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MEMMORANDUM: TO: THE AFRICAN NATIONAL CONGRESS OF SOUTH AFRICA.

FROM: Rob Sacco. Headmaster, Nyahode Union Learning Centre, Box 9, Chimanimani, Zimbabwe.

CONCERNING: Possible Criminal and Civil Action against the Minister of Police arising out of evidence given by Dirk Coetzee to the Harms Commission of Inquiry, London 1990.

BASIS: Firebomb attacks carried out in Rhodes village, North Eastern Cape September to December 1981 which were carried out by Coetzee and members of the Security Police, Aliwal North, and , allegedly, by members of the South African Police, Rhodes village.

PURPOSE: a- to indicate complicity of the Minister of Police in the activities of the so-called 'hit squad';
b- to recover some measure of damages caused and suffered.

CASE: a- CID Barkly East opened dockets, no doubt exists that arson occurred;
b- Coetzees evidence indicates that the arson was carried out by members of the SAP 'in the course of official duty';
c- The matter of the arson (and other actions of intimidation) was taken up in Parliament by Errol Moorcroft (then MP for Albany) and a formal answer was given by Louis Le Grange, then Minister of Police, indicating the Ministers knowledge of the situation.

SUPPORTING EVIDENCE:

- a- A Mr Gert Potgieter also had his truck burned by Coetzee et al, perhaps by mistake. In a letter to the local newspaper, the 'Barkly Reporter' Mr Potgieter suggested police involvement. The letter was not published. Instead Mr Potgieter was prosecuted in the circuit court, Aliwal North, on a charge of 'bringing the police into disrepute'. He was acquitted. A copy of the court transcript is in my possession.
- b- An official complaint of police harrassment following overt police threats was personally delivered by representatives of the craftspeople (Rob Amato and myself) to the Divisional Commander, SAP, Brigadier du Plessis, in East London. The Brigadier sent his own investigator, Capt Fourie of the Murder and Robbery squad, East London, to Rhodes village. We were later informed verbally that 'internal disciplinary action' had been taken by the police against certain of its members who had been involved in the so-called 'sisen incident' where threats were broadcast over the loudhailer of a police car moving slowly through the village.
- c- The campaign of harrassment which the g craftspeople of Rhodes village came to believe was orchestrated by the police stretched over a number of years. It started when John Steele and his brother Richard Steele (a pioneer conscientious objector) returned from a walk to find the tyres of their vehicle deflated. From there the campaign escalated step by step:
 - i- slashing of the upholstery in a bakkie after a black person had travelled in ^{the} front of the vehicle;
 - ii- poisoning of a dog;
 - firebombing of vehicles;
 - iv- interrogations, charges, trials, of the crafts people and their comrades among the local black community;

- v- torture of black people associated with the crafts people in the Rhodes police station;
- vi- firebombing of the house called 'Celebration';
- vii-open threats from policemen, including the 'siren incident';
- viii-numerous threats or warnings of death, from police sources.

No death of people derived however, which may make it easier for witnesses to come forward.

POSSIBLE PROCEDURES:

Time is running short as effective action apparently has to be taken with five months of new evidence coming to light: ie: Coetzees disclosures to the Harms Commission, on 25/04/90. Action could be initiated on two counts:

- a- Civil Action, where a 'balance of probabilities' may easily be proved;
- b- Criminal Action against the Minister of Police (possibly against Le Grange in his personal capacity, and against Vlok in his official capacity, depending on legal advice).

For this latter, apparently, a certificate of 'nolli prosequi' would first have to be obtained from the Attorney General, Eastern Cape, after which criminal charges can be laid and prosecuted.

I understand that Coetzees evidence can be taken on commission by the trial court judge in Harare, but the case itself would have to be heard in the Supreme Court in Grahamstown. For that purpose I am prepared to re-enter South Africa and travel to Grahamstown as and when required.

LEGAL REPRESENTATION:

In Harare this matter has been taken to Mr Bryant Elliot of Scanlon and Holderness at Box 188 Harare, phone 702561.

In South Africa I was contacted some weeks ago by Mr Kobus Pienaar of the Legal Resources Centre, Port Elizabeth- Box 2669, ph (041-) 564905. Mr Pienaar in contacting me was acting on behalf of the SACC with a request to me to submit an affidavit to the Harms Commission, which has now been done (see copy attached).

Mr Pienaar had researched the case thoroughly before contacting me, and he and his resource centre would appear to be well placed to handle the cases at the supreme court in Grahamstown with support from other sources as and when appropriate.

