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REPORT OF THE INDEPENDENT BOARD OF INQUIRY FOR THE PERIOD DECEMBER 1992 TO JANUARY 1993

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I. INTRODUCTION.

In late December '92, following an internal South African Defence Force investigation by the SADF's second-in-command Lt-General Pierre Steyn 16 SADF members were ordered to take compulsory leave or retirement. The government's purge of the SADF follows revelations by the Goldstone Commission that Military Intelligence (MI) as recently as last year, hired former Civil Co-operation Bureau (CCB) operative and convicted murderer Ferdi Barnard to "criminally compromise" the ANC military wing, Umkhonto we Sizwe. For a detailed account of the purge see the section under State Institutions.

Over 3 000 people lost their lives in political violence during 1992. According to the Human Rights Commission (HRC) the Pretoria Witwatersrand and Vereeniging region accounted for 1 822 deaths while 1 430 deaths were recorded in Natal.

The HRC reports that 122 people lost their lives to political violence in January.

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December, also saw the the Pan Africanist Congress's (PAC) military wing Apla claim responsibility for the attacks on a golf club in King William's Town and a steak house in Claremont Cape Town. The attacks which left at least five people dead led to a major security clamp down in the area. Several border towns have been declared unrest areas and a 21H00 to 04h00 curfew is in place. Apla is currently the focus of the Goldstone Commission Inquiry. For further details on this inquiry see the section under Goldstone Commissions.

II. STATE INSTITUTIONS

2.1 The South African Defence Force (SADF).

State President FW de Klerk announced in December 1992 that 16 SADF members, including two generals and four Brigadiers would go on immediate compulsory pension, while seven others would go on immediate compulsory leave. De Klerk's decision came after being briefed on the preliminary findings of the SADF's Lt-general Steyn. De Klerk appointed Steyn to investigate MI after the Goldstone Commission revealed that a MI unit had been set up to discredit the African National Congress (ANC).

Shortly after the purge De Klerk announced that some of the SADF officers suspected of "dirty tricks" and actions which have led to civilian deaths, would be prosecuted. As a result of the investigation De Klerk has shifted all intelligence functions from the hands of MI chief Lt-General "Joffel" van der Westhuizen to the chief of staff Lt-General Steyn who is now looking at all covert operations. Van der Westhuizen has been implicated in allegations of State Security Council complicity in the 1985 murders of Mathew Goniwe and three other Eastern Cape activists.

The names of the nine permanent force officers ordered on compulsory leave pending an investigation by a board of inquiry into possible illegal activities, were released by the Minister Defence Gene Louw. They are: Colonel At Nel, Colonel CJC Prinsloo, Commandant S Snyders. Investigations are still pending against one more permanent force member, believed to be a brigadier. Nel was a top Directorate of Covert Collection (DCC) officer who was allegedly in charge of a campaign to discredit the ANC using former CCB agent Ferdi Barnard The Star 30/12/1992. For a detailed account on the DCC - see the Board's November 1992 report. Prinsloo and Snyders are believed to be in MI.

Brigadier Ferdi van Wyk, Brigadier Tolletjie Botha, Brigadier Oos van der Merwe, Major-general Chris Thirion and Commander HJ Widdowson were absolved by the investigation of having been involved in any unauthorised criminal activity but have been placed on compulsory retirement.

Van Wyk, director of army communications and second-in-command at Army Intelligence (AI) was allegedly in charge of the SADF campaign to discredit the South West African People's Organisation (SWAPO) before the 1989 Namibian elections.

Botha chief of the DCC was named by the Goldstone Commission as having employed Barnard. Van der Merwe the former director of AI recently took early retirement. Thirion, second-in-command of MI, who is known not to oppose De Klerk's reforms, has said that he never did anything criminal but admitted he "may have made mistakes".

Roux, head of AI, has reportedly been under suspicion for undermining the negotiations process since assuming the post. Widdowson, the sixth man ordered into retirement, is believed to be from naval intelligence. The Star 30/12/1992.

Some of the civilians who were axed following the investigation have been revealed by The Star newspaper. Former CCB "dirty tricks" operative, Ferdi Barnard was one of the civilians fired by De Klerk following the December purge. Former CCB regional manager Staal Burger and CCB operative Chappie Maree were both secretly employed by MI after the official disbandment of the CCB in April 1990. Other civilians believed to have been fired following the first report into MI are Anton Niewoudt, the former head of an MI front in the Ciskei who was involved in the secret para-military training of Inkatha members and Geoffrey Price, a former Rhodesian.

Price, alias Arthur Witshire, was identified as the DCC "handler" of Barnard. Previously Price had been a director of closed security in the Zimbabwean Central Intelligence Organisation. The Star 21/1/1993.

Two other civilian operatives were named by The Star as Henri van der Westhuizen and Rich Verster.

