

L051192

TO: GOLDSTONE COMMISSION

RE: TOKOZA COMMITTEE REPORT

It gives us pleasure to submit our report, which is attached hereto.



M.N.S. SITHOLE  
CHAIRMAN

*Mr. L. Baqwa*  
L.G. BAQWA  
COMMITTEE MEMBER

*Mr. R.S.K. Tucker*  
R.S.K. TUCKER  
COMMITTEE MEMBER

REPORT OF THE COMMITTEE OF INQUIRY INTO THE PHENOMENON AND CAUSES OF VIOLENCE IN THE TOKOZA AREA, UNDER THE CHAIRMANSHIP OF MR M.N.S SITHOLE

1. The Tokoza committee consists of Mr M.N.S Sithole, Miss L.G Baqwa and Mr R.S.K Tucker. It was appointed as a committee of the Goldstone Commission, which was itself constituted in terms of the Prevention of Public Violence and Intimidation Act, No. 139 of 1991. The functions of the Commission are set out in section 7(1) of that Act, and include the investigation of the phenomenon, nature and causes of violence and what persons are involved therein, and an inquiry into what steps should be taken in order to prevent public violence and intimidation. The committee was called upon to focus its inquiry on the phenomenon and incidents of public violence and alleged intimidation that occurred in the Tokoza area from three specific incidents that gave rise to considerable concern about the escalation of violence in the area, namely -

- 1.1 the assassination of 18 hostel dwellers who were on their way to a meeting of hostel dwellers at the Tokoza stadium on Sunday, 8 September 1991 ("the first incident");
- 1.2 the murder of Sam Ntuli, which occurred on 29 September 1991 ("the second incident"); and
- 1.3 the assassination of Blacks near the Natalspruit Hospital after the funeral procession for Sam Ntuli on 7 October 1991 ("the third incident").

2. The committee subsequently decided to inquire into a further four incidents that occurred after the commencement of its public hearings on 15 November 1991. The four further incidents were -

- 2.1 an attack on a minibus transporting employees of the Rand Water Board on the Old Vereeniging Road immediately adjacent to Phola Park on 26 February 1992 ("the fourth incident");
- 2.2 the attack on residents of the Crossroads shack settlement on 3 April 1992 ("the fifth incident");
- 2.3 the attack on the Zonkizizwe shack settlement on 6 April 1992 ("the sixth incident"); and
- 2.4 the 32 Battalion operation in Phola Park on 8 April 1992 ("the seventh incident").

3. The committee commenced its hearings on 15 November 1991 and, with the exception of a four-week recess over the Christmas period and a few short recesses because of involvement with other activities of the Goldstone Commission, sat continuously until 27 July 1992. More than 100 witnesses and 4 expert witnesses were heard. The record of the hearing (including summaries of the evidence of witnesses heard in secret) is in excess of 6 000 pages.

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#### 4. Mandate and proceedings of committee

The following parties were represented by legal counsel at the hearings of the committee:

- 4.1 The Minister of Law and Order and the South African Police;
- 4.2 the South African Defence Force;
- 4.3 the African National Congress;
- 4.4 South African Communist Party;
- 4.5 the Congress of South African Trade Unions;
- 4.6 the Civic Associations of the Southern Transvaal;
- 4.7 the Tokoza Civic Association;
- 4.8 the Katlehong Civic Association;
- 4.9 the Phola Park Residents' Association;
- 4.10 the family of Sam Ntuli;
- 4.11 the East Rand Hostel Dwellers' Association.

The committee itself was assisted by Mr J.P Pretorius, who was responsible for assembling and leading all evidence.

The committee is most appreciative of the assistance given and the constructive approach adopted by all the legal counsel to the committee in the conduct of the hearings, and in providing the committee with extensive and carefully considered written legal argument and submissions.