FUNDING:

Judith Todd of Zimbabwe Project Trust in Harare (Box 4111, phone 703239) has been approached to underwrite costs incurred in Zimbabwe, and so far is organizing the payment of Mr Elliot.

In South Africa, in 1981-1982 this case was taken to the SACC through a family friend, Dr Wolfgang Kistner. I was taken to Bishop Tutu by Anne Hughes and was promised financial support if the case came to court.

At the time legal opinion was sought (from Arthur Chaskalson and Geoff Buddlender at the Johannesburg Legal Resources Centre, and from Heime Bernardt in Cape Town) and the case was dropped as there was no evidence that the policemen involved 'acted in the course of duty'. Coetzees evidence changes that.

It is suggested that the SACC could again be approached to fund the legal and organizational costs that may arise within South Africa.

BACKGROUND: In the early seventies a number of families and individuals, all young South Africans, mostly graduated from South African universities, came together in a loose federation in Rhodes village to build an 'alternative' lifestyle based on craft production and peasant self-sufficiency. My wife and I had also been involved (for 6 years) in a project with farm workers in the Western Cape (agter paarl) where we also came up against police harassment. Rhodes village was found to be a virtual ghost town and houses were bought up very cheaply. A miscalculation however was the power and influence of the few remaining farmers in the area who had, in their ownership of a number of farms each, become a class of 'land barons', getting very rich on the excellent grazing for their merino sheep. The open, non-racial attitudes of the craftspeople during the decade drew the anger of these farmers. This was made worse when 6 adults and three children (my own) went to live deep in the mountains of Lesotho, in a village called Ha Sekonyela. We lived there for a year in order to experience at first hand traditional and social practice minimally disrupted by western culture, and to test a theory we tentatively called 'development by marginal adjustment'. We were very well received by the Paramount Chief, by the DA, and by the people, but clashed with then Minister of the Interior, Chief Maseribane, and so had to leave, returning to Rhodes. Where we were accorded the status of elders and were invited to traditional ceremonies (initiation, coming out etc) as a matter of course. That did not endear us to the farmers.

In October 1980 (I think) a new policeman arrived to take over from peaceable Sergeant Olivier. He was W/O Leon Wagenaar. In the same month one Dirk Steynberg took over control of the Rhodes Hotel. Steynberg came from Eshowe, and we were reliably informed that he was connected to BOSS. From the point of view of the craftspeople these two were at the centre of efforts to chase them from Rhodes. It was only with time that the formal hand of the SAP became visible in the ongoing harassment.

Eventually all the craftspeople were driven out of the village. But not until 'Celebration' had been re-built; and some of the craftspeople have retained ownership of their houses, intending to return when the situation allows. My own intention is to use experience gained in Zimbabwe in land resettlement, in producer co-operatives, and in co-operative education in the establishment in Rhodes one day of a Collective Co-operative Learning Centre, along the lines of the one my wife and I founded and now run in Chimanimani. The proximity of Lesotho, Transkei and Herschel, the emptiness and the fertility of the land inbetween are in favour of this plan.

POSSIBLE ACTION:

- 1- Constable (then) Paul Ghila, and W/O (then) Deon Petersen could be traced; as could Major Pallas (transferred, then, to SP Springs); and ~~xxx~~ also Captain Fourie, Murder and Robbery squad, East London;
2. Gert Potgieter and ~~the~~ two farmers who told John Steele, his wife and I that Celebration had been burned down by W/O Wagenaar and Const Coetzer, could be traced and contacted. This could be done by John Steele as he is well placed and he has their trust. The two farmers asked that their anonymity be protected, but they may now be prepared to come forward;
3. Errol Moorcroft could be contacted, as could Barkly farmer Paul Sephton, who originally wrote to Moorcroft;
4. A detailed statement could be obtained from Dirk Coetzee; and arrangements could be made for him to give evidence on commission, where and when appropriate;

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5. Peter and Maggie ~~XXXXXX~~ Slingsby and Andrew and Anne Grewar could be contacted and asked to offer themselves as witnesses; Kobus Pienaar is already in contact with both couples;
6. Arrangements could be made with the SACC or whoever the ANC considers appropriate to fund the actions, to cover legal fees, travel and subsistence of witnesses, etc etc.
7. Kobus Pienaar could be instructed to begin action on the civil claim, and to immediately make application to the AG, Eastern Cape for the required 'nolli prosecui'.
8. Further efforts can be made to collect, collate and make available documentary evidence not yet at hand.

