

# Independent Board of Inquiry Into Informal Repression

Phone (011) 403-3256/7  
Fax (011) 403-1366

## REPORT OF THE INDEPENDENT BOARD OF INQUIRY INTO INFORMAL REPRESSION FOR THE MONTH OF MARCH 1991

### I. INTRODUCTION:

The peace accord between Inkatha and the African National Congress (ANC) which was signed in late January continues to hold despite the recent clashes in Alexandra and Soweto, and the assassinations of Natal based chiefs Mhlabunzima Maphumulo and Mzomdanza Mpungose both of whom were members of the ANC aligned Congress of Traditional Leaders (Contralesa). The accord is under considerable strain, in light of rumours of an impending split in the ranks of the Inkatha Freedom Party between those wanting to uphold the peace accord and those not in favour of it. This has led to several clashes within the hostel complexes themselves. This is borne out by a recent split in the IFP at the Mzimhlophe hostel following a trip by an eight person delegation to Ulundi. Here it is alleged that the president of the IFP Mangosuthu Buthelezi informed the delegation that he wanted no more fighting.

Following this trip, the delegation held a report back meeting, during this meeting at the hostel tensions arose between those wanting to follow the advice of Buthe and those prepared to continue fighting.

Desperate attempts to maintain the accord have led to the IFP distancing themselves from the "rooidoeke", roving bands of hostel residents who wear red head bands and commonly identify themselves with Zulus or Inkatha members. Inkatha has also vowed to help the ANC bring them to justice. The two organisations apparently reached an agreement to identify and isolate "rooidoekes" who have been waging a campaign of terror in the Reef townships.

With regard to state institutions the Civil-Co-operation Bureau (CCB) financial scandal continues to grow with documentary evidence emerging that defence minister General Magnus Malan was aware of the existence of the organisation as early as 1988. Furthermore the release of top ANC official Ebrahim Ismail Ebrahim brought the issue of the police squads before the public eye again.



II. STATE INSTITUTIONS:

1. Civil Co-operation Bureau (CCB)

The furore surrounding the CCB reached new and further proportions with a conflict developing between the Minister of Defence and former members of the organisation. Approximately 30 former CCB members have voiced dissatisfaction with the severance package being offered them and wish to put their case before the Joint Standing Commission on Public Accounts (JCPA) (The Star 4/3/91). The Minister of Defence and the head of the SADF General Kat Liebenberg are totally against the proposals.

Three ex-CCB operatives - known only by their administrative names of Daan du Toit, Riaan Bosch and Derek Farrell - are claiming more than R1,6 million from the ministry of defence and the SADF in an action in the Transvaal Supreme Court. They claim this money is owed to them in pension pay-outs. Among the documents presented in court are a ministerial approval form for the early retirement of Joe Verster, ex-managing director of the CCB, to enable him to join the CCB whilst retaining his full SADF pension benefits.

This document was signed by Malan personally on December 5, 1988 after receiving motivation from acting SADF chief Lt. General Holtzhausen. Another document is a hand written note signed by the then commanding general of special forces and director of the CCB Major General Joep Joubert certifying that the chief of the defence force and the minister of defence had been informed about the CCB and its personnel plan. This note was dated the November 30, 1988 (The Star 8/3/1991).

These documents are particularly damning in the light of the fact that General Malan has stated in Parliament that he first became aware of the existence of the CCB in November 1989. In his affidavit before the Transvaal Supreme Court, Major General Joubert said that when he signed the note he had not yet discussed the plan with either the minister of defence or the head of the SADF. He accepted that the chief-of-staff personnel would do so but he gathered that it had not been done (The Star 8/3/1991). General Malan claimed that the signing of retirement certificates was an almost daily occurrence and that such certificates were laid before him without details being given (Citizen 8/3/1991).



Furthermore the JCPA ruled that at least R3,6 million of CCB expenditure should be regarded as unauthorised. This related to R3 million spent on Project Samoesa, a project related to the disbanding of the CCB, and R577 360 spent on internal projects. The latter could not be regarded as authorised as the files relating thereto have disappeared (Business Day 18/3/91).

2 South African Police (SAP):

The branch of the security force which has possibly caused the most controversy since its inception, the Security Police, is to be disbanded from April 1, 1991 and will be merged with the Criminal Investigation department (CID). According to Minister of Law and Order Adriaan Vlok this will "Remove the police from the political playing field". Vlok felt that as there was now a marked reduction in crimes against the State the police should focus on crimes against the individual. The new unit will be called the Crime Combating and Investigation Section (CCI) and will fall under the command of the present Security Police chief Lt. General Bassie Smit. Vlok indicated that security projects currently under way would continue (Business Day 1/3/1991).