2.2 The South African Police

2.2.1 The Badger Unit

In late January the Saturday Star reported that some of South Africa's most notorious security force members past and present have banded together in a secret well trained and well armed unit to protect their own interests. The group has called itself the Badger Unit. Its membership includes former CCB members like Ferdi Barnard, MI operatives, security policemen, and former Rhodesian special forces members. There are at least 17 members, of which 12 are known. At least seven were until recently employed by the DCC. Apart from Barnard other members include - the former commander of the Vlakplaas unit Lt- Colonel Eugene de Kock, former CCB regional manager Staal Burger, former CCB co-ordinator Chappie Maree, MI operatives Leon Flores, Anton Niewoudt, Eugene Reilly and Geoff Price and Vlakplaas policemen Paul van Dyk, "Snor" Vermeulen, Charlie Chiatt and Willie Nortje. Various Badger members have been implicated in atrocities ranging from sabotage to murder.

The purpose of the unit was described in the following blunt terms to the Saturday Star: "Concerned security force operatives have formed a self-defence unit to protect themselves and their fellow members from any form of prosecution and retribution or revenge. If any government present or future dare to touch us, we will respond. If they take one of us, we will take 10 of them".

The SAP have said that they have no knowledge of the Badger Unit but have said they will investigate.

It was revealed recently that De Kock who is currently investigating illegal arms trafficking in South Africa owns a secret company which sells weapons and ammunition locally and overseas. De Kock who has been implicated in the assassination of various anti-apartheid activists has been running the operation from a small-holding outside Pretoria. The Star 29/1/1993.

It is, however, illegal for any policeman to run a private business without the permission of the Commissioner of Police. As far as The Star could established De Kock has had no such permission.

2.2.2 The Johnny Mokalleng allegations

A former policeman based in Potchefstroom - Johnny Mokalleng alleged in an affidavit to the Sowetan that Western Transvaal police murdered and buried political detainees in their custody, including Mamelodi activist Stanza Bopape, between 1985 and 1990. Mokalleng said that at least 10 people were buried on a farm in the Phokeng area between Rustenburg and Swartdruggens. Mokalleng alleged that he was part of a group of policemen who had buried four detainees on farm in the Phokeng area near Rustenburg on October 10 1988.

Mokalleng, a policeman for eight years, said the four detainees died after they had been badly assaulted and tortured in a building on the farm called the "office of truth". The four were allegedly buried in holes dug by other detainees.

Following the allegations the police appointed an investigating team and took Mokalleng and his attorney to the farm in Phokeng. Mokalleng then pointed out a spot where he alleged that the detainees were buried. The area was subsequently dug up but no bones were found. Mokalleng also alleged that another person had been buried behind the Welverdiend police station, the SAP again excavated the area

and no bones were found. Mokaleng is now facing possible perjury charges.

However, what remains disturbing is that besides Stanza Bopape who was last seen alive on June 8 1989, 16 other cases have been documented of "disappearances". The most recent "disappearance" from custody took place on June 22 1990 when George Gwala went missing after police claimed he had been left at a Durban taxi rank.

Perhaps more disturbing from the Board's point of view is that several of the policemen implicated in the Mokaleng affidavit have been subject to a two year long inquiry by the Independent Board of Inquiry which led to over 100 charges being laid against policemen serving at the Welverdiend and Carletonville police stations. At least two of the policemen mentioned by Mokaleng are currently facing criminal charges in the Oberholzer Magistrate's Court.

2.2.3 South African Police Casualties

More than 200 policemen were killed in the line of duty in 1992, representing a 66% increase. According to the SAP 226

policemen died in 1992 the highest death toll since the formation of the SAP in 1913. Police Commissioner general Johan van der Merwe said 80 of the 88 members killed on duty from January to October had died of gunshot wounds. In 38 cases AK 47s had been used.

By the second week of January nine policemen had been killed in the line of duty. The SAP says there is no pattern to the attacks but believe the increase in the number of deaths was related to the huge number of firearms in circulation. The Goldstone Commission is currently holding an inquiry into attacks on police.

2.2.4 Deaths in police custody

Deaths in police custody continue to make headlines following allegations by senior pathologist Dr Johnathon Gluckman that over 90% of the 200 cell deaths he had investigated had been people killed in custody. Minister of Law and Order Hennis Kriel, has, however dismissed the allegations as "false". Kriel released a 70-page report detailing each case investigated by Dr Gluckman. Kriel said that the perception that detainees were murdered because of criminal actions

the SAP were untrue. Gluckman has responded to the report by saying that the report was inadequate and that a full, detailed investigation of individual cases was needed. Gluckman said that judging by the contents of the police report, "hardly any time was spent on investigating the allegations made in the individual cases, but much time was spent on statistical analysis of my files without due regard to the nature of the complaint."

