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TESTIMONY
Prepared for the
SUBCOMMITTEE ON AFRICA
of the
U.S. HOUSE OF REPRESENTATIVES

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by

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AMNESTY INTERNATIONAL: "The [South African government's] policy of using surrogate forces in its battle against the ANC in the past, and the continuing failure of the police and prosecution services to intervene effectively in the violence have helped to create a situation in many townships and squatter camps in which the violence has become [cyclical] through reprisal killings."

INTERNATIONAL COMMISSION OF JURISTS: "Law and order [in South Africa] has broken down, the police do not protect the people and people do not trust the police. Policemen are partisan and misconduct is rife. The situation has become significantly worse since the [ICJ's] last mission to South Africa in August and September 1990. We suspect this is mainly because the Government has failed to take effective action to curb the violence."

UNITED STATES STATE DEPARTMENT: "Despite many charges of abuse by lawyers and human rights activists, few security officials were suspended or prosecuted in 1991. . . . In March [1991] residents of . . . Alexandra [were the victims of an Inkatha attack]. The police, despite being within hearing distance of the attack, did not intervene. In May [news] video footage showed men walking past police vehicles [during an Inkatha attack], and the police driving by twice without taking action. At least 24 people were killed."

INVESTOR RESPONSIBILITY RESEARCH CENTER: "Two aspects of de Klerk's role [in the violence] are undisputed: That he has not clamped down on the security forces, in the face of considerable evidence of their involvement in specific incidents of violence, and that, planned or not, the violence has served his immediate interests because it has effectively undermined the ANC during the early stages of negotiations."

LAWYERS COMMITTEE FOR CIVIL RIGHTS UNDER LAW: "While security force repression is continuing, it appears to have gone underground. Deaths attributable to security force actions have declined, but professional assassinations of political activists carried out by faceless gunmen have tripled. There are numerous credible allegations that security force personnel have actively participated in attacks on township residents, incited violence and managed the violence with a demonstrable bias in favor of the Inkatha Freedom Party."

I. THE STATISTICAL REALITY OF SOUTH AFRICA'S VIOLENCE

During recent months, political violence in South Africa has reached the highest levels ever in its history. The figures thus far for 1992 are particularly discouraging:

- So far, in 1992 alone, nearly 2000 men, women and children¹ have been killed in political violence; 59¹ of them killed by security forces and 36 by unidentified professional hitmen.²
- In the 18 months prior to March 1992, 112 people were killed and 557 injured in 48 attacks on commuter trains.
- During a recent boycott of commuter trains launched to put pressure on authorities to increase security on commuter trains, commuters switched their mode of transportation to taxis. Shortly thereafter, taxis (large vans accommodating 15 passenger) became targets of violent attacks. In one week in May alone, 17 taxi passengers were killed when gunmen³ sprayed taxis with automatic gunfire.
- 1207 people were killed and 3697 injured in attacks by hostel dwellers between July 1990 and April 1992.⁴
- In the first week of July alone, three people were killed, including a toddler, when police reportedly fired indiscriminately on a group

¹Human Rights Commission, "Human Rights Update", May 1992.

²Id.

³South Africa Political Update, Laurie Adams & Chris Benner, Global Exchange/US-SA Sister Community Project, June 5, 1992.

⁴Fortresses of Fear, The Independent Board Into Informal Repression, June 1992.

of houses. Fifty-eight people were killed in vigilante related actions, including both train and taxi attacks. Fifteen additional people were killed in other politically motivated attacks.

II. THE ROLE OF SECURITY FORCES IN THE VIOLENCE

Within the last seven months, independent observers spanning the political spectrum, and all with reputations for impeccable research and integrity, have conducted fact-finding missions to South Africa. Their reports, based on these missions, present strong evidence that the security forces are a central factor in the political violence that has derailed the process of negotiations.⁵ All of these reports, including those by Amnesty International, the International Commission of Jurists and the United States Department of State, cite some or all of the following:⁶

⁵Shortly after the June 17 massacre of at least 42 civilians in Boipatong, Transvaal, the leadership of the African National Congress suspended all negotiations with the South African government. In announcing ANC withdrawal from the talks, ANC President Nelson Mandela charged the government with complicity in the Boipatong massacre and other acts of violence. In response to Mr. Mandela's pleas for international intervention, the Security Council of the United Nations, last Thursday, voted to send a special envoy to South Africa to forge a peaceful solution to the conflict. The Commonwealth, the Organization of African Unity and the European Community have also expressed their interest in intervening as mediators of the suspended talks and/or monitors of the violence. Inside South Africa, the Congress of South African Trade Unions announced plans for a national strike to commence on August 3 to protest government failure to address the violence, and the South African Council of Churches has threatened to launch a defiance campaign if the South African government's response to demands to address the violence proved inadequate.

⁶See details in the Addendum.

- Security force bias and inaction favoring Inkatha in the context of violent political confrontations;
- Security force participation in or incitement of violence;
- Police failure to conduct proper investigations into attacks on victims not affiliated with Inkatha;
- Government failure to ensure the protection of key witnesses prepared to testify against Inkatha or the government;
- Government failure to prosecute attackers whose victims were aligned with the anti-apartheid movement;
- Government failure to impose an effective ban on "cultural weapons";
- Government failure to take appropriate action against security force personnel charged with wrongdoing.
- Government financial sponsorship of Inkatha through the security forces.

All of these reports have conceded that the root causes of the violence are many and complex. Every person and political organization involved in the violence must be chastised and held responsible under the rule of law. However, because of the special powers and responsibilities vested in government, the role of the security forces compels our particular scrutiny.

In the aftermath of the June 17th massacre at Boipatong, noted South African journalist Allister Sparks, who witnessed the tragedy, wrote:

"There will be no negotiated settlement in South Africa unless something is done to restore the credibility of the police as a peace-keeping force. . . . [E]very man, woman and child I spoke to in Boipatong told me

they believed the police had escorted the attackers from a nearby migrant workers' hostel housing supporters of . . . [the] Inkatha Freedom Party into their township and out again after the slaughter . . . [South Africa's police force] has discredited itself by its deeds and its cynically disingenuous explanations until it is seen not as a peacekeeper but as a feared and deadly enemy."