5. Circumstances in the Tokoza area at the beginning of September 1991

Tokoza is a fairly small Black township due south of the Alrode Industrial area of Alberton. Historically it consisted of formal housing and a number of large hostels. The community (including the hostel communities) was multi-ethnic with a relatively large number of Zulus and Xhosas. From the mid-1980s there was a substantial influx of newcomers, and the shortage of family-type accommodation close to the industrial areas of Alrode, Germiston and Johannesburg became acute. The committee heard uncontested expert evidence that the establishment and location of squatter-type settlements such as Phola Park is almost solely a consequence of the need for accommodation in close proximity to work opportunities. In this regard two developments took place in the Tokoza area, namely -

5.1 the shack settlement of Phola Park was established at the southern end of Tokoza immediately adjacent to the Old Vereeniging Road, and other shack settlements such as Holomisa Park, Mandela Park, Crossroads and Zonkizizwe were also established; and

5.2 the stability of the hostel communities was disturbed by the efflux of predominantly Xhosa residents who were more inclined to move into family-type accommodation with their families - leaving the predominantly Zulu hostel dwellers increasingly alienated and isolated from the rest of the

community (although relations between the predominantly Zulu hostel dwellers and the residents of the old formal housing of Tokoza appear to have remained reasonably stable).

6. During 1990 there was a considerable degree of violence in the area. Here it is worth noting -

6.1 the high level of conflict between the residents of Phola Park and the hostel dwellers, which resulted, *inter alia*, in the demolition by the residents of Phola Park of a large hostel complex immediately adjacent to their shack settlement;

6.2 several attempts to remove or relocate the Phola Park residents, which resulted in a sense of persecution on the part of these residents;

6.3 the establishment by the Phola Park residents of a Self-defence unit (hereinafter referred to as the "SDU"); and

6.4 violence in other shack settlements, notably Holomisa Park, Mandela Park, Crossroads and Zonkizizwe.

7. Towards the end of 1990 a forum of interested parties and community representatives was established under the chairmanship of Mr Rupert Lorimer. This forum included the ANC, Inkatha, the civic associations, Phola Park residents, the Alberton Chamber of Industries, the South African Police and the South African Defence

Force. As a result of the proceedings of this forum, relative peace was restored and this prevailed from February 1991 to 8 September 1991.

The first incident (assassination of 18 hostel dwellers)

8. At the beginning of September 1991 the Tokoza Hostel Dwellers' Association planned a meeting of hostel dwellers for 8 September 1991 in the Tokoza stadium. The Tokoza stadium is immediately adjacent to the main residential area of Tokoza township, and is approximately one kilometre north-east of Phola Park and two kilometres south of the main hostel complexes Nos. 1, 2 and 3, which like the stadium, face onto Khumalo Street. As required, the Hostel Dwellers' Association applied for permission to hold the open-air gathering. Apart from the fact that the estimate of the crowd was considerably exaggerated at 20 000, and that permission was not sought to hold a march down Khumalo Street from hostels 1, 2 and 3 to the stadium, the application was in order.

9. The police considered and approved the application within the context of the relative peace that had prevailed in the area since February 1991. In three respects the planning could be open to criticism, namely -

- failure to communicate adequately with other bodies (such as the Lorimer Forum) and parties (such as the Phola Park Residents' Association and the Tokoza Civic Association);

- failure to take account of the fact that a march from the hostels to the Tokoza stadium would be an almost inevitable component of the proceedings; and
- failure to communicate adequately with the organisers as to the precise terms on which the application had been approved, and the responsibilities of the organisers in relation to the carrying of weapons and control of the crowd.

10. These detailed aspects of the planning and management of protests and marches have been dealt with by another committee of the Goldstone Commission and the committee has concluded that if indeed there was any failure on the part of the police in any or all of these respects, such failure did not materially contribute to the violence that subsequently occurred.

11. The police arranged to have what is described as a "low-profile presence" in the area on 8 September. The committee is satisfied that this was the appropriate decision under the circumstances that prevailed at the time. It was also agreed that the Defence Force would adopt a low profile and that it would be on stand-by in close proximity (within 1 kilometre of the stadium) at "Steunpunt".