2.2.5 The Itumeleng Padi inquest

A ballistics expert from the SAP forensic department in Pretoria said the shotgun slugs that killed Umkhonto we Sizwe (MK) cadre Itumeleng Padi (24) in May 1991 were not usually used to shoot people. Colonel Jacobus du Plessis said the slugs were usually used by special task forces in specific situations, and that hunters also used that ammunition.

Padi and his girlfriend Nokuzola Ncalo (22) died in a pre-dawn raid on his home in Phiri, Soweto on May 19 when the police allegedly fired 33 shots after Padi allegedly pulled the pin on a grenade. Dr Russel Johnston who performed

the autopsies on the two bodies on May 23 and 24 said Padi had died of multiple shotgun wounds and a gunshot wound to the head. Ncalo also died of shotgun wounds to the chest and abdomen and the destruction of her left hand was consistent with a shotgun wound.

Isaac Padi, Itumeleng's father, said the police intended killing his son long before they finally shot him dead. Padi said that the police threatened to kill his son if he did not hand himself over. Padi said the police took him to Protea Police Station on February 7 1991 and during interrogation, Sergeant Johannes Schoeman told him anything could happen to his children and family if he refused to divulge the whereabouts of his son.

The hearing continues

2.2.6 Carletonville

Ephraim "Fente" Rampete, who was found criminally liable for the death of Bongki Nyokong during an inquest early last year, was acquitted by the Potchefstroom Circuit Court in

December. In discharging Rampete Magistrate LP Virtue said independent pathologist Dr Johnathon Gluckman's admission that there was some mistakes in his statement weighed in favour of Rampete. The magistrate said Dr Gluckman's inquest report on how Nyokong a standard nine pupil had died had prompted the Attorney general to prosecute Rampete.

During cross-examination Dr Gluckman conceded that he made a mistake when he said the shot which hit Nyokong had been fired about 12 inches away from the deceased whereas it was much nearer as testified by both Dr Patricia Klepp and Rampete.

Earlier State pathologist Dr Klepp testified that Nyokong's injuries were in line with allegations that he was shot at very close range while under the bed.

Her evidence correlated with that of Rampete who said Nyokong had grabbed the barrel of the gun and in the ensuing struggle a shot went off hitting him in the arm. Magistrate Virtue said it was clear that Rampete's intention was not to kill Nyokong, but to arrest him because he could have shot him during an earlier chase.

Rampete was recently found criminally liable for the death of Richard "Pictureman" Dodo in Khustong. The docket has been sent to the AG for a decision. Rampete was also implicated by a witness in the death of Nixon Phiri who died in police custody in 1990. At least five assault charges are currently being investigated against him by the Carletonville police.

2.2.7 The Webster Inquest

(For information on the proceedings of the inquest thus far, see previous reports).

Delivering his final judgement at the close of the seven-week judicial inquest, Justice Michael Stegmann found that sufficient evidence did not exist to establish blame for David Webster's murder. Stegmann said that although there had definitely been a conspiracy to murder Webster, the inquest was "not content with any of the sacrificial lambs which had been thrown to it."

In what Justice Stegmann has referred to as a "tissue of lies", further allegations and counter-allegations have surfaced.

Former CCB (Civil Cooperation Bureau) region six manager, Staal Burger, invoked the Protection of Information Act at the Webster inquest in order to avoid revealing whether he was still bound to the SADF. Under cross-examination Burger denied knowledge of David Webster's murder, and refused to testify about external CCB activities. He also claimed to have been "totally surprised" at the allegations of freelance journalist, Johannes Gigiano, that former CCB operative Ferdi Barnard had admitted to conducting the assassination of Webster with "Calla" Botha and Chappie Maree.

Retired MI (Military Intelligence) chief, General "Witkop" Rudolf Badenhorst, who was recalled, denied that he had concealed the fact that Barnard was MI. He said that the reason he had not revealed this fact was because he had not been asked. He admitted, however, that there were "unconfirmed rumours" that Barnard and another CCB operative, "Calla" Botha, had conducted the killing.

While the inquest was still being held in camera, Joe Verster claimed that he had informed the then Defence Minister, Magnus Malan, in July 1990 that former CCB agent Ferdi Barnard had confessed to murdering Webster. Verster also

alleged that four army generals, including SADF chief General Kat Liebenberg, had influenced their subordinates in the CCB to make CCB documentation "change" and "disappear". Verster stated that he was now implicating senior State officials because the government was reneging on an agreement to protect CCB command from exposure.

Former CCB agent, Ferdi Barnard, denied that that he had murdered Webster. He also denied that he had "confessed" in May 1989 to his CCB "handler", Lefras Luitingh to killing Webster. Barnard told the inquest that he had been intimidated by the CCB into lying to the Harms Commission about his involvement in various projects, and that he had been framed by the CCB for Webster's murder. He implicated Joe Verster as leader of the conspiracy. During cross-examination, Barnard claimed that he had borrowed a sawn-off shotgun in May 1989 with the intention of shooting guinea-fowl.

