

## 1. INTRODUCTION

1.1 The Chairman and members of the Commission have been appointed for three years. With regard to the broader issue of public violence and intimidation, the Commission therefore initially expected to have three years within which to report and make substantive recommendations relating to the curbing of violence. However, the significant escalation of violence in recent weeks has caused the Commission to re-evaluate its role and proceedings. It has decided to submit this further interim report now rather than wait for the reports of committees that are now still holding inquiries. In this report, however, the Commission has endeavoured not to anticipate or prejudge any of the disputed matters currently under investigation. The committees still holding inquiries are:

1. Thokoza
2. Involvement of the South African Defence Force
3. Taxi and Train Violence
4. Mass Demonstrations.

1.2 With regard to specific incidents of violence the Commission's approach has been to inquire into paradigm situations where, on the face of it, the symptoms are common to other areas of violence. The Commission has at all times been convinced, and remains so, that factual findings cannot be made against individuals, groups or organizations on the basis of untested evidence. For this reason the hearings of the Commission and of committees of the Commission have been held in public and witnesses have been

subjected to cross-examination by lawyers representing interested parties. This procedure, by its nature, is cumbersome and time-consuming. The Thokoza committee, for example, has been sitting for four months already and will require some further weeks to complete its public hearings.

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

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

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

1.6 The Commission in dealing with the matters contained in this report makes no apology for doing so at this stage. However, it does request the understanding and appreciation of the entire public of South Africa that a report at this time on these issues is being furnished only some six months after the Commission was established. If the conclusions set out below are flawed that must be ascribed to incomplete information and the failure by persons or organizations with relevant information to have placed it before the Commission.

## 2. THE CAUSES OF VIOLENCE

2.1 The words "third force" have been used by many people in South Africa in many contexts and with no consistent meaning. The phrase has been used frequently with reference to a sinister and secret organization or group that commits acts of violence in furtherance of some nefarious political aim. Then, again, recently used by the President of the African National Congress to describe the alleged activities of 32 Battalion, the CCB, "hit

squads" and the police, i.e. identifiable groups or organizations.

2.2 The Commission has received no evidence which would suggest that there is a third force of the first type mentioned in 2.1, i.e. a sinister and secret organization orchestrating political violence on a wide front. The allegations concerning State institutions are dealt with later in this report.

2.3 The evidence which thus far has been placed before the Commission indicates rather that the causes of the violence are many and complicated. In historical sequence they include:

2.3.1 The economic, social and political imbalances amongst the people of South Africa. These are the consequences of three centuries of racial discrimination and over 40 years of an extreme form of racial and economic dislocation in consequence of the policy of apartheid. The consequences of these policies on the Black people of South Africa are well-known and documented. It is not necessary or appropriate even to attempt to set them out in this report.

2.3.2 A police force and army which, for many decades, have been the instruments of oppression by successive White governments in maintaining a society predicated upon racial discrimination. It involves a police force and an army that for the majority of South Africans have not been community based or orientated. For many South Africans, the police and the army are not perceived as fair, objective or friendly institutions.

2.3.3 The unexpected and sudden legalizing of large and predominantly Black-supported political organizations. This must be seen against a background of a lawful and Government-supported Inkatha Freedom Party having been at war with a largely underground African National Congress and its front organizations. With rapid change the Government, again suddenly and unexpectedly, resolved to negotiate in public and in private with organizations that were perceived, for good reason or bad, as the enemy of Inkatha, of White South Africans and, most important, of the police and army.

2.3.4 For obvious reasons, many already mentioned above, there is a climate of political intolerance, particularly in the Black community. The sudden emergence of powerful national political parties has not resulted in any improvement in the lives of Black South Africans. On the contrary, the deterioration of our economy has, if anything, made all South Africans, and especially those in the lower income groups, economically poorer.

2.3.5 Again, for obvious reasons, the foregoing factors have created a situation in which violence has found a fertile breeding ground. In particular, it is a situation in which criminal elements within the community have found themselves in a position where the Police Force is inadequately manned and inadequately motivated. The presence of single-sex hostels and/or squatter settlements in a large number of centres has enabled political groups to set up concentrations of support and arms caches for use in township violence. Similarly, other groups have total control over certain residential areas in Black townships.

