

AG 2543 J.D. 75.

Independent Board of Inquiry

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REPORT OF THE INDEPENDENT BOARD OF INQUIRY FOR THE MONTH OF JUNE 1992

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I. INTRODUCTION.

The Month of June has been one of the bloodiest so far this year. Train attacks, taxi attacks and dominating all the Boipatong massacre have left over eighty people dead in the Reef townships. The Boipatong massacre has also lead to the gravest constitutional crisis in the country since the unbanning of political parties in February 1990. One of the central aspects of the crisis is allegations of South African Police (SAP) complicity in the Reef and Natal violence.

Adding fuel to allegations about the SAP generally has been the evidence at the Bheki Mlangeni inquest, which indicates that the police investigation into Mlangeni's murder was not as rigorous as it could have been and the revelations of former Security Police Colonel, John Horak, which indicate that the Security Police may have been involved in a vast range of "dirty tricks" in the nineteen eighties.

II. STATE INSTITUTIONS.

1. The South African Police (SAP).

1.1 The Bheki Mlangeni Inquest.

The inquest into the death of Bheki Mlangeni started on May . The presiding officer is Mr Justice B O'Donovan. Mlangeni was killed on February 15 1991 when a bomb which had been built into a "Walkman" tape recorder detonated at his Soweto home (for more detail on the incident, see earlier reports).

The approach of the legal team representing the family has been to suggest that the investigation into Mlangeni's death has not been entirely thorough. Firstly investigating officer, Captain Kritzinger, only visited Vlakplaas three months after the explosion, despite the fact that the only theory which the SAP was fully investigating was that the bomb had been sent to kill Dirk Coetzee by his former colleagues at Vlakplaas. Secondly Kritzinger had misled Dr David Klatzow, an independent forensic expert hired by the Mlangeni family, as to his, Kritzinger's, knowledge of a Colonel WAL Du Toit and the existence of the police forensics laboratory. Coetzee had been mentioned Du Toit as a possible suspect and the laboratory as a possible place where the device was built.

Kritzinger said that he had done this as Klatzow had made him angry. Thirdly a researcher employed by the lawyers for the Mlangeni family, Cheadle, Thompson and Haysom, traced the woman who had received the parcel in one afternoon, whilst in fifteen months of investigation the SAP had not traced her. Finally SAP handwriting analyst, Colonel Johan Hattingh, testified that handwriting samples were only given to him in August 1991, six months after, Mlangeni was killed. Furthermore the samples needed to be repeated as they were inadequate and Hattingh had never been shown the handwriting on the cassette which had been in the tape recorder.

Other evidence which has emerged is that the explosives used appear to have originated from the South African Defence Force (SADF). Warrant Officer Brockway, the explosives expert assigned to the case, testified that the explosives could only have come from a person in the SADF or with contacts within the SADF. Brockway was also of the opinion that the person who assembled the bomb would have to have expertise in the use of explosives.

The inquest has adjourned until August to whilst fingerprints and handwriting samples are taken from 34 policemen whose names are contained in a list drawn up by the lawyers for the family.

These samples will be taken in the presence of Colonel Hattingh, Dr. Klatzow and family attorney Peter Harris.

1.2. John Horak.

The Vrye Weekblad of June 19 carried a number of articles arising from information given to the newspaper by John Horak a former Security Policeman.

Horak, a journalist by profession, was recruited by the Security Police in 1965. He held the following posts during his journalistic career: Senior journalist at the Rand Daily Mail; Chief Sub - Editor of the Sunday Express; Production Editor of the Financial Gazette; Assistant Editor of The Citizen and finally Manager of the South African Association of Newspaper's Morning Group. At all times he was also working for the Security Police. In 1985 he stopped his clandestine work and formally became a member of the Security Police. He was given the rank of Major and assigned to Security Police Headquarters in Pretoria. In 1986 he became the Chairman of the Strategic Communications Committee which was attached to the State Security Council. In 1990 he retired from the SAP due to strengthening religious convictions. He held the rank of Lieutenant Colonel at the time

Horak alleges that the Security Police infiltrated the South African Broadcasting Corporation (SABC) and a number of newspapers in order to spread disinformation.