A witness at the inquest, Corrie du Plessis, claimed to have witnessed Ferdi Barnard's car leaving the scene of the murder. His identikits strongly resembled Constable Eugene Riley (the alleged "second man" in the car from which the

fatal shots were fired) and Ferdi Barnard. Riley, under cross-examination, said that he could not remember where he was on May 1 1989 - the day when David Webster was killed.

Joe Verster told the inquest that fired CCB agent Ferdi Barnard should be found liable for the murder of David Webster. Verster's counsel, Jurie Wessels, claimed that prima facie evidence existed to implicate Barnard for the murder. Counsel for Barnard, however, claimed that Barnard was being used as the "fall guy" for CCB liabilities. He (attorney Piet du Plessis) further stated that Barnard was first implicated in a "frame job" by Gen Eddie Webb and/or MD Joe Verster. According to Du Plessis, Barnard was being framed because he blew the lid on the CCB after he was detained, in November 1989, for the murder of Swapo lawyer Anton Lubowski.

The final judgement, although correct in law, means that due to state agents who have been referred to by Justice Stegmann as "professional liars who make their living in deception" and who are "unblushingly resourceful in building up tissues of conflicting falsehoods", David Webster's killers remain unapprehended

III. THE GOLDSTONE COMMISSION

3.1 Investigation into Apla attacks

Judge Goldstone called upon the United Nations and the international community to help him launch an urgent inquiry into the Azanian People's Liberation Army (APLA). The PAC, however, has "refused to allow" its military wing to be probed by the Goldstone Commission.

The probe into Apla attacks is being chaired by Gert Steyn, and is being assisted by Port Elizabeth advocate, Fikile Bam and Bothaville attorney and immediate past president of the Law Society of South Africa, Nico Coetzer. In addition, the UN has appointed Prof Kwane Frimpong of the University of Ghana, to observe the proceedings.

The call for an investigation into the PAC's military wing was motivated by the golf club attack in King William's Town, for which Apla claimed responsibility.

The Commission's terms of reference also encompass the movements of Apla in Transkei. This is because evidence

suggests that Transkei has been the springboard for attacks into South Africa. This latter area of the investigation has, however, run into problems because Transkeian military ruler, Major-General Bantu Holomisa, wants to head up his own commission into the alleged Transkeian link with Apla attacks.

The hearing continues.

3.2 Taxi Violence

The ongoing conflict related to the taxi industry continues unabated as the Goldstone Commission delivered its report on the conflict in Alexandra.

In delivering its findings, the Commission placed blame for the violence squarely on "unbranded commercial competition" between the two rival associations - ATA (Alexandra Taxi Association) and ARMSTA (Alexandra-Randburg-Midrand-Sandton Taxi Association). According to the Commission, violence stemmed from the fact that each association was attempting to outbid each other as regards the plying of routes. The Commission further stated that the immediate and the root

causes of the conflict lay with the taxi operators themselves.

Authorities were, however, also castigated for not adequately handling the sudden boom of the taxi industry insofar as the allocation of permits and provision of ranking facilities was concerned. Among criticisms in this regard, the Commission pointed to the fact that no formal taxi rank existed in Alexandra, and taxis merely picked up passengers where they could.

Recommendations made by the Commission include cooperation between the two associations and the establishment of formal ranks. It was suggested that a joint committee should be formed to administer taxi ranks and routes.

In addition, General van der Merwe (SAP Commissioner) has promised to probe allegations of fraudulent issuing or obtaining of permits.

3.3 Arms Commission

This commission, which was initiated in December, is to investigate the illegal importation and distribution of automatic weapons, and their use in South Africa to the furtherance of political violence.

The Commission heard from Peter Harris, for the ANC, that the organisation and its military wing, Umkhonto we Sizwe, remained "committed to their undertakings in the 1991 D F Malan Accord" which prohibited armed attacks, infiltration of cadres and material, creation of underground structures, statements inciting violence, threats of armed action and military training outside South Africa.

The hearing continues.

3.4 Natal

The Goldstone Commission began a five-day inquiry into the unremitting political violence sweeping Natal, and in particular, the Bruntville/Mooi River region. Between January 21 and July 21 1992, 22 murders, 15 incidents of arson, seven

hand grenade explosions and at least 20 gun attacks were recorded at Bruntville.

According to the Commission, "political intolerance and the intransigence of tribal authorities" were the fundamental causes of the bloodshed, and were also the main stumbling blocks to ending the violence.

