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TRUTH AND RECONCILIATION COMMISSION

AMNESTY COMMITTEE

**APPLICANTS' REPLY TO THE MEMORANDUM SUBMITTED ON BEHALF OF
THE VICTIMS OF THE BOIPATONG MASSACRE OF 17 JUNE 1992**

1. AD PARAGRAPH 1.1

Save to deny that many more people were injured than people that were killed and that the looting and theft from homes were very extensive, the contents of this paragraph are admitted.

2. AD PARAGRAPH 1.2

The contents of this paragraph are admitted.

3. AD PARAGRAPH 1.3

The contents of this paragraph are admitted.

4. AD PARAGRAPH 1.4

In so far as the annexure mentioned in this paragraph gives some indication of the nature and extent of devastation and savagery of the attack, the contents of this paragraph are admitted. Certain names are mentioned in the schedule, creating the impression that they were killed whilst they were only injured during the attack, for instance Liza Mbatha and Popo Hlubi.

131 Slowo 722 Batokeng

5. AD PARAGRAPH 1.5

Save to state that 21:30 should read 21:00, the remaining allegations in this paragraph are admitted.

6. AD PARAGRAPH 1.6

Applicants take note of the different sections of the Memorandum under reply.

7. AD PARAGRAPHS 2.1 TO 2.7

Applicants have no knowledge of the allegations contained in these paragraphs and they are therefore denied.

8. AD PARAGRAPHS 3.1 AND 3.2

The contents of these paragraphs are denied.

9. AD PARAGRAPHS 3.3 TO 3.5

Applicants have no knowledge of the allegations made in these paragraphs and the allegations are therefor denied.

10. AD PARAGRAPH 4.1

Save to state that all the attackers were black men, the remaining allegations in this paragraph are admitted.

11. AD PARAGRAPH 4.2

Save to state that the attackers smashed windows at many houses, the remaining allegations in this paragraph are admitted.

12. AD PARAGRAPH 4.3

Save to state that 14 of the people killed were adult males and 7 of the people

injured were adult males, the remaining allegations contained in this paragraph are admitted.

13. AD PARAGRAPH 4.4

The contents of this paragraph are denied. (NB)

14. AD PARAGRAPH 4.5

Save to deny that the looting of the township was on a large scale, the remaining allegations contained in this paragraph are admitted.

15. AD PARAGRAPH 4.6

The contents of this paragraph are denied.

16. AD PARAGRAPH 5.1

The contents of this paragraph are admitted.

17. AD PARAGRAPH 5.2

It is admitted that the group split up in two groups, the one going up Lekoa Street turning right in Bapedi street and the other initially going east along Moshoeshoe Street.

18. AD PARAGRAPH 5.3

Applicants have no knowledge of the fact that whilst Maria Dlamini was stabbed to death she was lying on the ground trying to protect her two month old baby, and therefore deny this allegation. The remainder of the allegations contained in this paragraph are admitted.

19. AD PARAGRAPH 5.4 TO 5.7

The contents of these paragraphs are denied.

20. AD PARAGRAPH 6.1

A It is admitted that some of the attackers followed the route as described in this paragraph.

21. AD PARAGRAPH 6.2

It is denied that almost every house on the routes set out in paragraph 6.1 were attacked in some way or another. It is admitted that smaller groups made use of different routes.

22. AD PARAGRAPHS 6.3 TO 6.7

The contents of these paragraphs are admitted.

23. AD PARAGRAPHS 6.8 TO 6.10

The contents of this paragraph are denied.

24. AD PARAGRAPH 7.1

Save to deny that hardly a shack remained untouched, the remaining allegations in this paragraph are admitted.

25. AD PARAGRAPH 7.2

The contents of this paragraph are denied. All the attackers reached Slovo Park

on foot.

26. AD PARAGRAPH 7.3

The contents of this paragraph are denied.

27. AD PARAGRAPH 7.4

It is denied that the attacks on the houses and people in Slovo Park were more vicious than the attacks in the Boipatong Township itself.

28. AD PARAGRAPH 7.4.1

The contents of this paragraph are admitted.

29. AD PARAGRAPH 7.4.2

The contents of this paragraph are denied.

30. AD PARAGRAPH 7.4.3

The contents of this paragraph are admitted.

31. AD PARAGRAPH 7.4.4

It is denied that Solomon Malindi died in shack 23 after being stabbed repeatedly in his back and spinal cord. It is admitted that Agnes died and that Elizabeth and Francis survived with multiple stab wounds.

32. AD PARAGRAPHS 7.4.5 TO 7.4.7

The contents of these paragraphs are admitted.

33. AD PARAGRAPHS 7.5 AND 7.6

The contents of these paragraphs are denied.

34. AD PARAGRAPH 8.1

It is admitted that certain of the attackers could have followed this route. It is denied, however that all the attackers followed the same route.

35. AD PARAGRAPH 8.2

It is denied that Mr Monokoane (should read Molokwane) was hit with an axe and

robbed at gunpoint. The remaining allegations contained in this paragraph are admitted.

