

FW calls for three-year interim rule

PRESIDENT F W de Klerk yesterday proposed a minimum three-year term for an interim constitution and issued a strong warning to the ANC not to attempt the forcible overthrow of government.

He called for a trilateral meeting on violence involving government, the ANC and Inkatha and said the meeting could consider an active fulltime monitoring mechanism and a joint monitoring body which could include the international community in an observer role.

Replying to ANC demands made last week when it withdrew from negotiations, De Klerk invited the organisation for talks but flatly rejected a constituent assembly. However, government had already agreed at Codesa on the broad structure of transitional arrangements, he said.

The ANC said in a statement yesterday it would examine the memorandum and give its response within seven days.

In a television address last night, De Klerk accused the ANC and its allies of sabotaging negotiations and said government was not alone capable of ending the violence. And in an earlier letter delivered to ANC president Nelson Mandela, De Klerk proposed the resumption of negotiations through a bilateral meeting with the ANC.

"The ANC's reasons for withdrawing from negotiations are completely unconvincing," De Klerk said.

He strongly criticised the ANC's mass mobilisation campaign, saying it would lead to violence, delay the search for democratic solutions, damage the economy and seriously disrupt social services.

PATRICK BULGER

Turning to the ANC's demands, De Klerk said they were tailored "to support its programme of mass mobilisation and to justify the abortion of the negotiation process". He said the hostels issue was complex and was an issue government would like to discuss with the ANC. He said measures had been taken in regard to dangerous weapons.

He said government's information was that factions within Cosatu and the SACP were unhappy at what was being negotiated at Codesa and had initiated a strategy to abort the process.

He dismissed ANC allegations that government wanted a minority veto, arguing that whites would form only 17% of the electorate. Government wanted as many parties as possible to be part of the constitution-making process. "It should not be a constitution enacted by a majority in a constituent assembly elected on party political issues."

De Klerk said he wanted to make it clear that negotiations presented the only viable option for the solution of SA's problems, that government would not hesitate to take steps to prevent a slide into anarchy, that a change of government had to come about in a negotiated and constitutional manner and that the ANC's mass mobilisation campaign to overthrow the government by coercion would not be countenanced.

"We will not succumb to insurrectionist and undemocratic pressure," De Klerk said.

At a news conference in Pretoria last night, senior government Ministers out-

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Interim rule

lined government's perspective on the transitional period. In memorandums attached to De Klerk's letter to Mandela, government said it would insist on a transitional constitution which made provision for a parliament with a national assembly and a senate together with an executive council directly elected by all voters.

The constitution would include provisions to safeguard against political manipulation of the SADF, the SAP, the Auditor-General, an ombudsman and an independent commission for administration.

"For the amendment or substitution of the transitional constitution a majority of 70% will be required and 75% for the Charter of Fundamental Rights. If the transitional constitution has not been replaced within three years, a general election will be held in terms of the transitional constitution.

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"The transitional constitution will be amended or replaced only within the framework of general constitutional principles as agreed upon at Codesa and the Constitutional Chamber of the Appellate Division must certify this to be the case," the memorandum said.

Laws would have to be passed by both houses and the senate will consist of an equal number of representatives from each electoral region using the development regions as points of departure. Government said the transitional constitution must facilitate the restructuring of the second and third tiers and must underpin order and stability.

Constitutional Development Minister Roelf Meyer said violence was the biggest obstacle to progress in negotiations. He denied ANC allegations of government complicity in planning and directing violence.

© Picture Page 3

Delay
3/7/92

DE KLERK LASHES OUT AT ANC

'Sabotaged negotiations'

THE African National Congress has chosen to sabotage negotiations, State President De Klerk charged last night.

In an address to the nation broadcast on SABC/TV and radio, he said there was "every reason to believe that the ANC is breaking off negotiations to cause a crisis".

In the hard-hitting address, he said it seemed that the ANC had decided to follow its own agenda towards the seizure of power.

"They want to force their views on the rest of

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De Klerk lashes out at ANC

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society through confrontation and mass mobilisation. This will not be tolerated," he said.

The government would not hesitate to take steps to prevent the country from sliding into anarchy.

