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HUMAN RIGHTS REVIEW SOUTH AFRICA

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The Human Rights Committee (HRC) is an independent human rights NGO which has been monitoring and reporting on human rights abuses and political violence in South Africa since 1988. Following the democratic elections in April 1994, the HRC is committed to ensuring that the human rights and freedoms enshrined in the constitution are protected and that effective human rights legislation is passed and implemented.

The HRC *MONTHLY REPORT* is compiled with information gathered from a wide variety of sources including newspapers, monitoring and peace structures, community organisations, trade unions and government departments.

HUMAN RIGHTS REVIEW - SOUTH AFRICA 1994

CONTENTS

1.	INTRODUCTION	4
	1.1 ABOUT THIS REPORT	
	1.2 HUMAN RIGHTS AND FREEDOMS	
	1.3 POLITICAL VIOLENCE	
2.	HUMAN RIGHTS AND FREEDOMS	6
	2.1 LEGISLATION	
	2.2 RIGHT TO LIFE	
	2.3 PERSONAL FREEDOM AND SAFETY	
	2.4 FREEDOM OF ASSEMBLY	
	2.5 FREEDOM OF ASSOCIATION	
	2.6 FREEDOM OF EXPRESSION	
	2.7 LEGISLATION APPENDIX	
3.	KWAZULU-NATAL	13
	3.1 PRE-ELECTION VIOLENCE	
	3.2 TRADITIONAL LEADERS	
	3.3 POLICING	
	3.4 PEACE	
	3.5 OTHER TRENDS	
	3.6 TRIALS	
4.	GAUTENG	18
	4.1 TAXI CONFLICT	
	4.2 SELF DEFENCE UNITS AND SELF PROTECTION UNITS	
	4.3 PRE-ELECTION VIOLENCE	
	4.4 INDUSTRIAL CONFLICT	
	4.5 ATTACKS AGAINST SECURITY FORCES	
	4.6 SECURITY FORCE ACTIONS	
	4.7 TRIALS	

5. WESTERN CAPE

22

5.1 TAXI WAR

5.2 CROSSROADS

5.3 TRIALS

6. EASTERN CAPE

24

6.1 PORT ELIZABETH

6.2 TRANSKEI

6.3 BORDER

6.4 TRIALS

7. OTHER PROVINCES

26

7.1 NORTH WEST

7.2 NORTHERN TRANSVAAL

7.3 EASTERN TRANSVAAL

7.4 FREE STATE

7.5 NORTHERN CAPE



LIST OF ABBREVIATIONS

ANC	African National Congress
AWB	Afrikaner Weerstandbewiging
Azapo	Azanian People's Organisation
CA	Constitutional Assembly
COSATU	Congress of South African Trade Unions
GNU	Government of National Unity
IFP	Inkatha Freedom Party
ISA	Internal Security Act
ISU	Internal Stability Unit
KLA	KwaZulu Legislative Assembly
KZP	KwaZulu Police
MK	Mkhonto weSizwe
Nehawu	National Education, Health and Allied Workers Union
NP	National Party
PAC	Pan Africanist Congress
POPCRU	Police and Prisons Civil Rights Union
PSA	Public Safety Act
RDP	Reconstruction & Development Programme
SACCAWU	South African Commercial, Catering and Allied Workers Union
Sanco	South African National Civics Organisation
SAP(S)	South African Police (Services)
SAPU	South African Police Union
SA(N)DF	South African (National) Defence Force
Sasco	South African Students Congress
SDU	Self Defence Unit
SPU	Self Protection Unit
TEC	Transitional Executive Authority
UDF	United Democratic Front

1. INTRODUCTION

The year 1994 was one of the most important and exciting in South Africa's history. The peaceful democratic elections in April represented the culmination of decades of struggle against apartheid by the people of South Africa. The Interim Constitution came into effect on 27 April 1994 and at its heart lies the Bill of Fundamental Rights which opens the door for the development of a human rights culture in the country. The road to democracy was not without its obstacles and the increase in violence before the election represented a last ditch attempt to retain the old order. In the months following the election, the newly elected Government of National Unity set about introducing changes to lay the basis for human rights culture in the country.

1.1 ABOUT THIS REPORT

The work of the Human Rights Committee during 1994 has fallen into two broad categories which are reflected in this report. Section one examines **Human Rights and Freedoms** with a focus on violations of, and developments in, first generation rights. The remaining sections deal with **Political Violence** in the different provinces of South Africa. The names and divisions of provinces changed in 1994 and this is reflected in this report. The report is more analytical and discursive than previous *Human Rights Reviews*, in order to assist readers develop a deeper understanding of the situation in the country over the past year.