AFFIDAVIT

I the undersigned, ROBERT PAUL SACCO, do hereby make oath and say:

1. I am an adult male age 38, resident at Nyahode Union Learning Centre, Chimanimani, Zimbabwe. I am employed by the Ministry of Education and Culture.
2. On the night of Wednesday the 2nd of September 1981, Peter and Maggie Slingsby were guests of my family in the village of Rhodes in the North Eastern Cape, South Africa. I had slept restively and was awakened by Maggie Slingsby shortly after midnight.
3. The house, known as Celebration, fronts the road, Naude Street. I saw a distinct orange glow from the direction of the road, and heard the sounds of fire. I rushed out where I met Peter Slingsby coming from his room at the end of the stoep. We found my truck, an Isuzu 250D, on fire, as was a larger truck parked behind it, further down the street. The second truck was a 7 tonne Nissan owned by Mr Gert Potgieter who lived across the street.
4. I ran with Peter to fight the fires while my wife Liesel Sacco and Maggie Slingsby ran to find help. As they left, we saw a flash of light up the street, evidently another vehicle being set alight, as so it proved. Petrol had been poured over a Volkswagen Beetle owned by Andrew Grewar and had been alighted. The arsonists moved up the street from us past the Grewars towards the police station at the top of the street.
5. I ran for a spade and Peter ran for buckets. We fought the fires in both trucks. Fortunately, there was a pile of river-sand on the pavement, and water was nearby. One of the diesel tanks blew in in Mr Potgieter's truck and the cab was gutted.

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The cab in my truck was also gutted.

6. The SAP station commander W/O Leon Wagenaar arrived when the fires were almost out and a crowd had already gathered, in time to extinguish the remains of fire in Mr Potgieter's truck.
7. In the early hours of the morning, after the crowd had dispersed with Constable Paul Ghila left on guard, a car left the police station, drove across the village down the main road and left in the direction of Barkly East at high speed.
8. After sunrise the CID from Barkly East arrived. The doorhandles of the trucks were fingerprinted but without result. Two 'Tab' cold drink bottles with a smell of petrol were found in a ditch over the road from the police station. I could indicate the place if required.
9. A little later on the same morning, the Security Police arrived under the command of Major Pallas, Officer in Charge, Security Police, Aliwal North. I was taken to the police station and questioned at length. Major Pallas had a file on me from my days as a student till the present. He questioned me about my political beliefs and activities especially in regard to my supposed membership of the African National Congress. He asked no question about the burnings of the vehicles.
10. A helicopter arrived, but on business unconnected with the arson. As far as was evident to me, no attempt was made to hunt for attackers. It was clear to me that the police did not suspect guerillas.
11. I saw a boot track next to a tyre of the Slingsbys' trailer, and pointed it out to the police. I saw how the footprint was trampled on and obliterated by the police.

12. At 2pm on the morning of Sunday the 20th of December 1981, my family and I heard by phone that our home had been burned down that night. We were visiting my wife's family in Pietermaritzburg and were phoned by John Steele who had discovered the fire.
13. We returned to Rhodes to find our home gutted and all of our possessions burned. The evidence of arson was clear and undisputed.
14. On the evening of Monday 18th January 1982, a police car drove around Rhodes making threats against my family and against the other craftspeople in Rhodes. They used the loudhailer of the police car. The craftspeople met and delegated Rob Amato and myself to take the matter to Brigadier J H Du Plessis, SAP Division Commissioner, Border Division, East London. We handed to him written complaints and asked that he take action to prevent further occurrences.
15. Some days later, a Captain Fourie arrived in Rhodes. He had been sent by Brigadier Du Plessis. After a day he said he knew the whole case and named two local farmers. These same two farmers had been named to me by Sergeant Pierre Olivier (SAP Rhodes). I reported this to my attorney, Johan Muller, in Barkly East and we agreed that in all probability this was a blind to protect the real perpetrators.
16. While he was in Rhodes, Captain Fourie warned me that my life was in danger.
17. At the home of John Steele and in his presence and that of his wife, two local farmers told us that on the night of the fire which burned down the house, there was a party at the Rhodes Hotel. At a certain time during the evening W/O Leon Wagenaar and Constable Coetzer left the party and were not seen again