Mr De Klerk said the government would not allow the ultimate goal of the ANC's mass action campaign — to overthrow the government through coercion — to succeed.

Law and Order Minister Hermus Kriel told a news conference in Pretoria that the government was not considering reimposing a state of emergency, however.

Constitutional Development Minister Roelf Meyer told the same news conference a two-day conference with the ANC should be held as soon as possible.

Mr De Klerk appealed to all to be calm and responsible, and gave an assurance government

try to become ungovernable.

"Now is the time for cool heads and wise counsel. Say No to those who try to incite hatred.

"Do not allow yourselves to be led along the path of confrontation and conflicts."

If conflict broke out in the country, there would be no winners, and conflict would make future negotiations much more difficult.

"Conflict is completely unnecessary," said Mr De Klerk. The country was at a crossroads in its history. One road would lead, via negotiations, to peace

and a new Parliament and government which will represent all South Africans.

The other road would lead to mass mobilisation, confrontation, poverty and conflict, the president warned.

Codesa II had been close to an agreement, and the country would have seen an elected Parliament and government representing all South Africans within months.

But the ANC and its allies had chosen to sabotage the negotiations.

There were strong indications that some elements had planned this

course of action even before Codesa II.

Now the ANC was trying to justify its decision because of violence in the country, such as at Boipatong, Mr De Klerk said.

The ANC and its allies said he had been involved in the Boipatong massacre. "This is a lie that will remain a lie, no matter how often it is repeated."

The government was determined to find out who was responsible for the killing and would leave no stone unturned.

It had suggested that international experts help in the investigation into

the massacre, and the government had taken numerous steps to stop the violence.

The government could not stop the present type of violence on its own, and needed the support of all political leaders.

"The ANC knows we are prepared to discuss any reasonable concerns with them.

"That is why we have urged them to return to the negotiating table," Mr De Klerk said.

The government did not seek confrontation and believed negotiation was the only viable solution. — Sapa.

Citizen

3/7/92

inside Nation

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Politics, Arts,
Books & Culture

The Boipatong massacre has focused attention on bringing the perpetrators of violence to book and the questionable way in which police investigate – or fail to investigate – cases of violence. The question that needs an urgent answer is:

WHO

WILL POLICE THE POLICE?

After three years of massacres – in trains (Jeppie), at vigils (Sebokeng), taxi ranks (Jeppie train station), squatter communities (Swanville), funeral marches (Sam Ntuli's) and professional assassinations like those of Sam Ntuli, David Webster – the police are yet to make an arrest that would cast more light on the motives and source of the violence.

So far police appear motivated only by a desire to exculpate the security forces rather than to identify the generals and the perpetrators of violence.

Police Commissioner Johan van der Merwe responded in predictable fashion last week when he vehemently denied the involvement of Koowet in Boipatong and stated, without proof, that kwaMadaala hostel residents were responsible for the massacre.

Often when there is an outcry in the aftermath of a massacre and the government and the security forces are accused of complicity, police announce breakthroughs in the form of arrests and/or confessions to divert attention from their role.

When New Nation revealed what amounted to the third force in 1990 – the involvement of the South African Defence Force (SADF) 5 Recce in train massacres – police spokesperson Craig Kotze told foreign ambassadors that Inkatha was responsible for the train attacks and court cases would prove it.

That proof is yet to come.

Whatever evidence was gathered by the police in a bid to establish their innocence has not stood the test of a court of law.

Cases have been thrown out of court

because of lack of evidence, suspects let off by the police and "top priority" investigations yield naught.

The Lawyers for Human Rights (LHR) report on the Goldstone Commission of Inquiry into Violence on Trains says police investigations are "cause for concern".

"The manner in which train attacks have been investigated thus far, is a cause for concern. There has only been one successful prosecution to date.