2.3.6 As far as political violence is concerned, the Commission has no doubt at all that both African National Congress and Inkatha Freedom Party members and supporters have been guilty of many incidents that have resulted in the deaths of and injuries to large numbers of people. Both organizations have been over-hasty in accusing the other of being the cause of such conduct. Each has been tardy, especially at the level of top leadership, in taking adequate and effective steps to stop the violence by imposing discipline and accountability among its membership. The investigations of the Commission thus far do not enable it to apportion blame, even if that dubious exercise were relevant.

2.3.7 A history over some years of State complicity in undercover activities, which include criminal conduct. Those activities have enabled critics of the Government and others, fairly or unfairly, to place the blame for much of the current violence at the door of the security forces. That and the well-documented criminal conduct by individual members of the South African Police and the KwaZulu Police exacerbate the perception of so many South Africans that the Government or its agencies are active parties responsible for the violence. As with the political parties referred to above, our recent history has been one in which the Government has failed to take sufficiently firm steps to prevent criminal conduct by members of the security forces and the police and to ensure that the guilty are promptly and adequately punished.

2.4 It is little wonder, therefore, that the situation of political violence and intimidation in South Africa is so widespread and its causes so many and so complex.

3. STEPS TO CURB VIOLENCE

3.1 No good purpose will be served by merely conducting further inquiries in order to apportion the blame for past violence. It must be accepted that individual policemen, African National Congress supporters and Inkatha Freedom Party supporters have been guilty of serious criminal conduct in this regard. If we are to curb this violence then all our efforts must be harnessed in creating the means of doing so.

3.2 The Commission recommends at this stage that the following steps can and should be taken immediately:

3.2.1 The deployment of an effective police presence in local communities who are able to work in close co-operation with local dispute resolution committees established in terms of the Peace Accord. If they are perceived by the local communities as working with their own representatives there is some prospect that they will be perceived as a friendly force and will begin to gain communal confidence and support.

3.2.2 The new Division of Internal Stability would appear to be the only suitable branch of the South African Police for such work. This branch should also work in co-operation with justices

of the peace as soon as that office has been created in terms of the Peace Accord.

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

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

3.2.5 Recent activities by members of Umkontho we Sizwe are a matter for concern. It is significant in this regard that a Transvaal leader of that organization admitted to a committee of the Commission that it was unable to control all its members.

3.2.6 Organizations whose members are responsible for violence have a heavy responsibility to control and impose discipline upon



their members. This applies no less to the South African Defence Force and Police than to the African National Congress and the Inkatha Freedom Party. All of those organizations should establish committees to be responsible for immediately investigating and reporting to the Peace Committee and the Commission on allegations of public violence.

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

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

society. It is calculated, furthermore, to create a climate of violence.

3.2.9 The Commission can assure you that all information received has already been publicly investigated or is the subject of current public inquiry. In the result, no information has been received by the Commission that could enable it to make any findings relating to a systematic or nationally organized campaign of violence. It is a cause for comment that, notwithstanding the absence of evidence, political leaders, especially in the African National Congress and Inkatha Freedom Party, have frequently made wide-ranging allegations placing the blame for violence on other political parties and on the State security forces. The violence is an ongoing phenomenon. If and when evidence is placed before the Commission it will be thoroughly and publicly investigated. Unless and until that is done the Commission can only deprecate allegations that are calculated to exacerbate the climate of violence.

