

## **THE MURDER OF IFP MEMBERS**

In the Final Report on attacks on members of the South African Police, dated 21 April 1994, the Commission also adverted to the stage that the inquiry into the murder of members of the Inkatha Freedom Party had reached. In the 99 cases reviewed till then no evidence at all had been found linking members of the ANC and MK to the murders. Since then a further number of the remaining 41 cases has been reviewed with the same result.

Consequently, the Commission is satisfied that, having examined a large proportion of the total of 140 cases, it could not find evidence to support the allegation of a systematic policy by the ANC and MK to murder leaders of the IFP.

## **CHILDREN**

On 11 September 1993 the Commission announced an inquiry into the effects of public violence and intimidation on children. This inquiry was eventually to cover meetings with key organisations and individuals, expert research and a survey of 300 organisations and monitoring agencies, culminating in a preliminary report of some 200 pages which the Commission received on 10 August 1994 from a working committee appointed to advise it.

The Working Committee then appointed an Advisory Panel of six experts to deliberate on the preliminary report and propose recommendations. Annexure 2 is the result of these deliberations.

The Commission is grateful to all persons and organisations who participated in the inquiry and especially to the members of the Advisory Panel for all the work and thought dedicated to this subject.

The Commission expresses the hope that the discussion and recommendations contained in the attached report will be helpful in reducing conflict and in resolving problems for children suffering from the effects of violence.

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served by a further inquiry by the Commission which may, at any rate, adversely affect the pending judicial procedures.

## **POLICE INVOLVEMENT WITH VIOLENCE**

Following the interim report of the Commission, dated 18 March 1994, on criminal political violence by elements of the South African Police Force, the KwaZulu Police Force and the Inkatha Freedom Party, an international team of investigators headed by the Attorney-General of Transvaal was appointed. Since the investigation of crime and the prosecution of offenders is the prerogative of the appropriate authorities and falls outside the mandate of the Commission, it considers that it has no further role to play in regard to the matters concerning the above report. The Commission has consistently passed on to the appropriate authorities all relevant information coming into its possession. The information set out in the report of 18 March 1994 has thus far led to several other criminal prosecutions, including that against Eugene Alexander de Kock. The work of the international team has not yet been completed. In these circumstances it would be inappropriate to add to the report.

On 18 March 1994 the Commission also presented the first and second interim reports of the Wallis Committee, mandated to ascertain whether there were any incidents of violence arising out of causes other than political rivalry between the African National Congress and the Inkatha Freedom Party. The committee encountered various obstacles and could consequently not achieve conclusive results. The Commission welcomes the announcement by the Minister of Safety and Security that a special investigation team has been appointed which, *inter alia*, will follow up the work of the Wallis Committee.

## **ARMED FORCES**

In pursuance of suggestions contained in a report to the United Nations, which were accepted by the then South African Government, the African National Congress and other parties, committees of the Commission investigated certain aspects of public and private security forces and armies.

It is a matter of regret that, with the exception of detailed reports from the South African Police, and the South African Defence Force, and insufficient response by other interested parties and the march time and events precluded the Commission from investigating the full range of security forces and armies in South Africa.

By March 1993, a year after the inquiry had commenced, the evidence of 35 witnesses, which ran to 4 500 typed pages, had been received. Sixteen of these witnesses, whose evidence comprised 1 247 pages of record, had testified to the conduct of the South African Police in three separate incidents at the height of the "taxi war" in Cape Town. The evidence had been tendered to support or refute allegations that their conduct had been a contributory cause of the taxi war because policemen had either physically taken part on the side of WEBTA [Western Cape Black Taxi Association] in acts of violence perpetrated against LAGUNYA [Langa, Gugulethu and Nyanga Taxi Association] or had failed to take action to enforce the law when acts of violence had been committed in their presence or had been reported to them. Time was needed to investigate and receive evidence of further incidents regarding these allegations. Since this was the only remaining aspect to be completed in the inquiry, it was deemed expedient because of ongoing taxi conflict and the time taken by the inquiry up to that stage to adjourn in order to compile and present the fifth interim report dealing with all the other aspects of the terms of reference which had been traversed during the inquiry into violence in the taxi industry. That fifth interim report comprised 107 pages, more than half of which were devoted to recommendations. As it happened, serious difficulties were experienced in finding opportunities to continue the inquiry, due, *inter alia*, to the unavailability of counsel or witnesses or the unsuitability of dates. The continuation of the inquiry was eventually overtaken by events of national importance in the country, including the transformation of the police services, their policies and training programmes, and eventually by the termination of the Commission.

The committee is of the view that any further investigation of the past history of alleged violence through acts of commission or omission by members of the South African Police Force, will at this juncture fall more naturally and appropriately within the purview of the proposed commission for truth and reconciliation. The records of the inquiry are available to such a commission.

#### SHOOTING INCIDENTS IN JOHANNESBURG ON 28 MARCH 1994

The Commission, in its report of 21 April 1994, made no findings and recommended that, when further evidence and statements had been made available to it, it would determine the terms of reference for a committee. Subsequent to the report the Minister of Safety and Security announced in Parliament that members or supporters of the ANC had fired the first shots. Civil claims have been instituted in the courts as a result of the shootings. The Commission is of the view that these events have overtaken any purpose to be

## **FINAL REPORT BY THE COMMISSION**

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*Released: 27 October 1994*

*R J Goldstone (Chairman of the Commission)*

The recommendations contained in the Fifth Interim Report that the Commission should terminate with the expiry of the terms of office of its members has been accepted. The Commission will consequently close its doors on 27 October 1994.

During its three year life-span the Commission, in terms of its founding Act, No 139 of 1991, presented 47 reports, usually following public inquiries, containing a large number of recommendations.

The Institute for the Study of Public Violence has been registered as the "Human Rights Institute of South Africa" (HURISA). The Commission believes that the Institute's decision to focus on human rights in South Africa comes at an appropriate time and that the Institute with its excellent facilities will render a unique contribution in the development of such a culture.

### **FINAL REPORTS ON SPECIFIC MATTERS**

#### **BOIPATONG**

The Appellate Division has not yet adjudicated upon the petition for leave to appeal by the accused in the criminal trial following upon the massacre.

The Commission considers it inappropriate to submit a report while the matter is still sub judice. The presentation of a report on the inquiry by the Commission into the Boipatong massacre will therefore have to stand over until the criminal proceedings have run their course, even if it eventuates after the termination of the Commission.

The Commission also investigated an allegation that members of "Koevoet", stationed at Greenside Collieries, had been involved in the Boipatong massacre. The report of that investigation will stand over for the same reasons mention in the preceding paragraph.

#### **TAXIS**

In the fifth interim report on the inquiry into public violence and intimidation in the taxi (or minibus) industry, the committee stated that "[t]his comprehensive report ... would have been the final report but for ... the role played by the South African Police in the taxi violence in Cape Town".

The National Co-ordinating Committee should be substantially funded by State government, and we support the provisional application for funds which we understand has been made to the Social Relief Fund of the Department of Welfare.

## **REPORT: THE EFFECTS OF PUBLIC VIOLENCE AND INTIMIDATION ON CHILDREN**

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*Released: 27 October 1994*

A statutory independent office of Children's Rights Commissioner should be established to promote the rights and interests of South African children, who have no vote and no say in the political process; similar and linked commissioners should be appointed in the provinces. A feasibility study, reviewing similar developments in other countries (eg the Norwegian children's ombudsperson, Australian Children's Interests Bureau, New Zealand Commissioner for Children) and proposing a model appropriate to South Africa should be commissioned. The role of commissioners would encompass but go far wider than the problems of violence involving children. The major role would be to encourage effective implementation of the UN Convention. The commissioners would need to be independent of government, and to have legal powers of investigation. Relevant Government departments should be required to consult and pay due consideration to the Commissioner's views on policy development for children.

The Inquiry Report reflected a strong view from organisations that there is a need for one or more co-ordinating bodies and proposed a National Co-ordinating Committee consisting of individuals from major organisations and institutions and relevant government departments. It is quite clear that the needs of children affected by violence far outstrip the current availability of services. The purpose of such a central body or bodies is not to control work at community and grassroots level but to enable and support, to seek to ensure that there is communication between projects, cross-pollination of ideas, and that the most effective use is made of available resources.

The Advisory Panel echoes the Inquiry Report's recommendation and hopes that the foundation for a National Co-ordinating Committee and Violence can be laid at the Working Forum. We emphasise that its name and its functions, and its relationship to existing organisations may require further debate.

The Committee could perhaps, as suggested in the Inquiry Report, have an initial three-year life, and re-evaluate its functions and progress towards the end of this period. The emphasis of the Committee's functions and work must be devolving responsibility and empowering and supporting local projects and communities. It must not replicate or duplicate the work of any existing body.

important to the associations themselves and the taxi industry in regard to the next two paragraphs.

It is recommended that the community structures at Ezibeleni meet with QTA and resolve the situation which led to the community boycott being instituted against the erstwhile ETA. As a result of the boycott the unlawful transport trade in bakkies started and it is understood that it has expanded even after the inquiry. This is a direct result of approval initially given by SANCO (see page 8: paragraph 2.5.3). Not only do these unlawful operators take bread from the mouths of legitimate taxi operators, but the growth of the unlawful bakkie transport will build up tension. If violence ensues from this tension, it will engulf Ezibeleni. Something that started from a desire to assist the community will end in disaster for that same community unless prompt and decisive action is taken. SANCO, therefore, has a responsibility to themselves, the community and the local taxi industry forthwith to address the resolution of the situation and lift the boycott.

The community of Ezibeleni must be requested by community structures and others to desist from commuting in the bakkies. Law enforcement agencies will probably have to mount a concerted and consistent exercise to ensure the cessation of the unlawful bakkie transport.

Uncedo is urged to abandon its policy of allowing long distance taxis to ply locally while waiting for their long distance return loads to fill up.

CODETA, QTA and LFTA are respectively urged to enter negotiations to obtain resolutions relating to the use of routes and ranks.

the starting point to the destination but return empty. This is wasteful and should be resolved through negotiation.

## **RECOMMENDATIONS**

Because of overtrading and other reasons spelt out in previous reports entry into the taxi industry should be regulated by the Department of Transport. The taxi industry itself in Queenstown as elsewhere should also guard against irregular entry and trading: this they should do by reporting such irregularities to law enforcement authorities and not by taking the law into their own hands.

It is recommended that the South African Police Service in the Eastern Cape should bend every effort to obtain jurisdiction in the previously independent states of Transkei and Ciskei. The continued inability of the South African Police Service to carry out law enforcement in those areas assists and encourages wrongdoers and frustrates communities and police alike.

It was clear from some of the allegations against the police at the inquiry and the adequate replies to those allegations given later during the inquiry that good feedback by the law enforcement authorities, including SAPS and the local traffic department, cleared up many misunderstandings and incorrect perceptions about law enforcement. The Committee is convinced that if good communications were practised consistently by bodies policing the community this form of transparency will enhance the image of the police.

The Municipality of Queenstown is urged to take its service to the community even further by undertaking a feasibility study on the adequacy of ranks and facilities.

The joint structures committee of Ezibeleni, chaired by Mr Mangqongwane, was given certain tasks to undertake. Unfortunately the committee had not, at the time of the inquiry, completed the tasks. To the extent that these tasks do not overlap with other initiatives it is hoped that the joint structures committee will complete its tasks as requested at the inquiry (see paragraph 2.5.7 at page 10 above).

At the time of the inquiry Uncedo and QTA had engaged in talks regarding the common use of the route between Ezibeleni and Queenstown (Page 10: paragraph 2.5.8). These associations are urged to continue those talks until a successful accommodation is reached. Such an accommodation is particularly



## **SEVENTH INTERIM REPORT: VIOLENCE IN THE TAXI INDUSTRY IN THE QUEENSTOWN AREA**

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*Released: 24 August 1994*

*Committee: D J Rossouw (Chairman); M N S Sithole; S van Zyl*

This is a further inquiry in the series dealing with violence within the minibus industry in a particular area. It was instituted in response to a request which was received from the members of the Ezibeleni Taxi Association (now merged with Queenstown Taxi Association) while the Committee was engaged in the inquiry at Bisho during May, 1994. Efforts to negotiate a peaceful resolution of the situation had reached an impasse and the members felt that an inquiry into the situation at Queenstown and the surrounding areas was indicated.

Queenstown, the centre of the Border hinterland, is the largest town between East London and Bloemfontein and is well known as an educational, business, industrial, agricultural and administrative centre. It is well connected to larger centres by major road and rail networks and is also connected to smaller towns in the region by road. Inhabitants of this part of the Border region as well as large areas in the Transkei and Ciskei visit Queenstown for business and other purposes. As a matter of fact, facilities in certain towns, townships and villages are so limited that the inhabitants of these areas must visit Queenstown for virtually all their needs. Many residents of Ezibeleni and Ilinge in the Transkei and Lesseyton in Queenstown District are employed in Queenstown and must of necessity travel to and from Queenstown on a daily basis. Many passengers to main centres must travel to Queenstown for road and rail links and even passengers from one centre to another must in many cases travel via Queenstown. In these circumstances regular and reliable transport between Queenstown and all the aforementioned areas is essential.

A few railway buses still operate but passengers undertaking long distance trips to other parts of the country are to a large extent dependent upon minibuses. In spite of the fact that three different Transport Acts of the two independent homelands and South Africa regulated these operations, a thriving minibus industry developed in Queenstown and the surrounding towns.

After the failure of the attempted mediation between LFTA and the Van Heerdens violence broke out during which a number of persons from both camps were killed before the Van Heerdens left Lady Frere to settle in Queenstown. Friction arose between LFTA and QTA because the latter had accepted the Van Heerdens as members without consulting the former. As a result taxis travel between Queenstown and Lady Frere taking passengers from

## **PRELIMINARY REPORT: EFFECTS OF VIOLENCE ON CHILDREN**

*Released: 10 August 1994*

The Goldstone Commission Inquiry into the Effects of Public Violence on Children can be seen as a crucial initial step in this process of initiating a national programme for the rehabilitation of South African children. This inquiry should not be seen as a negation of the efforts undertaken by many organisations and individuals to intervene meaningfully in the lives of children. Rather, its objective is to draw vital information from a number of sources in order to (i) map the present levels of public violence in this country as it affects children; (ii) gauge the present status of resource allocation and service delivery to those who are exposed (directly/indirectly) to violence; and (iii) synthesise the findings of existing research regarding the effects of political violence on children.

These three levels of analysis will culminate in the presentation of concrete recommendations needed to address the plight of children effectively.

The inquiry is underpinned and driven by a policy of transparency and broad consultation. A wide range of key organisations and individuals have been, and are still being, consulted regarding what needs to be done for children.

## **SIXTH INTERIM REPORT: VIOLENCE IN THE TAXI INDUSTRY IN THE KING WILLIAM'S TOWN AREA**

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*Released: 26 July 1994*

*Committee: D J Rossouw (Chairman); M N S Sithole; S van Zyl*

Until recently, the official position was that King William's Town was situated in the Republic of South Africa whereas areas such as Zwelitsha, Dimbaza, Mdantsane, Keiskammahoek, Peddie etc. were situated in the Ciskei. Thus many an entrepreneur among black people in residential areas on the periphery of King William's town, faced with the reality of rapid urbanisation and the demand for jobs as the economic situation worsened, turned to the taxi industry for survival, disregarding the political boundaries of the area. This fact, coupled with the failure of the political authorities to provide facilities for mass transport, especially after the demise of the SAR commuter bus service, resulted in the proliferation of the pirate taxi business in the area. This obviously had to lead to a scramble for lucrative routes and ranks by various taxi owners and associations with competition and tensions inevitably building up.

A taxi conflict has sporadically erupted in violence in and around King William's Town for the last few years, and did so again in November and December 1993. The main contenders in the conflict are the Border Alliance Taxi Association and the King William's Town Taxi Forum.

### **RECOMMENDATION**

The Committee recommends the establishment of an independent body with powers of inquiry similar to that of the Goldstone Commission and a mandate which will allow it to mediate and assist in conflict resolution has an essential role to play for the foreseeable future in assisting the taxi industry to forswear violent conflict and embrace negotiation as a means of resolution of problems.

## **FIFTH INTERIM REPORT**

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*Released: 30 May 1994*

*R J Goldstone (Chairman of the Commission)*

In terms of section 3 of the Act the Chairman and the four members were appointed for the statutory period of three years. Those appointments will terminate in October 1994.

The Commission and the trustees of the Institute have resolved that the Institute should now become an independent non-governmental organisation. It is also proposed that its field of operation be extended to cover all aspects of human rights in South Africa.

### **RECOMMENDATIONS**

It is the unanimous opinion of the members of the Commission that it should terminate with the expiry of the terms of office of its members. Subject to the wishes of the Government, the Commission would prefer not to accept any further references to it for inquiry.

It is probable that witnesses under protection of the Commission will continue to require protection after October 1994. An appropriate mechanism will require to be found for such protection to continue after the termination of the Commission.

matter of daily concern at the time. In these circumstances, the failure by the Commissioner to have realised the sensitivity of the matter and to have treated it accordingly is a disturbing aspect of this matter.

Council for Gintans and Seyeh submitted that the Commission should make a positive finding that his clients did nothing untoward. He argued that they acted openly and lawfully and that they were entitled to make whatever profit they could. The problem, however, at this stage, arises from the fact that: there is still a question to be resolved as to the role played by Van der Walt; there is the unusual and inadequately explained withdrawal in cash of R850 000 by Seyeh from its bank account; and there was no good commercial reason suggested for interposing Seyeh between Gintans and Garb.

As far as Garb is concerned the only question which remains unresolved is the relationship between it and Van der Walt.

Willies by a Mr Tony Vermaak. The details of this transaction are still the subject of investigation by Eskom and the Commission.

## **RECOMMENDATIONS**

The sale of 1 000 LM4 rifles to the KwaZulu Police was not authorised by the management of Eskom.

The purported sale was arranged by Mr Johan van der Walt, an employee of Eskom, without authority.

The Commission is unable to ascribe a motive or motives to Van der Walt which would explain his actions in attempting to sell the rifles.

The KwaZulu Government and KwaZulu Police appear to have acted openly in relation to the purchase. However, council for the KwaZulu Government was unable to inform the Commission whether normal procedures were followed with regard to the purchase. Whether this is a matter which requires further investigation is not a matter which concerns this Commission.

The Commission is satisfied that the National Intelligence Service had nothing to do with this matter. In particular the vehicle referred to in the Weekend Star of 2 April 1994 was at no relevant time at the Eskom premises.

It remains unresolved why the Commissioner of both the SAP and KwaZulu was under the impression that an export permit was required under the Arms and Ammunition Act, 1969. So, too, the relevant department at the SAP Headquarters in Pretoria. That became an issue in the light of the submission by council for the SAP that, in terms of the Arms and Ammunition Act, no permit is required in respect of arms deliveries to a self-governing territory. It is not necessary now to resolve that issue.