III. THE SOUTH AFRICAN GOVERNMENT RESPONSE

On July 14, the day before the U.N. Security Council was scheduled to convene its emergency meeting on South Africa, South African President F.W. de Klerk introduced government initiatives aimed at curbing the violence. We welcome this long-awaited response to the demands of victims of the violence and human rights monitors both inside and outside of the country. However, human rights organizations inside the country have concluded that President de Klerk's response fails to adequately address the problems and rings of insincerity. On the basis of our own analysis of President de Klerk's statement, we strongly advise this Subcommittee to give strict scrutiny to the initiatives recently announced. A close analysis of the proposed measures raises serious concerns.

A. Expansion of Police Presence and Powers

In his statement, President de Klerk pledges to uphold his government's responsibility to maintain law and order when he states "[t]he government will not fail in its responsibility in this regard and has already taken the initiative during the recent parliamentary session to institute new measures to further

combat intimidation, violence and the illegal possession of arms." While the President declined to elaborate on the measures, new legislation was introduced in Parliament in June⁷ which has some disturbing aspects.

First, in effect, the Police Amendment Act provides for the expansion of the powers of the KwaZulu Police (KZP).⁸ This presents the worst example of a plan put forward ostensibly to curb the violence, which in reality, has a greater likelihood of aggravating it. According to the South Africa-based Lawyers for Human Rights, "[p]ractically [the new measure] means the Minister of Police may enter into an agreement with his namesakes in Boputhatswana or Kwazulu enabling the police from these territories to exercise police functions [outside of their own territories]."⁹

Human rights monitors and lawyers have called for just the opposite. There is widespread and unequivocal agreement among groups such as Amnesty International, the International Commission of Jurists, and the Johannesburg-based Human Rights Commission and Legal Resources Centre, that the KZP are a part of the problem, not the solution. According to a report prepared

⁷The Criminal Law Second Amendment Bill and The Police Amendment Act, No 23 of 1992.

⁸KwaZulu is one of the non-independent homelands. The KwaZulu Police patrol most of the black townships and settlements within KwaZulu. They are commanded by Chief Gatsha Buthelezi who is also head of the Inkatha Freedom Party.

⁹Lawyers for Human Rights analysis of the Police Amendment Act, No 23 of 1992, March 23, 1992.

jointly by the Human Rights Commission and the Legal Resources Centre, "[t]he core of the problem is the fact that the KZP is so deeply involved in the conflict on the side of Inkatha that there seems little prospect of 'rescuing' the situation. There is no possibility in the foreseeable future of the force as it is presently composed, playing an impartial role."¹⁰ The report goes on to document frequent specific incidents of KZP bias towards Inkatha, of KZP involvement in unlawful activity, of failure to investigate crimes committed against Inkatha opponents and of failure to protect victims of violence.

During our own recent fact-finding mission to South Africa, we visited a town called Eshowe, an area in Northern Natal whose neighboring townships come under the jurisdiction of the KwaZulu Police. An official of a small child welfare office there reported that black residents of neighboring townships who are threatened with violence, seek refuge and protection from the child welfare office rather than from the police. Often, the sources of those threats are reportedly members of the KwaZulu Police.

According to a recent report of the Goldstone Commission, "[t]he widely held view by a large number of people in KwaZulu and neighboring areas that the KwaZulu Police are a private army of the Inkatha Freedom Party is a matter of great concern in relation to the curbing of violence in those areas. No less

¹⁰Report of the Human Rights Commission and The Legal Resources Center on the KwaZulu Police, December 1991.

disturbing is the evidence that has been given concerning unlawful activities by senior members of the KwaZulu Police."

News reports and reports from human rights monitors suggest that the majority of black residents have lost all confidence in the ability and or willingness of the police and other elements within the criminal justice system to protect them. Distrust of the security forces and the perception that they are "oppressors" rather than "protectors" runs so deep among township residents that in at least three communities they have specifically demanded the total removal of the police from their townships.¹¹

Secondly, provisions of the Criminal Law Second Amendment Bill are apparently designed to give police and the Attorney General broadened powers to use in quelling the violence. But, as the Lawyers For Human Rights notes, the Bill is based on a false premise: "[s]uch amendments can only effectively resolve some of the issues relating to the violence if one works on the

¹¹See Press Statement of Peace Action, June 18, 1992 (reporting that residents of Boipatong included the removal of police from their community as part of a list of 6 demands); See also, The Weekly Mail (SA), May 29-June 4, 1992 (reporting that women in Imbali, Natal staged hunger strike to support demand for removal of police); See also, The Weekly Mail (SA), April 16 to 23, 1992 at 5 (reporting that residents of Phola Park squatter camp "were . . . - adamant that they wanted no soldiers in the township"). Residents of Watville Township in the Transvaal reported that their community was relatively peaceful until late May of this year when the government inexplicably deployed a unit of the South African Defence Force to patrol the area. Shortly after the arrival of the SADF unit, Watville residents were severely attacked by soldiers who were part of the unit. Although the government claimed that the soldiers were AWOL at the time of the attack, residents report that they were uniformed and armed. Soldiers who were subsequently arrested in connection with the case were charged only for the AWOL offense. The Weekly Mail (SA), May 29 to June 4, 1992 at 17.

premise that the police are objective and investigations are carried out effectively. This is not the case and therefore the provisions of the Bill are rendered largely meaningless in relation to the ongoing violence."

Further, sections of the Criminal Law Second Amendment Bill would roll back the clock, rather than advance it, by expanding powers of detention without trial, re-introducing provisions that deny detainees access to legal counsel, narrowing the scope of judicial review of detentions, removing from the jurisdiction of the courts the power to grant bail in certain circumstances and negating, in certain cases, the presumption of innocence. These provisions drastically restrict the rights of individuals and make serious inroads into the notion of a fair trial.

The real criminal justice problems that are impeding efforts to quell the violence are quite different from those addressed by the Criminal Law Second Amendment Bill. According to the Lawyers For Human Rights:

"Police investigations in violence related cases have [been] shown to be biased, and where it involved police officers, non-existent. Changes need to be introduced in this area because that is where the course of justice starts and if it is not handled at the investigation stage, nothing better will follow. The police will simply arrest those they have scores to settle with and let loose those their government is funding, and by the time the matter reached the court, the necessary steps would have been taken to abort justice."