The Commission heard from Idasa regional director, Steven Collins, that tribal chiefs were given automatic weapons by the KwaZulu government. Legal Resources Centre lawyer, Howard Varney asserted that the use of automatic assault weapons such as AK-47's and G3's had reached "alarming proportions".

After hearing all the evidence, the issues which surfaced most frequently were the use of illegal firearms; the issue of G-3 automatic rifles to headmen; and how to reintegrate the KwaZulu Police (KZP) into the SAP. In addition the matter of atrocities allegedly committed by the KZP against the broader community - in what Varney, has referred to as a "low intensity war" - is to be investigated.

In delivering its closing report on violence in Natal, the Commission announced that an outside mediator is to be appointed to facilitate the peace process in the area. Following an extensive criticism of the efficiency of SAP investigation, the Committee argued that police needed to respond to calls from the community for protection. The Commission stated that, in particular, it was not impressed by the investigations conducted by Warrant Officer Benade into the December 1991 violence.

In response to the Commission's criticism of W/O Benade, SAP Commissioner General Johann van der Merwe has commented that Benade "would leave the force" at the end of December.

On reconvening in January, the Commission heard from the ANC that IFP meetings urged people not to tolerate ANC political activity within their jurisdiction. The targeting of ANC members by the IFP was pinpointed by Steven Collins as being one of the underlying causes of the conflict, along with abuses of power by the KZP.

The Commission also heard from Mary de Haas, an independent unrest monitor, that the KZP and SAP significantly

contributed to the violence in the area. She appealed for an investigation into security force behaviour in the region.

3.5 Commission of Inquiry into Police Killings

In response to claims by the SAP that the ANC, its military wing Umkhonto we Sizwe (MK); the Transkeian Defence Force; and the Azanian People's Liberation Army (Apla) have launched a campaign targeting the SAP for execution, a Goldstone Commission of Inquiry into police killings has been initiated.

The Commission is being chaired by Gert Steyn and assisted by attorney Seun Moshidi.

During its first week of sitting the commission heard evidence from turned ANC operative, Brendan Sampson, who claimed that he had taken part in attacks on the SAP under the instruction of ANC security chief, Joe Nhlanhla. Under cross-examination, however, Sampson admitted that he was not a card-carrying member of the ANC. Chairperson, Gert Steyn opined that it appeared highly unlikely that the ANC would trust Sampson - who had been detained in the ANC Quatro

detention camp on charges of being a SA government spy - with weapons and mission-objectives.

Captain Petrus Cilliers, from Vereeniging, testified to the effect that profile figures in the ANC had encouraged ANC members to attack policemen in the Vaal Triangle. In addition he stated that most policemen who had been killed, were killed by members of Self Defence Units (SDU's) which are associated with the ANC. It appears, however, that statistics do not support these contentions, with most attackers having no political affiliations.

The Commission also heard evidence from Captain Christo Schilling from Kroonstad, who stated that at an ANC meeting in Mohakeng township in April 1991, it was decided upon to attack policemen and to steal their weapons. Cross-examined by Azhar Cachalia for the ANC, Schilling was asked why, when the meeting was held in April 1991, did attacks on policemen only take place seven months later in November 1991.

The acceleration in the figures of murdered policemen in 1991 and 1992 - which is ascribed by the SAP to the launch of a concerted campaign by ANC; MK; and Apla to attack police -

obscures the fact that the majority of attacks are purely criminal and have no political motivation.

IV. ATTACKS ON INDIVIDUALS

4.1 Wiseman Cebisa and Themba Dlabongo

Wiseman Cebisa the deputy chairperson of the Daveyton branch of the ANC and Themba Dlabongo were both shot dead on December 17. Both bodies had been found in the Chris Hani informal settlement. Five AK47 cartridges were found on the scene. According to Daveyton branch officials, the two were dragged from their shacks by unknown men. Both had bullet wounds in the head. The motive for the attack has not been established and no arrests have been made.

4.2 Doris Vilikazi

Senior ANC Woman's League member Doris Vilikazi (38) was gunned down in Umtata, Transkei while leaving a party at a house in Ngangelizwe township on Tuesday December 22.

Vilikazi was killed instantly and her husband Professor Herbert Vilikazi was slightly injured. A friend who was seeing the couple off at the time Mrs Hazel Majokweni is in a serious condition and has been transferred to a Durban hospital.

The Transkei police said they found several spent 9mm cartridges at the scene and were still investigating.

4.3. Attack on IFP member Phillip Powell

The IFP's Vulindlela secretary, Phillip Powell survived a third assassination attempt in a week in Imbali township, Pietermaritzburg on Saturday December 12. Powell was driving through Imbali Stage Two at 19h00 with two passengers when several gunmen armed with AK47 assault rifles and handguns opened fire on them.

Powell and his passengers got out of the car and returned fire, and after about five minutes the alleged attackers fled. The IFP said there were no injuries although one bullet had struck Powell's vehicle.