In any event the permit was issued after consultation with the Commissioner of the SAP. The Commission can only regard it as unfortunate that the Commissioner did not refer the matter to the Minister of Law and Order before allowing the permit to be issued. In this regard it is relevant that this Commission reported in December 1993, that there was evidence of at least one hit squad operating within the KwaZulu Police. Furthermore, only a week prior to the issue of the permit this Commission reported that there was prima facie evidence that officers of the SAP were involved in the illegal delivery of firearms to KwaZulu. The potential for increased violence in KwaZulu was a

## **REPORT: PRELIMINARY INQUIRY INTO THE ATTEMPTED PURCHASE OF FIREARMS BY THE KWAZULU GOVERNMENT FROM ESKOM**

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*Released: 22 April 1994*

*R J Goldstone (Chairman of the Commission)*

For some years Eskom has had in its possession a number of surplus firearms. This state of affairs came about in consequence of certain Eskom installations becoming downgraded from "National Key Points" and the general decrease in the security provided by Eskom for its own installations.

In an attempt to control the firearms, they were all transferred to Eskom's headquarters at Megawatt Park in Sandton.

Any sales of the arms were required to be arranged by the Corporate Purchasing Manager or alternatively through the Commercial and Legal Departments. The arms were under the direct control of Mr Johan van der Walt, the Manager of the National Protective Services Department of Eskom. He had no authority to sell the arms on behalf of Eskom.

Dr George Lindeque is an executive director of Eskom. On Friday, 25 March 1994, he left his office at 19:00. He went to the parking garage and saw a bakkie and two open Lorries. He noticed some unusual features. One was that the vehicles had no registration plates. The Lorries did have paint on the doors registration numbers preceded by the letters "ZP". A substantial quantity of LM4 rifles were being loaded onto the Lorries. Dr Lindeque was informed that the rifles were destined for the KwaZulu Police. Dr Lindeque returned to his office and telephonic enquiries made by him established that the sale or disposal of the rifles had not been approved by the relevant Eskom officials. The loading of the rifles was under the control of Van der Walt. Dr Lindeque instructed him to unload the rifles. At the time of the loading of the rifles, apart from Van der Walt, also present were Mr Phillip Powell, an official employed by the KwaZulu Government and Mr I Garb, a director of Garb. Van der Walt informed Dr Lindeque that he had received a cheque from Garb for R675 000 being the purchase consideration for the firearms. He was instructed to return the cheque to Garb and he did so.

Van der Walt was also responsible for an unauthorised sale of 50 LM4 rifles to a Kempton Park arms dealer trading under the name of Shotgun Willies. It appears that 20 of the rifles were delivered not only without authority, but also without payment. In respect thereof false Eskom Removal Permits were made out and signed by Van der Walt. They were also signed on behalf of Shotgun

in the election. The very reason forwarded by the President of Inkatha, Mr Mangosuthu Buthelezi, for participating in the election, is to avoid further violence. In a press statement issued by the Commission on 20 April 1994, it welcomed that decision. Further mass action in Johannesburg before the election was called off by the Inkatha Youth Brigade. That is also to be welcomed.

It is the sincere hope of the Commission that a more inclusive election will reduce considerably the phenomenon of public violence in South Africa.

## **RECOMMENDATIONS**

The Commission made no findings. Three recommendations are made:

1. that the Committee of the Commission which considered recommendations in relation to mass action reconvene to hear evidence and submissions and make further recommendations with regard to the policing problems which arose in Johannesburg on 28 March 1994;
2. that, when further evidence and statements have been made available to it, the Commission will determine the terms of reference of a committee to hear evidence with regard to the shooting incidents on 28 March 1994;
3. There appears to be prima facie evidence of a contravention of the Electoral Act and Code of Conduct. The offender is the IFP official, Mr Humphrey Ndlovu who, during a public address on the day in question, informed IFP supporters that the election would not proceed on 26, 27 and 28 April 1994. The Commission was shown a video film of the speech. This is a matter which the Commission will refer to the Independent Electoral Commission.



gathering was indeed called by the IFP and that its belated efforts to rid itself of responsibility therefore must be rejected.

The ANC and the SAP were of the view that the shooting at the Library Gardens arose from the SAP shooting in self-defence and that the ANC was in no way involved. On the other hand, the IFP was of the view that the shooting there was the consequence of criminal conduct by members of both the SAP and ANC. It alleges that some of the shots were fired at IFP supporters by snipers who were on the rooftops of a number of buildings overlooking the Library Gardens. Counsel for the IFP submitted that the SAP and the ANC did not want that shooting investigated because they were the cause of it.

The versions presented to the Commission of the events at Shell House and Lanchet Hall buildings are contradictory in material respects. Whether the ANC security guards who opened fire on the IFP supporters acted in self-defence, as alleged by the ANC, or whether they shot without any good cause, as alleged by the IFP, is a question of considerable public interest and importance.

The Commission is enjoined by the provisions of its statute, Act 139 of 1991 [Section 7(4)] to ensure that any inquiry held by it does not adversely affect any existing or pending judicial procedures. Having regarded to that provision, and with the possibility of criminal charges arising out of the shootings, the Attorney-General of the Witwatersrand, Mr, K P C O von Lieres und Wilkau was consulted by the Chairman. The attitude of the Attorney-General was that the Commission should feel free to institute such inquiries as it might deem appropriate.

The Commission has been informed that the SAP has appointed a team of detectives to investigate the Shell House shootings. Post mortem examinations are to be conducted on the bodies of those killed in the incidents. Other forensic tests are being conducted by the SAP.

The Commission has decided that it would be premature at this stage to establish a committee to hear evidence on these shootings. The terms of reference of such a committee can only meaningfully be determined when the Commission knows what witnesses and evidence are available. For that purpose the SAP, ANC and IFP are requested to submit witness statements, photographs and other relevant information to it on or before 31 May 1994.

On the very day that the submissions were heard, 19 April 1994, the IFP decided to contest the elections. Its supporters are now being exhorted to vote

**REPORT: PRELIMINARY INQUIRY INTO THE SHOOTING INCIDENTS WHICH TOOK PLACE IN THE CENTRE OF JOHANNESBURG ON 28 MARCH 1994**

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*Released: 21 April 1994*

*R J Goldstone (Chairman of the Commission)*

On Monday, 28 March 1994, the central business district of Johannesburg was virtually brought to a standstill. Some areas became battle zones with bullets flying in all directions. The purpose of the gathering of many thousands of Zulu people at the Library Gardens was to show solidarity with King Goodwill Zwelethini and to show support for calls for an independent Zulu Kingdom. Amid other incidents of violence that took place elsewhere, the shooting incidents in the centre of the city occurred outside the Selby Hostel; in the vicinity of Shell House, in which are situated the national offices of the African National Congress (ANC); in the vicinity of Lancet Hall, which houses the regional offices of the ANC; and at the Library Gardens.

Notice of that gathering was given to the Chief Magistrate of Johannesburg by letter dated 22 March 1994. The letter, on a letterhead of Inkatha Freedom Party (IFP) was signed by Mr Humphrey Ndlovu, the East Rand Chairperson of the IFP. The purpose of the gathering is stated as the launch of its Anti-Election Campaign.

At the preliminary inquiry it was submitted on behalf of the KwaZulu Government and the IFP that the gathering was not in fact arranged by the IFP but by or on behalf of "the Zulu people" and that the IFP letterhead was only used because Mr Ndlovu did not have available a letterhead of the KwaZulu Government. The Commission has no hesitation in rejecting this submission as being fanciful and disingenuous. The argument about the letterhead is refuted by the contents of the letter. In very clear terms the application was made, not only on behalf of the IFP but also for the purpose of launching the IFP Anti-Election Campaign. The letter, furthermore, is signed by Ndlovu in his capacity as an IFP official. The application to the City Council is in similar terms. This spurious argument is also given the lie by the vague allegation that Mr Ndlovu in fact was calling the gathering on behalf of "the Zulu people". How Mr Ndlovu was authorised to act on behalf of "the Zulu people" could not be explained by counsel for the IFP and KwaZulu Government. There can be no doubt that the purpose of the gathering was party political and that, in any event, many members of the Zulu nation would not have wished to participate in an IFP Anti-Election Campaign. The Commission is of the view, therefore, that the

The regular liaison between the SAP and the communities such as that initiated in the Vaal Triangle should be encouraged and extended throughout the country.

No police union or staff association should be allowed to have political affiliations. No official of any such organisation should have any public role in any political organisation. This is to avoid perceptions of partiality.

Urgent attention should be given to the question of SDUs. The need for self protection units (SPUs) according to the requirements of each community exists. There is, however, no place for unstructured units with no accountability. The provisions of paragraph 7 of Chapter 3 of the Peace Accord lay down proper guide lines in this respect. It is regrettable that existing SDUs were not formed on those lines. The Committee recommends that the SAP and the Peace Structures, at national level, take steps jointly to ensure the structuring and training of proper SPUs, where such need exists. Communities and local police should be involved in this matter. Care should be taken to ensure that members are accountable and acceptable to the community in question. Where members of existing SDUs are nominated, their suitability should be carefully considered.

Members of political organisations, community leaders, the media and others should exercise restraint when dealing with issues that could have the effect of creating perceptions that could result in incitement of violence against the SAP.

Political organisations should take care that policy statements and views reach, and be understood, at all levels of their organisations. During the inquiry many shortcomings, in this respect, emerged. Some of these misunderstandings caused unnecessary friction between the SAP and communities.

The SAP should review the manner in which the police victims of violence could be assisted to alleviate their suffering.

Urgent and active steps should be taken by all political organisations and leaders, in consultation with the communities, to encourage the safe return, to their homes, of those police officers who were driven out and who wish to return.

The criminal investigation of crimes perpetrated against members of the SAP should be more detailed and effective in order to result in successful prosecutions. Similarly complaints of crimes by members of the community should be addressed more sympathetically and effectively by the SAP.

in the violence perpetrated on police officers. The Peace Accord, also, makes provision for the formation of self protection units (SPUs). The SDUs, referred to, were not formed and structured on those lines. Evidence about the members of SDUs was rather vague. Members of the community, who gave evidence, were unable to give clear particulars of these units. These groups are completely amorphous. Certain ANC officials testified that they were formed spontaneously by unknown members of the community. The reason for this anonymity is that people are afraid to become involved. They fear harassment of those persons if their identities become known to the police. Many of these groups became involved in crime. Criminals also took over some groups. These groups were often involved in attacks on police officers.

It is unfortunate that nobody took any positive steps after the signing of the Peace Accord towards the proper structuring of SPUs, in the manner envisaged in that document.

The Committee heard evidence of APLA members who were involved in attacks on police officers and their homes. Policy statements by APLA leaders were handed in. These statements labelled police officers as "the enemy" that should be killed. In media reports, which were handed in, APLA leaders claimed credit for the killing of a substantial number of police officers. These numbers were, according to the police evidence, grossly exaggerated. This exaggeration was, apparently, to create the perception that APLA was a very successful liberation movement.

Witnesses produced by the ANC complained of violence perpetrated upon them, during house to house searches, by members of the police, particularly by members of the Internal Stability Unit (ISU). This was disputed by police witnesses. The perception that this happened, however, cannot be disputed. Such action by the police or perceptions of it obviously resulted in revenge attacks by SDUs. This, in turn, led to further police action, which perpetuated the ever continuing cycle of violence.

## **RECOMMENDATIONS**

Every possible step should be taken by the Government, the community, political organisations and the SAP to ensure that the SAP be accepted as a force for the community and from the community. Steps already taken in this regard are commendable and should be made known at all levels of society. It is not only necessary to take such steps but, those steps, as in respect of justice, should be seen to have been taken.

## **FINAL REPORT: ATTACKS ON MEMBERS OF THE SOUTH AFRICAN POLICE**

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*Released: 21 April 1994*

*Committee: Mr G. Steyn (Chairman); Mr S. Moshidi*

Reasons for violence on the police are multi-faceted, but the root causes are to be found in the political history of the country.

Police officers are attacked, killed, robbed of their firearms and property. Their homes are destroyed and they have to leave black residential areas for their own safety and that of their families. The nature of many attacks was alarmingly brutal and barbaric.

Members, of the SAP who were victims of violence, and members of the community gave evidence that police officers are subjected to mistrust and hatred, especially in black communities. The causes for this are to be found in the historic role that the police played in the enforcement of apartheid legislation. The manner in which this was done met with strong objection. This enmity of the community towards the police made law enforcement in unrest situations very difficult. Action taken by the police in those circumstances often resulted in them being branded as the perpetrators of the violence. These perceptions are, often, based on rumour, incorrect information and insufficient observation. Police witnesses claimed that attackers, at times, wore police uniforms in order to create the impression that the attackers were police. Few witnesses were able to give unbiased or objective evidence where police involvement was concerned. Evidently the political history has firmly entrenched the perception that the police are unable to act fairly and impartially. It is therefore easy to discredit police officers in the townships. The evidence has shown that this was not always without cause. Whether sufficient cause has been established is not really relevant. The problem lies in the reaction of a large section of the community to the manner in which it, rightly or wrongly, perceives the police. Very little regard for the safety and welfare of the police exists. In those circumstances violence towards the police is not generally frowned upon by the community. Those who assault and kill police officers do so with impunity and little fear of retribution. Many attacks on police appear to have met with a measure of community approval. The relationship between the police and the township communities clearly plays a major role in the violence on police.

At the initiative of the ANC, amongst others, self defence units (SDUs) were formed to protect their communities. These SDUs also played an important role

## **SECOND INTERIM REPORT: WALLIS COMMITTEE: SPECIAL MATTERS**

*Released: 18 March 1994*

*Committee: Adv M Wallis SC (Chairman); Mr R Zondo; Mr J A L Geysler*

The Committee was requested to conduct such enquiries as it might consider necessary or appropriate in regard to the following matters:-

1. The possession by Constable Ngubane of an AK-47 rifle during August 1991 and the investigation by the KwaZulu Police in consequence thereof;
2. the murders committed in March 1990 with AK-47 rifles and hand grenades at two houses in KwaMakhuta and the failure of the KwaZulu Police to cause the re-arrest of two suspects who absconded and whose whereabouts are known to the KwaZulu Police;
3. the lack of any progress in KwaMashu Case CR261/9/90 in which uniformed KwaZulu policemen are alleged to have shot and killed a KwaMashu resident;
4. the failure to investigate thoroughly the death of Mr. T.C. Cele (Umlazi DR99/90). The inquest magistrate found that policemen had falsified their version and recommended that they together with a senior officer be charged with murder and defeating the ends of justice;
5. the conduct of the KwaZulu Police relating to the shooting incident and later the murder of Professor Sibankulu on 11 November 1992;
6. the conduct by the KwaZulu Police with regard to the investigation into the murder of Mr. Reggie Hadebe on 28 October, 1992.

**INTERIM REPORT: WALLIS COMMITTEE: CAUSES OF INCIDENTS  
BETWEEN INKATHA FREEDOM PARTY AND AFRICAN NATIONAL  
CONGRESS**

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*Released: 18 March 1994*

*Committee: Adv M Wallis SC (Chairman); Mr R Zondo; Mr J A L Geysler*

The first interim report was furnished to the Commission during September 1993. The sole issue discussed was the well publicised attempts by the Wallis Committee to obtain agreement for the establishment of a carefully selected police investigation unit in the Natal Midlands. Notwithstanding broad agreement with regard thereto, the initiative died in the face of unequivocal and strong opposition from the Commissioner of the South African Police.

As recommended by the Wallis Committee, its report was discussed by the Commission with the Commissioner of Police. The issues raised in the report were then overtaken by subsequent events. In particular the relevant matters became the subject of debate and negotiation by the Multi-Party Negotiation Process and its Committee on Law and Order and later by the Transitional Executive Council and its Sub-Council on Law and Order.

In the circumstances the Commission decided that the matter should be left for resolution by the political parties and that the role of the Commission could only be ancillary thereto. It is not considered necessary or appropriate to set out in this report the subsequent decisions taken or to comment on them. Suffice it to say that methods of handling complaints against members of a police force are of fundamental importance with regard to public perceptions of that force. This is a matter which will require to be considered in relation to the restructure of the South African Police.



## **RECOMMENDATIONS**

The Commission would like to stress that the persons named in this report have not been found guilty of the allegations made against them. The evidence, much of it strong, remains prima facie until proven by normal judicial processes.

The Commission exhorts the Government, the TEC and other relevant authorities to take all possible steps to neutralise elements in the SAP and KZP which may or might be likely to cause or encourage criminal acts of violence and intimidation between the present time and the election and in the period immediately thereafter.

The Commission earnestly appeals to all South Africans to recognise and appreciate that as serious as the alleged misconduct by some members of the SAP may be, there are over 100 000 members of the Police Force. Without the courage and honesty of Majors van Vuuren and Du Plessis, Brigadier Schoeman and Colonel Piet Botha, the Commission would have been unable to discover the evidence pointing to a horrible network of criminal activity. Without the support of General G Fivaz and the Commissioner, General J van der Merwe, it would have been difficult if not impossible to have put together an effective investigation unit.

The honest and dedicated police officers to whom we have just referred are not the exception. They should serve as role models for their colleagues especially as we enter a democratic era. It would be unfair and dangerous to tar the whole Police Force with the brush of Vlakplaas.

Other members of the SAP should be encouraged to come forward and expose what has been happening. That is the most effective way of stopping it. Consideration should be given to the grant of an indemnity to persons who wish to come forward and who were themselves guilty of criminal conduct. Those most deserving of exposure and punishment are the senior officers who may be proved to have misused positions of great trust and power. They indeed used that trust and those powers to do the very things they were designed to prevent.

To the extent that they are practically capable of implementation, the Commission supports the recommendations contained in the second report of the Wallis Committee.

4. Examples of false ID and passports were also furnished by Q.
5. Notwithstanding Eugene de Kock's discharge from the SAP some months ago with a "packet" of R1,2 million, he was still actively involved in third force activities and had used his false passport some two weeks previously on a trip to and from Zurich..

The Commission uses its powers of search and seizure to obtain possible relevant information.