## ATTACKS ON BOIPATONG RESIDENTS PRIOR TO THE MASSACRE

1. On or about 6 June 1991 a group of residents of Kwa-Madala went to the house of Mr.E.Sotsu, a prominent ANC member in Boipatong. The group included Mr.Kheswa, a leading member of INKATHA. Mr.Sotsu was not at home and his family was told that Sotsu was to report to Kwa-Madala hostel failing which "drastic action would be taken against him." Several similar visits were made to the family thereafter and the family reported these to the police. As a result Kheswa and others were charged with intimidation but released on bail. On 3 July 1991 the Sotsu home was attacked and some members of the family died in the attack. Surviving members of the family identified Kheswa as one of the attackers and he was charged with murder but subsequently released.
2. In the months June - July 1991 there were three incidents which involved Kwa-Madala residents.
  - 2.1 In one incident a group of men from the hostel marched through Boipatong township firing shots in the air and shouting in a provocative and abusive manner. The police sherperded the group in the direction of Kwa-Madala.
  - 2.2 On or about 15 July 1991 there was an attack by a group of men, "evidently from the hostel" . Property was damaged and resident was killed. The police came and escorted the group in the direction of the hostel. (See attached a Numsa report with an eyewitness account)
  - 2.3 On/about 29 July 1991 residents were killed and property damaged in an attack by a group of men. Again the police escorted the attackers to the hostel.
3. On/about 24 November 1991 mourners attending the funeral of a slain Inkatha member attacked residents and killed a Sharpeville resident.

THE KILLING OF A WITNESS - DOCTOR ELLIOT MOTSITSI

Doctor Motsitsi was a witness to the fatal shooting of Andries Montoedi Molebatsi by Constable Skuta Marumo in Sharpville on the 1st March 1992.

On the 5th March 1992, a fieldworker from the ANC, PWV Regional Office, met with Doctor Motsitsi and drafted an affidavit based on his statement of account of the events which he witnessed relating to the death of Andries Molebatsi.

The affidavit differed from the version provided by Constable Skuta Marumo, namely that Andries Molebatsi had attacked him with a handgrenade and that he had fatally shot him in self defence. Doctor Motsitsi averred in his affidavit that there had been no sign of conflict between Skuta Marumo and Andries Molebatsi. He also averred that Andries had not been in possession of any handgrenade or any other weapon.

The affidavit was typed and a representative from Attorneys Nicholls, Cambanis, Koopasammy & Pillay made an appointment for the 10th March 1992, at 9am, for Doctor Motsitsi to sign his affidavit.

At 6a.m., on the morning of the 10th March 1992, Doctor Motsitsi's body was discovered at the front gate of his grandmother's house. He had bullet wounds in his face and his hands had been mutilated.

Warrant Officer Denne of the Vanderbijlpark Murder and Robbery Branch, is investigating the killing of Doctor Motsitsi, but has informed our offices that thusfar they have been unable to find any evidence about Doctor's murder.

## ATTEMPTS TO PREVENT THE BOIPATONG MASSACRE

1. Fieldworkers for the South African Council of Churches (SACC) (Vaal Region), Rev. Peter Moerane and the late Saul Tsotsetsi, since early 1991 have repeatedly made attempts to bring to the attention of the South African Police and the ISCOR management that the Kwa-Madala Hostel has been a base from which attacks against residents of Boipatong, Bopelong, Sebokeng and Sharpsville have been perpetrated.
2. In the first half of 1991, the fieldworkers, pursuant to numerous reports that residents of the Kwa-Mazisa Hostel had been abducted by residents of the Kwa-Madala Hostel, met with the District Commander of Police and with Col. Steyn of the Security Branch in order to bring to their attention that the activities of the residents of the Kwa-Madala Hostel constituted a threat and danger for the communities surrounding the hostel.

The meeting was requested by the fieldworkers, in order to explain to the police that consequent to their fieldwork, they had perceived that people residing at Kwa-Madala Hostel had been responsible for numerous acts of public violence and intimidation in the Vaal Triangle in the preceding months.

At the meeting they outlined the incidents of violence and requested that the police undertake an immediate investigation into the unlawful activities of the residents of Kwa-Madala Hostel and take action to prevent further violence.