12. On the morning of Sunday, 8 September, a small number of hostel dwellers from more distant hostels gathered at the southern entrance to the stadium, waiting for the bigger crowd of hostel dwellers to arrive for the meeting. Hostel dwellers from hostels



1, 2 and 3 left the hostels in groups under the leadership of "indunas" and moved down Khumalo Street towards the stadium. The committee is satisfied that the march of the hostel dwellers down Khumalo Street was not provocative and that it was, having regard to the circumstances of any such march, relatively orderly. When some of the hostel dwellers had actually passed house 2044 Khumalo Street (which is approximately 100 metres north of the north-eastern corner of the stadium) three men armed with AK-47 rifles opened fire on the hostel dwellers at very close range from the front garden of house 2044. Sixteen hostel dwellers were killed and 13 injured.

13. Immediately the firing of automatic weapons commenced at house 2044, the small group of hostel dwellers that was gathered at the southern entrance to the stadium was attacked by a group of men that had been located at the south-western corner of the stadium in a new housing development known as Tokoza Gardens. In that attack handguns were fired, and the hostel dwellers were assaulted with spears, pangas, assegais and axes. Two of the hostel dwellers were killed and the corpses had chop and stab wounds, although bullet wounds could not be excluded.

14. In the ensuing confusion three men armed with AK-47 rifles were seen immediately outside the north-western corner of the stadium. They were not however seen to fire any shots.

15. The Defence Force was immediately on the scene and secured the area. The committee is satisfied that under the circumstances

the conduct and performance of the Defence Force (and of Lieutenant Burger in particular) were exemplary. The police were on the scene within minutes, as was the investigating officer, and the committee is likewise satisfied that no criticism can be levelled at the police for the planning and organisation of surveillance or the way in which this was carried out on 8 September. The Defence Force handed over control of the area to the police immediately the police arrived on the scene.

16. After hearing very extensive evidence the committee has come to the following conclusions as to the facts of the attack:

16.1 Some time before the commencement of the hostel dwellers' march (and probably on the morning of Sunday, 8 September) there was a meeting of the SDU of Phola Park. At that meeting it was arranged to mount an ambush on the hostel dwellers by locating small units of probably not more than three men each at the four corners of the stadium. At least three of those units were positively identified at the north-eastern, north-western and south-western corners of the stadium, and there was some evidence of the possible presence of a fourth unit at the south-eastern corner of the stadium, although the committee was unable to come to any conclusion on this point. It is also possible that it was planned to locate units within the stadium, although no such units were identified in the stadium, nor did any attack take place in the stadium, and the committee was unable to come to any conclusion in this regard.

16.2 On the morning of Sunday, 8 September, the self-defence unit called a meeting of section leaders at the water tank at Phola Park. At that meeting the section leaders (and probably others who joined in the meeting) were advised of the Hostel Dwellers' Association meeting at the Tokoza stadium and that the Phola Park community should be "on the defence". The section leaders were told to alert their sections and Phola Park went onto a "war footing" - many of the residents cloaking themselves with blankets, which constitute an accepted "military uniform".

16.3 Some Phola Park residents (who were neither SDU members nor party to the SDU plot) went to Tokoza Gardens at the south-western corner of the stadium. The committee is unable to decide whether in doing so they were actually party to the planned attack by the SDU unit positioned at the south-western corner of the stadium, or whether they were informally "conscripted" without being told of the plot, or whether they involved themselves on the basis of rumour of a possible clash with the hostel dwellers and a militant attitude on their part.

16.4 The three assassins who opened fire on the hostel dwellers from house 2044 constituted the unit delegated to the north-eastern corner of the stadium. The committee heard evidence of a fourth person being with the group, but he was not party to the assassination itself and the committee could

not come to any conclusion as to the fact of his presence and, if so, his relation to the attack.

16.5 The attack on hostel dwellers at the southern entrance to the stadium was executed by the unit delegated to the south-western corner of the stadium. The fact that that attack was mounted almost simultaneously with the attack in Khumalo Street, together with the evidence of an "ambush plot", militates against any suggestion that the attack at the southern entrance to the stadium was mere spontaneous violence. It was also clear from the evidence that at least some of the Phola Park residents who were not members of the SDU but who had gone to the south-western corner of the stadium were involved in the attack on the hostel dwellers at the southern entrance.