1.2 HUMAN RIGHTS AND FREEDOMS

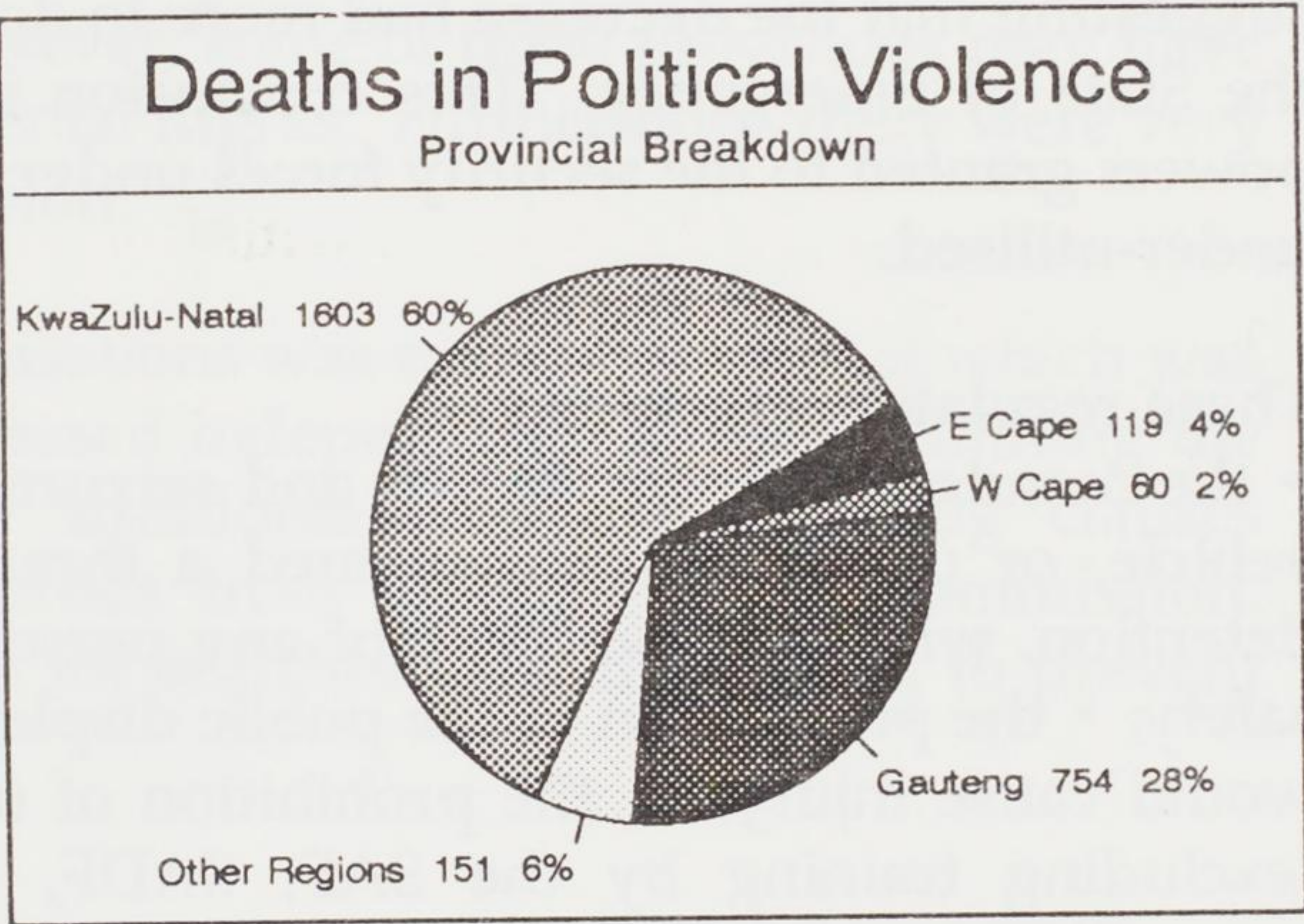
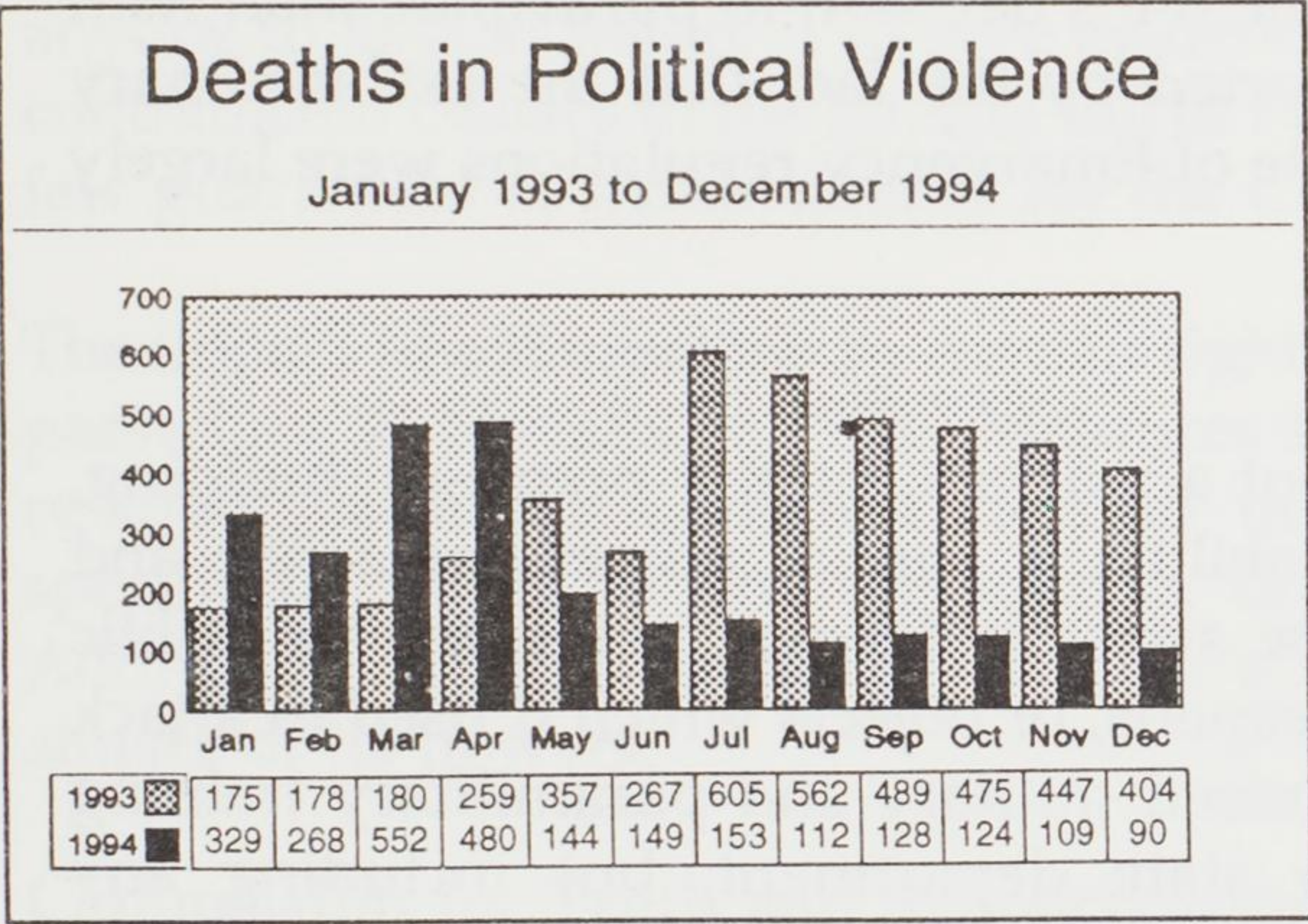
The provision, in the April elections, of long denied political rights to the majority of citizens, represented a watershed with regard to human rights in the country. Until the elections, certain human rights abuses continued, but following the poll, the situation improved dramatically. A total of 270 people were detained without trial in various parts of the country, but this practice ended with the abolition of section 29 of the Internal Security Act one day before the election. In the light of increasing violence in KwaZulu-Natal, the government imposed a State of Emergency in the province. Although less repressive than previous ones, the State of Emergency still allowed detention without trial and the banning of certain gatherings. Also in contrast to previous states of emergency, the security forces under-utilised the powers they were given, reducing real effects of the state of emergency. Torture in police custody continued throughout the year, but came to be the focus of official investigations in the second part of the year.

In the second half of 1994, legislation was introduced in Parliament to set up mechanisms to promote human rights. The Truth and Reconciliation Commission will examine human rights violations from the Apartheid era, determine reparation for victims and grant amnesty to perpetrators. The Human Rights Commission, the Public Protector and the Constitutional Court are all measures aimed at promoting fundamental rights in a democratic South Africa.

1.3 POLITICAL VIOLENCE

Echoing the trends in fundamental rights, political violence peaked just before the elections and then dropped to nominal levels in all provinces except KwaZulu-Natal. A total of 2 687 people were killed, 3 668 injured in 3 535 incidents of violence during the year. This compares with 4 403 deaths and 4 455 injuries in 5 623 incidents during 1993. Of the deaths, 60% occurred in KwaZulu-Natal, 28% in Gauteng, and 12% in other provinces.

Resistance to the April elections by certain 'homeland' leaders, the right wing and the Inkatha Freedom Party (IFP) contributed to a significant rise in violence preceding the poll. These deaths occurred mainly in Bophuthatswana, Gauteng and KwaZulu-Natal. The continued refusal by the IFP to participate in the elections resulted in an orchestrated anti-election campaign in KwaZulu-Natal and Gauteng. Rightwingers were responsible for numerous explosions in Gauteng, North West and the Free State. Members of the Afrikaner Weerstandsbeweging (AWB) also went to the assistance of erstwhile Bophuthatswana President, Lucas Mangope, who was overthrown by a popular uprising in that 'homeland'. Taxi violence was a destabilising factor in all provinces, with local taxi associations battling over the most lucrative routes. The six-week Western Cape taxi war was the most extreme example of this and suggested the involvement of other forces.