V. NATAL

The new year has not brought peace to Natal. Clashes between the ANC and Inkatha have already claimed 103 lives. On January 2, five people were killed and seven injured in an attack on a house at Esikhawini's J section in northern Natal. Assault rifles and handgrenades were used in the attack which left five members of the Gabela family dead. Also in early January five attackers shot their way into the home of Theodora Cwele in Umlazi's Q-section. Cwele who serves on the regional executive of the ANC Youth League was not at home at the time, but her grandparent, an older brother and her mother were all killed. ANC regional secretary Sbu Ndebele said the brutality of the attack was unimaginable - the floors and walls of the house were covered in blood, brains and bullet holes. Two men alleged to have been among the attackers have subsequently been arrested.

Four sections of the Bruntville hostel in Mooi River were badly damaged and furniture burnt when the hostel was set alight by unknown people on Tuesday January 5. Bruntville has been the scene of repeated clashes between hostel inmates,

mostly IFP supporters and the ANC supporting township residents. Despite two Goldstone inquiries into the situation, the appointment of a mediator and promises by the warring parties to cease hostilities the township remains tense. To date at least 26 sections of the hostel have been gutted by petrol bombs and at least seven of the arson attacks have taken place since the beginning of the Christmas holidays. Police have since arrested 21 people in connection with the arson attack.

5.1 Pietermaritzburg

(For details on the case against W/O Steyn a policemen who executed two ANC men because he thought they would be released early from jail - see November 1992 report).

On December 9 1992, Warrant Officer Hendrik Steyn was sentenced to 18 years for the murder and attempted murder of two ANC prisoners in August last year. The two ANC men were injured in a shoot-out with the police during which three policemen were killed. The prisoners were being taken to hospital in a bakkie when Steyn arrived. He looked at the two injured men Michael Mthetwa and Simon Msweli and said he had

been searching for Msweli for a long time. He redirected the bakkie driver to a plantation, ordered Mthetwa out, pulled Msweli from the back because he could not move himself and shot them both at close range.

Two policemen present at the time Steyn shot the men gave evidence that they saw the "execution". However, the court discovered that Steyn's commanding officer, Empangeni captain Joseph Erasmus and other members of his unit had tried to ensure that the case against Steyn was unsuccessful. Justice Page commenting on Erasmus's behaviour said it was deplorable that a commanding officer of a unit should show such misplaced loyalty towards a member who committed a crime, that he would act dishonestly and neglect his duty to see that justice is done. Judge Page said that he was determined Steyn should not be released early as happened with so many other convicts.

The tendency of the prison authorities and other officials to release prisoners after they serve only a fraction of their sentences was apparently a factor in Steyn's decision to execute the two ANC members. Judge Page made several repeated references to early release of prisoners and said: "I had to

learn recently, for example, from the press that a policeman I sentenced to 18 years' imprisonment for two extremely serious crimes was released after serving 17 months. To prevent a repeat of this I want to place on record that the aim of this court is that the sentence I am going to impose (on Steyn) must be served out in the usual way without early release."

VI. REEF VIOLENCE

6.1 Taxi violence

The taxi "war" in Pietersburg took a new twist in January when 16 taxi drivers were arrested under Section 50 of the Internal Security Act for common traffic violations. Police have confirmed that the taxi drivers were arrested for permit offences and "touting". The SAP say "touting and permit offences are the major cause of the taxi "war" in the Pietersburg/ Potgietersus area. The police claim the drivers were arrested by the police as a precautionary measure to prevent further violence in the area.

6.2 Train violence

December saw a decline in the number of train attacks but this is probably due to the factories closing and less people using the trains rather than new security measures.

When the factories re-opened in the second week of January, attacks on commuters became common place particularly on the Germiston -Katlehong line on the East Rand. At least nine people lost their lives and several others have been injured on this line.

6.3. Soweto

Three men who allegedly bombed the Meadowlands Hostel in Soweto during conflict between residents and hostel dwellers have been refused bail by the Rand Supreme Court. The three, all allegedly members of an ANC Self-Defence Unit (SDU) were arrested last year in connection with a series of attacks and explosions at the Meadowlands Hostel.

The three, Johannes Xiba (24) of Meadowlands, Petrus Buthelezi (22) of Diepkloof and Johannes Matee (32) of Meadowlands were arrested in June and July last year. Xiba was a standard eight pupil at the time, Buthelezi was in standard nine and Matee was a former supervisor at Dantex Explosives.

It is alleged that Xiba and Buthelezi underwent military training in Tanzania. The three will stand trial in the Johannesburg Regional Court on February 10 1993.

6.4. Bekkersdal

Violence flared in Bekkersdal during December and January between members of the Inkatha Freedom Party (IFP) and the Azanian Peoples Organisation (Azapo).