The corroboration for the major allegations include the following:

- (1) The fact that false passports and identity documents were still in the possession of members of the SAP who have no innocent use for them;
- (2) The fact that one of the persons in possession of such documents is Eugene de Kock who ceased to be a member of the SAP months ago. The Commission has been given further information from a reliable source to the effect that De Kock is presently in possession of no less than seven passports all in false names. In his evidence, De Kock stated that of all the false passports issued to him he has retained only one – that in the name of De Wet.
- (3) The reaction of Colonel Cronje and General Engelbrecht to the investigation by the Commission into the false passports;
- (4) The approach by De Kock to the ANC;
- (5) The fact that De Kock was accompanied by General Engelbrecht and Brigadier Oosthuizen and the fundamentally important inferences that must be drawn therefrom. [The association now of the officers with De Kock, in the view of the Commission is of particular significance].
- (6) The request by General Engelbrecht to Brigadier Schoeman to furnish a report that General Engelbrecht's department was not involved in the criminal matters under investigation.
- (7) The action by General Engelbrecht in putting a stop to the investigation against De Kock by Colonel Roelf Venter.
- (8) The approaches to Major du Plessis.
- (9) The documentary proof of the purchase of arms and ammunition by Vlakplaas members from Brooklyn Circle Arms.
- (10) The arms from Koevoet being stored and used at Vlakplaas.
- (11) The training of Vlakplaas members in the use of AK-47s.
- (12) The false denial of the facts in 23.2.10 and 23.2.11 by De Kock.
- (13) The manufacture and distribution of arms and ammunition to the Inkatha members referred to above.

**INTERIM REPORT: CRIMINAL POLITICAL VIOLENCE BY ELEMENTS  
WITHIN THE SOUTH AFRICAN POLICE, THE KWAZULU POLICE AND  
THE INKATHA FREEDOM PARTY**

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*Released: 18 March 1994*

*R J Goldstone (Chairman of the Commission)*

The Chairman of this Commission was approached by a senior foreign diplomat who informed him that an officer in the SAP had information concerning third force activities. This officer became known as "Q".

Information supplied by "Q" at first meeting with Judge Goldstone:

1. Unit C1 at Vlakplaas (later Unit C10), under the command of Colonel Eugene de Kock, was involved from 1989 in violence aimed at the destabilisation of South Africa. It was involved, *inter alia*, in the organisation of train violence and hostel violence. The operations were under the command of Lieutenant-General Basie Smit, now Deputy Commissioner of the SAP and Major-General Krappies Engelbrecht, now head of the Department of Counter-Intelligence of the SAP. Lieutenant-General Johan le Roux had full knowledge of, and was involved in these activities.
2. Until some 18 months ago the group was involved in the manufacture of home-made guns at premises on the East Rand and in Silverton. The persons who directed this manufacture were Warrant Officer Snor Vermeulen, Warrant Officer Lionel Snyman and Warrant Officer Dawid Britz, all members of C10. The arms were delivered to three senior members of the Inkatha Freedom Party (IFP), viz Messrs Themba Khoza and Victor Ndlovu. (Khoza is presently the chairman of the Transvaal Region of the IFP). The middle man who arranged the deliveries, was a former officer in the SAP, Dries (Brood) van Heerden. Van Heerden had become a senior security official in ABSA Bank. He saw to it that he employed only Zulu security officers loyal to the IFP. He was assisted by Dougie Crew, also an ABSA Bank employee.
3. When the Vlakplaas unit was disbanded in the aftermath of the CCB exposé, the members of C10 were transferred to other units of the SAP. Some of the transferred members as well as others who are no longer in the SAP continued and still do operate in hit squads. The members were all given false identity documents and passports. These were arranged by Brigadier Beukes and Colonel Cronje of SAP Headquarters in Pretoria ("HQ")

## **REPORT: SHOOTING INCIDENTS IN KATLEHONG ON SUNDAY 9 JANUARY 1994**

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*Released: 18 January 1994*

*Committee: R J Goldstone (Chairman); L Baqwa; G Steyn; S Sithole*

Shooting incidents in certain areas in Katlehong have become a frequent occurrence and have caused the death and injury of many people and the dislocation of many families. So frequent have such incidents become that some of them no longer receive media attention. However, the incident of 9 January 1994 made headlines in the press and on radio and television. The reason for this was that the initial shots that afternoon were fired from a hostel at a group which included senior officials of the ANC and many media representatives. One freelance photographer, Abdul Sharif, was killed and two injured.

On Sunday 9 January 1994 an ANC delegation led by the Secretary-General of the ANC, Mr Cyril Ramaphosa and the Chairman of the South African Communist Party, Mr Joe Slovo walked through a section of the Dikolo section of Katlehong. It did so in order to highlight the plight of families who have been driven from their houses because of political violence and intimidation in that area which is close to the Mazibuko Hostel ("The Hostel").

The road along which the group was proceeding ends at a T-junction. At the junction there is an unobstructed view to and from at least one of the five blocks of the Hostel. The group reached the T-junction and turned right in order to proceed in an easterly direction, ie, away from the Hostel. At that point a number of shots were fired at the group from the Hostel with automatic weapons.

Within seconds the bodyguards of Messrs Ramaphosa and Slovo had their hand guns out and they led both officials out of the line of fire. Within minutes members of the local Self Defence Unit (SDU) produced AK47 rifles and began firing in the direction of the Hostel. Soon after the 16h00 incident, which the SAP said they did not know about until some time later, there were two other incidents in which members of the ISU were fired on by young men wielding AK47s. That occurred at two different places in Katlehong some distance from the Hostel. One of the persons firing at the ISU was shot and killed by the police and three were arrested. Four AK47s were seized by the police.

A police raid of the Hostel took place in the early hours of the Monday morning.

## **FOURTH INTERIM REPORT**

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*Released: 6 December 1993*

*R J Goldstone (Chairman of the Commission)*

The Commission considers that having regard to the national election to be held on 27 April 1994 it is appropriate that a further interim report be submitted.

The only broad issue dealt with in this report is the curbing of public violence and intimidation during the period up to and immediately after the election.

The challenge now facing South Africa is its transformation into a peaceful democratic non-racial and non-sexist society. That will not happen if the outcome of our first national election is not in fact, and in the perception or the mass of our people, legitimate.

The Transitional Executive Council ["TEC"] and the Independent Electoral Commission ["IEC"] will have an extremely short period of time within which to take necessary and adequate steps to ensure the fairness of the voting procedure and a peaceful transfer of power to a government of national unity.

**REPORT ON THE INVESTIGATION UNITS OF THE GOLDSTONE  
COMMISSION: 1 OCTOBER 1992 - 30 SEPTEMBER 1993**

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*Released: 26 November 1993*

During its first year of activity the Commission had no efficient means of investigating incidents or events relevant to public violence and intimidation. After due deliberation and consultation with the relevant parties it was decided to establish five investigation units to be stationed at Johannesburg, Durban, East London, Port Elizabeth and Cape Town respectively. They became operational on 1 October 1992.

The mandate of the units is to investigate incidents of public violence and intimidation in South Africa, the nature and causes thereof and the persons involved therein.

The investigation units enabled the Commission to gather information more efficiently and quickly than it had previously been able to do. Before their establishment the Commission relied more on the submissions received from various parties. After the establishment of its units the Commission used them to do additional groundwork before deciding whether or not to launch enquiries into specific incidents.

Numerous allegations were made with regard to the existence of a third force. The Commission instructed the units to investigate the allegations and, in particular, to seek to establish by credible evidence whether a third force existed and, if so, its sponsorship.

"skokgranate, donshael, rubberhael" and teargas. It would also appear that a number of people were arrested and others were injured, and two are reported to have succumbed to the injuries they sustained. In the end, after about three days, the situation returned to normal and the Internal Stability Unit pulled out of D'Almeida Township.

## **RECOMMENDATIONS**

Save for saying that the parties to the conflict in Mossel Bay should continue talking to and negotiating with each other and among themselves, the committee makes no recommendations. The committee believes that it is only by means of bona fide negotiations between the parties that the deadlock in Mossel Bay can be overcome. Ultimatums coupled with unreasonable demands from the Civics and an uncalled-for display of a "kragdadigheid" attitude by the Town Council will not do. What is needed is introspection and a change in attitude. What is needed is patience and conciliation, to forswear arrogance and confrontation. What is needed is mutual respect and tolerance. The committee also notes with encouragement and hope that the meeting held by the warring parties on 4 August 1993 at Mossel Bay with certain third parties as mediators – Messrs Louw, Suikers and Kannemeyer - will prove to be an important milestone in resorting to peace in the area. Finally, the committee is indebted to all those who made the preliminary public hearing at the D'Almeida Community Hall the success that it was.

## **REPORT: INCIDENTS OF VIOLENCE AT MOSSEL BAY: JULY 1993**

*Released: 12 October 1993*

*Committee: D J Rossouw (Chairman); M N S Sithole*

The gravamen of the conflict in Mossel Bay is mainly socio-economic and attitudinal in the sense that it centres around issues such as the shortage of housing; the non-payment of electricity and water accounts by some D'Almeida township residents and the subsequent disconnection of the electricity supply by the Town Council, the institution of legal action by the Town Council to evict residents who were in default of paying their electricity and water accounts and the subsequent rent boycott; the ousting of the elected local Management Committee by the Civics and the subsequent refusal or failure of the Mossel Bay Town Council to recognise the Civics as the Authentic representatives of the D'Almeida Community; and complaints about the upgrading of houses at D'Almeida.

The Town Council, however, could not respond favourably to all the demands made by the Civics, as it considered attending to some of them as being beyond its powers. But what seems to have exacerbated the already strained relations between them was the Town Council's insistence on recognising the Management Committee and its refusal to recognise the Civics.

When the municipality, with police protection, moved into the township on 12 July to cut off electricity, about 300 residents occupied the Housing Offices in the township in protest. On 13 July 1993 a meeting was arranged between the parties to solve their differences, but it was aborted because they could not agree on simple issues such as who was to be chairman of the meeting, whether English could be used as a medium for conducting the meeting and what the Agenda should be. It was stated that the intransigence of the Mayor of Mossel Bay, played a key role in the failure of the said meeting. The said occupation continued until 10h00 that day (i.e. 13 July 1993), when they were ordered to vacate the premises within specified time. The Internal Stability Unit of the SAP had by this time moved in to maintain law and order. A video recording of the events at the scene and at Da Gamaskop Police Station shows, *inter alia*, much bickering and some attempts at negotiations by the Civics, the Peace Secretariat officials and the police. It would appear that later in the day, after 16h00, the situation got out of hand in that there was indiscriminate violence and much stone throwing from a crowd standing next to the Housing Offices. These were apparently aimed at the police. Some members of the police were hit. Extensive damage to property and looting followed. The police apparently responded to this mayhem with various types of ammunition, to wit



and consulted regarding any decisions that affect the development of Crossroads and the allocation of houses and serviced sites.

Inasmuch as piecemeal development has proved to be divisive in the past, the CPA and the other authorities engaged in the Serviced Land Project are urged to proceed as quickly as possible with developments on a comprehensive basis, if this is at all practicable and viable.

Law enforcement will have to be made more effective. The committee is concerned that the SAP may have placed too much reliance on its own intelligence-gathering while not utilising other sources of information, with the result that a one-sided picture of the situation has emerged.

## **REPORT: PUBLIC VIOLENCE AND INTIMIDATION AT CROSSROADS IN THE GREATER CAPE TOWN AREA DURING MARCH / JUNE 1993**

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*Released: 11 November 1993*

*Committee: D J Rossouw (Chairman); F C Bam; M A Albertus*

Crossroads is a squatter camp located within the south-eastern sector of the Cape Metropolitan area. In early 1993 this area was wracked by tension and renewed violence. There were several shootings and the burning of shacks in March. This pattern of violence was repeated in the ensuing months, with approximately 60 shacks being torched in Sections 2 and 3 on 29 May alone.

The culture of violence and intimidation was of such a nature and degree that law enforcement in the area proved to be ineffectual and efforts at peace-brokering by various groups, such as the Local Peace Committee, the Network of Independent Monitors, the Black Sash and the local branch of the ANC, was rendered futile.

It was against this backdrop of violence and intimidation that the Commission on 18 June announced that an inquiry into the cause and nature of the violence and intimidation would be held by a committee of the Commission.

### **RECOMMENDATIONS**

Consultation with the people of Crossroads should take place on an inclusive basis. In tribalised or newly urbanised sectors in the community there is a deeply ingrained view that there should be one spokesman for the entire community. This could be based on the system of chiefs and headmen. The reality of urban society is that entirely different standards obtain because of, *inter alia*, the size of the community, the differing needs of people, and exposure to various views and influences from outside the community.

It is noted that WECUSA, acting through Jeffrey Nongwe and Conrad Sandile, has tried to limit the participation of other structures within the consultation and decision-making process concerning the development of Crossroads and the allocation of houses and serviced sites. While it is not denied that WECUSA and Nongwe enjoy some support within the squatter community, it is strongly recommended that the CPA and other authorities that are engaged in the development of Crossroads broaden the base of consultation and decision-making to other representative structures at Crossroads. Consequently, steps should be taken to ensure that the Crossroads community is properly informed

The SAP and SADF should communicate with the Department of Transport with a view to ascertaining what sophisticated equipment is available for detecting illegal weaponry transport on or in motor vehicles, be they heavy lorries, combis or ordinary motor cars.

If such sophisticated equipment is available, to ascertain what regulations (if any) could properly be promulgated by the Department of Transport to facilitate the use in collaboration with the SAP and SADF of such sophisticated equipment wherever it will be most usefully employed for the purpose of seeking to detect the presence of unlawful weaponry in motor vehicles.

That as a priority urgent attention be given to the funding of the requirements both of the SAP and the SADF with respect to the provision of sufficient equipment to stem the illegal importation of arms from outside the Republic and their use and distribution within it.

## **REPORT: ILLEGAL IMPORTATION, DISTRIBUTION AND USE OF FIREARMS, AMMUNITION AND EXPLOSIVE DEVICES**

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*Released: 5 October 1993*

*Committee: M N S Sithole (Chairman); L S van Zyl; J S N Roberts*

On 29 October 1992 the Commission issued a press statement that it will hear oral submissions on ways and means of curbing the illegal importation of automatic weapons and their distribution and use in South Africa in the furtherance of political violence.

Written representations were furnished to the Commission by the South African Police (SAP); the African National Congress (ANC); the South African Defence Force (SADF) and the KwaZulu Government/Inkatha Freedom Party (KZG/IFP).

The SAP and the SADF were further requested to submit particulars with respect to the following:

1. The needs of the security forces in terms of manpower and equipment in order to prevent the aforesaid illegal importation, distribution and use.
2. The need for greater powers of interrogation by the security forces and the imposition of higher penalties with respect to such illegal importation.
3. The policy of rewards and its application with respect to such illegal importation, distribution and use.
4. Methods of packaging, carrying and transportation of such weapons by those involved in illegal importation, distribution and use; and
5. The custody and fate of weapons confiscated by the security forces from those involved in such illegal importation, distribution and use.

### **RECOMMENDATIONS**

1. That no amendment or addition be made to the Act which, with respect to this term of reference, but subject to 2, contains adequate provisions for endeavouring to control the importation of illegal weaponry and its use and distribution in the Republic.
2. Nevertheless, the committee recommends that those sections of the existing legislation which have not as yet been brought into operation should be brought into operation with the minimum of delay.
3. Furthermore, with respect to efforts to control the importation, illegal use and illegal distribution of weaponry, the amended regulations referred to by SAG should be settled and promulgated with the minimum of delay.

wishes to underline the view of the committee that the existing system of regulation "needs to be replaced by a system which acknowledges the place of the minibus in the industry and protects the interests of everyone - passengers, taxi operators and the general public".

The principle of subsidising any sector of the transport industry cash payments is not supported. However, consideration should be given to indirect subsidies from the private sector in particular with regard to improving facilities.

All representative organisations in the industry (i.e. local, regional and national), should be identified and drawn into full consultation in the formulation of local, regional and national transport policies.

Improved training facilities for all persons involved in the taxi industry should be provided with the assistance of organised commerce and industry.

In many areas, as a matter of urgency, local authorities and local taxi associations should discuss and implement ways and means of immediately improving ranking facilities. The committee refers with appreciation in this regard to the system which is in operation in Durban.

The functions performed by Department of Transport inspectors should be transferred to local authorities and, in particular, traffic police. The Department of Justice is urged to develop a programme which would ensure speedy and effective prosecution of persons charged with taxi-related crimes, where there is a prospect of witnesses being intimidated or disappearing. The police should keep community leaders informed on the progress of investigations.

Every local authority should appoint at least one person to liaise with the local taxi associations and leaders of the communities they serve.

Dispute mediation mechanisms should be created which involve all interested parties - at local, regional and national levels.

The present system of appeals from local road transportation boards should immediately be simplified and made accessible. An ombudsman should be appointed to review all relevant proceedings of the authorities.

were quiet, apparently because of the presence of the SADF, the newly-formed "taxi unit" of the SAP and the return to the Transkei by many operators. On 31 January 1992 a peace agreement was announced, but on the very next day [1 February] renewed violence erupted and several hundred shacks were razed in Black City and WEBTA was driven from the Nyanga rank. The SAP closed the rank, and the ANC called for a new boycott.

Fortunately, the tireless efforts of the peacemakers bore fruit and negotiations were resumed. In March 1992 CODETA was established. The committee was heartened by this development which brought peace to the stricken communities in this part of South Africa. The parties to the truce must be congratulated on making it work in spite of strains which occurred from time to time. Since 31 March 1993 violence has again flared up but not, so we believe, between the former taxi associations. This committee does not believe that a purpose will be served by further delaying this report by inquiring into the new conflict and expresses the hope that it will be resolved.

## **RECOMMENDATIONS**

The taxi industry should not be deregulated for the foreseeable future and not before informal townships and settlements have become established and peaceful communities. More positively, the advance of the industry towards deregulation should be commensurate with the improvement in the quality of life enjoyed by the communities served by the industry.

The local road transportation boards are discredited bodies and their replacement with other statutory bodies will not be likely to provide greater success. In providing for future regulation the following suggestions are supported by the committee as guidelines:

- (1) For long-term stability in the taxi industry, a genuine partnership will have to be brought about between taxi associations representing taxi operators and the controlling authority;
- (2) The controlling authority should be a statutory which must have powers to set the criteria necessary for admission to the minibus taxi industry;
- (3) Permits should be issued at a local level, with due regard to prevailing local conditions;
- (4) Some of the criteria which should be taken into account for the grant of a permit are listed; and
- (5) Every decision of the issuing body should be subject to a simple, inexpensive form of appeal and there should be an independent, accessible complaint handling procedure at local level. The Commission

## **FIFTH INTERIM REPORT: TAXI VIOLENCE IN THE WESTERN CAPE AND IN GENERAL**

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*Released: 26 July 1993*

*Committee: Adv D J Rossouw (Chairman); Mr L S van Zyl*

The role and influence of the SAP was not a primary cause in the conflict in the Western Cape and since it is an identifiable and separate aspect; its conclusion will stand over until this interim report has been submitted to the Commission.

