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# Independent Board of Inquiry

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## **Report for October & November 1993**

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## INTRODUCTION

November saw most political players in South Africa bar the Freedom Alliance give their stamp of approval to an interim constitution. The Board, however, fears that groups opposed to the new deal will do everything in their power to disrupt the smooth functioning of the Transitional Executive Council and the elections. The Freedom Alliance (FA) which can be described as the "new" right wing consists of the all white Conservative Party (CP), the Inkatha Freedom Party (IFP) which propagates Zulu nationalism, the Afrikaner Volksfront under the leadership of retired army general Constand Viljoen and the "independent" homeland governments of Bophuthatswana and Ciskei. General Viljoen has described the Alliance as a grouping of federalist, conservative black groups and white right wing parties. The coming together of this disparate group is in the Board's view not a principal alliance but rather a strategic and tactical one aimed at presenting a common front to decisions made at the TEC.

There have been threats by the right not to recognise the transitional government and the IFP and the Afrikaner Weerstandsbeweging (AWB) has warned of resistance. The KwaZulu government has already set up a fund to "protect Zulu's" and at least 150 men from the PWV region have gone for "self protections" training in Natal.

The Minister of Law and Order Hernus Kriel announced on November 26, 1993 that the East Rand townships of Katlehong, Thokoza, Thembisa and Vosloorus would no longer be official "unrest areas". Declaring townships "unrest areas" has not led to any significant decline in the number of violent incidents. The time has come to look at more creative measures to stem the tide of death and destruction in the East Rand. The Internal Stability Unit (ISU) should try and actively engage the communities in which they work in solving the political violence. They should negotiate with community leaders and not always create a buffer dividing them from the community - giving the impression that the residents are all criminally minded and prone to violence and that only an outside force can bring peace and stability to the area.

Peace efforts in these areas should be as inclusive as possible and offer tangible long term results. There is a need for economic reconstruction and social development. Programmes should be developed which include all those effected by the violence.

The last two months have seen numerous calls for the Internal Stability Unit (ISU) to leave the East Rand townships of Katlehong and Thokoza. Despite claims by the SAP that "No hard evidence of misconduct by the ISU has been reported for investigation", the Board can detail several complaints that have been reported to the police and to Advocate Jan Munnick the Police Reporting Officer, a post created under the auspices of the National Peace Accord (NPA). In the section on the East Rand, the Board will detail some of the cases brought to our attention over the last two or three months which give substance to the calls for the unit to be removed from the area.

## 1. RIGHT WING

The regrouping of the right wing under the banner of the Freedom Alliance (FA), has brought some degree of strategic coherence to its approach to negotiations. Although when they speak as individual parties outside of the alliance their differences are stark. As an alliance they speak of Federation whereas the CP continues to demand an independent Volkstaat (homeland). It also highlights the fact that each component of the FA has a different social base with different demands and needs. On the one hand you have the white right wing, its base can be said to be mainly white working class, farmers and some from within the security establishments. Then there is the black component, each differing in size and significance.

The alliance has declared in its manifesto that it had committed itself to working within their respective policies and ideologies to ensure long lasting peace, freedom and democracy in southern Africa. The alliance also committed itself to the principal of the right to self-determination. Immediately after the formation of the Freedom Alliance, warnings of civil war echoed louder and more ominous. The recent pledge by the IFP and the Afrikaner Weerstandsbeweging (AWB) to form underground units aimed at protecting the two organisations from the "ANC and its communistic allies" is a further concern. The Vaal Triangle region of the IFP and the East Rand region of the AWB signed a pact on Saturday November 27 in the Vaal, which committed them to working together in underground structures, later described by an IFP interpreter as "hit squads". The Accord was signed by AWB leader Eugene Terre'Blanche and IFP regional leader Myezi Twala. However, the signing of the pact has been rejected by IFP Transvaal youth leader, Themba Khoza as "null and void". Terre'Blanche commented after the signing the pact that "nobody could govern this country without the "Boer" and the "Zulu". Thus the threat of the rightwing, particularly the "new" rightwing, under the banner of the Freedom Alliance needs to be seriously examined. The

anomaly of white racists entering a pact with Zulu nationalists should not be undermined because this illustrates a broadening of the support base of the "new" right wing

In November, rightwing hard-liners made known their plans for a "Third War of Independence". According to the *Saturday Star* war preparations are to start with a seven day period of action, set to begin on December 9 and culminating in a "people's day of humiliation" at the Voortrekker Monument on December 16.

The Afrikaner Volksfront (AVF) has urged right-wingers to stockpile arms for a siege, in the event of a government of national unity coming into effect after the April elections. Meanwhile the extremist Boere Weerstandsbeweging (BWB), led by Andrew Ford, confirmed that they have been recruiting youths for military training. Jan Breytenbach, founder of the notorious 32 Battalion, recently became active in rightwing politics. Indications are that he is at the centre of a mobilisation effort to recruit former members of the SADF special forces.

It is alleged ( Weekly Mail October 1) that their plan of resistance includes industrial sabotage, cuts in water supply, engineered power failures and even armed conflict. Early in November almost three tons of arms, ammunition and explosives were stolen from an army base, near Pietersburg. Nine men, almost all of them claiming allegiance to the Boere Weerstandsbeweging were arrested in connection with the theft.

Over the recent months right-wing leaders have been calling for the infiltration of the SADF's Commando network, particularly those commandos located in the rural areas. Another area of concern, is those right-wingers with military and national intelligence backgrounds. Those who in the past have been predisposed to dirty tricks and see little use in negotiating and prefer to maintain conflict.

Whilst not overstating their danger, it is clear that the arming of the right-wing via the Commandos poses a threat to the transition and to a post election South Africa, especially since most white right-wingers have a measure of military training, having been part of the old military call up system.

Presently the Board is in the process of finalising a comprehensive analysis of the "New Right Wing" and the threat they pose to the future stability of South Africa.

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## 2. APLA

The scheduled meeting between Apla and the Government went ahead as planned despite the SADF raid in Umtata. According to Sabelo Phama, who led the Apla delegation, Apla had not suspended the armed struggle as was suggested in interpretations of the agreement reached in Harare. He said that the meeting did not suspend or end Apla activities but set the stage for negotiations on a mutual cessation of hostilities. According to Phama, the meeting agreed that it was necessary to declare a moratorium on violence and that this had to be worked on.

### 2.1 SADF Raid in Umtata

On Friday the 8 October SADF troops raided the home of PAC member Sicelo Mpendulo, in Umtata, Transkei was attacked by a crack SADF squad. The twelve soldiers fired approximately 300 shots which killed five defenceless youths, namely Samora , Saddam and Mzwandile Mpendulo , Sandiso Yose and Thando Mthembu . The youths were asleep in the house at the time.