According to Azapo 21 members have been killed and several supporters displaced since "hostilities " began in 1991. Both the IFP and Azapo have blamed each other for the violence. While the SAP has blamed the violence on a power struggle between political organisations, a culture of intolerance and social economic conditions.

Following the violence, the SAP announced that should the warring parties fail to settle their differences they would declare Bekkersdal an "unrest area." The Bekkersdal Monitoring Committee in response announced the formation of a multi-party monitoring committee comprising the IFP, Azapo, ANC and the PAC.

The Committee has since identified several reasons for the feud:

- * Lack of political tolerance among members
- * Declaration, by members, that certain areas re strongholds,
- * The involvement of a "third party" in the conflict.

Both Azapo and the IFP refused to identify the "third party".

6.5 The Vaal

Over 400 people were murdered in the past six months in the Vaal and police forecast that the next six months could be worse. The statistics mentioned below are for the six-month period between May and October 1992. In Sebokeng, 186 people were murdered, 464 people were victims of robbery and 51

women were raped. In Evaton, 50 people were murdered, 272 were victims of robbery and 32 women were raped. In Sharpeville, 36 people were murdered, 84 people were victims of robbery and 21 women were raped. In Vanderbijlpark, which is home to Boipatong and Bopelong, 80 people were murdered, 22 people were victims of robbery and 31 women were raped. The SAP could not say how many of the above crimes were politically motivated.

6.5.1 Sebokeng

Brutal attacks on stokvels have become common place in Sebokeng. Five people were shot dead and 11 injured by gunmen in early January. This attack followed a hand grenade attack on another stokvel in the same area which left six people dead.

Victor Khetisi Kheswa the notorious "Vaal monster" is to serve a four year jail term after a Vanderbijlpark Regional Magistrate dismissed his appeal to have his sentence reviewed.

Kheswa (27) was sentenced in the Sebokeng Magistrate's Court to an effective four years imprisonment last year for illegal possession of arms and ammunition.

Kheswa has been linked to the murder of Boipatong ANC leader Ernest Sotsu's family in June 1991 and an attack on a night vigil in Sebokeng in January 1991.

The Vaal gunman suspected of murdering the Zwane family (see November 1992 report) in Sebokeng, Skosana "Skos" Dlamini was allegedly gunned down by youths earlier this month.

Dlamini's five month reign of terror came to an end outside a tavern His body was later taken to his parents home and set alight in his bedroom.

His death has led to controversy as to whether he was a member of an ANC aligned SDU or a thug. Dlamini was hunted down and killed after it was alleged that he raped and killed 16 year-old Sibongile Jobo after she spurned his advances.

In a related incident a Sebokeng teacher gave an account of how he shot dead three alleged MK soldiers shortly after

narrowly escaping death following a confrontation with the MK members at the Zwane family funeral. Armstrong Motale, an ANC member, claims that he was confronted at the funeral by a group who accused him of disarming people in his area. He was then forced in to his car and was made to drive home. On arriving at home he jumped out of the car and several shots were fired at him. He then tried to approach the car and three shots ripped into his stomach and a fourth shot hit in the ribs. He managed to return fire hitting three of his attackers. He then drove to the Evaton police station where he was transported to hospital.

6.6 Ratanda

A low intensity war continues in Ratanda, Heidelberg. Revenge attacks seem to be the order of the day. At least two people were killed and nine injured when hostel dwellers allegedly attacked residents in their homes. The attackers also set a number of houses alight.

In late January one person was killed and four were wounded when gunmen opened fire on a mini-bus carrying alleged IFP

supporters from Ratanda Hostel to work on the Heidelberg -Vaal Dam Road. About 15 minutes later, balaclava-clad gunmen shot at residents on their way to work. One man was shot dead with a 9mm pistol and another was injured in what police have termed a revenge attack.

6.7 Thokoza

A spate of killings in Thokoza have been attributed to members of the so-called Khumalo gang. The alleged leader of the gang Mbhekiseni Khumalo owns a spaza shop and runs a taxi in Thokoza. According to residents, Khumalo was involved in a number of incidents during December and January. The Board first heard of Khumalo in February 1992 when we took a statement from Welekazi Margaret Mdeleleni. She claimed that Khumalo shot her on September 29 1991 and that when her family attempted to lay a charge, they were told "Not to worry. As Mr Khumalo had already reported the matter."

Residents claim that early last year, Khumalo was helping members of the SAP track down a gangster terrorising the community known as "Mugabe". However, it would seem that he

then took matters into his own hands when his daughter was allegedly abducted by "Mugabe". It is alleged that he then went on a crime spree which led to the deaths of both "Mugabe's" mother and brother. The Katlehong Police are currently investigating two charges against Khumalo - the first relates to the death of Mugabe's brother which Khumalo claims he killed in self-defence and the second is that of Vusi Tshabalala the deputy general-secretary of the Thokoza Civic Association who was gunned down on October 27 last year. The Board, however, has information to the effect that one of the members of the Khumalo gang, Percy Tshabangu, (deceased) was responsible for Tshabalala's death.