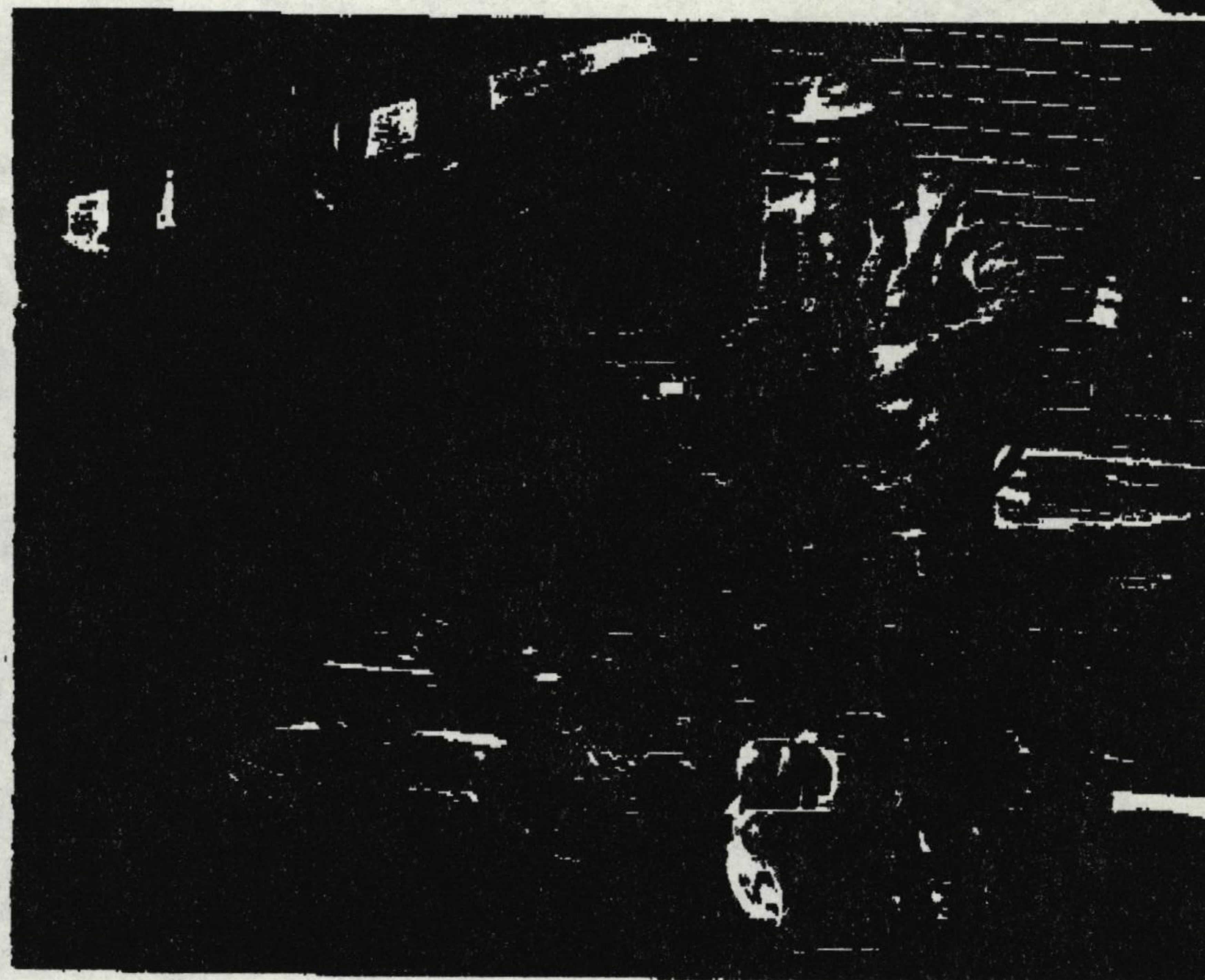
"During the last year, the police have made only a handful of arrests as a result of train attacks. They blame this situation entirely on the fact that members of the public do not come forward to make statements and co-operate with investigations. They have offered rewards and placed advertisements asking people to come forward and have, since, then been waiting for the public to respond. They themselves do not appear to have made an enormous effort to investigate," says the report.

It also underscores the complaints that the police do not follow freely available leads.

In 1990, the police failed to act on a tip off by some people who



Human rights commissioner Max Coleman: "Confidence in the whole investigating system has been shattered."



Arms haul... a policeman shows off weapons confiscated from Inkatha members at New Canada Station on June 14. But, how successful have the police really been in investigating train violence and other acts of terror against the public?

had overheard the planning of the Jeppie massacres.