Democratic Party law and order spokesperson Tiaan Van der Merwe said this could be a public relations move to improve the image of the SA police. Furthermore investigations into past security police activities could now prove more difficult. However if the change brought the security police under stricter control and subjected them to the normal checks and balances of the police force this could lead to fewer abuses and the move was to be welcomed (Sunday Star 3/3/1991).

3. Bheki Mlangeni:

Ex-security police captain Dirk Coetzee claimed that the technical division of the SAP in Pretoria housed a workshop where devices of the sophistication of the walkman bomb which killed Bheki Mlangeni had been developed in the past. The commander of the workshop was a Colonel WAL Du Toit whom Coetzee alleges prepared numerous explosive devices in the past (Sunday Star 24/2/1991). Police rejected allegations that such a workshop had ever existed (Citizen 26/2/1991).

The investigation into Mlangeni's death is currently being headed by Major-general Van der Westhuizen of the CID under the supervision of the attorney general of the Witwatersrand Advocate Klaus von Lieres (SC) (The Citizen 26/2/1991). The Boards attorneys have been allowed to attend certain of the forensic tests. Initially the Board was to bring a forensic expert out from the United Kingdom, however, the British Ministry of Defence refused the request.

The forensic tests were done at and under the control of the South African Bureau of Standards (SABS). The test are complete and the Board awaits final reports.

The Minister of Justice Kobie Coetsee offered Dirk Coetzee indemnity if the investigation should result in an inquest (The Star 27/2/1991). Coetzee said he would return only if reinstated as a captain and appointed head of an investigation into the death squads in their entirety (Saturday Star 2/3/1991).

Van der Westhuizen and Colonel Karel "Suiker" Britz went to London to take an affidavit from Coetzee regarding his involvement in the incident and his allegations relating thereto.



4. Ebrahim Ismail Ebrahim:

Senior ANC member Ebrahim Ismail Ebrahim was released on February 26, 1991 after his conviction of treason was set aside by the Appellate Division. He had been sentenced to 20 years imprisonment in 1989 (Beeld 27/2/1991).

Ebrahim was abducted from Swaziland on December 15, 1986. After being shackled and blindfolded he was taken to a building in Pretoria. There he was arrested by Brigadier Schoon, now retired, but at the time head of section C of the security police. A sub-division of section C, C1, is the Askari unit. In an affidavit presented to the Harms Commission Almond Nofomela stated that he was involved in two abductions in Swaziland in 1986. The one was of a PAC member, the other of a senior MK operative codenamed "September". September is now an askari and has given evidence in a number of treason trials as well as before the Harms Commission.

In Ebrahim's appeal Justice Steyn found that his abduction violated both international and Roman Dutch Law, and had tainted the States case to such an extent that no South African Court had jurisdiction to try Ebrahim.



He found further that although the police were not involved in the abduction it was however highly probable that the kidnapers were "Vehicles of the South African State" (Citizen 27/2/1991). Ebrahim intends instituting legal proceedings against the SAP based on abduction and unlawful detention (South 28/2/1991).

The finding on Ebrahim's abduction, especially in the light of Nofomela's evidence on similar abductions, indicates that the whole issue of police dirty tricks is not simply going to disappear. The Board once again calls for a thorough and vigorous investigation into the entire issue.

### III. RIGHTWING:

A split has emerged in the largest of the militant rightwing organisations the Afrikaner Weerstand Beweging (AWB) following strong dissatisfaction with their leader Eugene Terre'Blanche. Gawie Volschenk former leader of the AWB Wen Kommando in the Eastern Transvaal has formed a breakaway organisation the Boer Kommando (Sunday Star 24/2/1991). Terre'Blanche has reacted strongly to the criticism and alleges that Volschenk was dismissed from the AWB because he

did not file monthly reports (Sowetan 26/2/1991). Another member of the AWB Stephen Malcolm Howell has been found guilty on charges of illegal possession of explosives and sentenced to an effective four years imprisonment (The Star 27/2/1991).

The leader of the Orde Boerevolk and other rightwingers being held under Section 29 of the Internal Security Act continued their hunger strike during March. This led to increased rightwing pressure for their release and criticism of the government by rightwing groups for holding rightwingers in detention. The dissatisfaction culminated in an illegal march on Pretoria Central Prison where the men were being held. The march was dispersed by the police using teargas (Citizen 27/2/1991). The AWB demanded the appointment of a judicial commission of inquiry into the police action (Citizen 28/2/1991). All the men involved ended their strike on March 6, 1991 (Citizen 7/3/1991). Rudolph was released and given unconditional indemnity on March 18, 1991 (The Star 19/3/1991).