The South African government seeks to portray its security forces as largely fair and impartial. At the same time, it

assigns responsibility for the violence to black ethnic rivalries and mass action campaigns called for by liberation movements. This approach serves to deflect attention away from the role played by the security forces. But, measures put forth by the government as steps to curb the violence, which would be valid under the government's portrayal of the situation, may actually exacerbate it, if the government portrayal is false.

B. Withdrawal of Mercenary Units

In his statement, President de Klerk acknowledged the criticism his government received from the Goldstone Commission for its continued deployment in townships and squatter camps of special paramilitary units with long histories of brutality. In particular, the Goldstone Commission criticized the presence of the band of Angolan mercenaries known as the 32 Battalion in the Phola Park squatter camp, after a widely publicized incident in which soldiers went on a rampage that resulted in one death and 100 injuries. According to residents, soldiers kicked down the doors to their shacks, announced their intention to search for weapons and then proceeded to assault them with pipes, rifle butts and pangas.¹²

In his statement, President de Klerk reports a swift government response to the Phola Park incident - that is, the immediate withdrawal of the 32 Battalion from the area. He also reported that a phased withdrawal of all units of the 32

¹²The Weekly Mail (SA), April 16 to 23, 1992 at 3.

battalion was to have been completed by July 15, 1992.

However, nowhere in his statement does the President cite the arrest and prosecution of the offending soldiers who, based on the reports of residents, should have been charged with rape, robbery, assault and, in one case, murder. If a clear message is to be sent to the rank and file of the security forces that actions such as unlawful searches, rape, robbery, assault and murder will not be tolerated by the State, severe punishment of offenders is required.

In addition, President de Klerk announced his intention to dissolve both the 32 and 31 Battalions by means of "rationalisation and reorganization." According to President de Klerk, "[t]he members of these units will be dispersed throughout the rest of the SA Defence Force and will be absorbed into existing units."¹³ The reactions to this move by human rights and violence monitoring groups has been clear. According to the violence monitoring project of the Congress of South African Trade Unions,

[t]he decision to integrate the mercenary units-31 and 32 Battalions and Koevoet into the security forces is fatally defective in two fundamental respects:

* It disperses trained killers, in President de Klerk's words 'throughout the rest of South Africa', making it impossible to control and monitor their activities. Experience has already demonstrated that [other supposedly disbanded security force units with a history of human rights abuses] continue [to operate] in other guises. We have no reason to believe that

¹³Press Statement By The State President, Mr. F.W. de Klerk, July 14, 1992 at 2-3.

members of these units won't continue to perpetrate their nefarious activities.

* It ignores key covert units and state structures which have recently been implicated in death squad activities, including SADF Special Forces such as 5 Recce, Police hit squads (such as those recently exposed in the Vaal), Kwazulu Police, Military Intelligence and the State Security Council.¹⁴

And according to the Joint Working Committee of Natal:

(1) In terms of President de Klerk's announcement, while these units will be disbanded, their members will be eligible to be redeployed within other [South African Police] and SADF units within South Africa's borders. What this in effect means is that these Koevoet and 32 Battalion members will simply [be] moved into other units of the already discredited security forces. . . . What President de Klerk's announcement really means is that he will dissolve their overt command structure while failing to take any action to curtail the activities of the individuals who have been responsible for countless acts of violence against people of South Africa.¹⁵

In addition, the Goldstone Commission recently uncovered a covert military operation based at a mine hostel in the eastern Transvaal. As many as 40 ex-members of a Namibian counter-insurgency unit known as Koevoet, were discovered on the mine premises during a raid initiated by the Commission late last month. During the liberation struggle in Namibia, Koevoet was notorious for its brutal and horrific acts of murder and intimidation. Their motto, according to one commander, was

¹⁴Press Release of Congress of South African Trade Unions (COSATU), "Response to De Klerk Statement," July 15, 1992 at 1.

¹⁵Press Statement of Joint Working Committee, Natal Region, "Response to President F.W. De Klerk's Statement of July 14 in Regard to Sections of the Security Forces, July 17, 1992.

"[k]illing is the name of the game."¹⁶ The entire Koevoet unit was supposed to have been disbanded two years ago as part of Namibia's United Nations monitored transition to independence.

South African Police have admitted knowledge of the existence of the operation on the mine site, but deny that members of the unit have engaged in illicit activity. President de Klerk, has included Koevoet in the units targeted for dissolution stating: "members [of Koevoet] who join the SA Police permanently will after training, on a decentralised basis, be posted throughout the country primarily to existing stock theft units." The police claimed that the unit discovered at the mine site by the Goldstone Commission was itself a stock theft operation, despite swirling allegations of illicit activity.

Thus, the President's announcement of "sweeping" changes has the appearance of being nothing more than the re-shuffling of the status quo. But, if the government hopes to convince its detractors that its security forces are peacekeepers, it must purge from its ranks all mercenaries and totally disband units that have any history of brutality. Attaching new labels to the same group of actors is no solution.

C. Overhauling the Hostel System

When, in July 1990, the Inkatha movement declared itself to be a national political party rather than a regional cultural

¹⁶International Defence and Aid Fund for Southern Africa, "Namibia: The Facts", 1989 at 70.

organization, the contest for power and the violence spread to the Transvaal.¹⁷ Prior to that time, Inkatha's presence was restricted almost exclusively to the Natal Province.

The focal point became, and still remains, the single-sex worker hostels in the black townships in the Transvaal. Worker hostels are a relic of the notorious apartheid system of migrant labor which forced rural workers to leave families in the bantustans and find single accommodations in the cities. Employers built substandard barracks in urban areas for their workers, creating in those urban townships an enclave of men socially detached from the communities in which they live--a situation ripe for fomenting violence.

Hostels in the Transvaal tend to be dominated by migrants from Natal. That makes the hostels a convenient beachhead for infiltrating the townships. A typical scenario emerges from the reports of township residents: First, Inkatha "warriors" from Natal would arrive and take up residence at the hostel, bringing with them an arsenal of weapons. Then, non-Inkatha supporters would be forced out. Finally, the hostel would be used as a base from which Inkatha attacks would be launched on the surrounding community.