16.6 The three men with AK-47 rifles who were seen at the north-western corner of the stadium constituted the unit delegated to that sector.

16.7 Most, if not all, of the SDU members who participated in the attack and most, if not all, of the blanketed people who were present at the south-western corner of the stadium (and some of whom actually participated in the attack on the hostel dwellers at the southern entrance to the stadium) returned to Phola Park.

16.8 The attack at house 2044 on Khumalo Street was executed with a high degree of professionalism - in the sense that the AK-47 rifles were handled competently and having regard to the number killed or wounded as was intended by the assassins.

16.9 The police and the Defence Force were effective in bringing the whole situation rapidly under control, and in restoring relative calm to the area. There were no retaliatory attacks or counter-attacks despite the very high level of tension in the area following the attack on the hostel dwellers.

17. The committee heard extensive evidence on the identity of the three assassins at house 2044. Counsel for the Minister of Law and Order and the police argued that the identities had been sufficiently clarified to justify the committee in "finding the named individuals guilty" of the murders. What is however disturbing is that even though the police and the investigating officer were on the scene of the crime within minutes of the crime having been committed, and despite at least two of the named individuals having been taken into custody for questioning since 8 September 1991, and despite the identity and place of work of the third individual being known, and despite numerous raids on Phola Park having been conducted, including at least two for the specific purpose of rounding up members of the SDU, the investigating officer has still not been able to lay charges against any individuals. To suggest that the committee is competent to find

these individuals guilty under circumstances in which the investigating officer himself does not feel he has sufficient evidence even to lay charges seems far-fetched.

18. The committee also heard evidence of the police investigation itself and of the use of informers to collect information. The police did not contest that in one instance a suspect and three other people who happened to be residing at the same place were aroused before 04:00 by a policeman kicking in the door. They were not asked to dress but were ordered outside in their underclothes. They managed to get clothes from a neighbour before being taken to a place known as Vlakplaas. Vlakplaas is not a police station, and so the records normally kept at a police station are not kept there. The two minor brothers of the suspect were arrested the same morning and their parents were not told why they were being arrested. The minor brothers and the other persons detained (with the exception of the suspect) were released the same day. An allegation of assault on the suspect was not proved, but the lack of records detracted from the police case.

In the course of cross-examination by counsel for the police it became evident in open hearing that a section leader, one Mncugi Ceba, was a police informer. After the Phola Park SDU ousted the Phola Park Committee, counsel for the police acknowledged in open hearing that the same Ceba was in fact a member of the SDU and had actually led the coup. Counsel for the Phola Park Residents' Association and other parties argued that by virtue of having

informers in key positions the police probably knew of the planned attack on hostel dwellers on 8 September.

While no offence on the part of the police was proved in either case, the conduct involved in the first incident and the acknowledged use of informers in positions such as that held by Ceba are certainly not conducive to improving the already tense relations and alleging the suspicions between the security forces and the communities in question.

The second incident (the murder of Sam Ntuli)

19. On 29 September 1991 Sam Ntuli was shot and killed while driving his vehicle along Khumalo Street, Tokoza. This was the second incident that fell to be investigated by the Tokoza Committee. Sam Ntuli was a high-profile political leader and General Secretary of the Civic Associations of the Southern Transvaal.

20. The Committee heard the following uncontested evidence from a minor witness who was standing at the side of Khumalo Street on the morning of 29 September:

20.1 He had seen a blue Chevrolet motor vehicle parked in Khumalo Street. The Chevrolet then pulled off and stopped near a Spaza shop. There were four occupants in the vehicle, although the witness was not able to establish their identity.

20.2 A white Mazda bakkie with two occupants approached and stopped near the Chevrolet. The Mazda driver spoke to the Chevrolet driver, whereupon the Mazda drove away towards the Natalspruit Hospital. Again the witness could not identify the occupants. The Chevrolet then drove south along Khumalo Street, round a traffic circle, and positioned itself on the opposite side of Khumalo Street.