2. HUMAN RIGHTS AND FREEDOMS

2.1 LEGISLATION

Internal Security Act (ISA)

Following the 1993 multi-party negotiations, the Internal Security Act was amended by Parliament in December 1993. These amendments were brought into operation by a proclamation of the State President on 28 January 1994, in consultation with the Transitional Executive Council. However, the implementation of the section of the amendment abolishing Section 29 of the ISA (allowing for detention without trial) was deferred. Although no explanation was given for the delay in implementing this amendment, it is believed to have been motivated by police concerns about security management in the run up to the elections.

In the face of growing criticism from the human rights community, the TEC decided in March finally to do away with section 29. President de Klerk only signed the proclamation on 25 April, just one day before voting began.

State of Emergency

On 31 March 1994 the then State President, FW de Klerk, declared a State of Emergency in Natal and the "self governing territory" of KwaZulu within its borders. The State of Emergency was imposed in the face of an unprecedented surge of anti-election violence in the region.

Violence levels showed a slight decrease after the imposition of the State of Emergency: the week before the declaration recording a possible all-time weekly high of 128 politically related deaths, and the first week of the Emergency recording 115 deaths. However, levels dropped off dramatically after the IFP's announcement that it would contest the elections, suggesting that the decrease had more to do with the IFP's decision to participate than with the State of Emergency. This conclusion is supported by the fact that the extraordinary powers granted to the security forces under the State of Emergency regulations were largely under-utilised.

These regulations included:

- the mandate of entry, search and seizure, without a warrant, of any premises, building, vehicle, or object which contained a threat to stability;
- special powers of arrest and detention, without a warrant, of any person whose arrest is deemed necessary for public safety;
- the prohibition of the public display of weapons, or objects which if used in attack would cause injury;
- the prohibition of unauthorised military and paramilitary training (excluding training by the SAP, SADF, or any state department, but including any paramilitary training conducted by the KwaZulu government);
- and the prohibition of gatherings and processions not authorised by a magistrate at least 4 days before the date on which the gathering is to be held.

On the 18 May, 21 days after the new constitution became effective, the State of Emergency became unconstitutional. In terms of the new constitution, a State of Emergency "shall be in force for a period of not more than 21 days, unless it is extended for a period of not longer than 3 months". On 31 August, the Cabinet announced that the State of Emergency was finally to be officially lifted.

Unrest areas

The Public Safety Act provided for the declaration of mini states of emergency by the Minister of Law and Order. Unrest Area declarations provided the police with wide ranging powers to limit freedom of movement by imposing curfews and to detain people without trial.

At the beginning of 1994, 15 Unrest Areas remained. One of these was in the Orange Free State (OFS) and the rest in the Eastern Cape (E Cape). The OFS unrest area declaration was withdrawn in January and those in the E Cape in March.

In the wake of the popular uprising in Bophuthatswana, 52 unrest areas were declared in March. The declarations were withdrawn after 2 days. The regional breakdown of these areas was: Gauteng 19; OFS 6; Western Transvaal 17; Northern Transvaal 5; and Northern Cape 5. • A further declaration was issued in April for 15 Western Transvaal magisterial districts following a spate of pre-election bombings in the area. The declarations were withdrawn in May. • Following the violence associated with the 28 March IFP protest in central Johannesburg 11 Unrest Areas were declared in the PWV area. The declarations on 5 of these areas were withdrawn in June, which is also when the declarations on the remaining areas expired.

Human Rights Commission

The Interim Constitution makes provision for a statutory Human Rights Commission which will be charged with protecting the fundamental rights guaranteed in the constitution. The constitutional guidelines for the Commission focus on its role of human rights education and investigating violations. The Human Rights Commission Act operationalises the structure by establishing its administrative mechanisms and defying its powers.

The original draft of the bill had several serious gaps. It provided the Commission with extensive powers which would enable it to search for and seize documents, and to summon anyone to appear before it to give evidence. However, some of these provisions may have contradicted clauses in the Interim Bill of Fundamental Rights. Furthermore, there were very few guarantees of independence for the Commission.

The impact of submissions by human rights organisations was evident in the Act which was passed on 15 November 1995. Measures for increased independence included limiting the re-appointment of Commissioners to only one additional term and inserting clauses specifically aimed at limiting state or other interests from influencing the Commission. Additional checks such as the need for a warrant for searches were introduced to prevent abuses of its powers.

Commission for Truth and Reconciliation

During 1994, draft legislation to create a Truth and Reconciliation Commission was the topic of extensive debate among political parties and human rights organisations. Serious disagreements on the functioning of the Commission prevented legislation from being passed by Parliament before the end of the year.

Some key elements of the legislation are:

- The Commission will have separate committees to deal with the separate areas of its work. These are: investigation of gross violations of human rights, determining adequate reparation for victims, and receiving and deciding applications for amnesty.

► Gross violations of human rights include: killing, attempted killing, abduction, severe ill treatment and torture which were committed with political objectives by any "agent, member or supporter of the State, any former state, any political organisation or liberation movement".

► Reparation for victims or their families will focus on restoring the dignity of the victims as well as compensating them for any pecuniary loss that they may have suffered. Finance for reparation will come from a specially established Presidential Fund.

► Amnesty will be decided by the relevant committee so long as it is satisfied that the applicant has made a full disclosure of his/her crimes.

Problems with the Bill as it was proposed at the end of 1994 include:

- all hearings in the committee hearing amnesty applications will be behind closed doors
- automatic granting of amnesty to perpetrators who make a full disclosure
- dropping of all civil and criminal cases against those granted amnesty
- lack of clarity over what will happen to people exposed as perpetrators
- all acts for which amnesty is granted will be expunged from the official records,
- and the confirmation of amnesties given by the former regime without any attempt to provide more information about them. In addition, it is not clear what forms of reparation will be available to victims.

Constitutional Assembly

The Constitutional Assembly (CA) is the body (with the same membership as the National Assembly) charged with the task of drawing up a final constitution for the country. The body is chaired by ANC General Secretary, Cyril Ramaphosa.

On 19 September 1994, six theme committees of the Constitutional Assembly met for the first time. These committees are: Character of the Democratic State, Structure of Government, Relationship Between Levels of Government, Fundamental Rights, Judiciary and Legal Systems, Specialised Structures of Government. Each theme committee consists of 26 MPs directed by a core group of eight people. The CA also has a management committee of twelve MPs. The Constitutional Assembly is expected to do the bulk of its work during 1995.

Constitutional Court

Section 98 of the Interim Constitution provides for a Constitutional Court to have final jurisdiction over all matters relating to the interpretation of the Constitution. The 11 Judges of the Court must be South African citizens, and four have to be appointed from the present complement of judges. Long time human rights lawyer and academic Arthur Chaskalson was appointed President of the Court and Richard Goldstone, Laurie Ackerman, Ismail Mohammed and Thole Madala were appointed by President Mandela from the ranks of Supreme Court Judges. Public hearings by the Judicial Services Commission for the remaining 6 positions on the Court took place in Johannesburg on 3 October culminating in the appointments, by President Nelson Mandela, of judges John Didcott, Johann Kriegler, Albie Sachs, Pius Langa, Yvonne Mokgoro and Catherine O'Regan.