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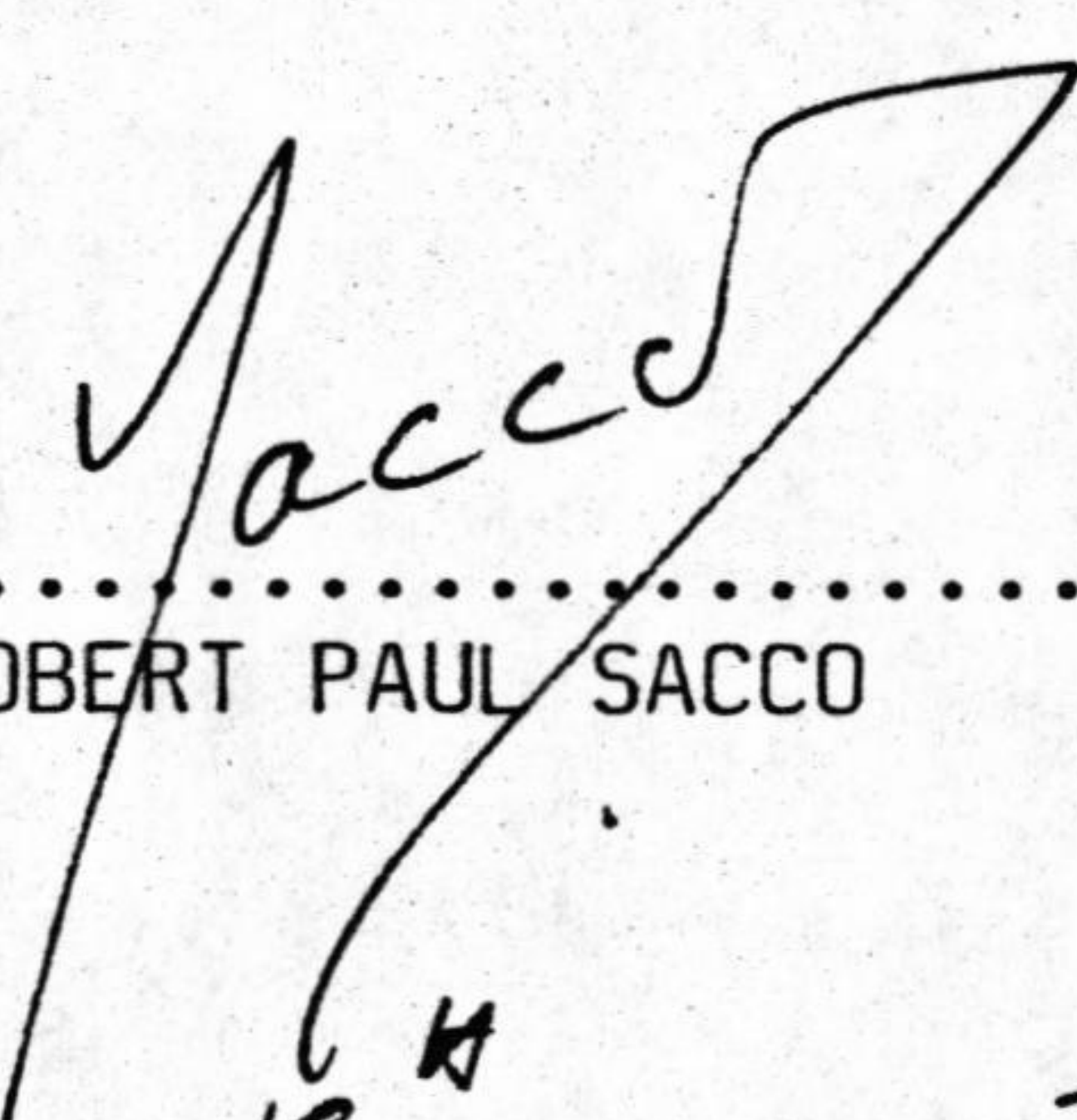
until the house was well ablaze. Their evidence contradicts directly the statement made by W/O Wagenaar after the fire and at the trial of Mr Potgieter. At the time, the two farmers asked that they not be named.

18. Mr Paul Sephton of Pitlochrie Farm, Barkly East wrote to MP Errol Moorcroft of the Albany constituency in regard to the various incidents. Mr Moorcroft asked a question in Parliament and received a written reply, which effectively denied police involvement.
19. My wife and three sons (Joseph, Solomon and Joshua) then left Rhodes to live in Natal. I returned to Rhodes to rebuild my house. During the subsequent year, I received anonymous threats against my life, went constantly armed, and varied my place of sleeping. On a number of occasions, police vehicles drove slowly around the block where I was working or stopped directly in front of the house in an attitude of threat. Four of the six tyres on my truck which was parked close by the house of Constable Coetzer were spiked on the night of the party held to celebrate the reconstruction of the house.
20. The house rebuilt, my wife and I took our children and emigrated to Zimbabwe where we were received sympathetically, and where we have lived ever since.
21. This statement is in response to evidence lead before the Harms Commission Enquiry when it sat in the South African Embassy in London on 25-04-90. In that evidence, one Dirk Coetzee testifies that in the course of his official duty, he went to Rhodes with a security police officer from Aliwal North, where he set fire to our vehicles.
22. Finally, this statement has been made to indicate the certainty

in my...