20.3 Sam Ntuli's vehicle approached along Khumalo Street, and as it passed the Chevrolet pulled out and followed it and appeared to attempt to stop it by flicking lights, but without success. It then appeared that the Chevrolet overtook Ntuli's vehicle and forced it off the road "until the two vehicles came to a halt alongside each other".

20.4 One of the occupants in the front passenger seat of the Chevrolet had a firearm protruding out of the open window and the witness heard the gunfire of an automatic weapon. The Chevrolet then drove off in a southerly direction.

21. The minor witness was extremely fearful (partly because of his status as an illegal immigrant) and was furthermore illiterate. He was not cross-examined on the incident itself and his fear and illiteracy did not affect evidence on the execution of the murder. He further testified as to how he had been intimidated by some Tokoza residents against co-operating with or talking to members of the South African Defence Force who arrived on the scene of the assassination shortly afterwards.



22. The incident was investigated as a common law offence and the investigation met with considerable difficulties. All possible further leads as to the identities or political or other inclinations of the attackers were frustrated by total lack of co-operation from the public, despite rewards offered for information that would lead to the arrest and conviction of the assassins. Possible witnesses who could have assisted the police appear either to have been intimidated or ordered not to co-operate with the police.

23. After the murder Louis Mbuyiseni Sibeko, who had been involved with Sam Ntuli in civic matters, acting on behalf of the Civic Association of Tokoza, invited people to come forward with information about the assassination. Some people offered to give information provided they would not be involved with the police.

24. The committee was unable to come to any conclusion as to who was responsible for the murder of Sam Ntuli. However it is reasonably satisfied, for the following reasons, that the murder was yet another incident in the ongoing cycle of violence in the Tokoza area:

- Sam Ntuli was a prominent political leader in the area.
- The incident occurred three weeks after the assassination of the hostel dwellers on 8 September 1991.

- The intrigue surrounding the assassination was intense, witnesses were intimidated and the investigation was deliberately frustrated.

25. As in the first incident it is again disturbing that the police (on this occasion the Murder and Robbery Unit) have been unable to solve the crime.

The third incident (assassination of a number of Blacks near the Natalspruit Hospital

26. Mr Sam Ntuli, whose killing is the subject of the second incident, was buried at the Tokoza cemetery on Monday, 7 October 1991. His burial was preceded by a memorial ceremony that was held on 6 October 1991 and that passed without incident. However, on the evening of 7 October, after the conclusion of the burial and hand-washing ceremony, 18 people were killed in the immediate vicinity of the Natalspruit Hospital.

27. The funeral was one of the biggest ever held in the Katlehong-, Vosloorus-, Tokoza area - Sam Ntuli having been a very high profile political leader and his murder, coming three weeks after the assassination of the 18 hostel dwellers, having been seen as a major event in the area. Because of the significance of the event there was careful planning by the security forces and a decision was taken to maintain high-profile policing throughout the day. The committee finds no fault with the planning or the decision to adopt a high profile.

28. Monday, 7 October 1991, was a normal working day. However, an informal stay-away was called for in the area, and a great many people, particularly those inclined to support the so-called Patriotic Front, complied. However, many did not comply with this appeal and, significantly, the various groups of taxi drivers in the area decided that they would conduct their business as usual, but were warned to be careful because of the call for an informal stay-away.

29. Fairly early on the morning of 7 October 1991 a group of blanket-clad funeral-goers who were marching from a shack settlement known as Holomisa Park (which is due north of the Natalspruit Hospital, which is itself at the northern end of Khumalo Street) were stopped by the police and required to lay down their arms before they were allowed to proceed to participate in the funeral. The committee is satisfied that the disarming was appropriate and that it was properly conducted.

30. Sam Ntuli's parental home lies just to the south of the Natalspruit Hospital and to the east of Khumalo Street. Hostels 1, 2 and 3 face onto Khumalo Street and the cemetery is at the southern end of Khumalo Street. During the course of the funeral proceedings the funeral-goers passed in front of hostels 1, 2 and 3 on no fewer than five occasions. The security forces devoted considerable resources to containing a possible confrontation between the funeral-goers and the hostel dwellers. This they were substantially effective in doing and the committee can find no

fault with the way in which the security forces performed their responsibilities during the course of the funeral proceedings. The committee was concerned about the provocation inherent in marching backwards and forwards past the hostels and raised the issue with Mr Justice Goldstone. As a result a separate committee was appointed by Mr Justice Goldstone to investigate the conditions subject to which marches are approved and held, and a separate report and recommendations have been issued by that committee.