The Court only began hearing cases in 1995. The first issue to be decided by the Court will be whether or not capital punishment is constitutional.

See Legislation Appendix in Section 2.7 for more legislation information.

2.2 RIGHT TO LIFE

Eighty-eight people were sentenced to death during 1994 and at the end of the year a total of 444 people were on death row. In addition, 78 death sentences were commuted to various terms of imprisonment by the State President and 23 were commuted by the Appellate Division. The newly established Constitutional Court announced that it would review the constitutionality of the death penalty early in 1995.

2.3 PERSONAL FREEDOM AND SAFETY

Deaths in Police Custody

Thirty-two deaths in police custody were recorded throughout the country during 1994. December recorded the highest number of deaths in custody (6), more than double the year's monthly average of 2,6. Although several deaths were in suspicious circumstances, many were suicides or of natural causes.

Torture in Police Custody

During 1994, HRC recorded numerous complaints of torture in police custody involving a total of 50 victims. In Gauteng, most of these allegations were against the Brixton Murder and Robbery Unit and the Vanderbijlpark police station in the Vaal Triangle. In July, Witwatersrand Police Reporting Officer, Advocate Jan Munnik, said that he had received about 390 complaints of police abuse in the Vaal Triangle since the beginning of 1993. The cases included 33 of murder, 21 of attempted murder, 202 of assault and 86 of torture. Munnik's revelation followed an investigation and a report entitled "Shocking Morals" on police torture by a Dutch police observer mission. The observer team discovered torture machinery with which electric shocks could be applied to suspects to force them to divulge information under duress. The discovery was made at the Vanderbijlpark police station following claims by a murder suspect that he had been tortured by police at the station.

Seventeen charges of torture were filed against police in the Western Cape. Ten of these against Internal Stability Unit (ISU) members, five against Bellville South Murder and Robbery Unit members and two against officers from other units.

There were several allegations of torture by KwaZulu-Natal State of Emergency detainees. These included mostly ANC supporters, none of whom were subsequently charged. The Mtubatuba Internal Stability Unit was constantly cited in Natal torture complaints.

Detention Without Trial

Two hundred and seventy people were detained under various sections of the Public Safety Act (PSA) and the Internal Security Act (ISA). All detainees, however, had been released or charged by May 15. The KwaZulu-Natal State of Emergency accounted for 123 of the detentions. Sections 29 and 50 of the ISA (providing for 10 days for 'interrogation' and 14 days 'preventative' detention respectively) were used to detain 108 and 18 people respectively. Section 29 was eventually abolished on 25 April 1994. In the former 'independent homelands', 18 people were detained.

2.4 FREEDOM OF ASSEMBLY

At least 48 gatherings were either banned by court orders or dispersed by the security forces. Protest marches throughout the country were characterised by confrontation between protestors and the security forces.

2.5 FREEDOM OF ASSOCIATION

Despite the constitutionally guaranteed right for individuals to freely join organisations of their choice, violations continued. Some of the year's significant events included:

- After a long and conflict ridden battle, in February the South African Police (SAP) eventually recognised the Police and Prisons Civil Rights Union (Popcru) as a trade union. Since its formation in 1989 Popcru members had been subject to intimidation and dismissals by the SAP.
- In August, South African Police Commissioner General Johan van der Merwe threatened to cancel an agreement recognising the South African Police Union (SAPU) if the union embarked on industrial action to back its demands.
- In September the South African National Defence Force (SANDF) banned representatives of the Public Servants Association from military premises.

2.6 FREEDOM OF EXPRESSION

The media in general was the victim of court interdicts and criticism from some government officials. Cases concerning this right included:

- In June the Minister of Defence, Joe Modise, obtained a court interdict against the Weekly Mail & Guardian and two former members of the Directorate of Covert Collection preventing them from publishing information on military activities during the apartheid era. Modise later withdrew the interdict.
- In August the media in general was subjected to much criticism by leading ANC and government leaders for abusing press freedom to "undermine the Reconstruction and Development Programme (RDP)".
- In October the KwaZulu-Natal Executive Council threatened to summon the editor of Durban newspaper UmAfrika to appear before it in connection with a story about an alleged IFP plot to overthrow the Zulu King.

In August a commission to investigate the Publications Act and censorship laws was set up by the Ministry of Home Affairs. Public submissions were called for and hearings held. The commission submitted its report in December.

2.7 LEGISLATION APPENDIX

The following legislation, passed in 1993 was made operational in 1994.

ACT	DATE
Abolition of Restrictions on Free Political Activity Act (excluding section 7)	28 January 1994
Section 7 of the Abolition of Restrictions on Free Political Activity Act	29 April 1994
Sections 6, 40, 127, 132, 143 of the Interim Constitution	9 March 1994
Electoral Act	14 January 1994
Constitution of the Republic of South Africa	27 April 1994

Other Acts Passed in 1994

Judicial Service Commission Act No 9 of 1994: To facilitate the establishment of the Judicial Services Commission as envisaged in section 105 of the Interim Constitution.

Correctional Services Amendment Act No 17 of 1994: To prevent the detention of minors prior to conviction.

Public Protector Act No 23 of 1994: To facilitate the establishment of the Public Protector (including a Deputy and provincial offices) as envisaged in section 110 of the Interim Constitution.

Restitution of Land Rights Act No 22 of 1994: To facilitate the return of land removed from communities under apartheid land legislation and to establish the Commission on Restitution of Land Rights, and a Land Claims Court.