36. AD PARAGRAPH 8.3

The contents of this paragraph are admitted.

37. AD PARAGRAPH 8.4

Save to deny that the corpse of Lina Manyeke (should read Manyika) had too many wounds to count, the remaining allegations contained in this paragraph are admitted. According to the postmortem of Lina Manyika she was stabbed twice. (The postmortem reports of the 45 people who died are available for inspection).



38. AD PARAGRAPH 8.5

It is admitted that Mathilda Hlubi was stabbed to death. It is denied that Popo died a few days after the attack. Although he was attacked, he did not die and in fact gave evidence during the criminal trial. The remaining allegations contained in this paragraph are admitted.

39. AD PARAGRAPH 8.6

The contents of this paragraph are denied. It is specifically denied that Vanana Zulu was in Boipatong on the night of the 17th June 1992.

40. AD PARAGRAPH 8.7

The contents of this paragraph are admitted.

41. AD PARAGRAPH 8.8

It is admitted that Flora Mashope was shot and killed at 761 Lekoa Street (corner of Hlubi). It is denied that Flora Nkala was killed at the same address.

The remaining allegations contained in this paragraph are admitted.

42. AD PARAGRAPHS 8.9 TO 8.15

The contents of these paragraphs are denied.

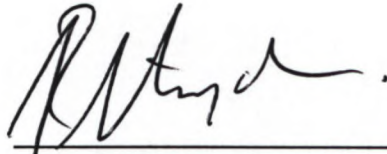
43. AD PARAGRAPH 9.1

The contents of this paragraph are admitted.

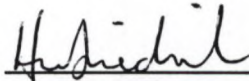
44. AD PARAGRAPHS 9.2 TO 9.8

The contents of these paragraphs are denied.

DATED at JOHANNESBURG on this 10th day of SEPTEMBER 1998.



R STRYDOM



H FRIEDRICH



DIB.

ARMIN KLUTH
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NICHOLLS, CAMBANIS & ASSOCIATES
"By fax": (011) 331-8691

Sir

re: **BOIPATONG MASSACRE: SOUTH AFRICAN NATIONAL DEFENCE FORCE'S
REPLY TO VICTIM'S MEMORANDUM**

The reply furnished by the South African National Defence Force which relate to the memorandum submitted on behalf of the victims of the Biopatong massacre is annexed hereto for your attention.

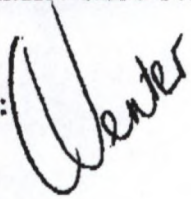
Our recollection is that the reply had to be furnished to you before the end of September 1998. With the documents and evidence available to us we have attempted to reply to the allegations set out in the memorandum as fully as possible. Undoubtedly you are aware that the South African National Defence Force is a huge organisation and to attempt to obtain consultations with all the relevant witnesses six years after the fact has turned out to be a very difficult task. However, steps have been taken to arrange further consultations during October 1998.

We wish at this stage to point out that in the light of the impending consultations that it may be necessary to elaborate on the replies furnished by the South African National Defence Force. Should this be necessary we will apprise you of the further answers as soon as possible.

A factor which perturbs us is the allegations contained in paragraph 9.3 of the memorandum. You will recall that the allegation is made that one Pienaar, who was employed by Cape Gate and who was a citizen force member, was involved during the Biopatong massacre. From our research we cannot trace such a person. It would be appreciated if you could possibly give us better particulars in regard to this person's identity, so that we can make contact with this person and we would appreciate it if you could possibly inform us where you obtained this information.

Yours faithfully
ARMIN KLUTH

Per:

A handwritten signature in cursive script, appearing to read "Wenter", written over the printed name "ARMIN KLUTH".

TRUTH AND RECONCILIATION COMMISSION

AMNESTY COMMITTEE

**THE SOUTH AFRICAN NATIONAL DEFENCE FORCE'S REPLY
TO THE MEMORANDUM SUBMITTED ON BEHALF OF
VICTIMS OF THE BOIPATONG MASSACRE OF 17 JUNE 1992**

The South African Defence Force and South African National Defence Force (hereinafter referred to as "the SANDF") furnish the following further particulars in reply to the memorandum submitted on behalf of the victims:

1

AD PARAGRAPHS 1.1, 1.2, 1.3 AND 1.4 THEREOF:

The SANDF has no knowledge of the allegations contained herein.

2

AD PARAGRAPH 1.5 THEREOF:

According to information available to the SANDF the massacre terminated at approximately 22h00.

AD PARAGRAPH 1.6 THEREOF:

The allegations contained herein are noted.

AD PARAGRAPH 2 THEREOF:

- 4.1 The SANDF has no knowledge of the allegations contained herein.
- 4.2 In the event of it being alleged that the armoured vehicles referred to in subparagraphs 2.6 and 2.7 thereof being SANDF armoured vehicles, the SANDF denies each and every allegation in this regard.

AD PARAGRAPHS 3.1 AND 3.2 THEREOF:

- 5.1 The SANDF has no knowledge of the allegations contained herein.
- 5.2 The SANDF denies that it received any prior warning of the massacre, either as alleged or at all.