31. After the funeral-goers performed the hand-washing ritual at the parental home, they departed in three main directions. One group moved south down Khumalo Street towards Phola Park. A second group comprising residents of Holomisa Park and Mandela Park moved northwards around the western side of the Natalspruit Hospital. A third group comprising residents of Mandela Park and Holomisa Park moved almost due north on the eastern side of the Natalspruit Hospital. A third group comprising residents of Mandela Park and Holomisa Park moved almost due north on the eastern side of the Natalspruit Hospital. At the south-eastern corner of the Natalspruit Hospital are several large taxi ranks. Taxis travelling within the area and to Johannesburg, Germiston, the East Rand and Vereeniging use these taxi ranks. Many of the taxis belong to KAPTA (the Katlehong People's Taxi Association). Immediately to the north of the taxi ranks and adjacent to and on the east side of the hospital is a large open space, part of which is used as a soccer field. The third group of funeral-goers marched through the taxi ranks (actually moving between the taxis)

and then on to the open space, walking in the direction of Mandela Park and Holomisa Park. The group was broken up into waves.

32. When the second wave of the third group entered the taxi rank they (or some of them) attacked a number of the taxis and both taxi drivers and passengers with spears, axes and revolvers. Shots were fired and a passenger who tried to flee was killed. Extensive damage was done to KAPTA taxis, and some KAPTA taxi drivers were injured. This attack on the drivers, passengers and taxis was unprovoked, and the committee came to the conclusion that -

32.1 the reason for the attack was either -

- that the taxi drivers had not participated in the voluntary stay-away in respect of Sam Ntuli; or
- owing the perception (which the Committee is satisfied is false) that the KAPTA members are predominantly supporters of the Inkatha Freedom Party and were therefore in some way associated with the murder of Sam Ntuli; and

32.2 at least some of the members of the second wave had armed themselves, either with a general or a specific intent to attack those whom they thought were of an opposing political persuasion.

33. Almost immediately after the attack by the second wave on the taxi rank there was a vicious and sustained attack (using AK-47s)

on the funeral-goers who were proceeding across the open area adjacent to the Natalspruit Hospital. This attack was perpetrated by a number of individuals clearly working in co-operation with one another from different points around the open area. The shots were fired either from moving vehicles, from stationary vehicles or by individuals standing alongside vehicles. 18 people were killed during the course of this attack.

34. After hearing extensive evidence the committee is satisfied on the following points:

34.1 The attack on the funeral-goers occurred so soon after the attack on the taxi rank that even if the attack on the funeral-goers was in retaliation for the attack on the taxi rank it was a carefully premeditated and planned retaliation - the individuals having already been armed, briefed and appropriately positioned to carry out the retaliatory attack. It is however feasible that the attack on the funeral-goers was in retaliation for the earlier assassination of the hostel dwellers (incident 1), and that regardless of whether there had been an attack on the taxi rank the attack on the funeral-goers would have been mounted.

34.2 One Ndebele, a member of the KAPTA "squad", was directly involved in the shooting, and at least one member of the KAPTA committee (one Msimango) knew of and was either directly or indirectly involved in the planning and execution of the attack.

34.3 The police and the SA Defence Force were in no way whatsoever involved in the attack on the funeral-goers. Having regard to the provocative marches past hostels 1, 2 and 3 (the last of which occurred when the first group of funeral-goers left the parental home and marched south down Khumalo Street towards Phola Park and which occurred at very much the same time as the attack on the third group of funeral-goers in the open area adjacent to the Natalspruit Hospital), neither the police nor the Defence Force could be expected to have effectively policed all groups of funeral-goers. The security forces were very quickly on the scene of the attack on the funeral-goers and by their presence were substantially responsible for bringing the area quickly under control. There was an allegation that the police participated in a shooting incident at the Katlehong police station (approximately 2 kilometres to the north-east of the Natalspruit Hospital), where a corpse was subsequently found. The committee is satisfied that the police did not participate in that shooting.