Early in March the police uncovered a new militant rightwing group the Boer Republican Army. The group allegedly circulated a hit list containing telephone numbers of high-ranking government and ANC officials. They also circulated a booklet giving information on sabotage, espionage and dealing with detention (Sunday Star 3/3/1991). In Durban three AWB members David Botha, Adriaan Smuts and Eugene Marais all of Richards Bay, pleaded guilty to seven charges of murder and 27 of attempted murder. The charges follow an attack on a bus on the road to Inanda on October 9 last year. The attack was in revenge for an incident earlier in the day in Durban in which a group of youths wearing PAC T-shirts stabbed a number of white pedestrians one of whom died (The Star 14/7/1991). Giving evidence in mitigation Marais revealed that he belonged to a bizarre religious sect Gemeente van die Verbondsvolk. The sect uses selected biblical text to show that Afrikaners are amongst the descendents of the 12 tribes of Israel, that blacks were creations of Satan and as such were "animals without souls". Furthermore Marais saw Terre'Blanche as a heroic father figure and leader whom he was prepared to give up his life for (Sunday Star 17/3/1991).

IV. ATTACKS ON INDIVIDUALS:

1. Mhlabunzima Maphumulo:

Chief Mhlabunzima Maphumulo was assassinated outside his home on Monday February 25, 1991. The chief was shot dead by a gunman or gunmen who lay in wait for him under the cover of darkness in the driveway of his Maritzburg home. Cartridges from a 9mm pistol were found at the scene. It is hoped that the slaying of Chief Maphumulo, who was given the title "peace-maker" because of his efforts to make the territory under his aegis a haven for peace in war torn Natal, will not be fatal blow to the already fragile peace accord between the ANC and Inkatha (The Star 28/2/1991).

2. Mzomdanza Mpungose:

Chief Mzomdanza Mpungose was killed along with two of his followers on February 25, 1991 in an ambush in the wasbank area of Northern Natal. Police reported that AK 47's and R1 rifles were used in the attack (The Star 27/2/1991). Chief Mpungose was ambushed only three hours after the murder of Chief Maphumulo (Citizen 27/2/1991).



3. Harry Gwala

Chairperson of the ANC Natal Midlands regions Harry Gwala escaped two assassination attempts on the weekend of March 2/3 1991. Gwala was addressing a meeting in Richmond, Natal in an effort to end the violence in the area when a group of people fired towards where he was standing. (The Citizen 4/3/1991). The second attempt was made when Gwala was on his way home to Maritzburg. Gwala's travelling companions noticed a car parked across the road. Suspecting an ambush the car Gwala was travelling in slowed down, at this point several people opened fire on the car. Gwala escaped unharmed. Police are investigating both incidents but have made no arrests.

V. TOWNSHIP VIOLENCE:

1. Alexandra:

The violence in Alexandra township, north of Johannesburg which has already claimed the lives of 70 people since the fighting began on March 9, should not be seen in a vacuum. Tensions between Inkatha and the community of Alexandra have been building for some time and in recent months have been

exacerbated by the Civic Associations of Southern Transvaal (Cast) campaign for the resignation of councillors, the Alexandra Civic Organisation (ACO)- Transvaal Provincial Administration (TPA) Accord, the disruption of ACO meetings at 17th Avenue and the recent influx of Inkatha supporting families from the East Rand.

When Cast launched the campaign for the resignation of councillors, the Alexandra community took up the campaign and visited councillors including the mayor to "persuade" them to resign. The mayor of Alexandra, Prince Mokoena and several other councillors then decided to join Inkatha for protection. In an internal memo dated 14/11/1990, Mokoena allegedly told councillors he had been "allowing Inkatha into Alexandra... because I am sick and tired of the civic organisation and the ANC". This coupled with Mokoena's recent address at an Inkatha rally in Katlehong on the East Rand where he allegedly said that " his Inkatha soldiers were doing well in Alexandra" have exacerbated tensions. Mokoena also used the occasion to invite the Inkatha members at the stadium to an Inkatha launch in the township on March 17.