In September/October 1990 conflict arose over access to the Strand Street rank outside the Golden Acre in central Cape Town. The Taxi Crisis Committee [TCC] was formed, and matters were peaceful until February/March 1991. Lingulethu West Town Council granted a rank to LAGUNYA at Site C, and this led to serious violence on a large scale especially in the Khayelitsha area. The community imposed a boycott of all the taxis, and under the guidance of the new Taxi Crisis Co-ordinating Committee [TCCC] the parties signed the 10 Point Plan on 10 April 1991. However, shortly after the boycott was terminated, WEBTA withdrew from the agreement and a further boycott of WEBTA taxis was called for, with limited success. The community started to be drawn into the conflict, and on 2 July 1991 a WEBTA member was killed at the venue of a "peace" meeting, and on 8 July 1991 Michael Mapongwana [of the Western Cape Civic Association] was killed [apparently in revenge].

On 11 July 1991 an interim agreement over the allocation of ranks and routes was reached, and attempts were made to reschedule loans. WEBTA started to return to the roads, but when they tried to gain access to Khayelitsha their vehicles were attacked, and during September 1991 WEBTA launched an attack on Khayelitsha and killings, abductions and damage to vehicles continued unabated. During September 1991 WEBTA drove LAGUNYA from the Nyanga bus terminus, and LAGUNYA sought refuge in KTC, from where they launched counter-attacks on WEBTA. This, in turn, led to WEBTA attacking the people of KTC who were perceived to be "protecting" LAGUNYA. The community sided with LAGUNYA, and WEBTA could not enter Khayelitsha. It is quite obvious from the evidence that the black areas in the Western Cape had turned into a virtual war-zone. Attacks and counter-attacks between WEBTA, LAGUNYA and the community took place on a large scale. Murder, arson, abductions and intimidation paralysed the kombi-taxi industry and led to losses of homes, lives and vehicles on a large scale.

When no negotiated settlement could be reached, the Cape Town Peace Committee called for a Commission of Inquiry. November and December 1991

independent assessment of the potential for violence and intimidation and some possible steps that would minimise that risk.

This report does not purport to be, in any sense, an in-depth analysis of the election process or of the institutions -- government and non-government -- that are part of that process. Moreover, it must be noted that our discussions have taken place during a period of almost daily developments in the negotiations among the parties and prior to any final legislative decisions concerning representation, the Independent Electoral Commission ("IEC"), or the Electoral Act. Despite the substantial uncertainty concerning the constitutional and legal structure within which the election will be held, the Panel members have sought to offer suggestions that, whether they are accepted or rejected by the participants, will at least focus attention on some of the critical issues that must be addressed as South Africa moves toward the momentous events of 1994.



## **REPORT OF THE MULTI-NATIONAL PANEL TO INQUIRE INTO THE CURBING OF VIOLENCE BEFORE, DURING AND AFTER THE FORTH-COMING ELECTION**

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*Released: 11 August 1993*

*Panelists: Charles Ruff (Chairperson); Jorgen Elklit; Terius Geldenhuys; Ronald Gould; Walter Kamba; Igna Kamba Klynsmith; Dren Nupen; Otty Nxumalo; Johan Olivier, Clifford Shearing; Therese Striggner-Scott*

On March 8, 1993, Mr. Justice Richard J. Goldstone announced the creation of a multinational panel to inquire into ways and means of curbing violence and intimidation before, during, and after the election that was then expected to occur in early 1994 and has now been scheduled for April 27, 1994. Mr. Justice Goldstone invited all interested parties to provide written submissions to the Panel by May 31, and public hearings on the Panel's report were scheduled for early August. The Panel, consisting of six South African and five non-South African members, convened in Johannesburg from June 23 through June 26, reviewed submissions received from various sources, and discussed a wide range of issues bearing on the minimization of violence. It met again for three days in Cape Town at the beginning of August to review a draft of this report and prepare its recommendations to the Commission.

From the beginning, it was clear to the members of the Panel that, of necessity, the issues we were considering would overlap those that were the subject of the negotiations being conducted in the Multiparty Forum at Kempton Park. We determined, however, that, if we were to address comprehensively the elements of the election process that might bear on the prevention of violence, it was important not to limit the scope of our inquiry. Hence, we sought to explore, at least preliminarily, such issues as the role of the proposed Independent Electoral Commission ("IEC"), the scheduling of the Independent Electoral Commission ("IEC"), the scheduling of the election, the voting process, and the counting of ballots, as well as more obviously pertinent questions relating to the role of the police, the role of monitors and observers, and the management of campaign rallies, marches and demonstrations.

The report reflects the full range of the Panel's discussion, including the issues that bear directly on the problem of violence and those that relate more broadly to the structure of the election. While mindful that their mandate carried them into areas immersed in the political process and that our recommendations would not necessarily be consistent with those that emerged from the multiparty negotiations, we nonetheless felt it important to offer our

no evidence to gainsay their version. In the absence of such evidence and the hearing of viva voce evidence we accept that Dr Hartzenberg, General Viljoen and the other non-AWB leaders of the AVF had no prior notice of the intended break-in and seizure of the World Trade Centre. The conduct, particularly of General Viljoen at the time as seen on the video films lends strong support for his denial. It is noticeable too that many supporters were prepared to heed his commands. Those who did not do so were predominantly clad in AWB uniforms.

## **RECOMMENDATIONS**

The carrying or display of all dangerous weapons and especially firearms by any person who participates in a public meeting or demonstration should be made an offence and severe penalties should be provided for the contravention thereof. The appropriate penalty in any particular case should be left to the discretion of the courts.

Provision should be made, subject to strict control, for necessary bodyguards to be exempted from the prohibition.

The wearing at public gatherings or meetings of disguises or any form of face covering should be made an offence and severe penalties should be provided.

Public authorities and the SAP should not in future rely, without more, on assurances as to the conduct of its members by the AWB. Appropriate precautions should be taken in respect of all public gatherings and meetings at which such persons are likely to be present.

**REPORT: PRELIMINARY INQUIRY INTO THE EVENTS AT THE WORLD TRADE CENTRE ON 25 JUNE 1993**

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*Released: 13 July 1993*

*R J Goldstone (Chairman of the Commission)*

On Friday 25 June 1993, hundreds of rightwing supporters stormed the World Trade Centre in Kempton Park, South Africa, where multi-party negotiations for a new democratic South Africa were underway.

The permission sought by the Afrikaner Volksfront (AVF) from the local authority, was to hold a public meeting in Jones Street, in the vicinity of the gate of the World Trade Centre. In blocking the entrance to the World Trade Centre, in breaking into the grounds thereof, in carrying firearms let alone openly displaying them, the protesters clearly violated the conditions imposed by the local authority. Apart from these transgressions, the persons concerned also were guilty of public violence, assault with intent to do grievous bodily harm, criminal injuria, malicious damage to property and trespass.

The Commission welcomes the actions by the SAP in having some 60 persons arrested and charged. We would add only that any persons who encouraged such unlawful activity rendered himself or herself guilty of the same offences. They, too, should be charged appropriately. As to the persons guilty of the transgressions of the conditions and of the criminal law, it is clear beyond dispute that the perpetrators were for the most part uniformed and armed members of the Afrikaner Weerstandsbeweging (AWB).

The leaders of the AVF, and particularly Dr Hartzenberg and General Viljoen, claim ignorance of any plan to break into the World Trade Centre premises or building. They add, through their attorney, that the events were spontaneous and the result of the anger of their supporters at current political events and the refusal to allow them to hold their meeting on the grassed area inside the premises of the World Trade Centre.

We agree fully with the submission made on behalf of the SAP that the conduct of members of the AWB was anything but spontaneous. The manner in which they manoeuvred the viper into the grounds and the sudden emergence of the (until then concealed) assortment of rifles and other firearms they had with them are quite inconsistent with a spontaneous event.

That the leaders of the AVF who are not members of the AWB were ignorant of the criminal intention by the members of the AWB is quite possible and there is

matter be considered by way of a non-public workshop rather than at a public adversarial procedure. That spirit of co-operation continued throughout the proceedings.

All of the recommendations of the committee were accepted by the Commission. In particular attention is drawn to the request that the report be made available to all regional and local peace committees. As a matter of course it will also be furnished to the international organisations which are involved in peacekeeping operations in South Africa.

## **REPORT BY THE COMMITTEE APPOINTED TO HOLD A WORKSHOP TO CONSIDER EVENTS AFTER THE ASSASSINATION AND DURING THE FUNERAL OF MR CHRIS HANI**

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*Released: 29 June 1993*

*Committee: G Steyn (Chairman); Dr A Gildenhuys; Mr S Moshidi*

A workshop was held on 26 and 27 May 1993 and 7 June 1993 in Pretoria, to consider the events after the assassination and during the funeral of Mr Chris Hani. Chris Hani, the secretary-general of the South African Communist Party, and member of the NEC of the African National Congress, was assassinated in a drive by shooting in his driveway on Sunday 10 April 1993.

### TERMS OF REFERENCE

1. The causes of or reasons for the damaging and/or looting of private and/or public buildings or other property and the assault on or death of members of the public that resulted from or on occasion of any mass action and the persons who were involved therein;
2. The reasons for the failure by organisers of public processions to obtain the necessary permission for such processions from the appropriate local authorities and/or magistrates;
3. The reasons for any such failure in the case of public processions for which the necessary permission had been obtained, but where there was a failure to give effect to the prescribed conditions;
4. The steps taken by organisations and/or organisers who arranged mass action to prevent the events referred to above;
5. Incidents or events at or in the vicinity of police stations and circumstances during which persons, if any, were killed, and the cause thereof;
6. The failure by any party, organisation or authority to take appropriate steps to prevent the violence which occurred immediately before, on or after 14 April 1993;
7. In the cases where members of the public were killed or injured whether such killings or injuries could have been avoided by any person, organisation or authority;
8. The steps which should be taken to avoid a repetition of the violence, deaths, injuries, looting and damage caused as aforesaid.

The Commission welcomes the co-operation between the South African Police, the South African Defence Force, the African National Congress Alliance and the Inkatha Freedom Party which led to the unanimous agreement that the issues referred to the Commission by the State President and other related

accountable manner. That is not yet the position. The past cannot be ignored and it would be folly to expect all South Africans to forget recent history. In virtually every enquiry held by the Commission in which the IFP or KZP are involved the history of ANC actions and statements against the IFP and Dr. Buthelezi are raised and for the IFP and KZP that is the backdrop against which any current violence is judged.

In the view of the Committee the solution to those vital and difficult problems are essentially of a constitutional, organisational and political nature. They are obviously and directly linked with the present negotiation process and in all the circumstances the Committee considers that it would not be appropriate to suggest any solutions. That firm and visible action is required cannot be doubted.

The Committee would like to emphasize that particularly in a politically divided society openness and candour are essential and particularly so from Government departments and officials. There is no other way in which confidence can be built in State institutions. Not only the factual situation requires change - perceptions based on the wrongs of the past also have to change and that process is a difficult one.

That decisions taken in 1986 may have been justified by the political situation and policies of the time is not now relevant. What is relevant is that the public of South Africa should know that what are considered by the majority of South Africans to be unacceptable practices, have ceased.

establishing the truth or falsity of such information. This experience demonstrates the need for an objective authority to investigate allegations of this nature - a body which has the confidence of all or at least of most of the community.

The Commission clearly does not have the capacity to establish the truth or falsity of all allegations of public violence and intimidation which are made daily by many people and organisations. It may be considered advisable to establish such an independent body or to increase the staff of the Commission to enable it to carry out this function.

#### THE CONDUCT OF THE SADF, SAP AND KZP

The conduct of the SADF with regard to the training at the Caprivi must be judged in the light of Government policy and the security and political situation which prevailed in 1986. It would be quite inappropriate for this Committee to comment on the wisdom or lack of it with regard to that conduct.

What concerns the Committee are the perceptions which are created by current events viewed against the background of conduct which may have occurred prior to 2 February 1990. No better example could be found than the training of the Caprivi trainees and certain criminal conduct committed by them since their return from Caprivi. Whether there is a direct link or not is irrelevant to the conclusions which many people will draw or the perceptions which will be created. So too, inefficient or ineffective investigations of such criminal conduct will result in conclusions of police complicity and again negative perceptions will be created. So, too, with regard to the KZP. The fact that about 200 of its members were chosen for training by the SADF and that they were selected with regard to their loyalty to the IFP is hardly a fact that would instil confidence in the KZP on the part of members of parties or organisations other than the IFP. In all of these cases the fault certainly does not lie with those who draw the conclusions or hold the perceptions.

The Committee has found no justification in the allegations made in The Weekly Mail concerning the involvement of the SADF in current violence in South Africa. The perceptions of many South Africans that there is such involvement are hardly surprising in the light of the activities of the CCB and more recently the Department of Covert Collection.

The Committee has no doubt that these negative perceptions concerning the SADF, SAP and KZP will not be removed until the majority of South Africans believe that those institutions are conducting themselves in a lawful, open and

**REPORT: ALLEGATIONS CONCERNING FRONT COMPANIES OF THE SOUTH AFRICAN DEFENSE FORCE (SADF), THE TRAINING BY THE SADF OF INKATHA SUPPORTERS IN 1986 AND THE BLACK CATS**

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*Released: 1 June 1993*

*Committee: R J Goldstone (Chairman); D J Rossouw, SC; G Steyn; S Moshidi*

Allegations were published by the Weekly Mail newspaper on 3 January 1992 concerning front companies of the South African Defense Force and the training of Inkatha supporters at the Caprivi (South West Africa) in 1986.

**CONCLUSIONS AND RECOMMENDATIONS**

**THE CONDUCT OF THE WEEKLY MAIL**

Many of the allegations contained in The Weekly Mail articles were found by the Committee to be unjustified. Others were wholly or partially justified.

The Weekly Mail was justified in publishing much of the information given to it by Mbongani Khumalo. The South African public was entitled to be informed thereof for two reasons. In the first place it was furnished by a senior member of the IFP. In the second place the allegations in themselves were such that there was a public interest in the information.

The Weekly Mail did make some extravagant allegations which went further than was justified by the facts relied upon. However, it did not in any way abuse the freedom of the press which is a fundamental right in any democratic society. It is even more important in a society which is not yet a democracy and which is in political transition. The Committee believes that investigative journalists should in no way be dissuaded let alone be prevented from pursuing their lawful objectives. Authorities should not act in a way which would have a chilling effect on the work of such journalists and so prevent them from bringing to light unlawful or unsatisfactory conduct on the part of Government or any political parties or organisations.

The Commission has commented before on the duty of newspapers to exercise restraint and judgment in times of violence and turbulence. In this regard when there are procedures which make the authorities accountable to the public this duty is easier to fulfil. Where there are no such bodies the press is left very much to itself in what can be a lonely and dangerous profession. The Commission is being approached more and more frequently by journalists with unverified and serious allegations concerning public violence and intimidation. In a substantial number of cases the Commission has been able to assist in



For the reasons given, it is not possible to make any findings as to Cuna's motives for having given a false statement to the Vrye Weekblad, nor as to whether any pressure was brought to bear on him to do so.

In the light of the limited nature of this particular inquiry and of the conclusions reached on the basis of the evidence, it is not possible for the committee to formulate any recommendations that will be of assistance in curbing or limiting political or public violence or intimidation.

**REPORT: ALLEGATIONS PUBLISHED IN THE VRYE WEEKBLAD DATED  
30 OCTOBER 1992 CONCERNING A THIRD FORCE**

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*Released: 27 May 1993*

*Committee: R M Wise, SC*

A report was published in the Vrye Weekblad newspaper on 30 October 1992 concerning violence alleged to have been instigated by members of the South African Police. The report was based on information supplied to the newspaper by a certain Mr Joao Cuna (apparently also spelt Cunha).

The main article in the edition of the Vrye Weekblad of 30 October 1992 was written by a reporter by the name of Pearlie Joubert and it takes up the whole of pages 5 and 6. In very large letters in bold type the heading to this article proclaims "NUWE GETUIENIS OOR DIE 'DERDE MAG' IN BLOEDBAD IN OPDRAG VAN DIE SAP". In addition to the main report, there is an editorial written by the Editor, Mr Max du Preez, the thrust of which is that the facts of this event prove the existence of a "third force".

Subsequent to the publication of this report, Cuna informed the Commission that the information he gave to the Vrye Weekblad was false and that certain persons instigated his conduct in making the report to the Vrye Weekblad.

**RECOMMENDATIONS:**

On the basis of all the evidence presented to it, the committee concludes that there is no evidence whatsoever for finding that Cuna participated in a massacre as described in the article in the Vrye Weekblad of 30 October 1991 or otherwise.

The committee further finds that no evidence was presented to it to justify the allegation in the said article that there is a third force instigating and perpetrating violence of the kind alleged in that article. It would clearly be beyond the jurisdiction and ambit of the committee to make any pronouncements on the question of a third force in general, but in respect of the specific incident inquired into the allegations as to the existence of a third force are devoid of truth.

The committee is satisfied that the involvement of S.A. Defence Force members and/or Police in a covert operation on the night of 29-30 July 1991 was incidental to and for the purpose of seeking to locate and recover AK47 rifles that had been smuggled into the country unlawfully.

with the SAP will in fact increase the risk of a failure of justice. The argument that the SAP must first prove itself before the community will co-operate is counter-productive and will merely perpetuate the cycle of violence in which the community is invariably the victim. Leaders and organisations should make their followers aware of this. They should encourage them to participate in the new forums and structures created for their benefit by the SAP. In this regard it is also emphasised that the Community should participate in the meetings initiated by the Train Accord.

The SARCC and Community leaders should make the commuters aware of the fact that security fences are erected for their protection. The breach they make today in order to evade rail fare may be the breach through which their killers might attack and kill them tomorrow.

## **FINAL REPORT: TRAIN VIOLENCE**

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*Released: 6 May 1993*

*Committee: G Steyn (Chairman); S Moshidi; B M Ngoepe*

A Committee was appointed to investigate violence committed on trains in the Southern Transvaal. The commuter railway lines in the Southern Transvaal are divided into three sections, namely, the Johannesburg section, the Soweto section and the Germiston section.

### **RECOMMENDATIONS:**

The parties concerned should continue with the implementation of the recommendations contained in the Committee's Interim Report.

The violence on trains is inextricably linked to the political violence in the country. There can therefore be no separate approach to the solution of train violence. The problems caused by political rivalry and intolerance in general can only be addressed on a long-term basis. There are no quick solutions. In the mean time efforts should be made to find ways to break the cycle of violence. This cannot be done without the active participation of those involved in the violence. A solution cannot be achieved from outside. We therefore recommend that the organisations involved should educate people at grass roots level with regard to political tolerance, which is essential for free and fair participation in the political process. Attempts should also be made to involve hostel residents and township inhabitants in joint forums to create a better understanding and to address their negative perceptions of each other.

It is recommended that the organisations concerned should exercise strict control over their followers at grass roots level. Unacceptable behaviour by their followers in the conduct of political activities should be disciplined.