35. As to the identity and political affiliation of those responsible for the attack on the funeral-goers, the committee is unable to come to any firm conclusions (save in regard to Ndebele, who is a member of the KAPTA squad and who lives in one of the hostels). It was clear to the committee that the KAPTA taxi drivers cannot be regarded as being affiliated as a group to any particular political movement. In fact they represent a number of different

ethnic groups, and speak a number of different languages. They ply their trade and earn their income from all the people of the Katlehong and Tokoza areas. If the attack was therefore carried out by the KAPTA squad it could not be suggested that this KAPTA squad was acting on behalf of the KAPTA members. On the other hand the committee did not hear evidence sufficient to conclude that the attack was carried out by hostel dwellers or on behalf of hostel dwellers.

36. It is clear from the evidence that members of the KAPTA squad are heavily armed. Although the committee did not hear evidence of the involvement of members of the KAPTA squad in the sort of criminal activity in which the Phola Park SDU and some of its members had clearly been involved, the committee was most concerned at the evidence of still more unlicensed arms and of the blatantly aggressive and murderous conduct of at least one member of an organised "defence unit".

37. Of great concern during the hearing of evidence was the persistent rumour of the involvement of the security forces (and the police in particular) in attacks on the funeral-goers. It appeared that this rumour was triggered by four different incidents, namely:

37.1 The fact that the police had disarmed the group of Holomisa Park funeral-goers earlier that day. It was suggested that this was done deliberately to leave the funeral-goers vulnerable to the attack (about which it was suggested the police



had foreknowledge) later that day. It is quite clear to the committee that the police had no such foreknowledge and that there was no such intent on the part of the police. The committee is also satisfied that disarming the funeral-goers in no way altered the fact of nature of the subsequent attack.

37.2 The sight of a police sergeant shooting at someone in the open area adjacent to the Natalspruit Hospital. The committee is satisfied that this did in fact occur but that the person at whom the shots were fired was one of the attackers who was at the time in possession of an AK-47 rifle and who was attempting to get away.

37.3 The shooting incident adjacent to the Katlehong police station and the perception that the police had been involved in that incident. As mentioned above the committee is satisfied that the police were not in any way involved in that incident.

37.4 The intensity of the shooting at the funeral-goers from the northern end of the open area adjacent to the hospital, and the perception that the police had been involved in that shooting. The committee is satisfied that the police were neither present at nor in any way involved in the shooting at the northern end of the open area.

38. The committee was unable to come to any firm conclusion as to whether these rumours were deliberately initiated or whether they merely arose as a result of quite innocent misperceptions. It is however quite clear that such false rumours aggravate the tensions between the security forces and the communities in which they are responsible for maintaining law and order - thus making their role all the more difficult to perform.

39. Despite the fact that the police were on the scene of the taxi rank incident and the open area incident within minutes, and despite having actually taken a number of people into custody for questioning, by the conclusion of the committee's hearings charges had not been laid against anybody (despite very clear evidence of the involvement of Ndebele in the attack on the funeral-goers).

The fourth incident (attack on the Rand Water Board minibus)

40. Early on the morning of 26 February 1992 a minibus transporting employees of the Rand Water Board from the Tokoza area to the Rand Water Board pumping station was ambushed while travelling along the Old Vereeniging Road adjacent to Phola Park. Four passengers in the minibus were killed and several injured in the attack.

41. Contrary to suggestions by some of the witnesses, the committee could find no evidence whatsoever of any earlier attack by the occupants of the minibus or of any other attack on the morning of 26 February 1992 on Phola park or any of its residents. The

suggestion that the ambush was either retaliatory or in self-defence is therefore contrived and unfounded.