3. The fieldworkers were of the view that they had not been able to convince the police of the dangers for the community relating to the activities of the residents of the Kwa-Madala Hostel and they held a joint press conference with COSATU. They felt that the holding of a press conference exposing the activities of the residents of the Kwa-Madala Hostel would exert pressure on the police to investigate and to take action to protect the workers of the Kwa-Mazisa Hostel, as well as the residents of the surrounding townships.
4. After the meeting with the police in June 1991, attacks in the area continued to take place. The incidents of violence linked to the Kwa-Madala Hostel included : -
  - a. During the last week of June and the first week of July 1991, a group of men attended a number of times at the house of Ernest Sotsu, an executive

member of the Boipatong Branch of the African National Congress (ANC). They informed Mr. Sotsu's family that he should report to them at the Kwa-Madala Hostel and threatened that should he fail to do so, they would take drastic action.

On the 3rd July 1991, an attack was carried out on his house and his wife, daughter and grandson were killed and two grandchildren were injured.

- b. On or about the 7th July 1991, an attack took place at the Erica Tavern in Zone 7, Sebokeng. Two residents of the Kwa-Madala hostel were arrested for this attack.

- 5. The fieldworkers of the SACC continued to receive reports from the residents of Boipatong, Sharpville and Sebokeng of violence and intimidation perpetrated by residents of the Kwa-Madala Hostel. In addition to approaching the police to intervene to protect the residents of the townships, they decided to approach the Iscor Management.



6. On the 15th August 1991, Rev. Moerane accompanied a delegation of women from the Boipatong township to Mr. Viljoen, a manager of ISCOR. The delegation handed to him a letter wherein they stated that they believed that the perpetrators of numerous incidents of violence in the Vaal were residing in the Kwa-Madala Hostel. They further stated as follows : -

"We want to know why are you insensitive to the use of the Kwa-Madala as a base for dangerous weapons and attacks on human life?"

They requested that ISCOR stop housing "enemies of peace and life".

7. ISCOR responded in a letter wherein they denied that violence is executed from the Kwa-Madala Hostel. They stated that "all allegations had been thoroughly investigated by ISCOR and no evidence could be found to convince management that the Kwa-Madala Hostel should be managed differently to that of ISCOR's other hostel, Kwa-Mazisa".

They, however, proposed a meeting to "exchange further information and clarify our respective positions".

8. On or about the 24th September 1991 the fieldworkers met with the ISCOR Management and attempted to establish a monitoring committee with them. However, this process subsequently broke down.
  
9. On or about the 25th September 1991, the SADF attempted to enter the Kwa-Madala Hostel in response to various complaints about the activities of the residents. The SADF members were shot at with AK 47 weapons by the residents of Kwa-Madala. The SADF thereafter shot and killed 5 residents of Kwa-Madala.
  
10. The fieldworkers of the Vaal Council of Churches continued to receive reports of public violence and intimidation perpetrated by residents of the Kwa-Madala Hostel, including : -
  - a. The abduction of J.M. and Sipho Mthimkulu on the 17th October 1991 by residents of the Kwa-Madala Hostel. They were taken to the hostel and held there against their will for two weeks;

- b. On the 29th November 1991, P.H. and Sipho Mazibuko were abducted and taken to the Kwa-Madala Hostel. P.H. was severely assaulted before he was released. He identified Sipho's body at the mortuary the following day;
  - c. On or about the 2nd December 1991, an attack took place at a tavern at the informal settlement of Eatonside in which four people were killed by a group of men who arrived with weapons and opened fire;
  - d. On or about the 8th December 1991 a number of young girls were abducted by residents of the Kwa-Madala Hostel. They were held at the Hostel against their will and raped repeatedly.
11. During the period July to December 1991 and in response to the ongoing reports of violence received, the fieldworkers met with the Divisional Commissioner of Police in Vereeniging on at least four occasions.

They repeatedly raised their concerns that public violence and intimidation against residents of Boipatong, Sharpville and Sebokeng emanate from the Kwa-Madala Hostel. The fieldworkers reported that the response of the police at these meetings was that there was insufficient evidence for them to take action.

12. On the 8th January 1992, and pursuant to reports of further abductions of residents of the townships to the Kwa-Madala Hostel, the fieldworkers and the General-Secretary of the Vaal Council of Churches met with Capt. de Klerk and Col. Steyn of the former Security Branch in Vereeniging. They requested the assistance of the police in securing the release of people being held against their will at the Kwa-Madala Hostel.