The SAP should continue to address the question of reluctant witnesses. This should be done by ensuring that cases are properly investigated so as to ensure convictions. Victims of intimidation should be protected as far as possible. Protection programmes should be explained to witnesses.

The lack of confidence and trust in the SAP should continue to receive urgent attention. The primary aim of the newly established Community Relations Division of the SAP should be to ensure acceptance of the SAP by the local communities. At the same time the public should be made aware of and should accept that the SAP is there for their protection and that failure to co-operate

## **FINAL REPORT: REGULATION OF GATHERINGS**

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*Released: 28 April 1993*

*Committee: R J Goldstone (Chairman); D J Rossouw*

The committee expresses its appreciation that, as requested in its previous report, the draft bill was published for general information and comment under notice 153 of 1993 on 12 February 1993 in Government Gazette No 14590. It is gratifying that the draft bill elicited wide public interest, judging by the comments received from a number of different bodies and a variety of sources.

A number of the comments and suggestions were founded upon the assumption that the proposed legislation was designed specifically to cater for the current political climate and constitutional structures of South Africa. That is a misconception. The inquiry by the Commission was directed at the rules and procedures which should apply to public marches and demonstrations now and in the future. With no variations of substance, the draft bill reflects the broad consensus which emerged at the public hearings held in Cape Town in July 1992. This draft legislation was formulated after consultation with political parties which represent a substantial number if not the majority of South African citizens.

The committee does not believe that the draft bill contains no errors or that it cannot materially be improved. Indeed, appropriate amendments may be considered necessary by a future legislature and, in a more perfect world, it would have been preferable to await the election of such a body. However, the Commission considered that mass marches and demonstrations are matters of such urgency that the subject could not be deferred and that legislation is desirable even before the completion of the present period of transition.

The almost universal adherence to the Interim Agreement on Mass Marches and Demonstrations which the Commission made public in July 1992 is an illustration of the manner in which people honour the terms of an agreement to which they are parties. The committee hopes that this draft bill will be regarded in a similar light by the majority of South Africans.

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response to the allegations of the SAP and the SADF, and if they are confirmed or not denied to bring pressure to bear on the Transkeian authorities to prohibit the use of any part of their territory as a springboard for attacks against South African citizens.

That all the parties engaged in the effort to reach a negotiated settlement for a future political dispensation in South Africa bring pressure to bear on the PAC and APLA to suspend the armed struggle and to join these parties in their search for a peaceful negotiated settlement.

That through negotiations pressure be brought to bear on the PAC and other political parties to sign the National Peace Accord and to participate in the peace structures.

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## **INTERIM REPORT: ACTIVITIES OF THE AZANIAN PEOPLE'S LIBERATION ARMY (APLA)**

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*Released: 15 March 1993*

*Committee: G Steyn (Chairman); F Bam; N Coetzer*

The Commission established a committee to conduct a preliminary investigation and to hear evidence and to receive submissions from relevant persons on the location of APLA camps, arms, ammunition, personnel and on its operational activities.

This inquiry differs from all others held by the Commission in that some interested parties have refused to participate in the proceedings. This is regretted and the Commission expresses the hope that the Transkei authorities, the PAC and APLA will reconsider their attitude. Should they or any of them do so, the Commission will reopen the proceedings and allow any evidence that has been placed before the Committee to be tested by cross-examination, the leading of further evidence, and the hearing of further submissions.

It is in the hope of a positive response from Transkei, the PAC and APLA that all of the findings made thus far are provisional. If no response is forthcoming, however; those parties cannot be heard to complain if those provisional findings are regarded as conclusive by the local and international communities.

### **RECOMMENDATIONS**

That the Security Forces protect the citizens of South Africa to the best of their ability and arrest and prosecute the perpetrators of violence in terms of the common law.

That the Commission request the international community to -

- (1) Request all nations to withhold assistance to APLA;
- (2) bring pressure to bear on the PAC to cease to condone and support acts of violence by APLA and to join other political groups in South Africa in their search for a negotiated settlement; and
- (3) Ascertain from the Government of Tanzania its response to the allegations by the SAP and the SADF concerning the training of APLA members in that country and the existence there of an APLA base.

That the Commission request the South African Government and all political groups in the Republic to ascertain from the Transkeian authorities their

observed. Signatories should be slow to presume breaches by other signatories and such complaints should, at any rate, be discussed and unilateral action should be avoided.

Proper control at the ranks is important and the joint control and monitoring committee as envisaged by the present interim peace agreement will have an important role to play when it comes into operation. The marshals who control the ranks should be employees of the joint committee and should, if possible, not be taxi operators or members of a taxi association; this will ensure neutrality. A code of conduct for marshals should be drawn up. A suitable procedure to ensure the impartial, orderly and efficient passage of minibuses at the ranks should be implemented.

The Town Council of Groblersdal took the excellent step of providing a rank and thereafter attempted to mediate in the conflict. Its failure to negotiate peace has led to the complete withdrawal by the Town Council from the affairs of the taxi industry. We believe that some concrete interest on the part of the Town Council of Groblersdal, even if at first this involves no more than appointing a sympathetic person to serve as a listening post, may well have a settling effect.

As has been said in previous reports, training in business and driving skills would contribute to improving the situation.

Fair but firm and consistent law enforcement that is sensitive to the situation is needed to combat the culture of lawlessness that has arisen in the area.



but these taxis enjoyed an unfair advantage over the taxis using the established rank.

When numerous attempts to mediate and resolve the problems bore no fruit the Town Council rescinded its decision on the granting of the 36 zones and formally appointed the GTA to administer the established rank. This was seen by GUTAC as partiality on the part of the Town Council.

Another factor that had an impact on the situation was the granting by the Town Council in March 1991 of 20 permits to use the established rank to members of the Jane Furse Long Distance Taxi Association (JALDTA), an affiliate of SALDTA. It later transpired that only six permits could validly have been granted. The GTA was prepared to allow the "long-distance taxis" to operate from the Groblersdal rank only if they paid a joining fee of R1 200,00. The question of joining fees is a serious obstacle to peace.

During 1991 tension increased to the extent that open warfare broke out, resulting in serious loss of life, injury and damage. A number of court cases ensued, but these did nothing to normalise relationships.

## **RECOMMENDATIONS**

The chairmen and members of each of the taxi associations concerned should address the causes of the public violence and intimidation that have been outlined above.

The intolerance, selfishness and greed and the lust for power to which we have referred above should be recognised and abandoned.

The successful mediation, so far, by the RDRC in the person of its facilitator, the Rev Reddy, should not be allowed to fail. Mediation leading to concrete and meaningful co-operation among taxi associations and with regard to the administration of the ranks and the general conduct of the industry is the only road to peace. Resorting to arms has accomplished nothing but fear, grief and anger. The members of GUTAC and TOPIC are enjoined to work genuinely towards peace. This will inevitably mean that some of the control and power that each of the taxi associations now have will have to be relinquished in order to co-operate with each other in the interests of the public. In particular, the question of a membership fee that presents a serious obstacle to co-operation should be resolved urgently. Moreover, the provisions of the peace agreement should be regarded as binding and should be scrupulously

## **FOURTH INTERIM REPORT: TAXI VIOLENCE IN GROBLERSDAL AND SURROUNDING AREAS**

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*Released: 23 January 1993*

*Committee: D J Rossouw (Chairman); M N S Sithole*

Groblersdal is a town consisting predominantly of White residents, and is surrounded by the KwaNdebele self-governing territory to the south and the Lebowa self-governing territory to the north. The nearest Black township to Groblersdal is Motetema, some eight kilometres distant. Groblersdal has grown as a commercial centre and attracts customers from the surrounding areas. Years ago customers used to travel to Groblersdal by bus, but increasing use has been made of minibus taxis, to the extent that in 1983 a taxi rank with quite a large capacity was built at the eastern limit of the town for R1,8 million.

The taxi operators organised themselves into taxi associations, of which the Nebo Taxi Association and the Dennilton Taxi Association are some of the oldest examples. They were followed by the Jane Furse Taxi Association and the Marble Hall Taxi Association. All these associations used the ranking facilities at Groblersdal in relative peace and administered control themselves. During 1988 an attempt was made to combine the various taxi associations into a joint venture to be called the District of GTA. While this was still in progress the GTA was born. It affiliated itself to SABTA. The way in which the GTA came into being was resented by the older taxi associations and there is evidence that that was the start of the tension that eventually led to open conflict.

One factor that aggravated the tension seems to have been the policy of the Groblersdal Town Council not to interfere in the running of the ranking facilities, where the GTA gradually took over to the exclusion of other taxi associations.

The increased tension led to a consumer boycott at Groblersdal with a wide range of demands, *inter alia* the allocation by the Town Council of taxi pick-up and drop-off points in the town. The Groblersdal Town Council acceded to this demand and 36 such bays were marked out. This, however, did not diminish the tension between the GTA on one hand, which was in practice administering the rank, and the four other taxi associations, which later formed GUTAC. The result was that the 36 zones (as the bays were called) came to be used by GUTAC as a separate ranking facility. This not only created a traffic problem,

The members of the committee have spent a considerable amount of time converting the suggestions of the International Panel as reflected in *Towards peaceful protest in South Africa* into a draft bill "to consolidate legislation pertaining to public gatherings; to provide for general measures setting out procedures, requirements, powers and responsibilities of local and State authorities, police and organisers of gatherings; and matters incidental thereto".

In the draft bill provision is made for the regulation of both static gatherings as well as gatherings that take the form of processions or marches. It was felt that, for the regulation of picketing, a thorough knowledge of labour law and practice was necessary and that picketing contained several features that distinguished it from gatherings. The Committee was therefore of the view that the future regulation of picketing should be left to persons or bodies who were qualified to do so.

The draft bill makes reference to current legislation on dangerous weapons and its application to gatherings. The committee recognises that the current legislation in this respect needs to be defined. Such clarification will have a salutary effect on the conduct of gatherings.

The provisions of the three different Acts of Parliament dealing with demonstrations and gatherings at or near court buildings, the buildings of Parliament and the Union Buildings have been consolidated and incorporated into the draft bill.

The committee suggests that the draft bill be circulated for public cognisance and comment on ways to attain the ultimate objective of the committee, the International Panel and the Commission, namely, to provide legislative regulation for the exercise of the right to freedom of expression by way of orderly and peaceful demonstrations or gathering.

## **REPORT: REGULATION OF GATHERINGS**

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*Released: 15 January 1993*

*Committee: R J Goldstone (Chairman); D J Rossouw; D van Zyl Smit*

The Commission, when it established this committee, recorded recognition of the fundamental right of free assembly and peaceful protest in a free and democratic society as well as the concomitant duty of the police to protect persons who exercise those rights, as well as others who may be affected by such demonstrations. In South Africa unpredictable or undisciplined behaviour by mass demonstrators or other members of the public and the police present at mass demonstration create a very real potential for violence.

An International Panel of experts under the chairmanship of Professor Philip Heyman, Director of the Harvard Law School Center for Criminal Justice, was appointed by the Commission during April and May 1992 to advise the committee on the most desirable rules and procedures for the conduct of mass demonstrations.

At the panel hearings a large measure of agreement was reached on broad issues by all of the parties represented. Having regard to the importance of the terms of that agreement, the Committee, in consultation with the International Panel, detailed them in a document [hereinafter called "the Agreement"] which was given to the legal representatives. A copy thereof is attached to this report.

The South African Police, African National Congress, the South African Communist Party and the Congress of South African Trade Unions subsequently accepted the terms set out in the Agreement.

The Inkatha Freedom Party [IFP], however, informed the Commission that it was unable to agree to the terms in paragraph 3 of the Agreement. The Commission regretted it that the IFP could not agree to the terms of paragraph 3 of the Agreement. Having regard to the present climate of violence in South Africa the Commission felt that it could not hold back on an agreement as important as this in order to "search" for compromise wording. The Agreement was consequently published on 16 July 1992. The Commission believes that, incomplete as it is, adherence to the Agreement by the signatories contributed significantly to good order in the vast majority of mass demonstrations in which followers and members of the signatories participated.

## **FINAL REPORT: VIOLENCE AT MOOI RIVER, NATAL**

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*Released: 21 December 1992*

*Committee: Prof D van Zyl Smit (Chairman); A J L Geyser*

The immediate or proximate cause of the violence is relatively clear. As had been the case in the events described by the previous committee, the violence was committed in a cycle of attack and counter-attack between two groups, the ANC, which dominates Bruntville township, and the IFP, which dominates the hostel. Although witnesses brought before the committee by these two parties denied that specific attacks on the other party had been committed by their supporters, and suggested that they might have been the work of criminal elements, no evidence was presented to the committee of any systematic involvement of outside groups in the perpetration of the violence. It follows that the key to the resolution of the violence lies, in the first instance, in the relationship between the two groups.

It became clear to the committee during its investigation that its role was not necessarily limited to making factual findings about the extent and causes of the violence. Like the previous committee, it could play a limited role in initiating the peace process in the area. A number of concrete proposals also emerged from the evidence of witnesses and the submissions by the various parties.

The primary proposal was that an outside mediator should be appointed to facilitate the peace process. This was supported in principle by all the parties. At the end of its final sitting the committee, having consulted the Chairman of the Commission, Mr Justice Goldstone and the Chairman of the RDRC, Mr M C Pretorius, announced that it would ask the Association of Law Societies to recommend such a person. Once a name had been put forward, the ANC and the IFP would be asked whether they supported the appointment. This has been done, and the parties have agreed to meet the proposed mediator, Mr Nico Coetzer.

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### **THIRD INTERIM REPORT**

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*Released: 21 December 1992*

*R J Goldstone (Chairman of the Commission)*

A list of the Committee reports that has been submitted to the State President and published since the Commission's Second Interim Report of 29 April 1992.

Commission reported that there was no improvement in the political rivalry between the ANC and IFP. Indeed, in Natal/KwaZulu the position has, if anything, deteriorated. Leaders of both the ANC and the IFP continue to attack each other and each other's parties in terms that clearly constitute breaches of the National Peace Accord. The absence of an appropriate sanction for such breaches has often been raised. Consideration should be given to agreement on the withholding of permission to address public meetings for a given time as a legally enforceable penalty for clear breaches of this kind.

The Commission was informed by the KZP that many months ago it was decided that the G3 rifles that had been issued to tribal authorities in KwaZulu would be withdrawn. This question has become a matter of intense debate and objection by the ANC. According to the KZP evidence, the delay in completing the withdrawal of these firearms is due to the slow delivery of substitute, less lethal weapons. The Commission recommends that this matter, on which there is no longer a difference of opinion, should be expedited, if necessary with the assistance of the Government.

The Commission again expresses its concern that the flouting of the law with regard to the carrying and displaying of dangerous weapons by the IFP and its top leadership in Johannesburg and Durban some months ago has met with no action from the authorities concerned.

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## **REPORT: PRESENCE OF RENAMO SOLDIERS IN KWAZULU**

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*Released: 15 December 1992*

*R J Goldstone: Chairman of the Commission*

At the end of September 1992 it was widely reported in the press that the ANC had alleged a presence of Renamo soldiers in KwaZulu. Northern Natal leaders of the ANC stated that they had received the information from KwaZulu policemen. Their presence was linked to alleged hit squad training.

The allegations were thoroughly investigated by Major F Dutton and his team including the active participation of Attorney David Pistorius and Superintendent P Brihl, the Danish policeman who is assisting the Commission.

It appears from the investigation that during August 1992 approximately ten armed men were seen at a bar at Nseleni. They were black and spoke Portuguese. What they were doing there it has not been possible to ascertain. There appears to be no doubt that the presence of these men in KwaZulu was the sole origin of the belief or rumour concerning the relationship between the KwaZulu Police and Renamo soldiers.

The report to the Commission from the Natal Investigation Team shows that no trace could be found of any Renamo or any other foreign troops or men under arms anywhere in KwaZulu. Their investigation included a surprise visit to a training camp of the KwaZulu Police.

The Commission requested the KwaZulu Police to furnish it with a report of any investigation conducted by it into the alleged Renamo soldiers. It has been informed by the Commissioner of the KwaZulu Police that their investigations revealed no substantiation for the allegations. He has also assured the Commission that the KwaZulu Police has no involvement in hit squad activities.

On the basis of the investigation carried out by its Natal Investigation Team the Commission is of the view that, on the basis of the evidence thus far presented, there is no justification for the allegations of a Renamo connection with the KwaZulu Police, whether officially or unofficially, or of the presence of Renamo soldiers in KwaZulu. If further evidence is placed before the Commission it will immediately be investigated.

The provisions of formal ranks are an important priority that should enjoy the urgent attention of the municipalities concerned, *inter alia* Alexandra and Sandton. In the case of Sandton some proposals have already been made; we believe that there should be no delay in implementing the most suitable way of establishing ranks.

In Alexandra itself, the proposal of a "main" rank with "subranks" [like bus stops] scattered throughout the township may be a subject for urgent study and implementation as this would have several beneficial results: (a) It would relieve the congestion [and tension] at the main rank; (b) it would provide commuters with easy access to transport; (c) it would relieve the congestion on Alexandra's narrow roads.

Proper control at the ranks is important and, if a joint committee consisting of members of the taxi associations and the community comes into being, it will have an important role to play. The marshals who control the ranks should be employees of the joint committee and should, if possible, not be taxi operators or members of taxi associations; this would ensure neutrality. A code of conduct for marshals should be drawn up. A suitable procedure to ensure the orderly and efficient passage of minibuses at the ranks should be implemented.

The allocation of routes will also be a priority for a joint committee. A study should be undertaken to find the most suitable solution to this cause of friction. The methods used by the Durban City Police may fruitfully be studied to this end, and it is suggested that the Sandton and Alexandra municipalities become acquainted with these methods.

A lack of business skills hampered operators in understanding the nature of competition and the economic forces involved. Competence in dealing with the situation could thereof be improved.

Fair, firm and consistent law enforcement is needed to combat the general lawlessness and lack of discipline that have become rife. All law enforcement agencies operating in this field, e.g. traffic inspectors, inspectors of the LRTB, the police and prosecutors, should co-operate to this end.



### **THIRD INTERIM REPORT: TAXI VIOLENCE**

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*Released: 4 December 1992*

*Committee: D J Rossouw (Chairman); G Steyn*

The minibus industry in the township of Alexandra, north of Johannesburg, and the minibus routes leading from Alexandra.

The inquiry into violence in the minibus industry in Alexandra township is an offshoot of the main inquiry into public violence and intimidation in the taxi industry that has been taking place in Cape Town for much of this year.

Alexandra is a township located in the industrial area north of Johannesburg. It has been in existence for many years and has an established community. The township is not served by either bus or rail transport; minibuses (or combi taxis) are the only form of transport available to residents.