In April of this year, residents of the Madala Hostel in Alexandra Township terrorized, attacked and killed residents caught in the vicinity of the hostel. Open gun battles in the

¹⁷ See The Guardian (US), "Carnage in the Townships", August 26, 1992; See also South Africa Report (SA), "Natal 'War' Spreads to Transvaal; Many Die", July 27, 1990.

streets ensued between Inkatha and township residents. Most recently, on June 17, residents of the KwaMadala Hostel allegedly killed at least 42 residents of Boipatong. Residents of townships and squatter camps have alleged that the hostels are part of an organized paramilitary operation that appears to be supported by the government.

Calls for the replacement of the current hostel system with family housing less likely to breed violent gangs, extend as far back as the first links of the hostels to the violence. In its Second Interim Report the Goldstone Commission reported that: "Hostels are common to most of the worst areas of violence. All hostels should immediately be adequately and securely fenced. A strong and efficient police presence should ensure that no arms are taken in or out of hostels. It should also be in a position to protect all hostel dwellers from external attack."

As far back as September 1990, President de Klerk made pledges to address the problem. At that time, just as in July 1992, the President equivocated on the issue. In announcing plans to conduct an inquiry into the hostel system and its links to the violence, he stated that the government wanted to provide housing on a "family basis," but that due to a severe housing shortage among blacks, "these hostels cannot simply be closed or demolished without alternative accommodation being available."¹⁸

Similarly, the vague and ambiguous language employed by

¹⁸Independent (London), "SA Government to Investigate Police Violence", September 3, 1990.

President de Klerk in his most recent statement on the hostels does little to discourage the popularly held view that the government either orchestrates or tolerates violent activity by hostel dwellers. For instance, he states, "the Government will go ahead with the implementation of important policy decisions which have already been taken and which are not contrary to the recommendations of the Goldstone Commission."¹⁹ Yet, in the ensuing paragraphs he fails to elaborate on those "important policy decisions".

Further, Mr. De Klerk states, "[w]ith regard to the fencing off of hostels, . . . it is . . . important that hostel dwellers should not feel caged in, and fencing should definitely not lead to the impairment of human dignity." In the absence of a concurrently expressed promise to root out and prosecute those hostel dwellers who are guilty of criminal activity, such a display of compassion has a hollow ring, particularly after the President and his administration have over a two year period failed to provide "alternative accommodations" that would have genuinely contributed to the dignity of migrant workers.²⁰

¹⁹Statement By The State President, Mr. F.W. De Klerk, July 14, 1992 at 3.

²⁰On July 16th, the day after the U.N. Security Council meeting, 78 residents of the KwaMadala Hostel were detained and are still being held in connection with the Boipatong massacre. To date, no charges have been lodged. However, this issue should not be regarded as resolved until convictions are obtained. In what may be a portent of the Boipatong outcome, two days after the Boipatong massacre, 7 inmates of the KwaMadala Hostel were acquitted of murdering 38 people at an ANC funeral vigil in Sebokeng in January 1991. The court released the men because the state failed to provide sufficient evidence and suggested that the

D. Dangerous Weapons Ban

There has been a long standing debate about the display in public and the use in attacks, of weapons, referred to as "cultural" by President de Klerk and the IFP. Prior to President de Klerk's election, there had been an effective ban on the carrying of dangerous weapons of any kind in public. However, once in office, President de Klerk, by a presidential proclamation, amended the law prohibiting the carrying of dangerous weapons to exempt those who carried the weapons in accordance with "Zulu custom." Members of the Zulu dominated Inkatha Freedom Party have thus been the primary beneficiaries of the exemption and have been permitted to carry spears, axes and fighting sticks in public as "cultural symbols." These same "cultural symbols" have been used frequently in attacks in townships and on commuter trains, which have resulted in deaths and serious injuries.

In December 1991, Natal Supreme Court Judge Jonathan Didcott ruled that President de Klerk's amendment should be declared invalid, commenting that he found it "hard to understand why, in a state of affairs so (perilous), the recent exemption should have been effected in the first place. . . (A) century of proscription makes it hard to regard any such practice nowadays as a traditional one."²¹

investigation had been inadequate. Since the outrage over the Sebokeng massacre has long since dissipated, the event went largely unnoticed.

²¹Christian Science Monitor, January 8, 1992.

Responding to the political pressure created by the decision of Judge Didcott and recommendations from Justice Goldstone, President de Klerk finally imposed restrictions on cultural weapons in February 1992. However, the restrictions fall short of being a total ban. Further police unwillingness, in many instances, to enforce the rule in the limited circumstances where it is applicable, has rendered it largely ineffective.

In its report, the Goldstone Commission states "it is predominantly members of the Inkatha Freedom Party who insist on this unacceptable practice. . . . The Commission finds it quite unacceptable that even the limited ban on the carrying of weapons to political meetings has been ignored by [Inkatha]. . . . This public flaunting of the law in the presence of a large South African Police presence is unfortunate and should not be allowed to occur again in the future. Steps should be taken urgently to prohibit weapons at any time at all. This constitutes provocative and unacceptable behavior in any decent society." Although the Goldstone Commission, uses the term "dangerous weapons" in urging that they be outlawed, it is clear from the context that the Commission was referring to traditional or cultural weapons.

Yet in response to these recommendations, President de Klerk makes no specific mention of the cultural weapons referred to by Justice Goldstone which are the focus of the controversy. Rather, he states that the regulations currently being fashioned to address the problem of dangerous weapons include provisions

which "would address the illegal possession and the use of certain armaments, ammunition and explosives." Specifically, the current proposed amendment to the Intimidation Act of 1982 creates a presumption of an intent to commit violence with respect to any person who is found to unlawfully possess "any automatic or semi-automatic rifle, machine gun, sub-machine gun, machine pistol, rocket launcher, recoilless gun or mortar, or any ammunition for or component part of such weaponry, or any grenade, mine, bomb or explosive." Conspicuously absent from this seemingly exhaustive list of weapons are pangas, knobkerries, spears, axes and other such "cultural" weapons to which Justice Goldstone was specifically referring when he made his recommendations to declare the carrying of such weapons unlawful. So in effect, what appears to be a response to the Goldstone recommendation, fails even to address the specific concern expressed by the Commission.