AD PARAGRAPHS 3.3, 3.4 AND 3.5 THEREOF:

The SANDF has no knowledge of the allegations contained herein.

AD PARAGRAPH 4 THEREOF:

7.1 The SANDF denies that any of its members partook in the massacre of Boipatong on 17 June 1992.

7.2 Save for the aforesaid, the SANDF has no knowledge of the remaining allegations contained herein.

AD PARAGRAPH 5 THEREOF:

8.1 The SANDF denies that its vehicles partook in the Boipatong massacre in any manner whatsoever.

8.2 Save for the aforesaid, the SANDF has no knowledge of the remaining allegations contained herein.

- 4 -

9

AD PARAGRAPHS 6.1, 6.2, 6.3, 6.4, 6.5, 6.6 AND 6.7 THEREOF:

The SANDF has no knowledge of the allegations contained herein.

10

AD PARAGRAPHS 6.8, 6.9 AND 6.10 THEREOF:

10.1 The SANDF denies that any of its members or any of its vehicles partook in the Boipatong massacre in any manner whatsoever.

10.2 With reference to the allegations made in sub-paragraph 6.8 in regard to a Caspir armoured vehicle, the SANDF specifically denies that the alleged armoured vehicle belonged to the SANDF.

10.3 Save for the aforesaid, the SANDF has no knowledge of the remaining allegations contained in these sub-paragraphs.

11

AD PARAGRAPHS 7.1, 7.2 AND 7.3 THEREOF:

11.1 The SANDF denies that the alleged vehicles referred to in these paragraphs

are SANDF vehicles.

11.2 Save for the aforesaid, the SANDF has no knowledge of the allegations contained herein.

12

AD PARAGRAPH 7.4 THEREOF:

The SANDF has no knowledge of the allegations contained herein.

13

AD PARAGRAPH 7.5 THEREOF:

13.1 The SANDF denies that any of its members partook in the attack referred to in this paragraph.

13.2 Save for the aforesaid, the SANDF has no knowledge of the allegations contained herein.

14

AD PARAGRAPH 7.6 THEREOF:

14.1 The SANDF denies that any of the alleged vehicles referred to in this

paragraph were SANDF vehicles.

14.2 Save for the aforesaid, the SANDF has no knowledge of the allegations contained herein.

AD PARAGRAPHS 8.1 TO 8.9 THEREOF:

The SANDF has no knowledge of the allegations contained herein.

AD PARAGRAPH 8.10 TO 8.15 THEREOF:

16.1 The SANDF denies that any of the vehicles alleged to have partaken in the Boipatong massacre were SANDF vehicles.

16.2 The SANDF denies that any of its members partook in the alleged attack.

16.3 Save for the aforesaid, each and every remaining allegation contained herein is denied as if specifically traversed and the victims are put to the proof thereof.

AD PARAGRAPH 9.1 THEREOF:

17.1 From the information at the disposal of the SANDF it appears that shots were fired in the direction of Cape Gate (Pty) Ltd.

17.2 Save for the aforesaid, each and every remaining allegation contained herein is denied as if specifically traversed and the victims are put to the proof thereof.

AD PARAGRAPHS 9.2 AND 9.3 THEREOF:

Each and every allegation contained herein is denied as if specifically traversed and the victims are put to the proof thereof.

AD PARAGRAPH 9.4 THEREOF:

19.1 The SANDF states that at a stage vehicular traffic was stopped from proceeding along the Frikkie Meyer Boulevard in order to prevent such vehicular traffic from colliding with pedestrians that were crossing the

aforesaid boulevard.

19.2 In so far as it may be alleged that the SANDF assisted the attackers in any manner whatsoever, this is pertinently denied.

19.3 Save for the aforesaid, each and every remaining allegation contained herein is denied as if specifically traversed and the victims are put to the proof thereof.

AD PARAGRAPH 9.5 THEREOF:

20.1 It is admitted that Regulation No: R.1291 dated 30 April 1992 was published in the Government Gazette No: 13975 on 30 April 1992.

20.2 The contents of Regulation 1291 are admitted.

20.3 It is specifically denied that the aforesaid regulation prohibits the carrying of "dangerous weapons".

20.4 Save for the aforesaid, each and every remaining allegation contained herein is denied as if specifically traversed and the victims are put to the proof thereof.

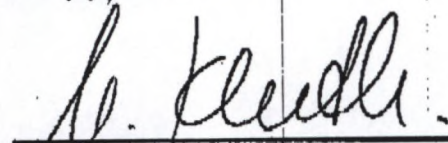
AD PARAGRAPHS 9.6, 9.7 AND 9.8 THEREOF:

Each and every allegation contained herein is denied as if specifically traversed and the victims are put to the proof thereof.

DATED at PRETORIA on this the 25th day of SEPTEMBER 1998.



C/DA SILVA



A KLUTH
REPRESENTATIVES OF THE SOUTH AFRICAN
NATIONAL DEFENCE FORCE

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