There is no formal rank for minibuses in Alexandra or, for that matter, in Sandton. They consequently park to pick up and drop passengers wherever they find space on the shoulders of roads and on pavements. It was said in evidence before the committee that an estimated 500 or more vehicles operate at one place in Wynberg, Sandton, during peak hours. At this "rank" there are no facilities such as shelters, toilets, etc; there are, however, stalls at which vendors sell their wares, which add to the press of people in a relatively small area. Bringing order to the situation has been attempted only by the warring taxi associations themselves. It is not surprising that, when tensions mount, the "ranks" are the places where trouble erupts.

### **RECOMMENDATIONS**

The first step towards the resolution of the friction in the Alexandra minibus industry should be to establish among all minibus operators the principal of communication should be established between the two taxi associations and not only between the two chairmen.

Mediation has been in die hands of the Wits/Vaal Regional Dispute Resolution Committee and the Interim Crisis Committee for Alexandra [ICC], which should continue their efforts. The ICC and, in particular, the Rev. Dr Carmichael have the knowledge of the local scene, experience and skills necessary for successful negotiations.

## **SPECIFIC RECOMMENDATION**

A prima facie murder case exists against Ndebele and certain members of the Phola Park SDU. The said cases should be referred to the Attorney-General for a decision in this regard.

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## **REPORT: VIOLENCE IN TOKOZA**

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*Released: 17 November 1992*

*Committee: M N S Sithole (Chairman); L Baqwa; R S K Tucker*

The committee was called upon to focus its inquiry on the phenomenon and incidents of public violence and alleged intimidation that occurred in the Tokoza area from three specific incidents that gave rise to considerable concern about the escalation of violence in the area, namely -

1. the assassination of 18 hostel dwellers who were on their way to a meeting of hostel dwellers at the Tokoza stadium on Sunday, 8 September 1991 ("the first incident");
2. the murder of Sam Ntuli, which occurred on 29 September 1991 ("the second incident"); and
3. the assassination of Blacks near the Natalspruit Hospital after the funeral procession for Sam Ntuli on 7 October 1991 ("the third incident").

The committee subsequently decided to inquire into a further four incidents that occurred after the commencement of its public hearings on 15 November 1991. The four further incidents were -

1. an attack on a minibus transporting employees of the Rand Water Board on the Old Vereeniging Road immediately adjacent to Phola Park on 26 February 1992 ("the fourth incident");
2. the attack on residents of the Crossroads shack settlement on 3 April 1992 ("the fifth incident");
3. the attack on the Zonkizizwe shack settlement on 6 April 1992 ("the sixth incident"); and
4. the 32 Battalion operation in Phola Park on 8 April 1992 ("the seventh incident").

Unlike other specific incidents that have been the subject of inquiry by committees of the Commission, this inquiry developed into an inquiry into the general malaise of violence in the area in question. Only in respect of the first, fourth and seventh incidents are we able to find a particular grouping responsible for the attacks, and even then neither we nor the investigating officer have been able to say with any certainty which individuals were responsible (with the exception of Ndebele in the third incident).

The Committee finds that there is no evidence to support any of the allegations contained in the editions of the Weekly Mail dated 8 and 14 May 1992 and 15 to 22 May of the SAP having planned and instigated violence in the Vaal area, and that such allegations are devoid of truth.

Nothing in the evidence before the Committee justified the allegations that the SAP had a base which was linked with the planning of assassinations in the Vaal Area or the innuendo that the police were involved, with or without others, in a death campaign or in "a silent war against leaders and activists of the ANC and its allies..."

The Committee finds further that there was never any basis to justify the allegations that Capt A.D du Plessis, Constable Johannes Nkwane, Warrant Officer Thys Nolte or Sergeant George Supra were in any way involved with planning or committing acts of violence. The allegations with regard to them appear to have been based solely on the fact that they were part of the Crime Intelligence Service of the police and that, as such, they were associated with or involved in the covert operations being carried out by the CIS and that, when confronted by Mr Drew Forrest and others who investigated the matter on behalf of the Weekly Mail, they behaved secretively and were reluctant to talk or to disclose information. In the absence of other evidence, this is clearly an insufficient basis given that it was common cause that the police were indeed conducting covert operations for the gathering of intelligence for the purpose of combating crime.

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## **REPORT: ALLEGATIONS OF PLANNING OR INSTIGATING OF ACTS OF VIOLENCE OF THE SOUTH AFRICAN POLICE IN THE VAAL AREA**

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*Released: 27 October 1992*

*Committee: R M Wise, SC*

Investigation into the allegations published by the Weekly Mail newspaper on 8 and 15 May 1992 concerning the planning or instigation of acts of violence by members of the South African Police in the Vaal area.

The evidence presented to the full Commission at that preliminary inquiry consisted of statements made under oath by Mr Drew Forrest, a journalist in the employ of the Weekly Mail and the author of the principal articles concerned; by Mr A. Harber, the editor of the Weekly Mail; and by Col. Potgieter, the officer commanding the Crime Intelligence Service of the SAP in the Vaal area, on behalf of Lt Gen P.J. Viljoen. From this evidence and from the articles themselves it was clear that the allegations concerning the planning and instigation of violence were based, in the first instance, on statements by one Daniel Kolisang ("Kolisang") and one Solly Mngomezulu ("Mngomezulu") and, in the second instance, on inferences drawn from such statements and other facts and alleged facts, which were ascertained by Mr Forrest and others during the course of their investigations.

These articles in the Weekly Mail, in addition to containing allegations about the planning and/or instigation of acts of violence by members of the SAP, also dealt at length with other matters, viz. the facts and alleged facts referred to above. In particular there was much about the use by the South African Police of unmarked vehicles with false number plates; about the "safe" houses which were used by the police and which were not registered in the name of the SAP but in the names of other persons; of the use of page (sic) (presumably "paging") numbers and the persons or companies in whose names such numbers were registered and about the identity and details of a number of policemen most of whom were alleged to have used false names.

### **FINDINGS**

The Committee finds that the statements by Daniel Kolisang and Solly Mngomezulu with regard to the SAP having planned and instigated violence, which constituted the basis of reports by the Weekly Mail in its editions of 8 and 15 May 1992, were totally false.

were guilty on 7 September 1992 cannot recur. The results of such enquiry and the steps taken pursuant thereto should be made public.

The Attorney-General of Ciskei should investigate criminal charges against any person responsible for death or injury of any person shot in or in the vicinity of the Bisho stadium on 7 September 1992.

The Ciskei Council of State should publicly acknowledge that members of the CDF acted reprehensibly and unacceptably in reacting in a wholly disproportionate manner and causing the unnecessary deaths and injuries to people who were fleeing from them.

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In the vicinity of the Bisho Stadium, which is close to the South African Border, members of the Ciskei Defence Force (CDF) shot at a group of the marchers? In consequence 29 people were killed and hundreds were injured. According to the CDF some 425 rounds of ammunition were fired by their members.

There is only one material dispute, viz whether shots were fired at the soldiers.

## **RECOMMENDATIONS**

Those in control of any region, city or town anywhere in South Africa, including the TBVC homelands, should tolerate and allow complete freedom of expression and of peaceful assembly.

Mass action must be organized in such a manner that all reasonable steps are taken to avoid violence. At the cost of repetition, that can only be achieved by removing, as far as possible, the risks created by unpredictable conduct.

The leaders of all organizations which use forms of mass public demonstrations should do so only as a peaceful means to popularise political policies and propagate political changes. They should immediately and publicly abandon any political action calculated to result in conflict and violence.

In order to avoid physical conflict and violence, mass demonstrations should not be used as a means of causing serious and non-temporary disturbance or as a means of direct political intimidation.

The leadership of the TBVC homelands and of the self-governing territories should forthwith publicly declare themselves willing to tolerate and facilitate reasonable and negotiated public mass demonstrations in the areas under their control.

The leadership of the Alliance should publicly censure Mr Kasrils and other persons who were responsible for the decision to lead demonstrators through the gap in the fence and thereby knowingly or negligently expose them to the danger of death and injury.

The officers commanding the CDF should immediately conduct a full enquiry into the training and discipline of their members with the intention of taking such steps as may be necessary to ensure that a recurrence of the undisciplined, unprofessional and wholly unacceptable conduct of which they

## **REPORT: PRELIMINARY INQUIRY INTO THE BISHO INCIDENT ON 7 SEPTEMBER 1992**

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*Released: 29 September 1992*

*R J Goldstone (Chairman of the Commission); D J Rossouw (Vice-Chairman); M N S Sithole; L Baqwa*

On 7 September 1992 a large protest march on Bishop, the capital of Ciskei, was organized by an alliance of the African National Congress (ANC), the Congress of South African Trade Unions (COSATU) and the South African Communist Party (SACP).

The principal demand of the alliance which was to be highlighted by the march was for free political activity and an end to violence in the Ciskei. Political repression and violence in the Ciskei were associated with Brigadier Gqozo's regime and so the call for free political activity and an end to violence was linked to a demand for his removal.

The Ciskei authorities at all times were unwilling to grant permission for any demonstration on Ciskei soil notwithstanding attempts to obtain an agreement which was initiated by the South African Government, the SAP and non-governmental organizations.

After the commencement of the march some Alliance leaders went ahead "to reconnoitre" the situation at the border. On arrival at the border they noticed that the road had been blocked by rolls of razor wire to prevent the marchers from proceeding along the road to Bisho. There was also razor wire placed strategically to channel the marchers to their left and into the Bisho Stadium on the southern side. That stadium is situated very close to the border. The leaders met with the Chairman of the National Peace Committee, Mr John Hall, the Chairman of the NPS, Dr Antonie Gildenhuys and other observers who were present in order to assist in keeping the proceedings peaceful. Mr Hall and Dr Gildenhuys informed the Alliance leaders who included Messrs Cyril Ramaphosa, Chris Hani and Ronnie Kasrils that the Ciskei authorities were determined that the Alliance supporters would not be allowed into any part of Ciskei other than the Bisho Stadium. The Alliance leaders indicated that if they were prevented from entering Bisho they would have to consider their options. They did not accept that the Ciskei security forces had any right to frustrate their plans. Representatives of the NPS offered their services as go-betweens and it was agreed that there would be discussions between them and the leaders of the march when it arrived at the razor wire barrier.



## **INTERIM REPORT: VIOLENCE IN HOSTELS**

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*Released: 21 September 1992*

*R J Goldstone (Chairman of the Commission)*

Not all hostels are associated with violence - criminality in a number of hostels.

Not all hostels are associated with violence. The problem should properly be seen as one of criminality in a limited number of hostels. Precisely which localities are affected is a matter that the committee will have to investigate.

The criminality that is associated with those hostels is a matter that must be addressed and dealt with by the Government, which has the primary responsibility for maintaining law and order.

In view of the advice from its committee that violence is associated with only a limited number of hostels, the Commission consider that its earlier recommendation that all hostels be fenced off is no longer appropriate. The Commission has accordingly decided to modify that recommendation so as to make it applicable, where practical, only to those hostels that have been associated with violence.

The committee has drawn to the attention of the Commission various issues that arise in relation to the future development of hostels. What is clear to the Commission is that the fullest consultation is required between all parties concerned if future conflict surrounding these issues is to be avoided.

To assist in facilitating discussion and consultation between all parties concerned, the Commission has requested the Human Sciences Research Council to undertake a project aimed at developing a proper understanding of the many sensitive issues that underlie future hostels development. That project is already in progress.

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accordingly recommends that the Government give urgent assistance in this regard.

The Committee mentioned in its report that whenever a group of attackers was identified, they turned out to be hostel dwellers. Hostels have for some time been a cause of concern in the violence situation. It is the view of the Committee that this aspect has to date not enjoyed the attention it deserves. The Committee is particularly perturbed about the apparent lack of control over the hostels and also the lack of clarity, as to who exercises authority over them. As this is a point of great concern, the Committee recommends that the Commission of Inquiry regarding the Prevention of Public Violence and Intimidation urgently consider appointing a committee to look into the whole issue of hostels. Pending that, however, the Committee suggests the immediate implementation of the recommendations contained in paragraph 3.2.7 of the Second Interim Report of the Commission to the State President, dated 29 April 1992, regarding the fencing of hostels, the establishment of a police presence, the prevention of carrying of weapons by hostel dwellers and their protection.

Brigadier James Moore, Manager of SpoorNet Security Services suggested that to deal with train violence successfully a national strategy should be devised. He submitted that the authorities' response to violence is reactive. Actions by the SAP, the SARCC and SpoorNet are not co-ordinated. They do not always act with the same purpose. This leads to wastage of resources. He accepted that the violence on trains spilled over from the ongoing conflict in the townships. The Committee is of the opinion that the conflict goes beyond just the train violence. We accordingly recommend that the question of a National Strategy to prevent violence can be more properly dealt with by the Commission of Inquiry regarding the Prevention of Public Violence and Intimidation.

The Committee recommends that the main objective and aim of the SARCC, namely, "to provide rail commuter services" should be extended to include the provision of reliable, safe and cost-effective commuter services which meet the reasonable needs and standards of the community. This would place greater emphasis on the duty to ensure the safety of commuters.

The Committee is aware of the ongoing investigation into the system of policing on railway premises and of the reorganisation initiated and implemented by Major-General Bester on 1 June 1992. In addition, the Committee feels that the function of guarding access control points at stations on a full-time basis is not an SAP function. This function could more practically be performed by the SARCC. Accordingly, we support the suggestion by Major-General Bester that consideration be given to the creation of a guards corps, recruited from the community and employed by the SARCC. These recruits should receive proper police training. Their duty should be to secure access to the stations. (They should not be ticket controllers.) They should be in a distinctive uniform and be under the control of the Manager of Spoornet Security Services. Every effort should be made to ensure that the community is also involved in this system.

The Visible Policing Division as deployed on the railways is performing a function which is primarily the duty of the SAP. The reconstruction of this division for purposes of policing on the railways, as implemented from 1 June 1992 by Major-General Bester is fully supported by the Committee. The Committee has noted, with approval, Major-General Bester's remarks that the aim of this restructuring is to ensure continuity and to contribute towards the creation of commuters' confidence in the SAP.

The Committee recommends that members of the SAP deployed on stations and trains should, as soon as possible, be appointed "authorised officers" by the SARCC for purposes of the Control of Access to Public Premises and Vehicles Act, 1985.

The Committee recommends that existing facilities for the SAP on railway stations be improved. For example, the Committee is not convinced that the ZOZO huts provide sufficient safety and comfort. Communication systems should at all times be reliable.

The SARCC should consider moving access and exit control points from the platforms to the outside of the stations. (At two-thirds of the stations these points are present on platforms.) Those stations without access and exit control points should receive urgent attention.

Because the SARCC is unable to generate sufficient funds to provide the necessary safety measures, the Committee's recommendations will be rendered ineffective unless sufficient funds are made available. The Committee

Transnet Limited, the legal successor to SATS. For this purpose the SARCC, entered into a business agreement supplemented by a management agreement with Transnet Limited to operate such commuter services and to maintain its assets.

According to evidence before the Committee, the assets received by the SARCC were, in general, in a state of disrepair. At many stations fences, shelters, waiting rooms, toilets and benches had been vandalised.

As a result of the incorporation of the former South African Railway Police (SARP) into the SAP in 1986, police functions on railway premises were scaled down drastically. This resulted in a negative perception of unsafeness and a decrease in commuters. At the same time evasion of rail fares increased.

The Committee was informed that the State Security Council resolved on 15 October 1990 that security on the public component of the SARCC was the responsibility of the SAP and that the SARCC was responsible for the security of the non-public component. The public component of the SARCC's business consists of the stations and trains. Security in this area involves the maintenance of law and order on all stations and trains. Security with regard to the non-public component entails the protection of property and cash and ensuring the safety of staff. SpoorNet Security Services provides this.

## **FINDINGS**

The violence on the trains cannot be separated from the ongoing violence in the townships. The primary causes and participants appear to be the same. The Committee agrees, in this regard, with the findings set out in the Second Interim Report, dated 29 April 1992, of the Commission of Inquiry regarding the Prevention of Public Violence and Intimidation. This Committee is also unable on the evidence before it to apportion blame. Whenever a group of attackers was identified they turned out to be hostel dwellers. There were, however, other unidentified groups. Victims were members of various Black ethnic groups. No definite pattern could be established.

## **RECOMMENDATIONS:**

All leaders are urged to do their utmost to curb the violence as a matter of urgency. Structures of the National Peace Accord should also be utilised.

## **INTERIM REPORT: TRAIN VIOLENCE**

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*Released: 6 July 1992*

*Committee: Mr G Steyn (Chairman); Mr S Moshidi; Mr B M Ngoepe*

Report on violence committed on trains in the Southern Transvaal. The commuter railway lines in the Southern Transvaal are divided into three sections, namely, the Johannesburg section, the Soweto section and the Germiston section. The inquiry was confined to these sections.

The number of people who lost their lives during 1 July 1991 to 27 April 1992 totaled 138. Deaths and injuries have always occurred on the rail commuter system. In the past they were caused by both unlawful acts and accidents of a general nature. The evidence is, however, that the violence gradually assumed a political character. Violence is at present often committed by groups of attackers who kill or injure commuters indiscriminately.

There are approximately 27 hostels in this area. Most of them are adjacent to the rail system. They are in the vicinity of townships and, in some areas, next to emerging squatter camps. It is common cause that violence has been raging in the townships for some time. This violence is the result of ongoing conflict between, amongst others, hostel dwellers and township residents. In recent times the violence has spilled over on to the trains. People in trains are easy targets because they have, over the years, formed themselves into groups that always use the same coach on the same train. This happened for various reasons, such as self-protection and religious, criminal and political interests. As a result, a person entering a wrong coach might find himself a victim.

It is common because that ordinary criminal take advantage of political instability. This occurs on trains as well. It is not always easy to distinguish ordinary criminal activity from political violence. This is especially so where offenders are not apprehended, which is the case with the vast majority of incidents.

Owing to interference by commuters, many coach doors do not close. It is therefore easy to be thrown out or to fall through those doors. This also makes it difficult to establish the true cause of the death or injury. This problem is exacerbated by the reluctance of witnesses to come forward.

The State is the sole shareholder in the SARCC. The SARCC is managed by a Board of Control, whose members are appointed by the Minister. The SARCC does not itself operate the rail commuter service. This service is operated by

the representatives from Midrand refer to the LRTB as a "remote issuing body, unrelated to local conditions". On the other hand, the Chief Traffic Officer of Midrand testified that there was good co-operation between his office and the LRTB.

All the taxi associations are affiliated, directly or indirectly, to SABTA (South African Black Taxi Association) and it seems to the Committee that SABTA has an important role to play in mediating in a dispute of this nature.

The Council of the Municipality of Midrand, within whose area Ivory Park lies, has, with the support of all the taxi associations established the Midrand Taxi Forum in an attempt to facilitate conflict resolution. It is still too early to determine whether the Forum will play a valuable role and whether its decisions will have a lasting effect. Solutions imposed on the industry by outsiders do not work.