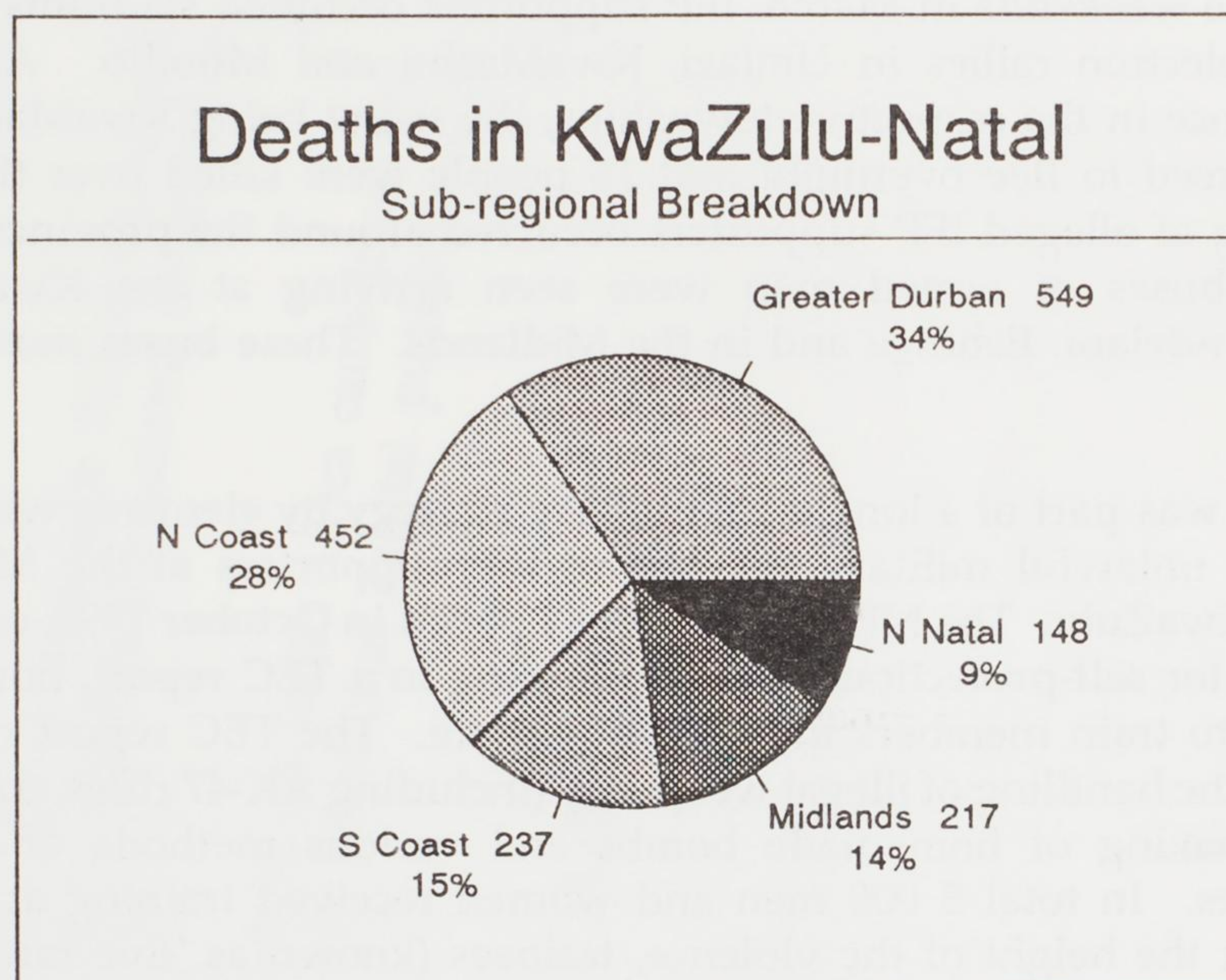
The following constitutional amendments were passed in 1994:

ACT	Purpose	Date Gazetted
No 2 of 1994: Constitution of the Republic of South Africa Amendment Act	To allow for pre-election compromises relating to the powers of provinces and the establishment of a Volkstaat Council.	3 March 1994
No 3 of 1994: Constitution of the Republic of South Africa Second Amendment Act	To allow for pre-election compromises relating to the role of traditional authorities	26 April 1994
No 13 of 1994: Constitution of the Republic of South Africa Third Amendment Act	To allow for various matters relating to the Judiciary; and to the remuneration of political office bearers.	22 July 1994
No 14 of 1994: Constitution of the Republic of South Africa Fourth Amendment Act	To allow for the appointment of a non- member of Parliament to the Cabinet. Passed to facilitate the appointment of a new Minister of Finance	19 September 1994
No 29 of 1994: Constitution of the Republic of South Africa Fifth Amendment Act	To allow for various matters including the appointment of Acting Constitutional Court Judges, and integration of the police forces.	23 November 1994
No 24 of 1994: Constitution of the Republic of South Africa Sixth Amendment Act	To increase the size of the panel of constitutional experts from five to seven	25 November 1994

3. KWAZULU-NATAL

There were 1 603 politically related deaths and 1 226 injuries in KwaZulu-Natal during 1994 - a 20% decrease from the 2 009 recorded in 1993. The vast majority of the deaths occurred as a result of fighting between ANC and IFP supporters, and 62% of the deaths occurred in the 4 months of the year prior to the elections. Other conflicts which contributed to the death toll were taxi wars, attacks on or by security force members, and internal power struggles within both the IFP and ANC. In the rural areas the political alignment or non-alignment of the traditional leaders was often central to the violence.

Greater Durban, the worst affected sub-region, accounted for more than a third of the deaths (34.2%). The North Coast accounted for 28.2%, while the Midlands, South Coast and Northern Natal each accounted for less than 15%. The worst affected areas were Ndwedwe (117 deaths), Umlazi (117 deaths), KwaMashu (95 deaths), Inanda (90 deaths), KwaXolo (66 deaths), the greater Estcourt area (54 deaths) and KwaMbonambi (66 deaths).



During 1994, there were 5 massacres (i.e incidents in which 10 or more people were killed). ANC supporters were the victims in all 5 of them. In three pre-election massacres, 12 people were killed in an attack in Masunkazane, Richmond, 11 in Bhambayi, and 14 ANC supporting youths in Mahlele, Creighton. On 27 October, 14 ANC supporters were killed in Gcilima, Margate in an attack by an impi numbering about 100 alleged IFP supporters from Mbvotchini. Ten people were killed on 26 December in KwaMthethwa, North Coast, in an attack on the home of an ANC supporter.

3.1 PRE-ELECTION VIOLENCE

An unprecedented surge of violence occurred in KwaZulu-Natal in the run up to the April elections. Political violence in the region reached an all time high in March when 311 deaths were recorded, only to be exceeded in April when 338 lives were lost. The four week period preceding the IFP's 19 April decision to take part in the elections recorded an even higher figure of a staggering 429 deaths. Over the 4 voting days a total of 7 people died in political violence.

Reports from many quarters, including church bodies, monitoring groups and human rights organisations, all concurred that the surge in violence was a planned, co-ordinated strategy by anti-election elements within the IFP bent on destabilising the region. Of the total number killed during March and April, 221 were identified as ANC-aligned and 55 as Inkatha-aligned. Various strategies were employed by these anti-election elements, including the disruption of voter education campaigns, the busing of armed IFP supporters to ANC strongholds, and the occupation by IFP supporters of stadiums booked by the ANC for rallies.

Over 3 consecutive weekends in March, IFP supporters occupied stadiums which the ANC had booked for election rallies in Umlazi, KwaMashu and Mondlo. All 3 occupations precipitated violence in the respective townships, the worst being KwaMashu where 3 000 residents were forced to flee overnight and 16 people were killed over the next 10 days. Large-scale busing of alleged IFP supporters occurred around the province. At the height of the violence, buses of armed men were seen arriving at the KwaMashu hostels, KwaMakhutha, Lindelani, Eshowe and in the Midlands. These buses mostly arrived after dark.

That this violence was part of a long term military strategy by elements within the IFP was evidenced by the unlawful military training of IFP supporters at the Mlaba (Umfolozu) training camp in KwaZulu. The Mlaba camp was opened in October 1993, ostensibly to train Inkatha members for self-protection units. According to a TEC report, however, it was an operation geared to train members in guerilla warfare. The TEC report revealed that the training included the handling of illegal weaponry (including AK-47 rifles, uzis, grenades and makarovs), the making of homemade bombs and various methods of ambushing and sabotaging vehicles. In total 5 000 men and women received training at Mlaba over a 5 month period. At the height of the violence, trainees (known as 'five randers') were seen operating in the worst affected areas. The TEC report revealed that, according to trainees, an object of the training was to disrupt the elections. The report further claimed that the training and stockpiling of weapons may have provided elements within the IFP with the capacity for large scale insurrection.