III. CONCLUSION

It is clear from the above analysis that President de Klerk's response to the escalating violence that has ripped his country apart is inadequate to address the recommendations of his own government-appointed Commission; to refute the charges of human rights monitoring groups; or to create the necessary confidence in black township residents that the violence will be brought under control by a professional and impartial police force. It gives insufficient commitment that those within the

security forces that have violated their public trust and engaged in criminal activities will be identified, prosecuted and punished. There is no assurance that those in the command structures who have tolerated or been ignorant to abuses will be removed from positions of responsibility; or that the many and varied acts of omission, which in the aggregate have been as damaging as the acts of commission, will be addressed with the seriousness they demand. Finally, there is nothing in President de Klerk's July 14th statement that warrants a disengagement of the international community from its duty to intervene in the current crises in South Africa.

While parallels between the Los Angeles riots and South Africa's violence have often been drawn in the past few months, recent actions taken by the new police chief of Los Angeles may be particularly instructive. Just 10 days into his new administration, Chief Willie Williams has disbanded the Organized Crime Intelligence Division of the Los Angeles Police Department. The unit, which was formed in the late 1950s to gather information on organized crime figures, has been accused by a former member of operating an elite spy network, the principal objective of which was to uncover damaging information on potential political opponents of former Chief Daryl Gates. While none of the allegations have yet been proven, Chief Williams' move to disband the unit has been widely regarded as an important step towards avoiding the appearance of Los Angeles Police Department impropriety and regaining public confidence in the

scandal-ridden department.

We should expect no less from a government which professes its commitment to democratic reform and seeks in exchange renewed international acceptance. President de Klerk must take swift and decisive steps to end the violence, restore law and order and create widespread confidence in the impartiality and integrity of his security forces. If Mr. de Klerk has the best interest of his country at heart, he will not delay decisive action until the wide-spread allegations are proven beyond a reasonable doubt. This is a situation in which perception is fact.

At a minimum, President de Klerk should take the following steps immediately:

- 1) Name an independent prosecutor authorized to investigate thoroughly operations within the security forces which are alleged to be involved in instigating, aiding or abetting acts of political violence and to bring appropriate prosecutions. The independent prosecutor should have a staff sufficiently skilled and resourced to undertake all investigations without reliance on the police department.
- 2) Suspend from active duty immediately, pending full investigation, all individual security force members implicated in criminal wrongdoing.
- 3) Disband and/or re-organize all units under cloud of such allegations.
- 4) Disband all mercenary units and discharge all non-South Africans from the security forces.
- 5) Institute a comprehensive retraining program for each and every branch of the military and police forces that is designed to inculcate values of impartiality and fairness.
- 6) Hold senior officers responsible for the actions of those under their command who under cover of government authority violate the law or act improperly.

- 7) Implement effectively a comprehensive ban on the possession, public display and use of any instrument (weapon) that could cause serious bodily harm, including so-called "cultural weapons", e.g. pangas, spears and Knobkerries.
- 8) Where hostels have been used as the base for illegal activity, cordon them off with a police presence sufficient to guarantee that such activity ceases and undertake frequent searches for weapons.
- 9) Institute swiftly a program to close all hostels and provide alternate housing for migrant workers and their families that upgrades their standard of living and integrates them into the communities in which they work.
- 10) Institute an effective system of protection for witnesses and complainants of political violence.
- 11) Provide sufficient financial and political support to the dispute resolution committees and other structures constituted under the Peace Accord to enable them to function effectively.
- 12) Promptly pass legislation and institute in practice the principles and procedures outlined in the testimony of the multinational panel regarding lawful control of demonstrations in South Africa, particularly, those relating to the appropriate restraint to be used by the police, the training in human relations skills necessary for professional policing of demonstrations and the extreme limitations on the use of lethal force.
- 13) Establish a new highly trained and professional national unit for criminal investigations.

Finally, since the South African government has now welcomed independent fact-finding missions to the country, I strongly urge this body to undertake a mission of its own. In the near future, our government will make critical decisions about U.S. policy toward South Africa, it is of the utmost importance that you have first hand knowledge of the conditions in the country and the remaining obstacles to peace. I am convinced that if, in addition to meeting with President de Klerk and other officials,

you visit the black townships and talk with victims and witnesses of the violence, as I have, you will concur with the points that I have made in this statement.

Allister Sparks

I Despair for My Country

South Africa's security forces must be brought under multiparty control if the peace process is to get back on track.

BOIPATONG TOWNSHIP, South Africa—After the June 17 massacre here, one thing is certain. There will be no negotiated settlement in South Africa unless something is done to restore the credibility of the police as a peace-keeping force.

Foreign Minister Roelof "Pik" Botha is right when he says there is no alternative to negotiation. But what there is if negotiation fails is the appalling prospect of a slide into anarchy and ruin, of South Africa becoming another Lebanon or Yugoslavia. That prospect now looms if President Frederick W. de Klerk continues to turn a blind eye to the fact that the credibility of the police is in a state of collapse.

I spent time here talking to survivors of the massacre, and I was in the midst of the mini-Sharpeville that followed de Klerk's visit to the township on June 20, when the police opened fire at point-blank range, without orders and without warning, into a packed crowd of about 3,000 people, and I can only say that I despaired for my country.

I despaired because every man, woman and child I spoke to in Boipatong told me they believed the police had escorted the attackers from a nearby migrant workers' hostel housing supporters of Zulu Chief Mangosuthu Buthelezi's Inkatha Freedom Party into their township and out again after the slaughter.

I despaired because I saw with my own eyes how inept the police are at handling the kind of volatile situation that arose after de Klerk's ill-considered visit. After the president had left and the crowd was beginning to simmer down and disperse, the police inexplicably turned their Casspir personnel carriers around and reentered the traumatized township.

The big armored vehicles drove slowly down the street just a few yards behind the retreating crowd, looking so aggressive and provocative that a newly arrived foreign correspondent beside me blurted out in astonishment: "What the hell do they think they're doing? Are they looking for trouble?"