According to SADF communications chief, Dr Das Herbst, one of the objectives of the SADF was to strike at a verified Apla facility. Thus the evidence that had allegedly been found in the form of ammunition, weapons, documents and number plates illustrate that the house was not an ordinary dwelling. Herbst was adamant that the house was used as an Apla facility and that sufficient intelligence to that effect had been gathered by the South African security forces.

In an attempt to lift the shroud of disinformation over this attack, Lawyers for Human Rights launched an independent on the spot investigation. According to LHR National Director, Brian Currin, "it was without question that a prima facie case of murder existed against the South African soldiers who executed this brutal raid".

Among other startling facts, the LHR investigation found:

- One of the youngest victims Sandiso Yose was pre-pubescent as the PAC and the Transkei authorities claimed, the age supplied by friends as being 12 years old was verified by the LHR investigating team. This is in sharp contrast with the 16 years claimed by the South African authorities, as being the age of the youngest victim.



- Tandu Mtembu, the oldest of the victims was somewhere between 18 and 20 years. People who knew him say he was 19 years old.
- The five victims were not identified by the SADF as either Apla or PAC members prior to the attack. Statements issued by the SA Government clearly illustrates that they attacked the house because they believed it to be an Apla base. On their own admission they did not know who was in the house at the time of the attack. According to the LHR investigation, it was likely that Sgqibo Mpendulo was the intended target. Sgqibo, the owner of the house is a well known PAC member and ex-Robben Islander.
- The five young victims did not live in that house. Mpendulo's three sons lived in Mquanduli, 36 km from Umtata with their mother. On that fateful day they were visiting their father for the weekend.
- The LHR investigation could not say whether or not firearms were found in the house. Mpendulo however, denied the allegation that arms and ammunition were found in his house. More than a hundred spent cartridges, all 9mm calibre were found on the scene. Of the bullets discharged, only four struck the walls, the rest were fired downwards. This suggests that the victims were lying down throughout the attack. Thus the claim by the SADF that the victims offered resistance is not plausible. If any one of the victims had offered any resistance, at least one or two of the boys would have been on their feet when the shooting began.
- All of the bodies were riddled with bullet holes, mostly in the chest and head. The corpse of the 19 year old youth, the oldest of the five victims, had 12 bullet holes, all fired from behind him, thus eliminating all possibility of him having been the one to offer resistance. The youngest victim Yose, was hit 18 times, nine shots in the left upper chest and four in the head.
- Doubt also exists over the weapons which were supposedly found in the house. According to Currin, the weapons shown as having been seized were not filmed at the house where the youths died, and none of the pictures showing the victims show any firearms whatsoever.

Thus the LHR investigation concluded that the victims were lying down when they were fatally shot. Based on the fact that more than a 100 rounds of automatic fire was sprayed into the room, the walls would have been riddled with bullet holes. The LHR investigation team

could only find four such holes in the room where the killing occurred. All those holes were lower than knee high, with just two above the skirting board, indicating downward shooting.

In light of the above findings the following recommendations were made by the LHR investigating team.

The case be handed over to the Attorney-General with a view to investigating charges of murder, conspiracy to commit murder and all related charges.

The SADF suspend with immediate effect all members who participated in the killings, since official SADF statements stressed that the soldiers were ordered to avoid killing. If this was true then the soldiers wilfully and recklessly disobeyed orders.

The TEC sub council on Defence should ensure that the participants in this attack are court marshalled and that a proper inquiry into the events takes place.

The Minister of Defence, Mr Kobie Coetsee, who admitted to the authorisation of this attack should be removed from public office, with immediate effect.

The Government should make public the information which led them into believing that this house was an Apla base.

Finally, since by the Governments own admissions regarding the motives for the attack, it constitutes an act of political violence and therefore, President de Klerk should refer the matter to the Goldstone Commission for investigation, a finding and recommendation.

President de Klerk and Defence Minister Kobie Coetsee were emphatic that the SADF raid on Mpendulo's house in Umtata was based on accurate intelligence and was justified as a pre-emptive strike against an imminent Apla attack.

However, Foreign Minister Pik Botha later admitted that the government had made a "bad mistake" when asked about the raid on the house in Umtata.

### 3. THE GOLDSTONE COMMISSION

Judge Richard Goldstone in an address to the Cape of Good Hope Law Society in October, said that there was strong circumstantial evidence of security force involvement in political violence but not enough conclusive proof to make a judgement. Judge Goldstone said that as a lawyer and a judge "I have little doubt that a considerable cause of some of the political violence is the work of agents provocateurs. But by applying the same logic and reasoning to known facts, I do not know who is responsible for it."

Goldstone said there was proof of covert criminal activity by security force members in the '80s. "The activities of the CCB speak for themselves. Without anticipating any finding which may be made at the Goniwe inquest, some of the evidence relates to further possible involvement by the military or police in criminal activity at that time." There was also the government's secret funding of Inkatha and the SADF training of Inkatha supporters in Caprivi in 1986, and the involvement of some of those trainees in recent violence. Judge Goldstone said that the SAP's inability to apprehend and successfully charge any but a small number of persons responsible for the large number of murders committed on trains and in other public places had added to the suspicion of security force involvement.

Other factors included the Goldstone commission's raid on the Covert Collection Department and the discovery that Military Intelligence was employing a man with a serious criminal record to undermine officials of the ANC. Also, 10 months after the dismissal of 23 senior officers, President FW de Klerk still had not given the reasons for their dismissal.

Judge Goldstone also commented: "To this long list of relevant evidence I would add that the present head of Military Intelligence, General Joffel van der Westhuizen, less than a month ago refused to answer questions put to him on the grounds that the answers would tend to incriminate him. He is still in a position of great authority in government service and able to influence further investigations". In light of all this, "can any South African be blamed for believing that a third force or third forces are responsible?" However, Judge Goldstone added that his staff had struggled to find credible evidence of a third force and its sponsorship. In our view since these activities are intended to be covert, it is not surprising that there is no hard evidence.

Judge Goldstone concluded by saying: "To the extent that the commission is a jury, in respect of third force activities that jury is still out".

## 4. ATTACKS ON INDIVIDUALS

African National Congress (ANC) leadership figures have over the last two months received a number of death threats and several ordinary members have been subjected to harassment. ANC PWV chairperson Tokyo Sexwale, was the subject of a bizarre call in which a person impersonating Cosatu leader Jay Naidoo phoned a funeral parlour and ordered a coffin for him. Telephonic death threats have also been received by ANC president, Nelson Mandela and international co-ordinator, Thladi Ditshego.