The LHR reports says: "In many instances, their (Police) information was more sketchy than that available in newspaper reports. Several newspaper reports mentioned witnesses by name, and even in these instances, the police have not bothered to trace the witnesses."

Human Rights Commission (HRC) member Max Coleman suggested this week that effective strategies to end the violence would have to include a mechanism to "police the police".

Confidence in the whole investigating system has been shattered," he said.

Coleman argues that in view of the lack of success on the part of police, there was a need to institute a body that would monitor investigations in the country.

While he acknowledged the role of the Goldstone Commission, he argued that the commission had no teeth at two critical points – at the level of investigating and prosecuting.

He said the 32 Battalion case demonstrated the weaknesses of the system. Goldstone's recommendations have been ignored.

While Goldstone has the power to search and seize, he has neither the mandate nor the capacity to investigate. Hence, cases have to be referred to the police for investigation.

The fact that police have to investigate does not solve the problem of people who – suspecting the police of complicity in the violence – would not wish to give evidence to them.

Coleman said it would be asking too much from the public to demand that they come forward to give evidence when there

is a history of intimidation and even murder of people who have come forward.

"On the one hand there is the fear of exposing oneself to the same police that are suspected of being party to the violence.

"And on the other hand, there is the experience that police investigations 'go nowhere'," he said.

The fact that the police have a monopoly on investigating cases has nullified the work of independent bodies such as the Independent Board of Inquiry into Informal Repression (IBIR). Lawyers for Human Rights (LHR), the African National Congress (ANC), and Peace Action (PA).

"The independent groups take statements from people, only to find they do not have the power to search and seize or confiscate documents," Coleman said.

He repeated that the police had been known to resist assistance in the taking of statements.

Coleman said police should not be absolved from the task of investigating, but rather that their activities should be monitored. The monitoring should be at two levels: in the field, where investigations take place, and at the administrative level. "That is the basis of successful prosecutions".

The introduction of trustworthy investigation teams would eliminate the problem of fearful witnesses and curb police cover-ups.

Police investigations need to be monitored to avert cover-ups.

"At this point in time, we do not know whom the police are protecting, if they are

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15 Babacar Toure, a leading Senegalese journalist talks to face the Nation about the need for a free media in Africa, and why dictators dislike the idea.

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protecting themselves or the SA Defence Force (SADF), we cannot expect them to dig out the truth," Coleman said.

He added that Trust Feed - where a dogged and fearless investigation by Captain Frank Dutton unearthed police's role in violence - was almost an exception to the rule in South Africa.

Monitoring at the administrative level would ensure that police gather evidence in a consistent manner which would ensure successful prosecution of culprits.

While police blame the courts for releasing suspects, it has been observed that they never present sufficient evidence to guarantee convictions.

A recent example is the freeing of suspects accused of having carried out the Sebokeng massacre. The magistrate criticised the police for not having worked hard enough to gather incriminating evidence.

In other cases, magistrates have released people because of tardy investigations.

Nation

3/7/92

FW and allies slam mass action as 'coercion'

THE end-goal of the African National Congress' mass action campaign was to bring about a change in government in an "unconstitutional manner" by "the use of coercion", a meeting of State President De Klerk and the government's Codesa allies said yesterday.

This had been admitted by the ANC, SA Communist Party and Congress of SA Trade Unions, according to a statement released by the office of the State President after the meeting.

The meeting at the Union Buildings agreed the mass action campaign, with an "unconstitutional and coercive ob-

jective", could, under the circumstances prevailing in South Africa, lead to an escalation of violence.

Planned

The meeting also noted the ANC and its allies had started planning their campaign before the events of Codesa Two.

Discussions at yesterday's meeting revolved around the "situation created by the ANC pulling out of the negotiations, their withdrawal from Codesa, and their 'unwarranted' campaign of mass mobilization".

"This action and attitude of the ANC/SACP/Cosatu alliance brings the

wellbeing of millions of South Africans into serious jeopardy, and is not compatible with the notion of peacefully negotiating a democratic future for South Africa."

All present at the meeting, "leaders and representatives of a number of governments and parties who shared the same ideals for South Africa and the same concerns regarding the present state of political developments", recommitted themselves to negotiations.