This anti-election strategy cost hundreds of lives and brought the country to the brink of a bloody civil war. The ultimate cost in human misery and suffering, however, will never be quantifiable.

3.2 TRADITIONAL LEADERS

In the rural areas, *amakhosi* (chiefs) and *indunas* (headmen) were often central to the conflict, either as the aggressors or the victims of attacks. Thirty seven people were killed in at least 23 attacks directed against traditional leaders. A further 17 deaths could be linked directly to the activities of certain traditional leaders. In many violence stricken areas, the root of the conflict was the fact that the *inkosi* had chosen to overtly align himself with a political party, as is illustrated in the following examples.

The worst affected area on the South Coast was the rural area outside Margate which falls under Inkosi Xolo. Sixty six deaths were recorded here in 1994. Inkosi Xolo had resigned from the KwaZulu Legislative Assembly in late 1993, allegedly after he came into conflict with other KLA members for not towing the party line. As a result he came under a number of attacks and, after being injured in an attempt on his life in January 1994, he fled the area. His flight created a vacuum which led to leadership and other struggles within the community which turned into a fullblown conflict between IFP and ANC supporters. The area became divided into strongholds of ANC and IFP supporters who engaged in regular attacks on each other. Besides the lives that were lost, over 1 000 people fled the area and took refuge in camps in Margate.

Greater Estcourt was the worst affected area in the Midlands, accounting for at least 54 politically related deaths. The two local chiefs - ANC aligned Inkosi Hadebe and IFP aligned Inkosi Mazibuko - both came under attack on a number of occasions, and were alleged to have instigated attacks in their respective areas against supporters of the opposing party.

In Ndwedwe, 117 people were killed in politically motivated attacks. The ANC's Monitoring Task Force alleged that, at a meeting called by a local *inkosi*, in early March, a decision was taken to wipe out all ANC supporters in Ndwedwe so that there would be none left to vote in the elections. A total of 63 people were killed there over the next two months. Hundreds of ANC refugees had to be evacuated in March by peace monitors and the ISU, taking with them all their possessions. The execution of 8 TEC pamphleteers at the Thafamsi school the same month was allegedly carried out under the directions of a local *inkosi* who is also the principal of the school. The 8 were shot and hacked to death after first undergoing 2 hours of interrogation and torture. A ninth man managed to survive the attack.

When violence broke out in the eMatimatolo area, Greytown, in January, one of the local *indunas* was quoted as saying: "My people belong to one organisation which is the IFP and I do not want any other organisation in my area because it will cause conflict within them." Another *induna* in an IFP stronghold had been forcing parents whose ANC-supporting children were seeking refuge in an ANC stronghold to pay him R200 for every month that their children continued "to live with the ANC". In other areas hard hit by violence, IFP supporting *amakhosi* often refused to facilitate peace meetings between supporters of the two parties by denying the existence of ANC supporters in their areas. Certain *amakhosi* were alleged to have been responsible for fomenting violence in areas outside of their chieftainships by sending their armed and trained bodyguards or SPU members into these areas.

It is clear from all these and other examples that there will be no peace in the region as long as traditional leaders are involved in party politics. It is imperative that a position be found

for these traditional leaders which places them above party politics and out of reach of manipulation by political parties.

3.3 POLICING

Violence in KwaZulu-Natal was perpetuated by the policing crisis in the province. Numerous problems severely constrained the effectiveness of the police in preventing violence including: • the delay in the amalgamation of the KZP and the SAP, • a high level of distrust of the security forces within communities, • allegations of biased policing, • racism and right wing attitudes made against certain police members, • and poor morale within the force. The transfer of former Security Branch policemen into the community policing division prevented trust being built between communities and police, giving community policing little chance of success. In addition to this, the integration of former MK members into the SANDF led to the IFP viewing the army with a high level of distrust.

At least 15 people were killed in attacks alleged to have been carried out by security force members. These included Msizi Mchunu, an ANC canvasser shot dead by a KwaZulu prison services member at the Ulundi KZP station, and the IFP secretary of Hlanganani, Thulani Ndlovu, who was shot dead by a SANDF member in Impendle.

3.4 PEACE

Peace processes were few and far between in KwaZulu-Natal. Peace Committees set up under the National Peace Accord worked against tremendous odds, being continually confounded by political leaders intent on promoting their own political interests. Individuals who strove to bring peace to divided communities were targeted for attack by elements opposed to peace.

The Ezakheni township, outside Ladysmith, was one of the few areas where peace processes have flourished. The number of politically related deaths in Ezakheni dropped from 111 in 1993 to 21 in 1994, largely due to efforts from both IFP and ANC leaders to bring peace to the community. With the help of the Newcastle Peace Committee, leaders of the Ezakheni IFP and ANC branches drew up a peace agreement which both parties signed. Amongst the issues on which agreement was reached were : the carrying of firearms (including licensed ones) in public was banned, invective and derogatory name-calling was to cease, political graffiti was to be erased wherever it was seen, 'no go' areas should cease to exist to enable campaigning by all political parties, full co-operation between the community and security forces was emphasised and kangaroo courts were banned.

Attacks on peace-makers led to the loss of at least 16 lives. These included peace monitors, churchmen and traditional leaders seeking to play a reconciliatory role in their communities. Both ANC and IFP supporters were guilty of targeting peace makers in their communities. Some of the most tragic of these losses were Isaac Shandu in Umbumbulu, Induna Angel Mkhize in Port Shepstone and Million Meyiwa in Ndwedwe. Five ANC members were shot dead execution-style in KwaMashu when they approached KwaMashu IFP leaders to have a peace meeting.

3.5 OTHER TRENDS

There were numerous taxi conflicts - some ongoing and others short-lived - around the province which claimed many lives. The most serious of these was the conflict within the Nongoma Taxi Association which has been going for a few years and which claimed at least 24 lives during the year.

Internal power struggles within both the ANC and IFP led to violent conflicts in a number of areas. Renewed violence in Bhambayi towards the end of the year was attributed to an internal IFP conflict, while gang violence in Gamalakhe and Murchison was related to conflict between recognised and renegade SDU members. An ANC/SACP conflict which developed in early 1994 within the ANC's Estcourt/Wembezi branch claimed the lives of at least 10 people, including the SACP branch chairperson.

3.6 TRIALS

Creighton Massacre

Four IFP officials were acquitted in the Supreme Court in August on 14 charges of murder and 2 of attempted murder in connection with a massacre of 14 youths at Creighton on 18 February 1994. The four accused were Richmond IFP chairperson Paulos Vezi, Ixopo IFP organiser Dumisani Khuzwayo, Bulwer IFP chairperson Gamuntu Sithole, and Ixopo IFP Brigade leader Thulani Dlamini. In passing judgement, Judge Hugo said he and his assessors had come to the 'reluctant conclusion' that the guilt of the four accused had not been proved beyond a reasonable doubt but that the accused 'must know that we do not find as a fact that they are not guilty... all we find is that their guilt had not been proven.'