White Afrikaner speaking ANC member Devilliers Booysen's car was set alight in Yeoville. Booysen believes his vehicle was targeted because of his political views. According to the police the fire was started deliberately and they are investigating. In another arson attack the ANC's Randfontein offices were extensively damaged. Most of the damage was to office equipment and will cost at least R40 000 to replace. The alleged arson attack took place close to a police satellite station. According to the SAP, a police patrol had seen someone leaving the premises shortly before the blaze.

PAC general secretary Benny Alexander's home in Ennerdale was gutted in early November both the police and the PAC suspect arson but have said it is too early to make assumptions. Police spokesperson Major Piet van Deventer said although arson and explosives experts had gone through the rubble, there was still no clear indication of what caused the fire.

### 4.1 Chris Hani

Conservative Party politician Clive Derby-Lewis and Polish immigrant Januz Waluz were found guilty of murdering South African Communist Party (SACP) general secretary, Chris Hani and sentenced to death in the Rand Supreme Court in October.

The court found that there was insufficient evidence to convict Gaye Derby-Lewis of the murder or of any of the other charges against her. Waluz and Derby-Lewis were acquitted of conspiring to murder eight other people whose names were found on a list with Hani's in the Polish right-wingers flat after his arrest. Both were convicted of unlawful possession of the stolen pistol used to kill Hani. The court found that Waluz and Derby-Lewis conspired to murder the former SACP chief and that the assassination was planned well in advance.

Waluz shot Hani four times outside his Boksburg home on April 10 with the unlicensed Z88 9mm pistol given to him for this purpose by Derby-Lewis. Derby-Lewis obtained the pistol,

originally stolen from an SADF depot, from a friend and had it fitted with a silencer in Cape Town before handing it to Waluz. The judge said only Derby-Lewis would have been able to say when he handed the weapon over to Waluz and why. Instead both he and Waluz had declined to testify.

"His omission to do so is highly significant and has the effect of converting prima facie proof into conclusive proof."

In the absence of an explanation from the Derby-Lewis the inference had to be drawn that he handed over the pistol knowing what Waluz was going to use it for. "The facts point inevitably to the one and only conclusion that he (Derby-Lewis) actively promoted the objective of the assassination of the deceased".

In November, Clive Derby-Lewis's attorney Jan Lubbe announced that an application for his trial to be reopened was lodged with the Rand Supreme Court. Derby Lewis now believes that he should have testified in his defence. Derby-Lewis hopes that by saying he passed the gun that killed Hani to Waluz for it to be tested - and not to kill Hani - his murder conviction will be overturned. Witwatersrand Attorney-General Klaus von Lieres un Wilkau said that there was a provision in the Criminal Procedures Act which allowed a trial to be re-opened. "But he will have to meet strict requirements and show why he never brought this information forward in the initial trial".

#### 4.2 John Lawrence

The ANC and the SAP are to conduct a joint investigation into the shoot-out in Johannesburg on Saturday November 20 which left Winnie Mandela's bodyguard and an attacker dead. Police initially ruled out the possibility of a political motive behind the shooting, saying the 19h40 shooting was sparked by an argument between Mandela's bodyguard John Lawrence (31) and two pedestrians.

However, ANC spokesperson Carl Niehaus said it was "irresponsible of the police to rule out the political possibilities so early". He said the ANC was not prepared to rule anything out until all avenues and all possibilities have been probed. Mandela was not hurt but was said to be under heavy sedation. Although the police had ruled out a political motive they did station two armoured vehicles outside the Mandela home. The shooting is alleged to have taken place after an argument broke out between Lawrence and two pedestrians who claimed that Lawrence had almost run them over at a traffic light. Lawrence allegedly got out of his car and

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cocked his pistol at the two pedestrians, shouted at them and then got back into the car and drove off. The cars progress was slow because of the heavy traffic. The pedestrians apparently followed the car, and when it stopped at the corner of Kerk and Simmonds streets, one of the pedestrians wrenched open Lawrence's door and he and Lawrence fired at each other, Both men were shot dead. Police recovered 18 spent 9mm cartridges but could not say who fired the first shots.

The second man was taken into custody and had told the police he was not involved in politics and that he had no idea Winnie Mandela was in the car. He has since appeared in the Johannesburg Magistrate's Court on a charge of possession of a firearm and granted bail of R1000.

The police subsequently retracted their statement that the attack was without political motive and are still investigating.

#### **4.3 Walter Sisulu**

The European Community Observer Mission in South Africa (Ecomsa) said in a statement in late October that it had found no evidence to show that a shooting incident in which one of ANC leader Walter Sisulu's bodyguards was killed was a planned, premeditated attack.

Ecomsa said it had received the full co-operation of the ANC, the Attorney-General and the SAP and had access to all the evidence.. It also viewed the video tape recorded at the time by German television. It added that the police investigation had been conducted "in a proper and sufficient way" and that "the incident had resulted from an unfortuante set of circumstances". The ANC said that it took note of the Ecomsa report, but believed the investigation was not yet complete.

#### **4.4 Abraham Vilakazi, Wilson Maseko, Mischalk Motha and Mandla Mabaso**

The fledgling alliance between KaNgwane's ruling Inyandza party and the ANC was put to the test in early October following the murder of Abraham Vilakazi (26), Wilson Maseko (24), Mischalk Motha (30) and Mandla Mabaso (20). The four were killed when their car was ambushed between Mayflower and Feni. The four - all Deepdale branch executive members were shot dead when they were returning from the local magistrate's court where they had appeared on a charge of public violence. The killers are apparently known to the ANC and their names have been given to the local police. The ANC alleges that the killers were members

of the local Insika Party. The ANC has also alleged that the KaNgwane Police had knowledge of the attack and did nothing to prevent it. The ANC has called on the Goldstone Commission to investigate the incident.

#### **4.5 Essop Pahad**

South African Communist Party central committee member, Dr Essop Pahad, was stabbed in the chest and his briefcase stolen while waiting for a car to transport him to the World Trade Centre. According to the SACP, Pahad was accosted by two men. One grabbed him from the back and held him while the other plunged a knife into his chest. The SACP leadership could not say whether the attack on Pahad was politically motivated. It said police investigations might help in clarifying the matter.

#### **4.6 Zolana Michael Mcetywa**

Chairperson of the Pongola region of the ANC, Zolana Michael Mcetywa was shot dead in front of a furniture shop in the south-eastern Transvaal town. Police arrested a person shortly after the incident. Mcetywa sustained four bullet wounds to the head and body. Police said that Mcetywa parked his car in front of the furniture shop and as he got out he was accosted by a young man who fired several shots. Mcetywa fell to the ground and according to witnesses the attacker continued firing shots into his body.