42. From the evidence the committee is satisfied that the initial attack by three gunmen armed with AK-47 rifles standing at the side of the Old Vereeniging Road was executed by members of the Phola Park SDU. The committee is satisfied from the evidence that the attack on the Rand Water Board minibus was not a random attack on just any vehicle that happened to come along the Old Vereeniging Road but was in fact a carefully contrived attack on that particular minibus. It is not without significance that the owner of the minibus (a well-known member of the IFP) had already given the driver (his son) instructions to change the route because he feared such an attack. The driver of the minibus was either killed or badly wounded in the initial attack and the minibus proceeded out of control and came to a standstill approximately 150 metres from the point at which the initial attack was launched. The uninjured occupants of the minibus clambered out of the right side of the minibus and fled across the Old Vereeniging Road towards the west (away from Phola Park). A group of Phola Park residents (probably 50 to 100 in number) surrounded the minibus and brutally attacked and assaulted the either dead or injured driver and three other occupants. It is not clear whether the four occupants of the minibus who were killed, died as a result of being shot with AK-47 rifles or from being assaulted with stones and other blunt instruments and objects. There is however evidence that at least some of them died as a result of the assault and not as a result of being shot. The group of Phola

Park residents who mounted the assault are therefore also guilty of murder.

43. From the evidence the committee is satisfied that the attack was planned and mounted by the Phola Park SDU. The circumstances under which a large group of Phola Park residents then participated in an assault on the occupants of the minibus are less clear.

44. The committee concluded that the following circumstances had to be taken into account in determining the involvement of Phola Park residents other than SDU members:

- A sustained high level of tension and conflict between Phola Park residents and the hostel dwellers combined with a deep sense of persecution on the part of the Phola Park residents.
- Intense and extensive rumours (which the committee concluded were deliberately initiated) of the involvement of the minibus either in a shooting incident in the Tokoza residential area the previous evening or in Phola Park itself earlier on the morning of 26 September.
- The noise of the firing of guns alongside the Old Vereeniging Road immediately adjacent to Phola Park.

- The sound of bullets hitting the branches of bluegum trees adjacent to Phola Park (probably fired by the occupant of one of the first vehicles on the scene of the attack at the members of the SDU).

- The sight of some of the occupants scrambling out of the minibus and running away "possibly with guns", although the committee is satisfied that none of them had guns.

45. As in the case of the involvement of Phola Park residents at the south-western corner of the stadium in the first incident, the committee came to the conclusion that -

- at least some of the Phola Park residents (who were not SDU members) involved in the assault on the minibus were actively involved in the planning and execution of the ambush;

- some of the Phola Park residents who participated in the assault were probably "conscripted" to participate in the assault; and

- some of the residents who participated in the assault were involved out of a combination of inquisitiveness, militancy and fear generated by rumour, persecution mania and coincidence.

46. Both the police and the Defence Force responded rapidly and effectively to the incident. The police were in fact involved in something of a gun battle with members of the SDU, and the Phola

Park residents retreated to Phola Park when members of the Defence Force approached the scene of the shooting from a different direction. The committee has no criticism of the response of the police in shooting at the members of the SDU under the circumstances, despite the fact that Phola Park and presumably innocent residents of Phola Park were directly in their line of fire behind the SDU members. There is an embankment between the Old Vereeniging Road and Phola Park at that point and the members of the SDU were in front of the embankment.

47. The investigation of the murders commenced immediately and by the conclusions of the committee's hearings on 27 July no arrests had been made although several members of the SDU were being held in custody and it is possible that charges could be laid against some or all of them for their involvement in the fourth incident.

The fifth incident (the Crossroads massacre of 3 - 4 April 1992) and the sixth incident (the Zonkizizwe massacre of 6 April 1992)

48. On the Friday (3 April 1992) preceding the Easter weekend, at approximately 23:30, three groups of about 300 men armed with firearms, axes and pangas attacked the Crossroads informal settlement situated on the eastern side of Katlehong Township in Germiston. The group entered the settlement from the southern side and moved towards the graveyard on the northern side. They attacked people and shacks and left 19 people dead (including two children, a woman and a visitor known as Kunene), 12 injured and 45 shacks damaged or destroyed. They also demanded money from

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