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## **SECOND INTERIM REPORT: VIOLENCE IN THE TAXI INDUSTRY**

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*Released: 2 July 1992*

*Committee: D J Rossouw (Chairman); L S van Zyl*

Violence in the taxi industry in the Midrand area.

On Thursday 11 June 1992 the Committee established to inquire into the violence occurring in the taxi industry held a preliminary inquiry regarding the causes of violence associated with taxis in the Midrand area especially in Ivory Park.

The transport of passengers residing in Ivory Park has become an issue of conflict between two existing taxi associations which erupted into violence and resulted in the death of at least two persons, one being a passenger, and injuries to two other passengers. Ivory Park is a fairly new squatter community of some 70 000 persons. The roots of the discord are to be found in the commercial competition between taxi associations for the new market opening up there.

A circumstance that has an impact on the situation is the fact that Ivory Park does not seem to receive any official recognition in the sense that the Municipality's application to have it declared a township has not after eight months been approved. The result is that the Municipal law enforcement agencies do not enjoy official recognition in the area. The Mayor of Midrand complains that the South African Police are understaffed and ill-equipped to deal with some 200 000 people in the whole Midrand area. No armoured vehicles are available and the area is policed from Halfway House, some 20 kilometres away, when Olifantsfontein, a mere 2 kilometres away, would be the natural command post.

The most obvious steps that can be taken to alleviate the position are the official recognition of Ivory Park as a township and the accompanying upgrading of the Police presence and facilities in the area.

As in other parts of the country, the complaint emerged that the permit system as administered by the Local Road Transportation Board (LRTB) was ineffective and was a contributory cause of tension. This may be due to two actors: first, that two LRTB's had jurisdiction in the area and, secondly, that the type of permit that was issued, i.e. the "radius" permit, led to misunderstandings and tension. In the Interim Report tabled in Parliament on 19 June it was indicated that the existing permit system would require to be revised. In this instance

## **FIRST INTERIM REPORT: VIOLENCE IN THE TAXI INDUSTRY**

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*Released: 10 June 1992*

*Committee: D J Rossouw (Chairman); L S van Zyl*

The causes of violence in the taxi industry in the Western Cape.

The roots of the taxi war in the Western Cape go back many years. Permits to conduct taxi businesses were granted to Blacks who qualified for residence rights in terms of section 10 of the Blacks (Urban Areas) Consolidation Act, 1945 (since repealed). These permits limited the scope of business to the Black townships, as the name of the first Black taxi association, LAGUNYA (for Langa, Guguletu and Nyanga) indicate. An informal taxi sector developed among relative newcomers to the area who did not qualify for residence rights and consequently were also unable to obtain taxi permits. These "pirates" plied their trade outside the townships, i.e. to and from the city centre. These "pirates" (who later formed WEBTA [Western Cape Black Taxi Association]) were tolerated by LAGUNYA while they were "unlawful" and they were being arrested, prosecuted and fined; their vehicles were impounded and often declared forfeit.

The trickle of newcomers to the city over the years swelled to a flood in the 1980s, and especially after influx control was abolished in 1986. The Local Road Transportation Board (LRTB) relaxed its strict requirements for permits (the process referred to as deregulation) and many WEBTA members obtained permits and were allowed to continue to service routes from the townships to the city. LAGUNYA perceived this development as a double-cross by the LRTB and the legalising of WEBTA as a threat. LAGUNYA's feeling of grievance and its perception of having "earned" its right to a permit through having qualified on residence, and WEBTA's perception that it had "earned" its right to a permit through years of persecution, set the scene for conflict.

The conflict has taken on frightening proportions and despite the intervention by various persons and bodies it has flared up again and again. The cost of the war, calculated up to the first quarter of this year, is awesome; some 66 people have been killed and damage to property runs to R3,6 million.

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peace-keeping force and its responsibility towards the population for whose benefit it is maintaining law and order.

## **RECOMMENDATIONS**

That the South African Police and the Attorney-General of the Witwatersrand urgently complete investigations into acts of violence, including murder and rape, allegedly committed by members of 32 Battalion against residents of Phola Park and that, where appropriate, the offenders be brought to trial;

That 32 Battalion should not again be used for peace-keeping duties anywhere in South Africa; and

That the Defence Force give urgent consideration to any steps that may be necessary to ensure that especially senior officers are made aware of their special role in peace-keeping duties and that the attitude of the captain referred to in the committee's report is not one generally found in the officer corps.

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Park in the first place was not communicated to the soldiers or alternatively was communicated to the soldiers and was then carried out in a totally ineffectual manner by the soldiers.

In the process of conducting the sweep, a number of members of 32 Battalion entered shacks of the residents of Phola Park and, as acknowledged by the legal representatives of 32 Battalion on behalf of 32 Battalion, committed unspecified "acts of violence" against "a resident or residents" of Phola Park. Generic evidence of the circumstances under which these acts of violence were committed was led by the legal representatives of 32 Battalion as suggested justification therefore. The committee cannot however find any grounds of justification for acts of violence having been committed against innocent residents of Phola Park. These acts of violence constituted unlawful acts of assault. It was not in the committee's mandate nor was evidence led on which the committee could come to any specific findings of rape, murder or other specified assault. The committee recommends however that as a matter of the utmost urgency the alleged acts of assault, rape and murder should be investigated and where appropriate the offenders brought to trial.

The committee heard evidence from the captain in command of 32 Battalion on the night in question. He justified the use of what would normally be regarded as excessive force by soldiers on the grounds that they were involved in what amounted to a war. His evidence caused the committee considerable concern, and raises the distinction between soldiers fighting a war as opposed to a peacekeeping force maintaining law and order. The committee can envisage circumstances in which a war is being fought and in which, as a follow-up to a gun battle, soldiers might be excused for using what would normally be regarded as excessive force not only against the soldiers against whom they were fighting but also against the civilians of the opposing nation. There is however a vast distinction between those circumstances and the circumstances on the night of 8 April when members of 32 Battalion found themselves in what amounted to a gun battle with a group of individuals, but in which their responsibility as a peace-keeping force for the maintenance of law and order in relation to the civilian population of Phola Park was in no way affected. Under those circumstances the use of excessive force cannot be justified and the committee is most concerned that the attitude of the captain in question might prevail elsewhere in the Defence Force. This being the case the committee recommends as a matter of the utmost urgency that all Defence Force units involved in the maintenance of law and order should have this critical distinction drawn for them, and should be trained concerning the role of a

## **REPORT: CONDUCT OF MEMBERS OF 32 BATTALION ON 8 APRIL 1992**

*Released: 10 June 1992*

*Committee: M N S Sithole (Chairman); L G S Baqwa; R S K Tucker*

On the evening of 8 April 1992 shooting was heard from Phola Park. (Phola Park: the shack settlement of Phola Park was established at the southern end of Thokoza township, near Alberton, immediately adjacent to the Old Vereeniging Road. In a very limited area such as Phola Park there are approximately 4 000 to 5 000 very small shacks. There are very narrow access ways which cannot be described as streets and which do not provide free vehicular access. There are no open spaces and an average of five to six people live in each shack.) A platoon of 32 Battalion of the South African Defence Force investigated the shooting and on arrival came under fire. One member of 32 Battalion was wounded by a bullet fired from Phola Park as he disembarked from a Casspir. Two further platoons were then ordered to go to the assistance of the first platoon. The committee is satisfied on the evidence which it heard that at least some members of the Phola Park self-defence unit were involved in a gun battle with 32 Battalion, and that AK 47s were used in that battle. During the battle a substantial number of shots were fired by both sides and more than 200 rounds were fired by members of 32 Battalion. A number of bullets penetrated the shacks of Phola Park residents, and at least two residents were injured in their shacks by bullets and subsequently died. In both instances there were bullet holes in the shacks in which the two people in question were fatally injured.

When the gun battle stopped the captain (who was located at the Steunpunt) gave an order to Lieutenant Ras, who was in command of the three platoons at Phola Park, to conduct a sweep of a section of Phola Park. Evidence was given that the reason for giving the command was to look for people who might have been injured or killed because they had been caught in the cross-fire of the gun battle and to look for firearms. It was acknowledged that a secondary purpose of the sweep was to pick up any people who had actually been involved in the gun battle. Evidence was led that in conducting the sweep all the soldiers were disciplined, under reasonably direct control and that they looked at shacks for signs of bullet holes and that if there were bullet holes they made a point of ensuring that no-one in the shack was injured. In at least one instance a person who was injured or killed by a bullet, and where there was a bullet hole in the side of the shack, was not found until four days later. In another instance there is evidence that a soldier or soldiers actually entered a shack and nevertheless left an injured person lying in the shack who died the following morning. In either event the reason that was given for entering Phola

The Commission is convinced that the carrying of any dangerous weapons in public should be outlawed - whether in respect of political meetings or at any other place. In Natal, it is predominantly members of the Inkatha Freedom Party who insist on this unacceptable practice. Other Zulu men do not find it necessary to do so, either for cultural or any other reasons. The Commission finds it quite unacceptable that even the limited ban on the carrying of weapons to political meetings has been ignored by the Inkatha Freedom Party on at least one occasion during a march through the streets of Johannesburg. This public flaunting of the law in the presence of a large South African Police presence is unfortunate and should not be allowed to occur again in the future. Steps should be taken urgently to prohibit the carrying in public of any dangerous weapons at any time at all.

No information has been received by the Commission that could enable it to make any findings relating to a systematic or nationally organized campaign of violence. It is a cause for comment that, notwithstanding the absence of evidence, political leaders, especially in the African National Congress and Inkatha Freedom Party, have frequently made wide-ranging allegations placing the blame for violence on other political parties and on the State security forces.

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## **RECOMMENDATIONS:**

The deployment of an effective police presence in local communities who are able to work in close co-operation with local dispute resolution committees established in terms of the Peace Accord.

The new Division of Internal Stability would appear to be the only suitable branch of the South African Police for such work. This branch should also work in co-operation with justices of the peace as soon as that office has been created in terms of the Peace Accord.

The investigative functions of the Commission will continue to play an important role in relation to the curbing of ongoing violence. In this regard the Commission should as soon as possible be granted adequate means and procedures for offering protection to witnesses who testify before it or its committees.

The widely held view by a large number of people in KwaZulu and neighbouring areas that the KwaZulu Police are a private army of the Inkatha Freedom Party is a matter of great concern in relation to the curbing of violence in those areas. No less disturbing is the evidence that has been given concerning unlawful activities by senior members of the KwaZulu Police. As some of these allegations are at present under investigation by a committee of the Commission, it would not be proper to comment further on this matter at the present time. Criminal charges are at present being investigated by the Commissioner of the KwaZulu Police in consequence of evidence placed before the committee about the false identity given to a member of that police force.

Organizations whose members are responsible for violence have a heavy responsibility to control and impose discipline upon their members. This applies no less to the South African Defence Force and Police than to the African National Congress and the Inkatha Freedom Party. All of those organizations should establish committees to be responsible for immediately investigating and reporting to the Peace Committee and the Commission on allegations of Public violence.

All hostels should immediately be adequately and securely fenced. A strong and efficient police presence should ensure that no arms are taken in or out of hostels. It should also be in a position to protect all hostel dwellers from external attack.

## **SECOND INTERIM REPORT**

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*Released: 29 April 1992*

*R J Goldstone (Chairman of the Commission)*

With regard to specific incidents of violence the Commission's approach has been to inquire into paradigm situations where, on the face of it, the symptoms are common to other areas of violence. The Commission has at all times been convinced, and remains so, that factual findings cannot be made against individuals, groups or organizations on the basis of untested evidence. For this reason the hearings of the Commission and of committees of the Commission have been held in public and witnesses have been subjected to cross-examination by lawyers representing interested parties. This procedure, by its nature, is cumbersome and time consuming.

From the inception of its deliberations, the Commission has held the view that one of its most important functions is to act as a catalyst in the process of transforming the Police Force into a body that has the confidence, respect and co-operation of the vast majority of the people of South Africa. The committee established to inquire into the policing of mass demonstrations was conceived as the point of entry - the first of a number of inquiries that would investigate and make recommendations on important issues relating to policing in general. If the Commission continues to be immersed in an increasing number of inquiries into incidents of violence this important function will inevitably be delayed.

Then there is the issue concerning the safety of witnesses who testify before the Commission. The murder of the leader of the "Black Cats" in Wesselton and the apparent revenge murder of the mother of a renegade "Black Cat" witness in the same township highlight this problem. These murders took place during the course of the investigation into the "Black Cats" and are therefore likely to severely diminish the willingness of members of the public to come forward and testify.

In the above circumstances, a reconsideration of the role and functions of the Commission has become urgent and inevitable. In particular, the Commission has been forced by circumstances to report now on conclusions reached by it at this stage. It would have preferred not to do so at what is clearly a premature juncture in its work. However, the alternative would be to continue inquiring with judicial detachment when urgent steps are required to contain the violence.

That in respect of disciplinary hearings suitably qualified and trained persons conduct them and that management review existing training to ensure that an appropriate quality and standard of decisions and disciplinary hearings be achieved.

That consideration be given by the mining industry to the appointment of a suitable ombudsman acceptable to management and NUM to deal promptly with complaints and facilitate agreements between NUM and management or issues between them.

That the present negotiations between NUM and management to alleviate pressures and tensions in the hostel be finalised as a matter of urgency.

That the present negotiations between NUM and management for an agreed code of conduct relating to stay-aways be complete as a matter of urgency.

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## **REPORT: INCIDENTS AT PRESIDENT STEYN GOLDMINE, WELKOM**

*Released: 28 February 1992*

*Committee: Mr G Steyn (Chairman); Adv D A Bregman; Mr R M M Zondo*

The violence and murders which took place at the President Steyn Gold Mine in Welkom on 3 November 1991 and which were associated with the national stay-away called for by a number of organisations on 4 and 5 November 1991.

The terms of reference of the inquiry drafted in consultation with the National Union of Mine Workers (NUM), Free State Consolidated Gold Mining (Operation) Limited (Freegold), and the South African Police (SAP) were:

- \* To inquire into the cause or causes of the violence this erupted at the President Steyn Gold Mine, Welkom, on and after 3 November 1991.
- \* Without derogating from the generality of the above mentioned paragraphs, to inquire in particular into -
  - (i) the relevance to the violence of the hostel system;
  - (ii) the relevance to the violence of the national stay-away called by COSATU, NACTU and other organisations on 4 and 5 November 1991;
  - (iii) the reason or reasons for the continuance and escalation of the violence after 3 November 1991;
  - (iv) the identification and determination of the influence, if any, of political and other organizations, both South African and foreign, relevant to the violence;
  - (v) the relevance to the violence of the reaction of Freegold to the stay-away and its communications thereof to its employees and of the reaction thereto of NUM and its communication with its members employed at the mine.

### **RECOMMENDATIONS:**

That NUM and management negotiate in an effort to reach agreement as to the legitimacy of democratic political activity in the hostel. Such agreement ought to have regard both to the reasonable needs of the worker and to the reasonable needs of management, bearing in mind the prerogatives and responsibilities of management.

That the control of meetings be a matter for negotiation between management and NUM, with accountability and responsibility lines clearly laid down.



## **FURTHER INTERIM REPORT ON VIOLENCE AT MOOI RIVER**

*Released: 19 February 1992*

*Committee: R J Goldstone (Chairman); Adv D J Rossouw, SC; Prof D van Zyl Smit*

The submission made to the Committee was that if IFP supporters had been brought into Bruntville some of them would have been among the 172 arrested by the Police. The representatives of both IFP and the Bruntville Peace Committee supported an investigation concerning the places of work and residence of the arrested men.

This investigation proved that, with one or two exceptions, all of the 172 persons arrested were hostel dwellers and that the vast majority were employed by Mooi River Textiles. It must therefore be concluded that IFP supporters were not transported into Bruntville from elsewhere to participate in the fighting on 4 December 1991.

The committee also used the opportunity occasioned by its visit to Mooi River on 14 February 1992 to enquire into the progress of the peace process in Mooi River and Bruntville. It was disappointed to find that the peace process had not gone as smoothly as planned. There appear to have been a series of misunderstandings between the parties which had led to meetings not being attended. Discussions with both local ANC and Inkatha leaders suggested that the misunderstandings could be removed and that it remains possible that a local dispute resolution committee will be established. The committee stressed that patience and tolerance were needed in the peace process that direct communication with the other party was preferable to relying on rumour or press reports and that such communications should be relayed for the information of all residents.

In the discussions with the local leaders it became apparent that the carrying of weapons was continuing and that it was contributing to tensions both in Bruntville and in Mooi River. Thus, on one occasion, Inkatha supporters had been denied access by the ANC to the community hall where they were to have been addressed by the Chairman of the Regional Peace Committee for Natal. The reason given by the ANC was that the Inkatha supporters had arrived armed with spears and that the ANC had feared for the safety of its own supporters and for that of children in a neighbouring school. The IFP in turn alleged that its supporters had to be armed in order to protect themselves from the concealed weapons carried by members of the ANC.

The Commission recommends further that the South African Police make every endeavour to bring the perpetrators of the violence committed at Mooi River to justice and that the Attorney-General be requested to render assistance in that regard.

more men participated in the second attack. Estimates of witnesses varied from 400 to 1 000. They were similarly armed.

After the second attack the Police arrested 172 IFP supporters and confiscated their weapons. They comprised the following: 19 Zulu shields 2 pangas 1 home-made firearm 16 bush knives 75 knobkerries 69 sticks 144 spears.

According to an ANC witness, a short time prior to the second attack he saw certain IFP leaders from outside Mooi River/Bruntville arrive at the hostel, followed by a bus-like vehicle that was towed by a mechanical horse. The suggestion made on the strength of that evidence is that IFP supporters were brought in from outside to participate in the attack on the township. The presence of the bus was denied by the hostel dwellers. The police witnesses did not see such a vehicle in Bruntville.

## **RECOMMENDATIONS**

It was indicated to the Committee that if lasting solutions and peace do not come to Mooi River, the only large employer, Mooi River Textiles, may well have to move its factory to another area. This would be disastrous for the people of Mooi River. Self-interest should dictate to the local leadership that they must work together to create a more Peaceful and acceptable climate. Government agencies at all levels can only provide a framework and an infrastructure for this. At the end of the day it is the people themselves, through their leaders, who will determine the success or failure of any initiatives taken in order to achieve a successful result.

Support from all appropriate quarters for the Local Dispute Resolution Committee and the disarming of the people of Bruntville are essential prerequisites for lasting peace in the area.

It was submitted on behalf of the Bruntville Peace Committee that the Commission should recommend that the conduct of certain members of the Police Force at Mooi River be referred to the Attorney-General. However, evidence led before the Committee did not, in the opinion of the Commission, establish any prima facie unlawful conducts on the part of any police officer save in regard to the improper use of a forfeited vehicle with false number plates. The Commission recommends that appropriate steps be taken to prevent the recurrence of such conduct and that the South African Police consider disciplinary action against the police officers who were involved.