#### **4.7 Joe Slovo**

John Beck the man charged with the alleged conspiracy to kill SACP chairperson, Joe Slovo, had all charges withdrawn in the Johannesburg Magistrate's Court in November because the main witness has disappeared. The prosecutor informed the court that despite all efforts the witness, Peter Psenak could not be found.

#### **4.8 Felix Mvelase**

Gunmen killed the son of IFP Transvaal chairperson Vitus Mvelase on Saturday November 6, Felix was the second son of Mvelase's to be killed this year. According to the party's chief co-ordinator Hennie Bekker, Felix (33) was called to the gate of his father's Ladysmith house and one of the four men standing there produced a gun and shot him. Bekker said Mvelase's younger son Francis was attacked and "necklaced" earlier in the year.

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#### 4.9 Michion Mkhize

Inkatha Freedom Party student leader at the University of Zululand, Michion Mkhize (26), was stabbed to death at nearby Vulindela township outside Empangeni on October 19. The IFP said that Mkhize was with a group of IFP "sympathisers" when they were attacked by eight men. Mkhize and another unidentified student were stabbed to death and three others were injured. The IFP said the attack was politically motivated and linked to a planned IFP meeting on the campus on Saturday October 23.

## 5 NATAL

### 5.1 Self-protection units

The call made by the IFP leader and KwaZulu chief minister Mangosuthu Buthelezi to all Zulu's to contribute R5 towards buying weapons and establishing "Self-protection Units" (SPU) has been condemned by the National Party (NP) and the ANC. The IFP has responded to the criticism by going ahead with the plan to impose a R5 levy on all KwaZulu residents to fund "Zulu Protection Units". The KwaZulu government hopes to train about 400 men to defend Natal communities against the violence which has claimed thousands of lives in recent years. KwaZulu Legislative Assembly (KLA) secretary, Robert Mzimela said the units would consist of three or four men armed with "ordinary weapons" or, sometimes just "traditional weapons".

Mzimela said private volunteers would be called in to train the men and the units would be deployed in districts in Natal/KwaZulu which had experienced high levels of violence. However, IFP spokesperson Ed Tillet said it was "most likely" that the units would be deployed on the Reef. The men who will be recruited throughout Natal, would be trained in six weeks.

Chief Buthelezi's call for the R5 donation has met with disapproval and some magistrates within KwaZulu have vowed not to pay the R5, saying that although they are paid by the KwaZulu they are not "puppets" of the Homeland government.

The Inkatha Freedom Party Women's Brigade during its annual conference held in Natal supported the R5 levy and urged the IFP to give consideration to the training of women.



Training has already begun and Mzimela confirmed that the training is being run in the hills near the Umfolozi Game Reserve in northern Natal. He said the training lasted six weeks and involved intensive firearm and military training. He also said that KLA members would help trainees in obtaining firearm licences. The camp is in an area controlled by chief Mgenda Mlaba, a member of the KwaZulu Legislative Assembly.

The call for SPUs by Buthelezi was made less than a month ago but the camp near Umfolozi Game Reserve has been in operation for at least three months. A former SAP security branch policeman Phillip Powell has been linked to the Inkatha military training camps. He was allegedly seen at the Umfolozi training camp, and at camp in Elandskop near Pietermaritzburg.

### 5.2 Folweni

Five alleged members of the ANC were acquitted on November 10 1993, in the Durban Supreme Court, on 24 charges of murder and 22 of attempted murder. The case was a sequel to a massacre at Folweni, Natal, in October last year. The judge said he acquitted the five because there had been no direct evidence linking them to the attack at the Folweni home of Mbonwa Sabelo.

He said the evidence of the state's five key witnesses who gave evidence behind the closed doors, had not proved beyond reasonable doubt that the five had participated in the massacre.

The gunmen wielding AK-47 rifles raided Sabelo's kraal at night while a traditional ceremony for aspirant sangomas was in progress. Participants were ordered to lie down and were shot at close range. A storm of controversy raged after the killings, with the Inkatha Freedom Party claiming that ANC operatives were responsible. The IFP also claimed all the victims, including children aged 11, were its members. It, however, later transpired that the 11 of the victims were ANC members.

The discharge of these five men follows a pattern set in other similar trials in which people accused of participating in mass killings have been found not guilty due to lack of evidence.

### 5.3 Nqutu

Ten teenagers were shot dead and eight others injured in an attack on a homestead in Nqutu on Sunday November 7. The homestead belongs to Chief Alpheus Molefe who was injured in

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the attack. Nine of the victims were card carrying members of the ANC. One of the victims was Chief Molefe's son Tsepo. The injured victims included a three-year-old and a woman who suffered broken bones after being shot.

The ANC had planned to hold a rally in the area but had cancelled after the ANC's security department received information that there may be trouble in the area. The Chief is an ANC member, in an area in the middle of Inkatha dominated territory. The attack allegedly took place 7km from where the rally was due to be held. The KwaZulu Police are investigating. The investigation has already been tinged with controversy when the original investigating officer was removed from the case allegedly after making a significant breakthrough.

## 6. REEF VIOLENCE

### 6.1 East Rand

The East Rand townships of Katlehong and Thokoza continue to account for more than half the deaths in the PWV area. There is no single cause of the violence in the area and to say that the violence escalated just when negotiators at the World Trade Centre set an election date is in our view simplistic. The violence in the East Rand can be attributed to a number of factors. One such cause is the ongoing taxi dispute over routes which began in late June. This dispute has claimed scores of lives in Thokoza and Katlehong. Furthermore the "forced colonisation" by the IFP and ANC of areas in the township has led to violence. Areas like Phenduka in Thokoza are virtual ghost towns with residents preferring to flee their homes rather than pay various "taxes" imposed on them by people the residents identify either as IFP members or hostel dwellers. Most of those fleeing their homes are Zulu speaking. They have refused to join the IFP and pay a R50 contribution towards the purchase of bullets. They have also refused to allow their sons to patrol the streets or their daughters to enter the hostel. At the other end of the political spectrum, youth allegedly belonging to the ANC have forced people to contribute money for firearms and ammunition. Residents who are Zulu-speaking have been particularly vulnerable and have risked being labelled "Umdlwembe" (stray dog) by the youth and forced out of their homes. Another cause of the continued violence is the activities of the ISU. Evidence placed before the Board gives the distinct impression that the ISU has a clear programme to eliminate members of self-defence units in the East Rand.