Then, in those explosive circumstances, a policeman riding in one of the vehicles stood up in the turret and fired a single shot, killing a black man about 80 yards away. The police claimed the man was threatening another with a machete, but people in the crowd denied this, saying the shooting was unprovoked. Whatever the truth, the shooting created a situation so explosive that a greater tragedy became inevitable.

Other factors cry out for explanation. Neither these police nor any others I have seen in similar situations in South Africa carried riot shields or batons the way crowd controllers do everywhere else in the world. They wore camouflage battle dress and carried only lethal weapons—12-gauge shotguns loaded with buckshot and submachine guns. It meant shooting was their first, not their last, resort in case of trouble.

The angry crowd milled around demanding that the police officer who fired the fatal shot be arrested. They were determined to stop the police taking away the body, saying this would lead to a fabricated case of self-defense, and they tried to reach it themselves.

When a police mortuary van arrived, they blocked its path. The van driver got out and, pressed back by the crowd, fired his shotgun into the ground to try to scare them off. Instead it triggered his own colleagues, who on hearing the shot promptly opened fire into the packed crowd standing directly in front of them.

They kept up the shooting for more than 19 seconds, firing round after round as the people fled in terror, falling as they were shot in the back until there were two dead and 29 groaning on the ground. When the shooting stopped, the officer in charge leaped up and screamed at his men in Afrikaans: "Who told you to shoot? I told you not to shoot without orders."

I despaired finally because when it was all over, the police did not come out to help the injured. It was left to the few press people there and the black survivors to do that. I watched a young woman photographer cradle a man's shattered head as he gurgled and died. My wife, who accompanied me on the assignment and had to run for her life with the stampeding mob, turned back to drag a man who had been hit in the spine to safety behind a parked car. But the police stayed next to their parked armored personnel carriers.

All of this was inflicted on a community that had already suffered one of the worst atrocities in South Africa's history four nights before, when, by the latest count, 51 people—including women and babies—were shot, hacked and speared to death in their beds.

De Klerk's decision to visit the scene of that atrocity is a measure of how out of touch he is with the mood of black South Africa in these dark days of frustration and fury.

To those of us who had been there after the massacre, it was obvious the moment we heard of de Klerk's intention that his gesture was misplaced and bound to cause trouble. Boipatong and its neighboring townships were boiling with rage. Absolutely everyone here believes the police were involved in the Inkatha attack.

At his press conference after being drummed out of the township, de Klerk blamed ANC Secretary General Cyril Ramaphosa for the hostility. "What can you expect when he goes on television and accuses me of responsibility for the killing?" the president asked.

Leaving aside the question of how many people have TV sets in this run-down township and its adjoining squatter camp, where the unemployment rate is well over 50 percent, does de Klerk really believe that people who have undergone such a frightful experience need a television program to arouse their anger?

Whatever the president and his ministers may say, however many exculpatory statements the official police spokesmen may issue, the people on the receiving end of the knives and hatchets and crude homemade guns know who attacked them. You can bluff the whites in their remote suburbs, but you can't bluff the blacks who are there on the spot—and the more you try, the more you discredit yourself.

That is what has happened to South Africa's police force. It has discredited itself by its deeds and its cynically disingenuous explanations until it is seen not as a peacekeeper but as a feared and deadly enemy. De Klerk does not want to believe that. He gets angry when it is put to him. But it is true.

How can credibility be restored? Only by drastic measures. There must be a complete change in the command structure of the security forces, they must be brought under multiparty control, and there must be an international commission to monitor police operations.

If that is done, there may be some hope of getting the peace process back on track. Anything less, and the abyss yawns.

ADDENDUM

1. Security force bias and inaction favoring Inkatha in the context of violent political confrontations

- The following is a typical scenario of incidents in which police fail to intervene in Inkatha attacks. The scenario is based on a composite of numerous actual reports: 1) A rumor spreads of an impending Inkatha attack; 2) Police are notified but are slow to respond; 3) Residents take matters into their own hands and erect barricades; 4) Police appear on the scene and remove barricades and/or disperse residents; 5) The attack ensues; 6) Police do not intervene and in some cases participate in either attacks or looting. The chief characteristics of the attacks include 1) a motivation by Inkatha members to establish political dominance in the area; 2) single sex hostels are the principal bases of terrorist activity; 3) there are persistent reports of police and security force complicity - particularly of the involvement of unidentified whites who are masked or who have their faces painted black.
- The Boipatong massacre, in which at least 42 people were killed on June 17, provides a textbook case of this phenomenon. According to Peace Action², a Johannesburg-based violence monitoring group, "workers [in the area] reported that they had seen casspirs [armoured police vehicles] off-load men who went to the [site of the attack]. Attacks were executed simultaneously and all hell was let loose. From these stories it seems that this was no haphazard incident, but a fairly well thought out one. . . . there was no apparent intervention [by police]. It was said that a particular house had its fence knocked down by a police vehicle. The

¹The Weekly Mail (SA), July 3-9, 1992 at 4.

²Peace Action provides impartial monitoring and investigates outbreaks of violence. The organization gathers information for human rights advocacy and provides assistance and referrals for the victims of violence. It also maintains a pager/phone number which is serviced 24 hours a day to respond to and report on outbreaks of violence.

possessions in this house were taken by the police. It was also stated that police and police vehicles broke down doors to facilitate the attackers entrance."³

2. Security force participation in and incitement of violence

- In April, Judge Andrew Wilson of the Supreme Court of Natal found a white police captain and 5 black junior officers guilty of the 1988 murders of 11 black villagers whom they mistakenly identified as ANC-sympathizers in Trust Feed,⁴ a small settlement near Pietermaritzburg, Natal. At trial, the prosecution charged that the men found guilty had planned the attack as part of a conspiracy with Inkatha to drive out of Natal, the United Democratic Front, a now defunct political organization strongly aligned with the ANC.
- On July 3rd, police reportedly fired on private homes of residents of Sebokeng in the early hours of the morning. At least three people were killed and three injured in what was claimed by residents to be an unprovoked attack. The police action prompted retaliatory action during which residents attacked and destroyed the homes of two policemen.
- On February 24th, members of the KwaZulu Police allegedly stopped a vehicle occupied by a health worker and his assistant who were travelling to a village in Northern Natal. They called on Inkatha members to come and attack the vehicle. The Inkatha members responded to the call by shooting the two men and setting the vehicle on fire. Both men were killed in the attack.