He claims that Black Consciousness leader, Steven Bantu Biko, died as a result of an assault by a Security Policeman and not in a scuffle as the inquest found. The name of the policeman responsible is widely known in Security Police circles. At the time of the assault he was one of the Investigating Officers assigned to the Biko case. The man is now a Colonel in the Security Police.

During the 80's, according to Horak, the Security Police used to plant bombs at various places and then blame right or left wing organisations for the blasts. This was done to score political points off such organisations. Furthermore, in order to sow division in Union ranks, the Security Police used to steal cheques which were sent in the post from Union branches to the various head offices. Horak has supplied the Vrye Weekblad with the names of the various policemen involved, but to avoid possible defamation cases the newspaper has not published any of them at this stage.

Horak has evidently left the country because he fears police retaliation following his disclosures.

III. THE GOLDSTONE COMMISSION.

3.1 32 Battalion.

The commission which was appointed to investigate the role that the South African Defence Force's (SADF) 32 Battalion played in an attack on Phola Park on April 8 released its report on June 5. The details of the attack and of evidence given at the Commission has been covered in earlier reports.

The Commission found that due to the nature of the training given to the Battalion and the role which they played in the Angolan war they were not suited to be employed as a peace keeping force in South African townships. The Commission thus recommended that 32 Battalion be immediately withdrawn from all such duties. In addition the Commission expressed its concern about the attitude of the Battalion's senior officers, who seemed to view the deployment of 32 Battalion in the townships in terms of a war situation rather than that of a peace keeping role. The Commission recommended that the SADF investigate whether this attitude was prevalent in other SADF units employed in a similar role.

The SADF has said that it needs time to fully study the report before it determines an official response to it. In the meantime 32 Battalion will still be deployed in the townships on the Reef and in Natal.

IV. REEF VIOLENCE.

4.1 Taxi Attacks.

During the first week of June between ten and twenty people were killed in attacks on commuter taxis in Soweto. At one stage it was feared that those responsible for train attacks were switching their attention to taxis as security on trains and stations has been increased in the last few weeks. However it now seems more likely that the attacks are linked to the fact that many taxi drivers refuse to transport passengers to Hostels. What supports this theory is the fact that attacks took place after the taxis were hijacked and taken to various Soweto Hostels. The highjackers then disembarked and opened fire on the passengers who remained in the vehicle. The SAP believe the attacks were carried out by criminal elements and had no political overtones, however, no immediate criminal motive is apparent in the attacks. The attacks stopped after two attackers were overpowered by fellow passengers and handed over to the SAP.

Thus far there has been no recurrence of the phenomenon. The issue is obviously one which could become a major problem as the policing of taxis would be an extremely difficult task.

4.2 Train Attacks.

June was marked by at three major train attacks: on June 4 at Dube station in which seven people suffered hack and stab wounds; on June 10 at Nancefield station in which twelve people suffered hack and stab wounds and on June 15 at Daveyton Station in which six people were shot dead.

On the positive side was a raid by the SAP on June 14 on a train carrying IFP supporters to a rally at Jabulani Station in Soweto. The police seized six AK 47 rifles, 27 other firearms and over 2000 axes, assegais, pangas and knobkieries. In contrast to similar situations in the past, the SAP acted firmly when the IFP supporters initially refused to surrender weapons. Twenty seven people were arrested and, apart from a member of the SAP, no-one was injured in the raid. Television broadcasts of the raid showed clearly delighted township residents, who were standing around the station, cheering members of the SAP on.

Inkatha Youth Brigade leader, Themba Khoza, criticised the manner in which the raid was conducted. He particularly objected to the displaying of captured arms to township residents, whom Khoza claimed were ANC supporters. This, he said, indicated that the policemen involved in the raid were sympathetic to the ANC.

On June 15 the SAP returned all sticks and shields, which had been seized during the raid, to the IFP offices in Johannesburg. The SAP claimed that these were not dangerous weapons and that the SAP thus had no right to confiscate them. The ANC strongly criticised this action, saying that the ordinary township resident would perceive this as an indication that the SAP was siding with the IFP.