Central to the conflict has been the ACO-TPA Accord which effectively dissolves the council. The mayor of Alexandra, is a signatory to this agreement. He was unwillingly pushed to signing it by Steve Burger Alexandra's administrator. This agreement effectively pushes Mokoena out of the council because according to the agreement as soon as the Interim Committee is established which will include the Sandton and Randburg Councils and representatives of the community, the council will cease to function. The role played by the council and in particular Mokoena is central to understanding the conflict. This is backed up by reports that only days after the Accord was signed, Mokoena addressed the hostel dwellers. Inmates claim they were told that ACO intended knocking down the hostels once the Accord became effective. It is clear that many hostel dwellers became embroiled in the conflict out of fear that their "homes" the hostels would be destroyed. ACO spokesperson Moses Mayekiso says that the hostels were never mentioned in the negotiations which led to the signing of the Accord and that there were definitely no plans to demolish the hostels.

The disruption of ACO street committee meetings in the weeks prior the violence in 17th Avenue has also been a contributory factor. The recent influx of Inkatha supporting families in this area has led to conflict between the residents. The Board has been informed that residents of 17th Avenue were in a report back meeting on the Accord on Thursday March 7, two days before the outbreak of violence when they were attacked by Inkatha members. Residents claim that they were attacked following the killing of a Zulu speaking man in the area. Witnesses claim that they recognised their attackers as coming from 17th Avenue and as being the new arrivals from the East Rand.

The violence in Alexandra should be seen in the above context. Violence in the area was however triggered by the death of a Zulu speaking man in 17th Avenue after a clash with another individual over a girlfriend. This clash offest the hidden resentments within the community. As the news spread of the man's death, hostel dwellers immediately descended on the 17th Avenue squatter camp in the ensuing clashes several people were killed. The fight and resultant death had been non-political and did not involve organisations. Activists allege that Inkatha sympathisers



conveniently used this to bus in supporters and to rally Zulu speaking member of the community. Perhaps the saddest indictment of this is that Zulu speaking people in the township now fear for their lives. Many are members of the civic and the progressive trade unions and yet through fear and the need for protection they have fled their homes and sought refuge in the hostels.

The mass violence which engulfed the township in early March has now been replaced with a hit and run strategy. Despite the area being declared an unrest area by the SAP, attacks continue. Hardest hit are the shack dwellers closest to the hostel. They are targeted on a daily basis. Residents claim that Inkatha members have driven them out of their shacks and have attached pieces of red cloth to their homes, residents claim this means that their shacks now belong to Inkatha. On Friday March 22, several residents living close to the hostel were abducted by the hostel inmates. At the hostel one of the residents was allegedly beaten to death, the remainder were released when it was established that they were Shangaan speaking (Saturday Star 23/3/1991).

The violence in Alexandra and Soweto has seen the re-emergence of allegations of a "third force". Evidence backing this claim include letters which were posted to Soweto activists purportedly from Inkatha. The letters directed the activists to stop working with the ANC or be killed. The letter ends with the slogan which says: "The Zoeloes will not end the war". While the entire letter is written in poor English, prominent is the use of the Afrikaans spelling "Zoeloe". It is clear from the activists selected that the authors of the letter have detailed information on key members of the democratic movement (New Nation 15/03/91). Third force allegations gained momentum when Inkatha and the ANC denied that the armed gangs wearing red headbands at the forefront of the violence were neither Inkatha or ANC members. The denial particularly by the IFP have strengthened fears that a "third force" is behind the conflict (Sowetan 15/3/1991). Alexandra ANC chairperson, Popo Molefe has also claimed that white men in white cortinas were seen in the township on the 9/3, they allegedly fired shots at people and then disappeared. Alexandra hostel inmates allege that the violence in the area began when a gang was driven into the township on Friday 8/3/1991. Nobody could say who had driven the gang into the township but many hostel



dwellers claim they were trapped outside the hostel because of the "foreign" elements who had taken over the hostel. A shebeen owner who refused to be named said at the time: "I know almost all the inmates in the hostel and I can give you a guarantee that all those in the hostel at the moment are not residents there". (Sowetan 11/3/91). Currently tensions remain high in the community despite joint peace efforts by Inkatha and the ANC. These efforts were considerably undermined when an Inkatha rally scheduled for March 17 went ahead. Following the rally several people lost their lives. Members of ACO and the ANC had requested that the rally be postponed for fear of further violence.