## **INTERIM REPORT: VIOLENCE AT MOOI RIVER, NATAL**

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*Released: 19 February 1992*

*Committee: R J Goldstone (Chairman); Adv D J Rossouw SC; Prof D van Zyl Smit*

Mooi River is situated some 70 km north-west of Pietermaritzburg. It is a small town serving a farming community. On the south-western side of the town is Bruntville, a Black township that was established in 1938. At present there are between 10 000 and 14 000 persons living in the township. Many of the former inhabitants have left in consequence of the violence in the area.

Prior to November 1990 there was generally peace and tranquillity at Mooi River and Bruntville. Since then the inhabitants of Bruntville have become highly politicised. There are broadly two groups - Inkatha Freedom Party (IFP) supporters and African National Congress (ANC) supporters. The hostel is controlled by IFP supporters and the remainder of Bruntville by ANC supporters. Workers at Mooi River Textiles who support the IFP are members of UWUSA, the trade union established by the IFP, and those who support the ANC are members of SACTWU, the trade union affiliated to COSATU.

In the submission to the Commission from the Legal Resources Centre on behalf of the Bruntville Peace Committee (which, broadly speaking, identifies with the ANC) dated 30 October 1991, it was alleged that from November 1990 to October 1991 there were at least 60 separate attacks or incidents of intimidation by the hostel dwellers upon the township residents. Reference was made to only four attacks by the residents on the hostel. On the other hand, the representatives of the KwaZulu Government, who were present at the inquiry, handed in a list of 59 alleged violent incidents by ANC supporters against IFP supporters.

It appears to be undisputed that IFP-supporters launched two attacks on dwellers in Bruntville Township - the first at about 18h 00 on 3 December 1991 and the second at about 04h30 the following morning. The first attack left four persons dead and the second some 15 dead. It is also not disputed that an IFP supporter, Nbuyiselwa Jophannes Mbata, died from a gunshot wound sustained by him on 3 December 1991. According to the IFP witnesses he was shot in the vicinity of the hostel. It was submitted on behalf of the Bruntville Peace Committee that he might have been shot elsewhere and thereafter moved to outside the hostel where he died. However, nothing material turns on this issue. Some few hundred men participated in the first attack by IFP supporters. They were armed with assegais, sticks and knobkerries. Many

A fourth Committee of the Commission was established during January 1992 to inquire into violence in relation to public transport in South Africa. The need for such an inquiry arose because of the high incidence of violence, including a number of deaths, on trains in certain urban areas and what has been referred to as "taxi wars".

The Commission has no doubt that its very existence is serving an important purpose. The fact that there is an independent body which can receive and ask for information in an area which has hitherto been one of secrecy in which rumours have abounded is itself encouraging. The fact that the Commission operates in public stimulates debate on these topics and that is also to the benefit of the public, the Government and political parties and organisations.

Recommendation:

The Commission is of the view that prompt establishment of and action by its committees may result in the decrease of violence. However, the Prevention of Public Violence and Intimidation Act, 1991, requires committees to have at least three members, one of whom must be one of the five members of the Commission. All the members of the Commission are at present serving on committees and consequently the Commission at this stage is unable to inquire into several situations of violence which require its urgent attention. The Commission recommends that the Act be amended as soon as possible by removing the requirements that a minimum of three persons be appointed to committees and that a member of the Commission should serve on every committee.

## **SUMMARIES OF REPORTS OF THE GOLDSTONE COMMISSION**

The following section contains summaries / abstracts of reports released by the Commission.

### **FIRST INTERIM REPORT**

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*Released: 24 January 1992*

*R J Goldstone (Chairman of the Commission)*

An outline of the Commission's initial workload; its broad mandate; and the setting up of various investigative Committees.

The Commission held its first meeting on 28 and 29 October 1991. It discussed its terms of reference and considered the manner in which it should approach the broad mandate given to it.

Over 500 written requests for information concerning public violence and intimidation were sent by the Commission to all organisations which might have information relating thereto. These included all political parties, universities, newspaper editors, local authorities and civic associations. In response the Commission received relevant and useful information.

On 29 October 1991, the Commission established a committee of inquiry into the violence and alleged intimidation in Thokoza, on the East Rand, since 8 September 1991. The allegations appeared to the Commission to reflect aspects of violence which had been reported from various parts of South Africa in preceding months.

In the middle of November 1991 the Commission established a second Committee to inquire into the violence and murders which took place at the President Steyn Gold Mine in Welkom on 3 November 1991 and which were associated with the national stay-away called for by a number of organisations on 4 and 5 November 1991. The terms of reference of this Committee include the relevance to the violence of the hostel system and of the national stay-away.

During December 1991 a third Committee was established by the Commission to inquire into the procedures relating to the organisation of mass demonstrations, the conduct thereof and the role and duties of the police and other security forces.

REPORT: PRELIMINARY INQUIRY INTO THE ATTEMPTED PURCHASE OF FIREARMS BY THE KWAZULU GOVERNMENT FROM ESCOM	22 April 1994
REPORT: ATTACK ON THE POWER PARK SQUATTER CAMP ON 27 JULY 1993	11 May 1994
FIFTH INTERIM REPORT	30 May 1994
SIXTH INTERIM REPORT: VIOLENCE IN THE TAXI INDUSTRY IN THE KING WILLIAM'S TOWN AREA	26 July 1994
PRELIMINARY REPORT: EFFECTS OF VIOLENCE ON CHILDREN	10 August 1994
SEVENTH INTERIM REPORT: VIOLENCE IN THE TAXI INDUSTRY IN THE QUEENSTOWN AREA	24 August 1994
REPORT: THE EFFECTS OF PUBLIC VIOLENCE AND INTIMIDATION ON CHILDREN	27 October 1994
FINAL REPORT BY THE COMMISSION	27 October 1994

FINAL REPORT: TRAIN VIOLENCE	16 May 1993
REPORT: ALLEGATIONS PUBLISHED IN THE VRYE WEEKBLAD DATED 30 OCTOBER 1992 CONCERNING A THIRD FORCE	27 May 1993
REPORT: ALLEGATIONS CONCERNING FRONT COMPANIES OF THE SADF, THE TRAINING BY THE SADF OF INKATHA SUPPORTERS IN 1986 AND THE BLACK CATS	1 June 1993
REPORT BY THE COMMITTEE APPOINTED TO HOLD A WORKSHOP TO CONSIDER EVENTS AFTER THE ASSASSINATION AND DURING THE FUNERAL OF MR CHRIS HANI	29 June 1993
REPORT: PRELIMINARY INQUIRY INTO THE EVENTS AT THE WORLD TRADE CENTRE ON 25 JUNE 1993	13 July 1993
REPORT OF THE MULTI-NATIONAL PANEL TO INQUIRE INTO THE CURBING OF VIOLENCE BEFORE, DURING AND AFTER THE FORTH-COMING ELECTION	11 August 1993
FIFTH INTERIM REPORT: TAXI VIOLENCE IN THE WESTERN CAPE AND IN GENERAL	26 July 1993
REPORT: ILLEGAL IMPORTATION, DISTRIBUTION AND USE OF FIREARMS, AMMUNITION AND EXPLOSIVE DEVICES	5 October 1993
REPORT: CROSSROADS (CAPE) DURING MARCH - JUNE 1993	11 November 1993
REPORT: INCIDENTS OF VIOLENCE AT MOSSEL BAY: JULY 1993	12 October 1993
FOURTH INTERIM REPORT	6 December 1993
REPORT: INCIDENTS IN KATLEHONG ON 9 JANUARY 1994	18 January 1994
INTERIM REPORT: CRIMINAL POLITICAL VIOLENCE BY ELEMENTS WITHIN THE SAP, THE KWAZULU POLICE AND THE INKATHA FREEDOM PARTY	18 March 1994
INTERIM REPORT: WALLIS COMMITTEE: CAUSES OF INCIDENTS BETWEEN IFP AND ANC	18 March 1994
SECOND INTERIM REPORT: WALLIS COMMITTEE: SPECIAL MATTERS	18 March 1994
FINAL REPORT: ATTACKS ON MEMBERS OF THE SAP	21 April 1994
REPORT: PRELIMINARY INQUIRY INTO THE SHOOTING INCIDENTS WHICH TOOK PLACE IN THE CENTRE OF JOHANNESBURG ON 28 MARCH 1994	21 April 1994



## REPORTS OF THE GOLDSTONE COMMISSION

<b>NAME OF REPORT</b>	<b>DATE PRESENTED</b>
FIRST INTERIM REPORT	24 January 1992
INTERIM REPORT: VIOLENCE AT MOOI RIVER, NATAL	19 February 1992
FURTHER INTERIM REPORT ON MOOI RIVER	19 February 1992
REPORT: INCIDENTS AT PRESIDENT STEYN GOLDMINE, WELKOM	28 February 1992
REPORT: PRESS STATEMENT BY IFP ON 24 MARCH 1992	April 1992
SECOND INTERIM REPORT	29 April 1992
REPORT: CONDUCT OF MEMBERS OF 32 BATTALION ON 8 APRIL 1992	10 June 1992
FIRST INTERIM REPORT: VIOLENCE IN THE TAXI INDUSTRY	10 June 1992
SECOND INTERIM REPORT: VIOLENCE IN THE TAXI INDUSTRY	2 July 1992
INTERIM REPORT: TRAIN VIOLENCE	8 July 1992
INTERIM REPORT: VIOLENCE IN HOSTELS	21 September 1992
REPORT: PRELIMINARY INQUIRY INTO THE BISHO INCIDENT ON 7 SEPTEMBER 1992	29 September 1992
REPORT: ALLEGATIONS OF PLANNING OR INSTIGATING OF ACTS OF VIOLENCE OF THE SAP IN THE VAAL AREA	27 October 1992
REPORT: VIOLENCE IN TOKOZA	17 November 1992
THIRD INTERIM REPORT: TAXI VIOLENCE	4 December 1992
REPORT: PRESENCE OF RENAMO SOLDIERS IN KWAZULU	15 December 1992
THIRD INTERIM REPORT	21 December 1992
FINAL REPORT: VIOLENCE AT MOOI RIVER, NATAL	21 December 1992
REPORT: REGULATION OF GATHERINGS	15 January 1993
FOURTH INTERIM REPORT: TAXI VIOLENCE IN GROBLERSDAL AND SURROUNDING AREAS	23 January 1993
INTERIM REPORT: APLA	15 March 1993
FINAL REPORT: REGULATION OF GATHERINGS	28 April 1993

Detective Constable B R J King; Detective Constable F S Luis; Detective Constable J L Ndlovu; Detective Constable B Nel; Detective Constable P L Seletisha.

### **LEGAL OFFICERS**

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### **COUNSEL FOR THE COMMISSION**

Adv J J du Toit; Adv (Dr) J P Pretorius.

### **SECRETARIES OF THE COMMISSION**

Francois van Eeden; Glenn Cuthbertson; Christo de Vos.

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(Zimbabwe); R Simmonds (Canada); G Simms (Britain); H Tomta (Norway); J van Tonder (Namibia); A Wells (Australia).

### **OBSERVERS WITH INVESTIGATION UNITS**

Mr B Ashman; Mr P Botbijl; Mr R Conroy; Adv J Fabricius; Mr D Geard; Mr M H Hales; Mr O D Hart; Mr B D Hitchings; Mr K C Hojem; Mr P Horn; Mr S S V Khampepe; Mr P S Kruger; Mr E Makgaba; Mr D Pretorius; Adv W Scales; Mr F S P Snyman; Mr N Tunbridge; Mr J F van Niekerk; Mr E van Rooyen.

## **MEMBERS OF THE COMMISSION**

Justice Richard Goldstone (Chairman); Adv. Danie Rossouw, SC (Vice-Chairman); Adv. Solly Sithole; Ms. Lillian Baqwa; and Mr. Gert Steyn.

## **MEMBERS OF COMMITTEES**

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## **MULTI-NATIONAL PANELS:**

### **(i) MASS DEMONSTRATIONS**

Prof P B Heymann; Mr L P Brown; Prof Dr C Fijnaut; Prof Dr D H Foster; Prof T Geldenhuys; Adv C Y Louw; Dr J L Olivier; Prof C D Shearing; Mr C J Van der Merwe; Prof P A J Waddington.

### **(ii) ELECTION**

Mr C F C Ruff; Dr J Elklit; Prof T Geldenhuys; Mr R A Gould; Prof W J Kamba; Mr I Klynsmith; Ms D Nupen; Prof Dr O E H M Nxumalo; Dr J L Olivier; Prof C D Shearing; Ambassador T E Stiggner-Scott.

## **INTERNATIONAL OBSERVERS**

G Aarvold (Britain); V Antunes (Portugal); P Biehl (Denmark); J J Biotteau (France); O Böhmke (Germany); F Bouma (Netherlands); V de Sousa (Portugal); K Frimpong (Botswana); C Hendriks (Netherlands); W Hove (Denmark); D Jackson (Britain); C Kooijmans (Netherlands); T Laidlaw (Britain); J Mokgaoanyi (Botswana); G Muwudzuri (Zimbabwe); M K Nyamena

## **INVESTIGATION UNITS**

During its first year of activity the Commission had no efficient means of investigating incidents or events relevant to public violence and intimidation. After due deliberation and consultation with the relevant parties it was decided to establish five investigation units to be stationed at Johannesburg, Durban, East London, Port Elizabeth and Cape Town respectively. They became operational on 1 October 1992.

The mandate of the units was to investigate incidents of public violence and intimidation in South Africa, the nature and causes thereof and the persons involved therein.

The investigation units enabled the Commission to gather information more efficiently and quickly than it had previously been able to do. Before their establishment the Commission relied more on the submissions received from various parties. After the establishment of its units the Commission used them to do additional groundwork before deciding whether or not to launch enquiries into specific incidents. Numerous allegations were made with regard to the existence of a third force. The Commission instructed the units to investigate the allegations and, in particular, to seek to establish by credible evidence whether a third force existed and, if so, its sponsorship.

## **MANDATE**

The Commission's mandate related to events which took place after 17 July 1991, the date of commencement of the statute which established the Commission. Only to the extent that prior events were relevant to post-July 1991 acts, was the Commission entitled to investigate them.

At its first meeting on 28 and 29 October 1991, the Commission decided on the following broad guidelines in which it would approach the mandate given to it:

- (a) To emphasise its independence and in particular its independence from the Government and any political party;
- (b) That a primary function of the Commission was to direct and co-ordinate the gathering of facts relating to public violence and intimidation in the Republic;
- (c) That the Commission would not investigate past violence and intimidation save in so far as it might be directly relevant to the prevention of future violence and intimidation; and
- (d) That the work of the Commission, save in special circumstances, would be conducted in public.

## **OBJECTIVES**

The objectives of the Commission were to inquire into the phenomenon of public violence and intimidation in the Republic, the nature and causes thereof, and what persons were involved therein; inquire into any steps that should be taken in order to prevent public violence and intimidation; and to make recommendations to the State President in respect of public violence or intimidation.

## **BACKGROUND**

In an era in which domestic spying, indefinite detention, and legally-sanctioned torture were employed in the interests of "national security", South Africa's transition from apartheid to democracy might serve as an important reminder of the dangers of an unfettered state security apparatus. Public violence was escalating throughout South Africa in the late 1980s and early 1990s as a result of the National Party government's policy of Apartheid. This forced the government of FW De Klerk to sign a National Peace Accord with liberation movement organisations and political parties, including the two largest, the African National Congress and Inkatha Freedom Party. The three structures of that initiative were the National Peace Committee, the National Peace Secretariat and the creation of a commission to investigate violence in South Africa.

The establishment of the Standing Commission of Inquiry Regarding the Prevention of Public Violence and Intimidation in October 1991 was one of the key episodes in the South African transition. Led by Justice Richard Goldstone, who has subsequently served as the chief prosecutor of the International Criminal Tribunals for former Yugoslavia and Rwanda, the Goldstone Commission made the first major breakthrough on third force activities of South Africa's security forces carried out in the 1980s and early 1990s.

Specifically, the Goldstone Commission unveiled the operations at Vlakplaas, a farm outside Pretoria, by a unit of the South African Security Police that utilised surrogates to commit political murders during Apartheid as well as during the transition to democracy. These revelations pierced the seemingly impregnable edifice of South Africa's state security establishment and facilitated the transition to democracy in April 1994.

The Goldstone Commission's focus on shedding light on gross human rights violations also set the stage for the national Truth and Reconciliation Commission, which met between 1995 and 1998.



## **INTRODUCTION**

The Commission of Inquiry Regarding the Prevention of Public Violence and Intimidation, under the chairmanship of Justice Richard Goldstone, was appointed by President FW de Klerk on 24 October 1991, to investigate incidents of public violence and intimidation in South Africa prior to the 1994 general election. Other commissioners were Adv. Danie Rossouw, SC (Vice-Chairman), Adv. Solly Sithole, Ms. Lillian Baqwa, and Mr. Gert Steyn. The commissioners were appointed for a statutory period of three years.

The Commission became commonly known as the Goldstone Commission. During its three year life-span the Commission, in terms of its founding Act, No 139 of 1991, presented 47 reports, usually following public inquiries, containing a large number of recommendations.

The Commission closed on 27 October 1994.

## **ABOUT THE HUMAN RIGHTS INSTITUTE OF SOUTH AFRICA**

Largely as a result of an initiative of the Norwegian Government, the State President agreed to the establishment of an institute of the Commission. The **Institute for the Study of Public Violence** was established in June 1993. Commonly known as the **Goldstone Institute**, its main role was the documentation of material relating to public violence and intimidation as well as research. The institute had a sophisticated computer capability and was a unique source of information of value not only to the Commission but to the general public and, in particular, the media.

The Norwegian Government funded the computer requirements of the Institute and provided the experts who were so essential in setting it up. The Commission paid for the accommodation of the Institute and the salaries of its officials and staff. When the Goldstone Commission closed, the assets of the Institute were transferred to a company not for gain duly registered under section 21 of the South African Companies Act of 1973.

In 1994 the Commission and the trustees of the Institute resolved that the Institute should become an independent non-governmental organisation, the **Human Rights Institute of South Africa** (HURISA) and that its field of operation be extended to cover all aspects of human rights in South Africa. In its final report of 27 September 1994, the Commission wrote:

"The Institute for the Study of Public Violence has been registered as the 'Human Rights Institute of South Africa' (HURISA). The Commission believes that the Institute's decision to focus on human rights in South Africa comes at an appropriate time and that the Institute with its excellent facilities will render a unique contribution in the development of such a culture."

Since then HURISA established itself internationally as a human rights training organisation, and has expanded its training to the rest of the African continent.

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