Another area of concern around this issue is the case of Albert Dlamini. Dlamini's arrest by commuters was fully detailed in the Board's October report. Members of the Attorney General's staff were asked by Weekly Mail reporters why Dlamini had not yet come to trial. The response evidently was that it had not yet been decided whether to charge Dlamini with murder or culpable homicide. This is inexplicable as, if Dlamini was charged with murder, any conviction ranging from murder, through culpable homicide to common assault would be a competent conviction on the charge.

4.3 The Boipatong Massacre.

On the night of Wednesday 17 June a group of approximately two or three hundred men, armed with firearms and sharp instruments, moved through Boipatong township indiscriminately looting and attacking township residents. The attack took place between 22H00 and 22H30. The eventual death toll was around forty five. Among the dead were old women and a nine month old baby. The number of injured, the amount of damage done to houses in the township and the extent of the looting is still to be established. These are the facts surrounding the massacre which are not in dispute.

What is in dispute is the identity of the attackers and the role, if any, which the SAP played in the events. Township residents claimed that the attackers came from nearby Kwa - Madala Hostel and that they were IFP supporters. To support these claims they allege that the attackers spoke Zulu, that they wore white and red headbands (often used by IFP supporters to identify themselves as such) and that they chanted pro Inkatha slogans during the attack.

The theory is further strengthened by the fact that police have held seventy five Kwa - Madala inmates in connection with the killings.

Themba Khoza, IFP Transvaal executive member denied that the IFP was in any way connected to the attack and suggested that the ANC could be responsible. However whilst preparing for the Board's publication on the Hostels, "Fortresses of Fear", Board researchers were informed by the Johannesburg office of the IFP, that support for the IFP in the Hostel was 100%.

As regards the role of the SAP, allegations from township residents range from active involvement of policemen in the attack to the escorting of the attackers into and out of the township by police vehicles. The SAP has denied any official involvement in the incidents of June 17 and have promised to thoroughly investigate any allegations of police involvement. What is difficult to understand at this stage is that the police were warned by Peace Action monitors that there would be trouble in the Vaal Triangle on the night of June 17. This call was made at about 19H45. It would appear logical that, because Kwa - Madala Hostel has repeatedly been identified as a flashpoint in the Vaal area, some police presence should have been maintained at, or in the vicinity of, the Hostel.

The massacre was condemned by virtually every political party in the country as well as many overseas governments and organisations.

The SAP undertook to do everything in its power to bring the culprits to book. However the already tense situation was worsened by the visit of State President De Klerk to the township on Saturday June 20. De Klerk, or his advisors, had seriously underestimated the depth of anger in the township and the President was forced out of the township by angry residents. In ensuing events three township residents were shot dead by the SAP. From media footage it appears that no order to fire was given.

As a result of these two events the ANC announced that they would be withdrawing from all negotiations with the government until such time as a comprehensive list of demands has been met.

Judge Goldstone has announced that he will be investigating the massacre and preliminary hearings will be held on July 2 and 3 to determine the scope and extent of the investigation.

V. CONCLUSION.

As indicated by the State President's abortive visit to Boipatong and by what has been said to Board Researchers working in the township, residents have no faith in the government and more specifically in the SAP.

This is not a phenomenon confined to Boipatong. Since the Reef conflict started in 1990 Board reports have detailed allegations of police involvement in and lack of response to incidents of violence. In the case of Boipatong, such allegations will be tested by the Goldstone Commission and any comment thereon would be premature. However, as indicated by witnesses refusal to give statements to the police in Boipatong and elsewhere, township residents' lack of confidence in the police has reached crisis proportions. There will be no concrete prospect of peace in our townships unless police authorities everywhere address this lack of confidence as a matter of urgency.

Collection Number: AG2543

INDEPENDENT BOARD OF INQUIRY (IBI) Records 1989-1996

PUBLISHER:

Publisher:- **Historical Papers, University of the Witwatersrand**

Location:- **Johannesburg**

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