## 2. Mzimhlope:

On Sunday March 3, 1991, 24 people were killed and 15 injured at the Concor section of the Meadowlands hostel. The SAP claim that the violence was part of a revenge killing which which was sparked when a Zulu speaking man was killed on Saturday March 2, 1991, However, survivors of the attack dismiss this claim saying that the attackers had told them that "Xhosas should leave the area". Other reports suggest the conflict began because different residents objected to

inmates wearing Inkatha or ANC T-shirts. Transvaal Inkatha Youth Brigade leader Themba Khoza said the seeds of the weekends violence were sown when Inkatha supporters were harassed after a rally in Soweto on February 23. It is alleged that evidence of conflicting interests within the IFP emerged during this Inkatha "Peace Rally". While Buthelezi repeated calls for peace, journalists allege that the leaders of Johannesburg based migrant workers were planing offensive action. They allegedly told reporters what was of immediate importance was to "avenge" past Inkatha casualties, particularly those killed in an ambush of Inkatha buses at Taylor's Halt, Natal (see February 1991 report). The men allegedly said "politics" required that revenge no longer take the form of indiscriminate attacks. "In future", said one migrant worker, "attacks will be finely directed at the ANC". He identified ANC funeral vigils and ANC meetings as potential targets in both the Transvaal and Natal (Southscan Volume 6, No 8 March 1, 1991).

Mzimhlophe was the scene of a second clash on Monday March 11 when hostel inmates and residents fought following accusations that the residents had shot a hostel inmate. It later emerged that the hostel inmate had indeed been shot but by a member of the SAP.



An incident at the home of senior ANC leader Elias Motsoaledi on March 11 has raised the spectre of third force involvement. According to Motsoaledi a group of men attempted to throw a body into his backyard. An act if successful could have refuelled the conflict which has plagued the area since early March and placed considerable strain on the peace accord. The incident allegedly took place when residents and hostel inmates were attending a report back meeting on peace initiatives in the area.

3. Train attacks:

Fifteen people were injured on a Soweto bound train on Thursday March 14, when several knife-weilding men attacked commuters. According to eye witnesses the armed men entered the carriage and began stabbing passengers without warning. One woman who refused to be named told the Board that she was in the carriage that was attacked. She alleges that a prayer service was being conducted in the one half of the train at the time of the attack.

### 3.1 Jeppie Train Massacre:

Five men appeared in the Johannesburg Magistrate's Court on March 20, 1991 in connection with last September's train massacre at Jeppie Station in which 21 people died and 45 were injured. The men, all of Jeppie Hostel, have pleaded not guilty to the 21 charges of murder and the 45 charges of attempted murder. Bail for the men was set at R20 000 each. The men are Martin Ngcobo (49), Bassie Nkosigondi (27), Mmengele Magabane (54), Solomon Khumalo (33) and Mandla Majozi (23). The case was postponed until May 21, 1991 (Sowetan 21/3/1991).

### 4. Sebokeng:

The judicial inquest into the death of 42 people on September 4, in Sebokeng has come to an end with Justice Eddie Stafford giving his findings on March 22. As regard members of the SADF the judge found them criminally responsible on four counts of murder and 10 of causing grievous bodily harm - all against people who were imposing no physical threat; charges of perjury; conspiracy to defeat the ends of justice by faking evidence which was placed before an internal military



inquiry - which inquiry was described by the judge as a whitewash. He further rejected SADF claims that petrol bombs were thrown at the soldiers. Commandant Clulee who made these allegations is being investigated on charges of perjury. As regard the other 38 people killed in the hostel the judge could not find any individual Inkatha members responsible for the murders. However the probability existed that members of the organisation were responsible for the deaths.

The findings on the SADF place yet more pressure on General Malan. In September of 1990 he stated that he fully endorsed the finding of the Internal Military Board of Inquiry and accused ANC deputy president Nelson Mandela of recklessness in making allegations against the SADF, allegations which are markedly similar to the judges findings. Attorney for the families of the deceased Azhar Cachalia said that this "showed once again that General Malan was comprehensively misinformed by senior military personnel. The error of judgment calls into question the competence not only of Malan's senior advisors but also his own position as minister".

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VI. NATAL:

Natal's fragile "peace" is not in actuality holding. A number of acts of violence, including the assassinations of two chiefs Mhlabunzima Maphumulo and Mzamdanza Mpungose (dealt with elsewhere in this report) has heightened tension in the area. Raley Keys who heads the DP monitoring service says this type of low intensity violence is coming more and more to the fore (Weekly Mail 8/3/1991).

State President FW de Klerk, when opening the KwaZulu Legislative Assembly, warned that unacceptably high levels of violence, especially in the KwaZulu area, could upset or derail the negotiation process. He added that the willingness of leaders to end conflict must be transferred to a grassroots level (Sowetan 13/3/1991).

A further blow was dealt to peace in the area when a bus was attacked outside Pietermaritzburg on March 13. Nine people were injured all of whom were evidently supporters of Inkatha (Citizen 14/3/1991).

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