The SDU's themselves are also responsible to some degree for the violence in the East Rand. There are elements within the SDU's that are not disciplined and who seem to have their own

agendas. Clearly the causes of violence in the East Rand are diverse and cannot always be attributed to incidents within the wider political arena.

Eight policemen from the East Rand were released without charge earlier this month after serving at least 75 days under Regulation 3 of the Unrest regulations - which allows for 30 days detention without trial. This period can be extended by the Minister of Law and Order. According to the SAP - 229 people were detained under unrest regulations in the East Rand. Of those 109 were released while 81 were charged. However, of the 123 Regulation 3 detainees who brought an urgent application seeking relief from further assault and torture in the Rand Supreme Court in August -92 were released without charge, 31 were charged. To date 14 of the 31 have had their charges withdrawn. The above figures clearly indicate that scores of people have been detained in the East Rand without just cause.

### **6.1.1 Thokoza**

Despite several meetings between rival taxi groups in Thokoza and optimistic press reports that the dispute had ended, the reality has once again proved different. Residents using the alternative Phola Park route have refused to go back and use the Khumalo Street route for fear of being kidnapped into the hostel. This is a legitimate fear as the Board has received several reports of people being abducted into the hostel and we have detailed them in previous reports. One of the key problems seems to be the activities of the Thokoza Taxi Association squad cars. In the first week of November, the Board was given the registration number of a blue Toyota Cressida which was allegedly forcing commuters to use the Khumalo Street route. Passengers were insulted and some physically abused by the occupants of the blue car. The Board checked the registration number with the traffic department and established that the vehicle was indeed registered in the name of a local taxi association. A blue Cressida was also allegedly used in an incident in which a Germiston bound taxi was attacked. At least one person died in the attack and three were injured.

In the second week of November, the Board was informed of a meeting between the rival taxi groups. At the meeting in Alberton opposite the traffic department the drivers and owners using the alternative route made it clear that the residents using their vehicles were not prepared to use Khumalo Street. A well known taxi owner whose taxis use the Khumalo Street route then threatened the other drivers and said that he would force people to use Khumalo Street and use force if necessary. The Board immediately contacted the Political and Violent Crime Unit about the alleged threat and they said they would investigate.

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The Natalspruit Hospital has also become a battleground in recent months with many residents seeking alternative medical help at hospitals in Johannesburg. The most recent case saw a man wielding an AK-47 hold up policemen, three Peace Secretariat members and the Natalspruit Hospital superintendent, during a search for weapons in the hospital.

Police spokesperson Brigadier Zirk Gous said that police acting on information searched a cloakroom next to ward 14 in the presence of the superintendent and peace monitors between 16h00 and 17h00. The police found a pistol, seven magazines and 429 rounds for 17 different calibre firearms. The gunman suddenly appeared in the passage and held the group at gun point. Screams from hospital staff alerted other policemen, and the gunman escaped without firing a shot.

Recently a victim of a taxi attack recognised her attacker as a worker at the Natalspruit Hospital. She allegedly identified the attacker after she was taken to the hospital for treatment.

The IFP has accused the ANC in the East Rand of using several vehicles resembling those of the Wits-Vaal peace monitors to spy on hostels and residents before launching attacks. The IFP claims that ANC members, among them members of MK and the SDU's use the vehicles to transmit positions, routes and registration numbers of police vehicles to their hidden assault teams. The IFP claimed that vehicles had the familiar peace corps flags attached to them to make them appear like real peace corps vehicles. The allegations are disturbing since the Board's vehicle resembles vehicles used by the Wits-Vaal and allegations like the above make fieldwork even more difficult in an already tense situation. Wits-Vaal director, Peter Harris, said the secretariat had requested details of the allegations and said that an urgent investigation would be launched as soon as Inkatha provided the information.

In line with new alliances forged by the right wing, members of the "Boerekommando" and the AWB delivered aid to residents of an IFP controlled hostel in Katlehong. IFP Women's Brigade Thokoza secretary, Gertrude Mzizi, said the food, clothes and medicine had been delivered by people acting under the auspices of the Freedom Alliance. The mission was apparently carried out under the cover of darkness because the party did not want to attract the attention of "ANC supporting residents". The spokesperson for the group AWB Donkerhoek Commando member Frans Kruger said he was "not qualified" to say if hostel inmates would be provided with weapons.

Residents in both Thokoza and Katlehong continue to report cases of abduction involving hostel dwellers. Three young men were shot and hacked to death in early October. The three

all from Soweto got lost in Khumalo Street. A fourth man, Pascal Tshabalala managed to escape by hiding in a gutted house till morning. The bodies of Tshabalala's three friends were found in the Germiston Government mortuary.

Migrant labourer, Dawie Sekwakwalala Gaithijwe, was abducted and forced into Kwesine Hostel on Tuesday November 17. He was interrogated about his political convictions. He was then forced to remove his shirt and shoes and then his attackers started punching him. He was also repeatedly beaten on the back with a red hot coal poker and a hot iron was used to iron his hands and the upper parts of his feet. The hot irons removed the skin from his feet, hands and back. He was then forced to drink hot cooking oil which burnt his mouth and chest. Later he was told to get up and go home as he had been "freed". He was escorted out of the hostel and told to run. As he attempted to run away he was shot four times, in the back, knee and left hand. Gaithijwe was left for dead. A passer-by found him laying in the bush two days later and rushed him to Natalspruit Hospital where he is now recovering.

On Friday November 19, five youths were driving a blue BMW along Khumalo Street past Mashayazafe Hostel on their way to visit friends when they were forced off the road by a mini-bus. The five, Thami Poli (20), S'phiwe Sibisi (22), Bongani Manana (18), Thami Radebe (19) and S'phiwe Maseko (21) were forced to stop when the mini bus cut in front of them. A group of heavily armed men emerged from the mini-bus and ordered the five youths out of the car. The men were armed with guns, spears and pangas and accused the five of being comrades and killing Inkatha members. The five were searched and all their money was taken. At the same time other hostel dwellers began stripping the car of its seats, bumpers and radio. The five were then herded towards the hostel gate but Maseko surprised his assailants by rushing across the road. All five then managed to escape. The five reported the incident to the Thokoza Police Station, while at the station they recognised one of their assailants and asked the police to arrest him. They refused and suggested that the five arrest him themselves which they did. In the meantime the Board managed to contact the Joint Operations Centre at Natalspruit and the ISU arrived on the scene just in time to prevent the car being burnt.