13. In the week subsequent to this meeting, the police stated to the fieldworkers and to the attorneys acting for the Vaal Council of Churches that there were legal constraints preventing them from raiding the Kwa-Madala Hostel. Col. Steyn informed attorneys Nicholls, Cambanis, Koopasammy and Pillay that the evidence provided by the Vaal Council of Churches was not

concrete enough for them to take action against the Kwa-Madala Hostel.

The request was made repeatedly between the 9th January and the 15th January 1992 to the police to investigate the allegations of abductions. On the 16th January 1992 Saul Tsotsetsi was informed by the police that they had raided the Kwa-Madala Hostel, but had not discovered anyone being held against their will at the Kwa-Madala Hostel.

14. The fieldworkers continued to receive reports of incidents of violence during January and February 1992-
  - a. On the 12th February 1992 a youngboy reported to the fieldworkers that he had forcibly been taken from the Mark Park Shopping Centre in Vereeniging by residents of the Kwa-Madala Hostel. He, however, escaped.
  - b. On the 21st February 1992 an attack took place at the Ha-hlo-ho-ya-peye Tavern in Sharpville. Five people were killed by the

gunshots and several others injured. The survivors informed the fieldworkers that one of the perpetrators was recognised to be a resident of the Kwa-Madala Hostel.

- c. On the 15th March 1992, an attack took place at Chief's Place Tavern in Sharpville. Two women were killed and several injured. One of the perpetrators of the attack was also injured by one of his colleagues by accident. He has stated on affidavit as follows : -

"I am able to live at the Kwa-Madala Hostel without charge. I am unemployed, as are several of the other residents of the hostel. We are supported by those residents who are employed. In addition, we receive food parcels from the International Red Cross every two weeks. We also robbed people in town. We, as a group, approached individuals and threatened them so that they gave us money.

Although the Kwa-Madala Hostel is owned by Iscor, only some of the residents work at Iscor. Some work at other factories and, as mentioned above, the rest are unemployed.

All the residents of the Kwa-Madala Hostel are members of the Inkatha Freedom Party. Amongst the residents there are individuals whom are leaders of the Inkatha Freedom Party. Amongst them is one, Buthelezi.

A system exists at the Kwa-Madala Hostel whereby each resident becomes part of a "unit". I was placed in a unit consisting of four members".

"I was trained in the use of weapons by Buthelezi".

Every resident is trained in the use of weapons.

I am aware that other members of other units were also trained in the use of weapons.

I have seen many arms and ammunition stored at the Kwa-Madala Hostel. Meetings were held every Tuesday and Thursday. At these meetings, we were informed when new weapons had arrived.

The arms are brought by members of the Inkatha Freedom Party, who arrive at the hostel from Natal. I have seen them arrive with AK 47's and spears with poisoned tips.

Some of those who arrive come to the area to work. However, others come to carry out missions and attacks in the local township. Others come to bring arms and then leave.



During the four months that I have lived at the Kwa-Madala Hostel, I have seen units being sent out on missions.

However, I have not known exactly where they have been sent to or what missions they have carried out".

"On the 15th March 1992, my unit was instructed by Buthelezi to go to Sharpville Township for the following purpose : -

- i. to attack comrades who had been responsible for the killing of an Inkatha member, one Tlhola;
- ii. to attack two taverns, namely, Chief's Place and the Philadelphia Tavern. We were instructed to kill people there because it is known that comrades drink there.

We were also informed that a secondary

purpose to our mission was to assist in the attack of comrades for the purpose of Inkatha regaining entry to the townships.

We were given arms by Buthelezi. We were given two rifles amongst the four of us. I was not myself carrying a rifle.

We divided ourselves into two groups of two. I moved with Ndondu. He was carrying a rifle.

Between 8 and 9p.m and at or near Phomolong Section in Sharpville, we saw a group of comrades. Amongst them was one comrade known to me as Ntopia. My partner opened fire and Ntopia was struck.