During the course of 1992 several reports were received which implicated the Khumalo gang in a number of attacks. Matters came to head when three young people were allegedly shot dead by the gang in December. This year so far, Khumalo has been implicated in three arson attacks, nine murders, at least five attempted murders and public violence. He recently appeared with four others on these charges and they were released on their own recognisance. He was subsequently arrested for possession of a firearm and ammunition. Both cases were postponed to March 2.

On Wednesday January 13 1993, Khumalo's wife Sabeth was gunned down in Thembisa. Khumalo has blamed comrades for the attack. On Saturday January 23, Sabeth Khumalo was buried.

The Board, along with peace Action the United Nations and the European Community, monitored the funeral. Two residents were shot during the course of the funeral. A Board researcher saw two cars acting suspiciously during the funeral and both cars were in the area when Philemon Sekanyane was killed. One of the cars which as being monitored by a Board researcher was apprehended by the police and searched. A firearm was found and arrests were made.

ANCYL member Lucky Mampuru was shot by a member of the SAP in Thokoza on January 20. According to residents in the area a red kombi with the registration PSL 388T, full of white male occupants and three black males approached a group of five youths. The kombi allegedly stopped and the sliding door was opened and one of the black occupants known as "Peter", one of Khumalo's alleged body guards said: "skiet, daar is hy". Mampuru was then chased and shot. According to witnesses the occupants of the red combi were police and that after the incident they did not leave the area but radioed for other

policemen. A spokesperson for the SAP said Mampuru was armed and that he ignored warning shots and was chased for a considerable distance before he was killed. The SAP said that Mampuru was wanted in connection with a number of charges including murder, attempted murder, and armed robbery in the area.

VII. VIOLENCE IN THE EASTERN AND WESTERN CAPE

7.1 Apla attacks

In the wake of renewed community tensions in the Cape and particularly the Eastern Cape, accusations have been levelled at the PAC's military wing - the Azanian People's Liberation Army (APLA) - for launching a terror campaign against whites.

In the first attack, which occurred at the King William's Town Golf Club at the end of November 1992, 4 people were killed and 17 injured as 57 guests attended a Christmas dinner. The linking of the attack to Apla is the result of a phone call, by an alleged member of Apla, asserting Apla's responsibility for the attack. PAC secretary-general Benny Alexander has stated, however, that he could neither confirm, nor deny

Apla's involvement.

Alexandra's ambiguous response has fuelled fears that Apla has launched an attack on whites in the region. This fear appeared confirmed by subsequent attacks.

In addition, the media and state responses to the attack have generated widespread criticism of the divergent way in which politically motivated attacks on blacks, and on whites are treated.

The second attack with alleged Apla links, took place in December at a restaurant in Cape Town's Claremont suburb. No-one was killed in this attack, but two people were injured when two men opened fire on the patrons. The men then fled without robbing the restaurant. The link to Apla involvement is provided by Police information which suggests that Apla was about to extend its activities into other areas of the Cape, and restaurants were allegedly mentioned as targets.

Substantiation for these claims appeared to be provided by the Queenstown attack, in which one person was killed and 17 injured after a bomb that had been placed in a restaurant

exploded. Again a phone call, claiming responsibility for the attack, has implicated Apla for the explosion.

Whether or not Apla is indeed responsible for the Cape attacks, remains a moot question. Confusion over Apla's role in the attacks has been precipitated by conflicting reports from within Apla's hierarchy. While Johnny Majozi - describing himself as Apla's information officer - is alleged to have asserted Apla's responsibility for both the King William's Town and the Queenstown attacks, on being tracked down in Dar es Salaam, he said that he could issue no statement Apla's involvement in the attacks because he had not yet received a report on the attacks.

Asked specifically whether he had said that more whites would be killed by Apla, Majozi said that he expected that more whites would be killed, but that he could not say whether Apla would specifically go into white areas.

In the light of confusion over Apla's role in attacks on whites, the government has launched a Goldstone Commission of Inquiry into Apla attacks.

VIII. CONCLUSION

Despite numerous peace initiatives, Goldstone Commission of Inquiries and independent monitoring the violence continues unabated. Attacks on soft-targets are the order of the day - stokvels, taxis, trains, funerals and night vigils have not escaped the violence.

The purge of the SADF's MI wing and the sacking of civilian operatives has to be welcomed but the Board cannot but wonder whether the former-policemen cum former CCB operatives cum former MI operatives cum Directorate of Covert Collection operatives will surface in another guise.

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