They also expressed the view that any real stumbling blocks in the way of

negotiation should be addressed through a process of negotiation, and not by coercive methods.

Present

Present were the governments of Bophuthatswana, Ciskei, South Africa, the National Party, the government of KwaZulu and the Inkatha Freedom Party, the government of Qwa Qwa and the Dikwankwetla Party, the government of Gazankulu and the Ximoko Progressive Party, the National Peoples Party and the Solidarity Party.

The meeting was attended by senior representatives of Gazankulu, KwaZulu, Qwa Qwa, Solidarity, the National People's Party, Bophuthatswana, the government and the National Party.

Among those seen were Inkatha Freedom Party president Mangosuthu Buthelezi, Ciskei military leader Brigadier Oupa Nqozo, Solidarity Party leader J N Reddy, National People's Party leader Amichand Rajbansi, and National Party secretary-general Dr Stoffel van der Merwe.

Cabinet Ministers attending the meeting were Public Enterprises Minister Dawie de Villiers, Justice Minister Kobie Coetsee, Minister of State Affairs Dr Gerrit Viljoen, Constitutional Development Minister Roelf Meyer, and Law and Order Minister Hennis Krige.

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Govt wants urgent meeting with ANC

THE government yesterday again proposed an urgent full-scale bilateral meeting with the ANC to discuss the ANC's memorandum and the government's reply delivered to the ANC yesterday.

Constitutional Development Minister Roelf

Meyer suggested at a news conference in Pretoria bilateral talks should be headed by State President De Klerk and ANC president Nelson Mandela.

In a hard-hitting document replying to the ANC, Mr De Klerk said he would "not hesitate to take all steps necessary to prevent the

country from sliding into anarchy.

"Any change of government must come about in a negotiated constitutional manner. The stated ultimate goal of the ANC's mass mobilisation campaign is to overthrow the government by coercion. This

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Meeting with ANC urged

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will not be countenanced."

Mr De Klerk proposed an urgent meeting on violence between himself, ANC president Nelson Mandela and Inkatha Freedom Party leader Mangosuthu Buthelezi.

He called on Mr Mandela to urgently meet him to set up the three-way meeting.

Denying government responsibility for political violence, Mr De Klerk said there were "numerous and complicated" causes for unrest as identified by the second interim report of the Goldstone Commission.

"Contrary to the

ANC's accusations, the government has not, and will not plan, conduct, orchestrate or sponsor violence in any form whatsoever against any political organisation or community.

"Where elements in state structures err in this regard, the government will not hesitate to take appropriate measures. There are prosecutions and convictions on record to prove this.

"The fact remains that most political violence occurs between supporters of the ANC and the IFP," he charged.

In the letter, Mr De Klerk claimed a cabal closely linked to the SA Communist Party and

the Congress of SA Trade Unions was redirecting the ANC from negotiations to confrontational politics.

He warned that current mass mobilisation could unleash forces "which the instigators will not be able to control".

"This will, in turn, make extended government action unavoidable."

The government was not seeking confrontation and had repeatedly stated its belief that negotiations presented the only viable option for a democratic South Africa.

The proposed meeting should give particular attention to the issues of hostels, danger-

ous weapons, an active full-time monitoring mechanism to combat violence and intimidation, the advisability of a joint monitoring body through which the government, the ANC and the IFP could act to defuse violence and the role of the international community in an observer capacity.

Further regulations regarding dangerous weapons were under consideration, he said.

The ANC earlier yesterday stated it would respond to the government's letter during the course of the next seven days, "after careful and thorough scrutiny" by its National Working Committee. — Sapa.

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Committee convenes a summit for peace

THE national peace committee will convene a summit of signatories to the national peace accord next Wednesday to try to boost the flagging peace process.

The signatories include President F.W. de Klerk, ANC president Nelson Mandela and Inkatha president Mangosuthu Buthelezi.

Inkatha asked the committee to urgently call the summit to discuss a mock trial at which De Klerk, his government and 10 Inkatha leaders were allegedly sentenced to death.

The trial was allegedly held by ANC Natal Midlands leader Reggie Hadebe in Maritzburg last week.