We formed two groups. Two stayed on the ground and myself and my partner went

forward to shoot. Thereafter, we moved to Chief's Tavern. Khgosi was shooting at people in the tavern and the gun jerked and that was when I was hit. I was carrying a rifle at Chief's Tavern. Ndondu gave me the rifle.

As far as I am aware our second mission at the Philadelphia Tavern was not carried out after I was struck and injured".

14. In light of the evidence from Mr. X of a military style operation being conducted from the Kwa-Madala Hostel, the fieldworkers became all the more anxious for action to be taken. Their requests to the police and the ISCOR Management had been unsuccessful. Thus in March 1992, the fieldworkers instructed attorneys Nicholls, Cambanis, Koopasammy and Pillay to approach the Commission for the Prevention of Public Violence and Intimidation to request that the Commission inquire into the causes of violence and intimidation in the Vaal and recommend steps for the prevention thereof. Affidavits and Documents were submitted to the

Commission on their behalf, which documents included a request to the Commission to take urgent steps to prevent further violence from the Kwa-Madala Hostel.

15. On the 3rd April 1992, Adv. J J du Toit and a Colonel from the Commission met with Mr. X, to hear his evidence of the activities at the Kwa-Madala Hostel. Lawyers acting for the Vaal Council of Churches requested that the Commission urgently convene a meeting of representatives of ISCOR, the SAP, the residents of Kwa-Madala Hostel and residents of the townships to discuss the closure of the Hostel and the reintegration of residents of the Kwa-Madala Hostel into the Kwa-Masiza Hostel and the surrounding townships.
16. On the 17th April 1992, two young men were kidnapped in Zone 7, Sebokeng by residents of the Kwa-Madala Hostel. Their corpses were identified by their families at the Vereeniging Mortuary on the 19th April 1992.
17. In the early hours of the 19th April 1992, eight members of the Lefeidi family were killed at their home at Vergenoeg in Sharpville. In the affidavit of a

survivor of the attack, it is averred that the perpetrators of the attack indicated that they were from the Kwa-Madala Hostel.

18. Attorneys acting for the Vaal Council of Churches forwarded the affidavits detailing the above events to the Commission with a request for urgent assistance in resolving and ending the violence surrounding and connected with the Kwa-Madala Hostel. The request stated that the fieldworkers believed that any further delay would lead to an escalation of the violence and to further deaths.
19. The police were also approached and the affidavits were forwarded to them.
20. On the 24th April 1992, attorneys acting for the Vaal Council of Churches were approached telephonically by an Advocate from the Commission with a proposal that the Commission combine an inquiry in respect of the Vaal, Alexander and Soweto. The attorneys agreed with the proposal but referred the Commission to the discussion on the 3rd April 1992 with the Advocate where it had been stated that steps to prevent violence

in the Vaal could be taken almost immediately. It was further communicated that the Vaal Council of Churches was concerned that the implementation of steps to prevent further violence in the Vaal be done as soon as possible.

21. On the 5th May 1992, a preliminary inquiry into violence in the Vaal, Alexander and Soweto was convened by the Commission.
  
22. The Vaal Council of Churches submitted an overview of the Violence in the Vaal to the Commission. The following submissions were made in respect of the Kwa-Madala Hostel.

"We are of the view that the Kwa-Madala Hostel is central to the reign of violence in the Vaal area. We request that the Commission inquire into the assertion made by Mr. X that the Hostel is organised and run as a military style camp from where violent "missions" are launched.

Myself and my colleagues at the S.A.C.C. believe

that the steps to be taken to prevent further violence is the closure of the Kwa-Madala Hostel. We request that the Commission inquire into the process and mechanism for such a closure. We understand that the process will require extensive discussions with the respective parties.

We also request the Commission to assist in ensuring that the perpetrators of the violence be charged and brought to trial. This is particularly urgent in relation to perpetrators who have been identified as having been involved repeatedly in attacks.

