s. In view of the extent to which violence continued beyond 1994 and ongoing allegations about sinister forces, the Commission recommends further investigation in the following areas:
- A comprehensive review of intelligence practices. The former government's encouragement of covert practices led to a serious lack of accountability. Moreover, the liberation movements themselves were forced to act in a clan-destine way. In order to develop a new ethic among the security forces, it is imperative that the intelligence culture be subjected to intensive review.
  - An investigation into front companies. The private security industry in particular needs intensive scrutiny, as security companies frequently provided a cover for security force operatives.

THE COMMISSION FINDS THAT, WHILE THERE IS LITTLE EVIDENCE OF A CENTRALLY DIRECTED, COHERENT OR FORMALLY CONSTITUTED 'THIRD FORCE', A NETWORK OF SECURITY AND EX-SECURITY FORCE OPERATIVES, ACTING FREQUENTLY IN CONJUNCTION WITH RIGHT-WING ELEMENTS AND/OR SECTORS OF THE IFP, WERE INVOLVED IN ACTIONS THAT COULD BE CONSTRUED AS FOMENTING VIOLENCE AND WHICH RESULTED IN GROSS VIOLATIONS OF HUMAN RIGHTS, INCLUDING RANDOM AND TARGETED KILLINGS.

THE COMMISSION FINDS THAT, DURING THE 1980S, SUCH NETWORKS ESTABLISHED 'PARTNERSHIPS' WITH PRO-GOVERNMENT INDIVIDUALS OR GROUPS AT A LOCAL LEVEL WHO THEN ACTED IN CONCERT TO PERPETRATE SUCH VIOLATIONS. FURTHER THAT THE SANCTION OF ILLEGAL ACTIVITIES BY SECURITY FORCE OPERATIVES DURING THE 1980S PROVIDED THE BASIS FOR THEIR CONTINUATION IN THE 1990S.

THE COMMISSION FINDS FURTHER THAT SUCH NETWORKS FUNCTIONED AT TIMES WITH THE ACTIVE COLLUSION AND/OR KNOWLEDGE OF SENIOR SECURITY FORCE PERSONNEL, AND THAT THE FORMER GOVERNMENT, EITHER DELIBERATELY OR BY OMISSION, FAILED TO TAKE SUFFICIENT STEPS TO PUT AN END TO SUCH PRACTICES.

THE COMMISSION FINDS THAT THE SUCCESS OF 'THIRD FORCE' ATTEMPTS TO GENERATE VIOLENCE WAS AT LEAST IN PART A CONSEQUENCE OF EXTREMELY HIGH LEVELS OF POLITICAL INTOLERANCE, FOR WHICH ALL PARTIES TO THE CONFLICT ARE HELD TO BE MORALLY AND POLITICALLY ACCOUNTABLE.