3. Police failure to conduct proper investigations into attacks on victims not affiliated with Inkatha

- On February 8th, a group of American business

³Press Statement of Peace Action, June 18, 1992.

⁴The white captain has been sentenced to death. However, the death penalty in South Africa has been suspended until an interim government is in place.

⁵The Human Rights Commission Weekly Repression Report for July 1-7, 1992.

professionals were present during the assassination of ANC-affiliated peace activist S'khumbuzu [Mbatha] Ngwenya. In a press statement released shortly after the incident, the group alleged that the "numerous witnesses present at the scene were never interviewed by police. The area was not cordoned off to conduct an evidence search. We observed some police joking and laughing at the scene."⁶ The official police response to the Americans' statement was to condemn the Americans' observations as inaccurate and urged that their statement be treated "with the contempt it deserves."⁷ Arrests were only made in connection with the case in June when a report by Amnesty International was released which chastised the SAP for not making an arrest.

- According to the U.S. Department of State's Human Rights Country Report on South Africa, charges were dropped against members of the Inkatha Freedom Party who had been implicated in the September 1990 deaths of 38 people in Sebokeng on the basis of insufficient evidence.
- Most recently, 7 inmates of the Kwamadala Hostel were acquitted of murdering 38 people at an ANC funeral vigil in Sebokeng in January 1991. The court released the men because the state failed to provide sufficient evidence and suggested that the investigation had been inadequate.
- There have also been frequent complaints that investigations take too long. According to Justice Goldstone, in his most recent report, "[i]n December 1991, the Commission referred to the Attorney General of the Transvaal a prima facie case of involvement by policemen in Schweizer-Reneke in an unsuccessful conspiracy to murder an ANC leader in the town. Notwithstanding constant enquiries by the Commission the police investigation has taken an unacceptably long time. Eventually the Commission felt obliged to call the investigating officer to testify in public and

⁶The Natal Witness (SA), February 10, 1992.

⁷The Natal Witness, February 11, 1992.

explain the delays."⁸

- In the Trust Feed case referred to above, Judge Wilson, in his decision, condemned police attempts to conceal their involvement during the course of the investigation.
4. Failure to initiate prosecution, disciplinary or suspension proceedings against high level security officials accused of wrong-doing
- Though there is prima facie evidence of the involvement of Lieutenant General CP van der Westhuizen in the assassination of anti-apartheid activist Matthew Goniwe, he remains in office.
 - General Lothar Neethling, Chief Deputy Commissioner of the South African Police was found to have misled the Commission of Inquiry led by Justice Louis Harms and is also alleged to have supplied poison for the purpose of assassinating ANC activists. Nevertheless, he remains at his post.
 - No action has been taken against Brigadier Floris Mostert who is said to have refused to open his files to the Harms Commission and was also accused of perjury by the commission.
 - When, in 1990, the Harms Commission referred to the Attorney General's office, its finding that members of the Civil Cooperation Bureau had plotted the murders of anti-apartheid activists, the Attorney General declined to investigate the matter further. Human rights lawyers charge that such lax enforcement by the Attorney General's office is common.
 - Another judicial Commission of Inquiry headed by Justice Goldstone recommended that an incident in which policemen fired live ammunition into a crowd in Sebokeng in March 1990, be investigated, with prosecutions to follow. Five people were killed in the assault and 161 injured. To date, the policemen involved in the attack have still not been tried.
 - At an inquest into the deaths of 4 people in

⁸Statement Read by Mr. Justice R.J. Goldstone at the Commission's Preliminary Hearing into the Boipatong Massacre held at Pretoria on Monday 6 July 1992 at 8.

Sebokeng in September 1990, the inquest judge, recommended the prosecution of the South African Defence Force officers implicated in the murders. These officers have yet to be brought to trial.

- The Attorney General declined to prosecute police charged with the murder of 12 people in Daveyton in March 1991, despite recommendations to the contrary by the judge who conducted the inquest into the matter.
 - There are also instances where members of the security forces, jailed for murder, have been set free far in advance of their scheduled release. One policeman, Khethani Shange who had been sentenced in May 1991 to 26 years for the murders of several members of an ANC sympathetic family in Kwamushu, Natal in 1990, was released after serving only 9 months of his sentence. In handing down his sentence, Judge David Gordon found that Shange was "one of the main players in the reign on terror." Family members are now demanding his return to prison.¹⁰
 - Another policeman, sentenced to 18 years for two murders and one attempted murder in February 1989 in Empangeni, Natal, was released after 17 months.¹¹
5. Government failure to prosecute civilian attackers whose victims were aligned with the anti-apartheid movement
- A recent report on the judicial process by a field worker for the Black Sash, an anti-apartheid women's organization, concluded that "two trends suggesting [the validity of allegations relating to state unwillingness to prosecute certain people implicated in political violence] can be discerned - Firstly, the withdrawal of charges for no apparent reason; and secondly the number of cases in which judges or magistrates have judged state cases unnaturally weak."¹² The report goes on to cite several cases in which murder charges were

⁹The Weekly Mail (SA), May 8-14, 1992 at 6.

¹⁰The Weekly Mail (SA), Jun 26-July 1992 at 7.

¹¹The Weekly Mail (SA), May 8 to 14, 1992.

¹²Ann Truluck, "Report on Judicial Process", February 1992.

dropped with either no explanation given or an explanation that evidence was insufficient to prosecute.