We also request the Commission to inquire into whether the police are empowered to conduct raids of the hostel on receipt of information regarding unlawful activities of residents of the hostel and to advise the police in relation thereto. Should the Commission find that in terms of current Legislation the police are not so empowered, we request that the Commission recommend to the State President that Legislation be passed empowering the police to conduct such raids of the hostels.

It is my observation that since the massacre of the Lefeidi family, the level of tension and anger has risen dramatically in the area.

I believe that residents of Sharpville, Sebokeng and Boipatong have been looking to the Commission for a remedy for the end of the violence, since our initial request to the Commission in March 1992. I am fearful that any further delay will result in the loss of more lives".

23. On the 13th May 1992, the Commission issued a press release wherein they stated that a Commission of Inquiry would be established with the following terms of reference : -

- a. To establish the circumstances in which people may have been forced by violence or intimidation to vacate homes or hostels in Alexandra Township, the Greater Soweto Area and the Vaal Triangle;



- b. To establish the names and present whereabouts of such persons;
- c. To establish whether persons have acquired occupation of homes or places in hostels in those areas in consequence of violence or intimidation and, if so, the circumstances in which they have come to do so;
- d. To consider practical and effective ways and means of placing the persons referred to in (a) and (b) back into possession of their homes or places in hostels;
- e. To consider whether the persons referred to in (a) and (b) are legally or morally entitled to compensation for damages suffered by them by reason of the foregoing circumstances and, if so : -
  - i. the amounts thereof; and
  - ii. appropriate sources of funding such compensation;

f. To consider steps which should be taken to ensure the safety of persons in the position of these referred to in (a) and (b) and of their property.

24. On perusal of the terms of reference, the Vaal Council of Churches They were concerned that the terms of Reference of the Commission which had been established would not necessarily include an inquiry into the danger for the Community emanating from the Kwa-Madala Hostel.

They therefore submitted to the Commission that in their view, the problem of displacement is a secondary issue in the Vaal and that the central issue is the violence carried out from the Kwa-Madala Hostel. They urged the Commission to take account of the safety of persons who are victims of violence, but are not displaced persons.

25. At a further meeting of the Commission on the 27th May 1992, the Vaal Council of Churches again placed on record that they were concerned that the terms of inquiry would not include the question of the safety of victims of violence perpetrated by residents of the Kwa-Madala Hostel.

26. The Vaal Council of Churches are of the view that the closure of the Kwa-Madala Hostel is essential to bring peace to the area. In this regard, they have consistently sought the assistance of the police, ISCOR Management and the Goldstone Commission. They, on numerous occasions, expressed the need for an urgent response to their ongoing representations to the abovementioned parties. They believe an urgent response would have prevented the massacre which occurred in Boipatong on the 17th and 18th June 1992.

27. The Vaal Council of Churches noted that the Interim Report of the Goldstone Commission recommended that all hostels should immediately be adequately and securely fenced and that a strong and efficient police presence should ensure that no arms are taken in or out of the hostels. The Vaal Council of Churches are aware that this recommendation was submitted to the State President a considerable time ago. Once again, if there had been an urgent response to this recommendation, the massacre at Boipatong would have been prevented.

The Closure of the Hostel however remains a priority.

The State President should act immediately and effectively in taking steps to achieve this.

The arrest and charging of the perpetrators of the massacre and of the other incidents of violence is also a priority and the State President is urged to ensure that all efforts are concentrated thereon.

ASPECTS OF THE CONDUCT OF THE POLICE ON 17 JUNE 1992

REPORTS TO THE POLICE

1. The evidence of Sgt. Kruger and Sgt. Schlebusch is that the first report of any incident in Boipatong was that logged by the ISU at 22h10. If this is correct, it is a matter of concern that earlier reports to the South African Police should not have been conveyed as a matter of urgency to the ISU for their prompt attention. These are the calls from Cape Gate and Mr. De Jager, (both at approximately 21h55), and the various reports logged as having been communicated to the ISU by the Vanderbijlpark Park Police at 22h00. Clearly, had the ISU reacted some 10 - 15 minutes earlier, the duration of the attack in Boipatong might have been significantly reduced.
  