#### **6.1.1.2 The Internal Stability Unit**

Over the last couple of months residents of Thokoza and Katlehong have called for the removal of the ISU from the townships. The calls have fallen on deaf ears with the police saying that there is "no hard evidence" to support residents claims of serious misconduct on the part of the ISU or claiming that the call for the ISU's removal is racist. The fact that the ISU has scores of

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black members seems to have been forgotten and the call by township residents for the removal of the ISU is not only in respect of white members but ISU members across the board.

The Board has received a number of complaints about the behaviour of the ISU and at times our own fieldworkers have been victims of their verbal abuse. Complaints about the ISU fall into three broad categories \_:

- Alleged extra-judicial executions and assaults.
- Theft of money and other property like jewellery and alcohol.
- Damage to property particularly when entering and searching homes.

In regards to allegations of assault and torture, two "shock machines", rubber tyre inner tubes and spears were found in two ISU vehicles by members of the SAP assisting the Wits Vaal Police Reporting Officer, Advocate Jan Munnick. The Boards' August and September reports have detailed some of the allegations made by Regulation (3) detainees in regard to alleged electric shock treatment and suffocation with an inner tube of a tyre. Most of the detainees alleging assault were medically examined and their injuries were consistent with their allegations.

The Board has put together a number of cases which clearly show ISU misconduct.

Thabiso Chaane (16) was shot dead by members of the ISU on Sunday October 24 - according to eyewitnesses members of the ISU entered Thokoza's Sisulu section (Basotho Section) after coming across a stolen vehicle. According to witnesses many of them elderly, the ISU immediately began harassing the youth in the area. Tempers on both sides were raised and gunfire was exchanged. During this period Chaane was at home in his bedroom. On hearing the commotion, he went outside. According to some witnesses he was armed, he took his firearm and left the house. He was immediately spotted and chased. According to witnesses he was allegedly shot in the leg. He fell over and threw the gun towards the advancing ISU members. Eight ISU members then allegedly surrounded Chaane and opened fire. He was killed instantly. It is said by witnesses that members of the ISU then went into their Nyala removed a firearm and placed it next to the body. Pictures were then taken. In the meantime, a large angry crowd many of whom had witnessed the incident began to gather. The ISU allegedly opened fire with bird shot. Several old women were injured. This case is currently being investigated by Advocate Jan Munnick and his police team.

The following week Chaane was buried, the funeral was peaceful ,however, on returning to the funeral house in Moloi Street, the ISU found a firearm. The firearm was not found on any individual. The crowd which was at least 2 000 strong was given two minutes to disperse. One of the Board's field workers tried to speak to the ISU member in charge. She was informed that the gathering was no longer a funeral and that it had now been declared an "illegal gathering". Two seconds after getting this explanation, the ISU began throwing stun grenades. At least 30 were lobbed into the crowd.

On Saturday October 30, Stephen Dima (16) was allegedly shot in the hip by members of the ISU

and then dunked in a sewerage pipe. He was later taken to Natalspruit Hospital for treatment and then transferred to the Alberton cells. On Monday November 1, the Board established that there was no charge against Dima and he was eventually released .He is currently recovering from his wound.

On October 25, two children aged seven and eight were removed from a primary school In Thokoza by members of the ISU driving a casspir. Teachers and members of the SADF on foot patrol protested but the ISU removed the children from the school premises anyway and put them in the back of a casspir. Advocate Munnick was informed of the incident. He intervened and the children were eventually returned to school.

Since the start of exams there have been a number of incidents at schools in Thokoza. Much of the ISU activity has been provocative and in light of the delicate situation regarding exams it would serve the interests of the community for the ISU to maintain a low profile with regard to schools in the area.

On October 17, Ziphiwo Galada (22) was allegedly shot dead by a members of the SADF and ISU on a joint patrol. According to witnesses Galada, Linda Radebe and a third youth whose name is known to the Board but for his own safety is not being disclosed, heard gunshots coming from an area of derelict houses in Thokoza's Unit F. The joint patrol were allegedly hiding in the ruins of a house and as the three youths past, they were shot at. Galada and the unnamed youth were shot. However, both were not arrested by the patrol. Galada sustained a bullet wound to the chest and died from his wounds. The unnamed youth was shot in both arms. Radebe was never seen alive again. The Board has since established that Radebe was in the Alberton Cells on Tuesday October 19. There are several witnesses that saw him there. He was physically fit but did complain that he had been subjected to electric shock treatment at

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Vlakplaats, the headquarters of the Political and Violent Crime Unit in Vosloorus. According to witnesses at midnight, several policemen came to the cell and wanted to take Radebe "out on investigation". He refused to go and took out his attorney's card. This was then torn up by one of the policemen. Other people in the cell protested and were tear-gassed. Radebe was then forcibly removed from the cell. For two weeks the Board and the Radebe family visited several police stations, courts, prisons and the mortuary looking for Radebe. Attorneys were asked to requisition him for a bail application but he was nowhere to be found. The family and a Board fieldworker then went back to Alberton Police Station and asked to see the occurrence book (OB). Radebe's name was not entered but all the witnesses we refer to above were. We then requested to see the cell book. We were told that the cell book for that period was missing. On Thursday November 4 the family once again visited the Germiston Government mortuary. Radebe's body was there. He had an injury between the eyes and his private parts had been burnt. According to the mortuary record his body was found in Andries Street, Thokoza. There is no Andries Street in Thokoza. The last time Radebe was seen alive was in police custody. The Board with the help of Advocate Munnick are investigating.

On October 10, George Mdlalose (18) was allegedly shot in the foot by the ISU. On October 11, his father Selby Mdlalose went to Vlakplaats and was informed that George was not there. On the same day, Mdlalose visited the Germiston mortuary where he found his son. According to the father his sons face was burnt with what seemed to be an iron.

The last time he was seen alive was in the custody of the ISU. This incident has been reported to Advocate Munnick and his team.

On September 9, Tsepho Mahtlatsi alleges that he was shot by members of the ISU in the leg.

While laying on his back he alleges that he was surrounded by ISU members and shot several times in the stomach. He was later taken to hospital by the ISU. He is still recovering from his wounds in Natalspruit Hospital. Advocate Jan Munnick is currently investigating this case.

The incidents detailed above are not isolated events. For every one we record here, the residents of Thokoza can relate many more. We are not saying that all members of the ISU are guilty of misconduct but it is important for the ISU to weed out those members that are tarnishing the image of the whole force. The ISU should end what seems to be a practice of brute force and use the minimum force necessary to calm the already volatile situation.