- In an editorial published in the Natal Witness, it was noted that ". . .the apparent reluctance of authorities to prosecute certain cases of criminal activity have been one of the most disquieting aspects of the violence."¹³
- The Attorney General's office, in June, dropped all charges against three men who allegedly killed 7 and injured 17 and who were caught "virtually 'red handed'" by police during a raid on a Soweto-bound train in July 1991.¹⁴
- According to a recent report on train violence prepared by the Independent Board of Inquiry into Informal Repression, "in the last 18 months [through February 1992] there have been 48 [train] attacks, 112 people have been killed and 557 have been injured. The South African Police promised to do everything possible to bring the culprits to book . . ."¹⁵ Since that report only one person has been convicted for his part in violent attacks on trains.¹⁶

7. Government failure to ensure the protection of key witnesses prepared to testify against Inkatha or the government

- On March 22, a staff member of the South African Council of Churches, Saul Tsotetsi, was killed by a hand grenade explosion just two days before he was scheduled to testify before the Goldstone Commission.
- On March 10 Doctor Elliot Motsitsi was shot and killed shortly before he was scheduled to sign an affidavit in which he testifies to having witnessed the fatal shooting of a man by a policeman.

¹³The Natal Witness, February 1988.

¹⁴The Weekly Mail (SA), June 12-18, 1992.

¹⁵Independent Board of Inquiry into Informal Repression, "Blood on the Tracks", February 1992.

¹⁶The Weekly Mail (SA), June 12-18, 1992 at 10.

- In August of 1991, an important witness in the inquest into the assassination in February 1991 of Chief Mhlabunzima Maphamulo, an ANC-sympathetic traditional leader, was killed the day before the inquest was scheduled to begin.
 - Earlier this year the mother of a Goldstone witness whose identity has not been released was killed.
7. Government failure to impose an effective ban on "cultural weapons"
- See testimony for a full discussion on this issue.
8. Government financial sponsorship of Inkatha
- In July 1991 the government admitted to having secretly funneled R250,000 to the Inkatha Freedom Party to support two Inkatha rallies. A memorandum was reportedly discovered in which a high level government official revealed plans to fund the rally in response to a request for help from Inkatha president Chief Gatsha Buthelezi. It was reported that Buthelezi expressed concern that the ANC was gathering popular support at the expense of the IFP. The government also admitted to having provided R1.5 million in support of the United Workers' Union of South Africa, an Inkatha-affiliated union. In both cases the government defended charges of Inkatha bias by claiming that the money was given with the sole aim of countering international sanctions against South Africa and was not any indication of political support for Inkatha.
 - The Goldstone Commission is still considering evidence relating to government sponsorship of the training of Inkatha hit squads.
9. Confessions by former security force members or former members of Inkatha or Inkatha-affiliated gangs citing a government role in the violence
- Johannes Dirk Coetzee, a former captain in the South African Security Police, confessed to heading an official police hit squad during the 1980s. Also, based on information provided by Coetzee, the Rand Supreme Court found in July 1991 that the chief of the South African Police forensics unit, General Lothar Neethling, personally distributed

poison to South African Police agents to be used to assassinate ANC leaders. Despite such incriminating evidence, the forensic officer named, still remains at his post. Coetzee has fled to Europe.

- Jacques van der Merwe, a former member of Civil Co-operation Bureau (CCB), a now disbanded branch of the military heavily involved in hit squad activity, reported that he took part in the 1989 assassination of four people in Namibia and was offered a job by a South African Police Colonel to be an assassin in Natal as recently as June, 1991. When asked what kind of work he was asked to do, Mr. van der Merwe responded, "the usual - killing."¹⁷ Mr. van der Merwe left the CCB in 1990 and has not resurfaced since he made his claims in July 1991. In March 1990 a high ranking official in the CCB admitted that the South African government spent R28 million on CCB operations annually (approximately U.S. \$10 million).
- Felix Ndimene, formerly an army sergeant with the 5th Reconnaissance Commando (the elite troops of South Africa's "special forces"), claims that the unit was involved hit squad attacks on commuter trains, particularly one in September 1990 in which 26 people were killed. As recently as July 1991, he maintained that junior officers in the security forces were still operating under instructions from senior officers to regard members of the ANC as "the enemy." He further alleges that the "total onslaught" strategy openly implemented to repress black insurrection in the past, is still in effect underground. He is believed to have fled to his native Mozambique.
- Henry Martin and Adriaan Maritz, former members of the right wing Afrikaner group Orde Boerevolk (OB), revealed in November 1991 that assassinations of ANC members by OB operatives were linked to State agencies. They maintain that all their actions were carried out on the orders of government security forces. They also claimed that the South African Defense Force gave Inkatha 10,000 AK47 and R4 assault rifles. In December, it was reported that the two men fled to Great Britain after they were released on bail after being jailed on charges

¹⁷ The Independent, July 23, 1991.

of murder and attempted murder.

- Siphso Madlala, was a hit squad operative who claims to have been hired by the security police to participate in the assassination of a Chief Maphamulo. The chief was killed by a hit squad in February 1991. Madlala testified that a police warrant officer in Pietermaritzburg, Natal called him and three others to the police station there, showed them a picture of Maphamulo and instructed them to "eliminate him." According to Madlala, "he told us that [the chief] was a danger to the government and that he had a bad influence on the general public."¹⁸ According to Madlala, he did not take part in the killings. However, he has confessed to other assassinations on behalf of the police. The judge hearing the Maphamulo case concluded recently that Madlala's testimony was false. In his decision, the judge stressed the need to protect the image of the security forces against damaging accusations.
- Mr. A. A former member of a township gang called the Black Cats, notorious for its brutal attacks on township residents, testified anonymously as Mr. A before the Goldstone Commission that Black Cat members were recruited by Inkatha and taken to the Mkuze training camp in 1990, the year that the ANC was unbanned. He claims that while at the camp he saw clear evidence that the camp was sponsored by the South African government. At the camp, recruits received "physical training, drilling, lectures in politics and such skills as how to abduct people or rescue our friends if attacked by the enemy."¹⁹ He reported that he was personally present when a white Warrant Officer instructed a group of Black Cats to attack the offices of human rights lawyer Steve Ngwenya. The office was then burned down. Mr. A is in hiding.
- Mbongeni Khumalo, a former Inkatha Youth Brigade official testified before the Goldstone Commission that in 1986 the Military Intelligence Unit of the South African security forces paid the salaries of Inkatha personnel whom they trained to become assassins at a remote camp outside South Africa. He has specifically named individuals responsible

¹⁸ The Independent, September 9, 1991.

¹⁹ The Weekly Mail, February 7-13, 1992.