The Death of ANC Election Canvasser

KZP prison warder and IFP member, Thokozani Sithole, was sentenced to 9 years imprisonment for the murder of ANC canvasser Msizi Mchunu at the Ulundi KZP station on 23 April 1994. Sithole pleaded not guilty saying that his cousin had been killed outside Shell House on 28 March 1994 and he was angered that those responsible would never be brought to justice.

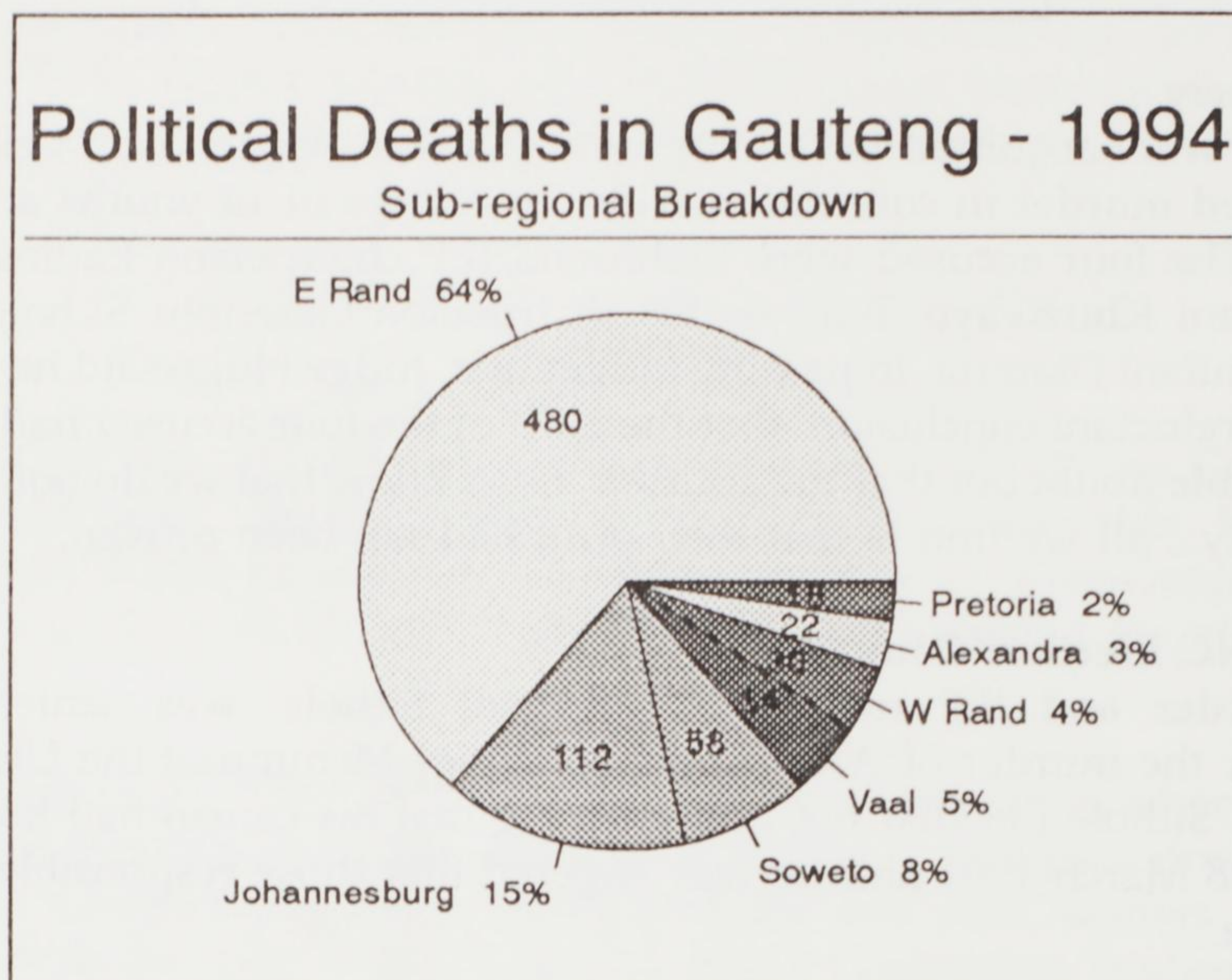
KZP Hit Squad Trial

Three alleged KZP Hit Squad members, Romeo Mbambo, Gcina Mkhize and Israel Hlongwane, were found guilty by the Supreme Court in November on 10 counts of murder, kidnapping, attempted murder and malicious damage to property. The three were convicted of killing KZP sergeant Dumisani Dlamini at his Esikhawini home on 19 June 1993 and of kidnapping and murdering Nkosinathi Gumede in May 1993. Mbambo and Hlongwane were further convicted of murdering 4 youths at an Esikhawini shebeen on 19 June 1993. In passing judgement, Mr Justice van der Reyden said there had been disturbing discrepancies in the KZP investigation of the murders, which implicated, amongst others, the former Esikhawini District Commander and the current KZP acting Commissioner, Brigadier PK Mzimela, in allegations of tampering with evidence.

4. GAUTENG

Gauteng [formerly known as Pretoria-Witwatersrand-Vereeniging (PWV)] accounted for 754 deaths and 1 234 injuries in 1 055 politically related violent incidents, representing a significant 63% drop from the 2 001 deaths recorded in 1993. Of the deaths, 417 (55,3%) were recorded in the period leading up to the April elections. Pre-election violence was fuelled by opposition to the elections by the IFP and the AWB-led rightwing. It was due largely to the IFP's eventual participation in the elections that political violence decreased significantly. Taxi conflict, however, continued to destabilise the province throughout the year and resulted in 111 deaths.

The East Rand was the worst affected sub-region accounting for 480 (63,7%) of the province's deaths. Johannesburg had 112 deaths (14,8%) while Soweto accounted for 58 deaths (7,6%). The death tolls in other areas were: Vaal - 34, West Rand - 30, Alexandra - 22, and Pretoria - 18.



Three massacres were recorded in 1994, all on the East Rand. In April, 10 people were killed, 41 injured and several buildings damaged when a bomb exploded at a taxi rank in Germiston. In May, 12 people were killed execution-style, in an attack on a home in Thokoza. The incident was linked to fighting between SDUs in Katlehong. In July, 11 people were killed and 11 injured in an attack by two groups of gunmen on vehicles near Germiston, East Rand, allegedly linked to ANC-IFP conflicts in Thokoza.

4.1 TAXI CONFLICT

Gauteng accounted for the highest nationwide casualty toll in taxi violence with 111 deaths and 125 injuries during 1994, an increase over the 1993 total of 93 deaths. At the centre of the conflict was the battle for profitable routes by rival taxi organisations operating in the same area. The pattern of this violence varied from one area to another, the common trend being gunmen, either in private cars or minibus taxis, shooting at taxi ranks indiscriminately. In most cases commuters found themselves in firing line.

Much of the violence was concentrated in the greater Johannesburg and Soweto areas. In Johannesburg the parties in conflict were the Faraday Taxi Association, Alexandra Taxi Association and associations operating from the Northern Transvaal. In Soweto the Soweto Taxi Association, the Soweto Transport Services, the Diepmeadow Taxi Association, the Dube-Mofolo Taxi Association and the Witwatersrand Taxi Association were involved in the violence.