### 6.1.1.3 The self-defence Units

SDU's like the ISU have their problems and there are elements within some SDUs who are involved in serious assaults, rapes and murders. In some areas SDU are disciplined and are engaged in the primary function of an SDU - protecting the community. However, there are those members of SDUs who use their firearms for their own gain. Recently, in Thokoza several women were abducted by some renegade SDU members. According to witnesses the SDU members raped the women, when a member of the SDU protested at this action he was shot in the foot. Some are involved in extortion and people pay up for fear of being assaulted or shot.

Lack of discipline also leads to the spread of rumour and often innocent people are targeted. Zulu-speaking residents in some areas are being particularly hard hit and are often under suspicion. Failure to agree to any demands can lead to a person being chased out of their home and in some cases homes are gutted. The activities of the renegade SDU members need to be brought under control. Perhaps one of the major problems is that renegade SDU members are not disciplined or expelled and this leads to tacit acquiescence and the belief by the community that their behaviour is acceptable. In areas where SDUs are disciplined they have the full support of the community. Without this support SDUs will end up being another "terror" which the war weary residents of Thokoza will have to endure.

### 6.1.1.4 Michael Phama

Phola Park resident Michael Phama (45) was sentenced to 21 terms of life imprisonment for 21 murders in early October. In sentencing Phama, Justice MC de Klerk said that given the current political developments, the death sentence would have been a "paper sentence". Phama was sentenced to life 21 times for the murder and 12 years each for 16 cases of attempted murder. He was sentenced to 10 years' jail for possession of an AK-47 and six years for possession of ammunition, these two sentences will run concurrently.

The case follows the death of 16 IFP supporters who were on their way to a rally at the Thokoza Stadium on September 8 1991. Phama was also convicted for killing four people and injuring eight others when he attacked a Rand Water Board vehicle as well as for the killing of a traffic officer. Justice De Klerk called Phama a mass murderer who had committed acts of "barbaric terrorism". He said it was merciful that only 16 people had died when Phama fired on the IFP supporters. Justice De Klerk refused to accept a psychologist's submission that Phama's actions were politically motivated and that he was forced by deprived socio-economic

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conditions to act in the way he did. Justice de Klerk said: "The enormity of your (Phama) actions is that you are guilty of more murders than anyone I can recall in the history of this land. You killed innocent people simply because they did not conform to your political views and they did not speak your language".

Despite Phama's conviction there still remains several unanswered questions regarding the attack on IFP marchers on September 8. During the Goldstone Commission of Inquiry into violence in Thokoza, it emerged that one of the people allegedly involved in the planning and execution of the attack on the IFP was a person known as "Ceba/Nyathi". It emerged during the course of the commission hearings that "Ceba/Nyathi" was in fact a police informer.

"Ceba/Nyathi" has never been brought to trial.

## 6.2 Vaal

The Board and Peace Action have over the past month compiled an area profile of Sharpeville. In the process of compiling the report it became apparent that serious internal conflict contributed directly to the almost war like situation prior to the implementation of the peace process in October.

Sharpeville is divided into nine sections:

OLD NAME	NEW NAME
Sea Point	Fidel Castro
Vuka	Samora Machel
Vergenoeg	Dorothy Nyembe
Rooisteen	Cuito Cuinavale
Ditentsheng	Mathew Goniwe
Putswastene	Joe Slovo
Phelindaba	Barney Molekwane

Pomolong

Harry Gwala

Tsepiso, an informal settlement

On October 31, a hand grenade attack at a tavern in Slovo section left two people dead and 23 injured. Residents of Sharpeville were convinced that a gang calling themselves the "Germans" were responsible.

On November 1, in what appeared to have been a revenge attack, unknown gunmen opened fire on school children at the Itsose school. One person was killed and another critically wounded.

Both these incidents plunged Sharpeville into a state of chaos and suspicion. It was also as a result of both these incidents that the ANC, ANCYL, Umkhonto we Sizwe and parents of these so called "Germans" initiated a peace pact. To date no incidents of violence have been reported from the area, instead countless sporting and other events have been planned to involve all the youth in Sharpeville.

### 8.2.1 Some of the Causes of violence

The existence of gangs or groups, drawing their support from a particular section, coupled with rivalry between the various groups, can be said to have contributed to much of the violence in Sharpeville.

#### "Germans"

The "Germans" were a criminal group, formed in February 1993 and based in the Mathew Goniwe section. They number about 60 youth, between the ages of 14 and 21. The "Germans" were said to be responsible for much of the rising crime in Sharpeville. Most of the "Germans" used to be ANCYL members, however their formation was a reaction to discipline meted out to them by members of the ANC. The discipline was carried out in front of those who had been victimised by the culprits and involved tying the culprit to a bench and lashing him or her.

The "Germans" disarmed local businessmen and used those firearms to extort money and terrorise individuals who entered the "no-go" in Mathew Goniwe, which they created.

Three senior ANCYL members were said to be very influential within this "Germans" group, have subsequently fled Sharpeville and have now joined the SADF.

#### "Slovo" Group

"Slovo" is said to be the largest and the most heavily armed section in Sharpeville. They appear to have an alliance with most of the other sections in Sharpeville. Umkhonto we Sizwe "MK" is rumoured to have strong influence on the group.

The tension between the "Germans and "MK" deteriorated to such an extent over this year, leaving in its wake countless deaths of people that were allegedly on one side or the other. (See the Board's September report)

It would seem that when MK members returned to Sharpeville, the youth in Self Defence Units felt threatened that MK would take over the role of organising and protecting the community.

Just as the "Germans" have been implicated in killings, MK has also been implicated in other murders in Sharpeville. According to the Sharpeville MK commander, it has never been MK's policy to attack and terrorise their own communities. Thus MK as a structure distances itself from these attacks. However, he did concede that individual MK members could be involved.

Apart from the internal conflicts, it has been alleged that police have contributed to the breakdown of internal community relations. One specific incident involves the theft of weapons from businessmen by the "Germans". A policeman by the name of Setipe, (who is based at the Vanderbijlpark police station), recovered some of these weapons from the "Germans", yet he failed to arrest a single one. This is in direct contrast to the number of MK and other Sharpeville residents who are being arrested for possession of firearms.

The "Germans" were also said to have driven around in the back of casspirs, pointing people out.

On October 31, following the hand grenade attack about 15 members of the "Germans" sought refuge at the police station. When a joint community delegation went to ascertain whether they had been involved, Setipe took them to his house. This angered the community since they wanted to clear up the issue immediately. This delegation insisted that the youth be brought back immediately. After approximately two hours they were returned.

### 8.2.2 The Peace Process

Following the hand grenade attack and the attack on the Itsose school, a forum made up of the ANC, ANCYL, MK parents of the Germans and a Reverend Dinkibogile of the Anglican Church, were mandated by the community to convene a peace meeting.