2. There may be some doubt as to the reliability of the evidence that Sgt. Schlebush moved out only after the report of 22h10. He received this report while on parade. That parade began at 21h45. There were only 15 men on parade. It is by no means clear that the parade should still have been underway 25 minutes later. In this regard, it may be noted that it was put to Mr. Monare (**page 128**) that the operator of the radio

at Quebec would say that when he contacted Victor Zero (at 22h10), Victor Zero told him that they had "already" sent out a casspir to Boipatong.

3. It is remarkable that the ISU made no attempt to acquire further information as to what was happening in Boipatong. Further details were not requested from the Boipatong Police. Similarly, there is no indication that attempts were made to contact the SADF Patrols, which were in the immediate vicinity, in order to assess the situation more closely.

4. It is similarly of note that only one vehicle was dispatched to the scene. The options available in respect of one vehicle and a crew of approximately 6 members are clearly limited. No great urgency appears to have attended the dispatch of Sgt. Schlebusch, since the report of a shooting at the Sharpville Cemetery (22h20) was also referred to him for his attention. In the event, he found nothing and it did not delay him. It is clear, however, that Boipatong would have had to wait if Sgt. Schlebusch had indeed encountered a shooting incident in Sharpville.

5. The apparent lack of interest on the part of ISU members to inform themselves about the situation they were moving in to attend to, is startling. For instance, the Boipatong Police Station, (the source of the original report, according to the ISU), is situated very close to the intersection of Sekati and Lekoa Streets. Sgt. Schlebusch moved through this intersection. He does not take the opportunity to inform himself about the locality of the attack or to update his information as to the extent thereof or the movements of the attackers, and the like. Instead, he proceeds "in effect, blindly" along Lekoa Street. That he should have been stopped near house 761 by Mabuza is entirely fortuitous.
  
6. This conduct reflects a considerable degree of indifference. It may contain within it also an element of arrogance. In this regard, see for instance the evidence of Monare (page 114) that the response of Victor Zero to the 22h10 call (as communicated via Quebec) was that Victor Zero could not help. Monare goes on to testify that it was precisely because of this response that it was decided directly afterwards

to contact Sebokeng to try to obtain a casspir. This evidence correlates with that of Khanye, that he received the instruction to proceed to Boipatong at approximately 22h10. This evidence is in conflict with the version put on behalf of the police, to the effect that it was only after waiting for some time for the ISU casspir to arrive, that the Boipatong Police called Sebokeng for assistance. (page 130). The account given by Sgt. Schlebusch of his entry into Boipatong is in conflict with that of Khanye. Khanye first saw the casspir of Schlebusch when they were in the upper stretch of Lekoa Street. (Points K1 and K2 on Exhibit 4). Clearly, Khanye could not have failed to observe the latter casspir, had it been driving 10 to 20 metres behind him from Sekati Street and onwards. Monare testifies that the municipal was not followed by another casspir. Mabuza testifies that there was only one casspir, which he stopped.

7. It is common cause that Mabuza got into the casspir of Sgt. Schlebusch and that it then drove somewhere up Hlubi Street, before it reversed back to 761. On the account of Schlebusch, Mabuza had told him that the



attackers had just been there. In those circumstances, it is remarkable that Schlebusch should not have proceeded the extra, comparatively small, distance to the edge of the township in order to ensure that no further attacks were in progress and, if possible, to identify the size and movement of the attackers should they be outside the township in the veld. It is entirely unpersuasive that it should have been the priority of this ISU unit to return to house 761 to see what had happened there. Even if he were incoherent at the time, Mabuza had communicated the essence of the situation. As he had proceeded along Hlubi Street, Schlebusch had seen further broken windows and it must have been cleared to him that this was indeed the route of this attacking group.

8. The absence of any real interest on the part of the ISU in locating the attackers is demonstrated also in what has been said about the communications between Kruger and Schlebusch, before they met at 765. By the time Kruger arrived at the intersection, it seemed that he had learnt only two things from Schlebusch; that Kruger should not follow the Sharpville route because of

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