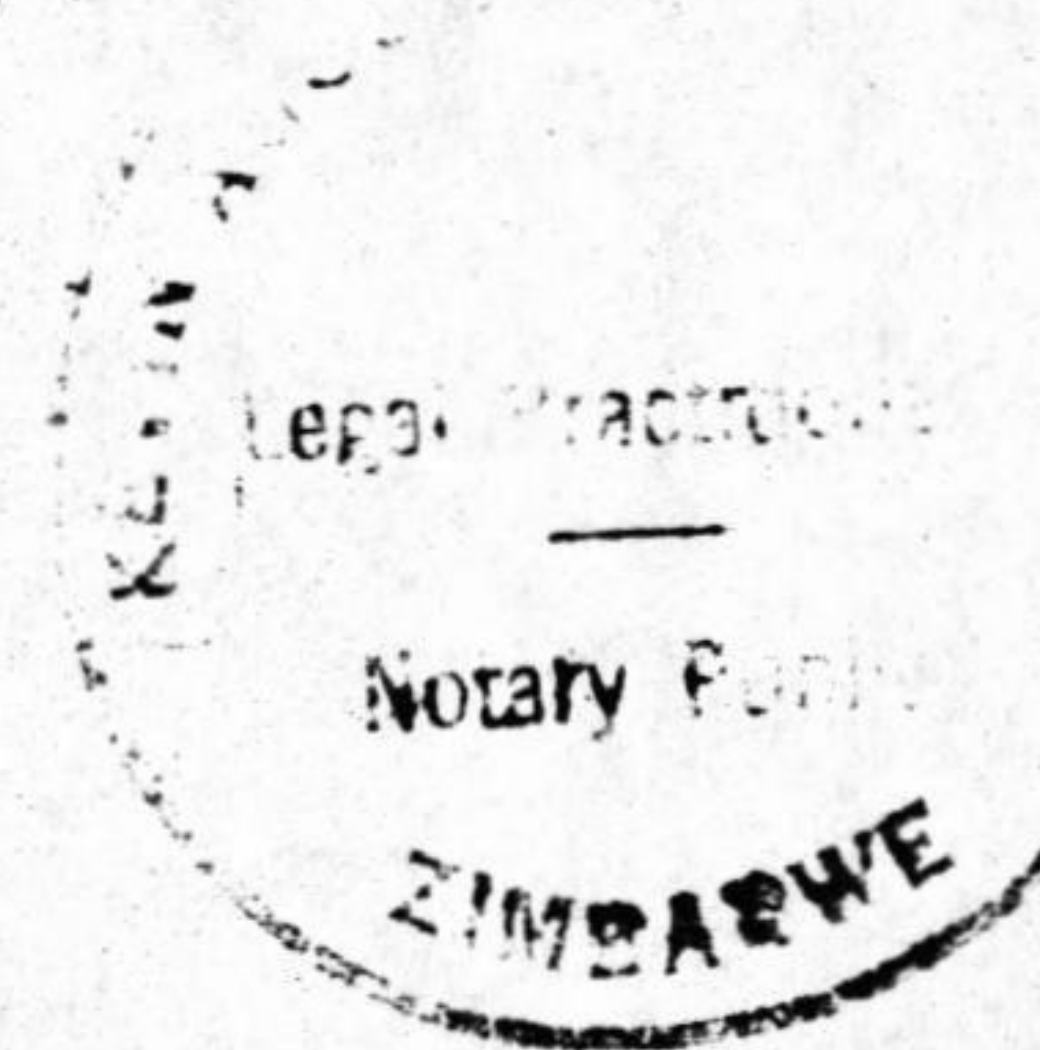
in my mind that we, the craftspeople of Rhodes village were, during the period indicated, subjected to systematic harrasment by the South African Police in what amounted to a campaign of terrorism carried out against us.

DATED this 18th day of JULY 1990 at HARARE.


.....
ROBERT PAUL SACCO

SIGNED AND SWORN to before me at HARARE on this 18th day of JULY 1990, the deponent having acknowledged that he has no objection to the prescribed oath and regards this as binding on his conscience.


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COMMISSIONER OF OATHS



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