The first meeting took place between the "Germans" and the "Slovo's" and it was at this meeting that the forum established that the "Germans" were not responsible for the hand grenade attack. According to the "Germans" the tone and the attitude in the meeting was extremely constructive, thus they decided to co-operate and even divulge who the perpetrators were.

The meeting agreed that all sides abandon the "witch hunt", which resulted in almost all of the revenge killings. All no-go areas would cease to exist with immediate effect. Finally the name "Germans" would no longer be used.

On November 7, a joint funeral was held for victims of the 31\10 and the 1\11 attacks. The forum continues to meet regularly to ensure that the peace process is sustained and supported.

### 6.3 Trains

There has been a resurgence of train attacks the Reef in recent months. However, commuters are actively apprehending their attackers and in some instances identifying them to the police and handing them over for arrest. According to the SAP 85 people have been killed and 105 injured in 107 incidents between July and October. However, very few train attackers have come to court, according to the Minister of Law and Order Hernus Kriel three train attackers have been successfully prosecuted -two for murder and one for attempted murder - after 580 incidents of train violence between the end of July 1991 and May 1993. He also said that in the same period 60 suspects had been arrested in connection with violence on the trains and charged with either murder, attempted murder or robbery.

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## 7 EASTERN CAPE

### 7.1 Ciskei

The murder trial of Ciskei's leader, Brigadier Oupa Gqozo proceeded after objections to his prosecution were dismissed in the Bisho Supreme Court. The trial follows a protracted inquest which ended with the judge concluding that a prima facie case of murder had been established.

Gqozo and Veliti stand accused of the 1991 murder of Ciskei's former chief commander of the combined security forces, General Charles Sebe in Gubevu village. Sebe was accused of staging an attempted coup and was shot dead a day after being wounded at a military roadblock on the King William's Town\Stutterheim road. Gqozo also faces an alternative charge of incitement to murder.

The Supreme Court noted that Gqozo's order to seek and destroy Charles Sebe was a gross abuse of power.

After entering a plea of not guilty, Gqozo's legal representative, Advocate Dup de Bruyn called on the Ciskei Supreme Court to throw out the charges, saying Gqozo could not be tried because he was a head of state. De Bruyn argued that Ciskei law was based on South African Law, which in turn was based on British Common Law. According to British Common Law, a Monarch or head of state could not be held personally responsible for acts carried out in an official capacity. The order given by Gqozo to kill Sebe was issued when Gqozo was acting in his capacity as head of state.

It was further argued that while a head of state was not above the law, it was not possible to prosecute a king in his own court because he would be prosecuting himself. According to de Bruyn the only legal procedure open was parliamentary impeachment. Furthermore the Indemnity Act of 1985, provides a "safety valve" for the government and soldiers who carried out certain acts "in good faith".

Stuart Redpath, appearing for Veliti after entering his plea of not guilty, also gave notice of objection, arguing that his client was indemnified from prosecution in terms of Ciskei's Indemnity Act. According to him, a soldier who was acting on orders from the head of state had a right to rely on indemnity. However he stressed that this should not be seen as an admission of guilt by Veliti.

Justice WF Heath said that the defence's reliance on the indemnity decree should be raised as a "special defence" not as an objection to the charge sheet. Justice Heath dismissed the arguments. He noted further that the king of England enjoyed "royal prerogative" because of heritage. However even the English courts had jurisdiction to inquire into the extent of any claimed prerogative. The crown is bound to observe the law both by statute and in terms of the Coronation Oath. "If South Africa's State President cannot be equated to a king how can a military head who did not come into power through a constitutional process be equated to a king?. Addressing the point of "procedural immunity", he said Gqozo could not rely on such an immunity as it clashed with Ciskei's fundamental rights which provided that "all persons are equal before the law". With regard to the indemnity, Justice Heath said that both accused are entitled to present argument at the appropriate time based on the provisions of the Indemnity Act of 1985.

During the course of the trial nine witnesses will be called. Among them are five journalists: Radio Ciskei's Lindile Silimela, Yogin Devan of the *Sunday Tribune*, Jonathan Rees of the South African Press Association, Edyth Bulbring of the *Sunday Times*, and Bill Krige of *SA Mining*.

The trial continues

## 8. WESTERN CAPE

### 8.1 Amy Biehl

Charges were withdrawn against three of the six people accused of killing American Fullbright student Amy Biehl ( See the Board's August report) because a witness refused to testify.

Mlungisi Ngxaza, Mzukisi Mxoli and Mankenke Lungilisa were free to go after State Advocate Nollie Niehaus withdrew charges of murder, robbery with aggravating circumstances and public violence. The three were co-accused with Mongesi Manqina, Mzikhona Nfemela, Vusimuzi Ntamo and a 15 year old youth.

According to Niehaus, he had a sworn statement from Charles Benjamin, linking the three to the crime scene, but Benjamin has subsequently refused to testify.

Benjamin, claimed that his decision not to testify was purely personal and that he had not been pressurised by the ANC. He said that the SADF raid on an alleged Apla base in Umtata in October, influenced his decision. However, the *Sowetan* newspaper, claimed that according to Benjamin he decided not to testify because he feared for his safety.

If this is in fact the reason for Benjamin's reluctance to testify, the call by Lawyers for Human Rights, for an adequate witness protection programme needs to be urgently addressed.

The Board's September report highlighted the fact that until effective witness protection programmes were in place, violence would continue and the solving of crimes, like the murder of Amy Biehl, would be seriously inhibited.

## 9. CONCLUSION

The step taken by the Minister of Law and Order, Hernus Kriel in not renewing the unrest regulations in the East Rand should be seen in a positive light. Clearly the declaration of "unrest areas" has not stopped the violence and we need to look at new creative ways to stem the tide of destruction. All peace monitoring groups whether they be foreign or local should join hands and bring peace to the strife torn townships of the East Rand. It has been done in Alexandra and Soweto now all efforts need to be focused on the East Rand.

It is the Board's experience as in the case of Sharpeville that when the community is involved in peace initiatives from the beginning, sustaining agreements reached becomes much easier. Likewise, when train commuters decided they were fed-up with being victims they seized the initiative and have managed to arrest several perpetrators.

It is clear from the examples that we list in our report that calls for the ISU to be removed from the East Rand townships has foundation. If the ISU are intent on winning the hearts and minds of the community they need to discipline elements within the various units that give the whole force a bad name.

With the country poised on the brink of democratic elections the threat of the "new" right wing in the guise of the Freedom Alliance cannot be overlooked. We have no idea at this moment in time how wide the support base is for the FA and how far they would be prepared to go to disrupt the elections and a future democratically elected government.



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