Committee spokesman Val Pauquet said the incident was discussed by the peace committee's executive at a meeting in Johannesburg yesterday. It was agreed to convene a meeting of all the peace accord's signatories.

The ANC was asked to "examine all evidence" related to the mock trial and report back to the executive today.

On the agenda at next Wednesday's meeting will be the continuing violence, the ANC's alleged mock trial and political leaders' inflammatory statements, Pauquet said.

CHARLIE PRETZLIK reports that national peace secretariat chairman Antonie Gildenhuys told a Johannesburg conference yesterday that police were improving their relations with the community.

WILSON ZWANE

He said the police were pushing hard to increase the public's confidence in them with a poster campaign and phone-in sessions on the radio.

The conference at Wits was organised by the International Association of Students Interested in Economics and Management.

To further the police's aim, Gildenhuys also called for relations between the police and the community to be monitored by regional dispute resolution committees.

He said "rogue" policemen ought to be brought to book by their colleagues.

Gildenhuys told the conference that violence could be partly attributed to the quest for building strongholds and the demarcation of territories by ethnic groups.

However, he also recognised the importance of third parties.

The territorial imperative, he said, had extended to commuter trains.

Depression in the taxi trade was also to blame for the violence, he said.

Such violence, together with insufficient commitment from political leaders and the lack of community confidence in the police, placed a strain on the peace accord.

Gildenhuys said he believed the establishment of an interim government was essential for securing a peaceful future for SA.

Bliday 3/7/92

Witnesses fear giving evidence — Sexwale

By LINDA RULASHE and
JACQUIE GOLDING

BOIPATONG residents had refused to give statements to the police on the recent massacre because of "profound mistrust of the police and security forces", the Goldstone Commission was told yesterday.

In a strongly worded memorandum presented to the commission on the first day of the inquiry into the Boipatong massacre, African National Congress PWV chairman Tokyo Sexwale also said it was not "the hand that disembowelled the nine-month pregnant woman that day" but the forces behind the attack which should be emphasised, namely the police and the state.

Present at the sitting was the former chief justice of India, P Bhagwati, specially appointed for the inquiry. Also in attendance were a British expert on policing, Dr Peter Waddington and two members of the London Metropolitan Police, Commander Tom Laidlaw and Detective Superintendent David Don.

Sexwale stressed that it was not ANC policy to dissuade people from submitting statements to the police.

Describing the "deep and dangerous explosive anger among the residents", Sexwale explained how President FW de Klerk had been labelled "the butcher of Boipatong" during his recent "insensitive" visit to the township. This, he said, was because De Klerk had legalised the carrying of traditional weapons.

Counsel for the commission Johan du Toit, said: "But we are not looking into that," to which Justice Goldstone interceded: "But with respect Du Toit, I understand Mr Sexwale's depth of feeling and he should be allowed to continue."

Sexwale said residents were also critical of the commission's inability to ensure that steps were taken on its findings and recommendations carried through.

"In fact, giving evidence here is perceived as the same as giving evidence to the police," Sexwale said, because witnesses were often killed or disappeared under mysterious circumstances.

To date, the police have managed to obtain more statements from kwaMadala hostel dwellers — about 400 — than from victims and or witnesses of the massacre.

Major Christo Davidson, attached to the Unrest and Violence Crime Investigation Unit and involved in the probing of the killings, told the commission the allegations that the security forces were involved and that they transported hostel residents to and from the township were unfounded.

Davidson said the evidence collected by the police unambiguously pointed to the residents of the kwaMadala hostel as the perpetrators of the attack.

Other allegations he denied were that the police had prior knowledge of the attack and that they dispersed residents with tearsmoke before the massacre to allow the attackers access to the area.

On the night of the attack, patrolling members of the Vaal Commando saw a group of men wearing white headbands — suspected to be ANC members — in the veld adjacent to Boipatong.

It was ascertained that the group was carrying knobkerries and other traditional weapons but they were not questioned and suddenly vanished.

Members of the South African Defence Force and SAP waited at kwaMadala hostel for a while "to determine what the intentions of this group of blacks was".

Shots were heard coming from the township but this, according to Major Pieter van Wyk of the Vaal Commando, "is not a rare occurrence".

W/mail
3/7/92