Many peace talks were initiated involving the warring taxi associations, provincial and national government representatives, the business community and civic organisations. Little real progress was made in any of these meetings.

4.2 SELF DEFENCE UNITS AND SELF PROTECTION UNITS

Forty-two people were killed and 16 injured in incidents related to conflict between rival community-based SDUs and the IFP/hostel aligned SPUs in the Vaal and East Rand. The SDUs were established with the backing of the ANC at the height of conflict between Inkatha-aligned hostel dwellers and mostly ANC-aligned township residents. Originally established to defend communities against attacks the SDUs later experienced internal conflict taking its most violent form in the execution-style killing of 12 youths in Thokoza.

In the Vaal, criminal gangs interacted with, and were absorbed into, SDUs. However, some SDUs were expelled from the ANC after the community complained of continued criminal activity.

In November, an important step towards peace was made when 175 former SDU and SPU members completed their training as police reservists, while a further 130 were still in training. The reservists visited schools on the East Rand to explain community policing and get support and co-operation for their work. For the first time, the police did not wear bullet proof vests, carry firearms or go in armoured vehicles.

4.3 PRE-ELECTION VIOLENCE

Two significant attempts to destabilise the election process gave rise to an increase in violence in the run up to the poll. IFP intransigence to election participation and rightwing resistance to the poll contributed to the total of 228 deaths recorded in March and April

The most significant rightwing attacks took place in April and culminated in a bombing campaign, targeting areas such as taxi ranks, polling stations and ANC offices. Twenty-three deaths and 179 injuries were recorded in 13 rightwing incidents a few days before voting began. More than 40 rightwingers were arrested in connection with the explosions during and after the elections.

Seventy-four people were killed and 219 injured in incidents related to the 28 March gathering of IFP-aligned Zulus in central Johannesburg. The marchers, from the hostels and KwaZulu-Natal, converged in the city centre in support of King Zwelithini's demand for a sovereign Zulu State. The area worst affected by the march was Johannesburg where 46 deaths and 173 injuries were recorded. Eight marchers were killed in a shootout between IFP supporters and ANC security personnel outside the ANC's headquarters at Shell House. The rest of the victims were killed, allegedly by marchers, on the way to and from the gathering.

The deployment of the National Peace-keeping Force (NPKF) on 13 April in the Katlehong, Thokoza and Vosloorus (Katorus) townships in the East Rand was met with violent opposition by Inkatha supporters and hostel residents. The IFP opposed the deployment of the NPKF because it included members of the former military wings of the ANC, Umkhonto WeSizwe (MK), and the Pan Africanist Congress' Azanian People's Liberation Army (Apla).

4.4 INDUSTRIAL CONFLICT

Industrial conflict accounted for 2 deaths and 85 injuries. The main strikes in the province were by municipal workers, mineworkers, health workers and catering workers.

The national strike by S.A. Commercial and Catering Workers Union members at Pick 'n Pay stores resulted in an injury toll of about 76. Close to 70% of the workforce went on strike during a wage dispute. When negotiations failed, workers blockaded entrances to stores, trapped customers in the stores and held managers hostage. Incidents of damage to property were also reported. Police intervened and arrested at least 1 571 workers for contempt of a court interdict, which prohibited strikers from gathering within 500m of a Pick n' Pay store. Most of the arrested workers played no part in the violent incidents.

Strikes by mineworkers accounted for more than 10% of the total injuries. Workers resorted to violent attacks on non-strikers and officials. Mine security used stun grenades and rubber bullets to disperse strikers, resulting in injuries to at least 5 people. At a mine in Germiston workers trapped 28 white miners underground and refused to allow them to surface until their demands were met.

4.5 ATTACKS AGAINST SECURITY FORCES

Gauteng accounted for 173 attacks against Security Forces during 1994. These attacks resulted in 52 deaths and 78 injuries. The East Rand accounted for 54% of these deaths. Seventy percent of all the attacks occurred in the four month period before the April elections. In the

last two months of the year, only one attack was recorded. Attacks took various forms including random shootings and home attacks. The deployment of the National Peacekeeping Force in the Katorus area on the East Rand, following the withdrawal of the SADF from these townships resulted in numerous attacks on it. On 21 April 1994, the SADF announced that the NPKF would be withdrawn from the area and confined to barracks, and that the SADF would resume patrolling the area.

4.6 SECURITY FORCE ACTIONS

Security force action accounted for 99 incidents resulting in 27 deaths, 254 injuries and 2 202 arrests during 1994.

Police actions involving violence did not show a significant decrease before and after elections as was the case with other forms of political violence. During the pre-election period, police action mainly consisted of raids on houses during which property was damaged. Several incidents of harassment and assault of SDU and civic association members were reported.

In the post-election period, the majority of security force actions occurred around marches, industrial strikes and the demolition of shacks in informal settlements. During these actions police dispersed people by means of stun grenades, rubber bullets and police dogs.

4.7 TRIALS

Scaw Metals Massacre

In September, a hostel resident and Inkatha member, Mthembiseni Mtshali, charged with the murder of ten people and attempted murder of another 13 in the Scaw Metals hostel massacre, was acquitted by the Rand Supreme Court. The charges stemmed from an incident on 22 August 1993 in which 14 people were killed and 20 injured when gunmen opened fire on a group of people at the company's hostel.

Invasion of the World Trade Centre

Eighteen AWB members facing charges of public violence at the World Trade Centre in 1993, were granted postponement of their trial pending the government's decision on indemnity for politically motivated crimes. On 25 June 1993, the accused invaded the centre when they drove an armoured vehicle through a door of the centre where the multi-party negotiations were taking place.

West Rand Roadblock Killings

The Rand Supreme Court sentenced six AWB members to death and one to 17 years imprisonment following their conviction on four charges of murder and three of attempted murder. On 12 December 1993, the AWB members set up an illegal roadblock near Randfontein. They stopped a passing vehicle, shot and killed four of its occupants, and wounded three others. On 8 December, bail was refused to four of these death row convicts who are appealing against their convictions and sentences.

5. WESTERN CAPE

A total of 60 people were killed and 552 injured in politically related violence in the Western Cape during 1994. The taxi war, although it lasted only six weeks, accounted for 26 of these deaths (43%) and 96 injuries. It coincided in both time and place with the forced removal of some 500 people from the Crossroads informal settlement. Development-related violence in informal settlements, although no longer clearly state orchestrated, demonstrates the same divide-and-rule pattern and involves many of the same role players as it did during the apartheid years. Campaign violence in the run-up to the April elections accounted for 5 deaths and 166 injuries in 63 incidents.

In the Boland sub-region, 3 people were killed and 81 injured in 29 incidents which were largely related to the election or due to unrest in prisons. There were no casualties in 3 Karoo incidents. In the Peninsula, 57 people were killed and 447 injured in 304 incidents. One person was killed and 23 injured in 5 incidents on the South Coast. There were no casualties in 2 incidents in the West Coast sub-region.

5.1 TAXI WAR

Taxi conflict, which simmered with low intensity throughout the year, flared between Codeta (Convention of Democratic Taxi Associations) and Cata (Cape Amalgamated Taxi Association) for six weeks between mid-October and the end of November. The fullscale war was sparked by a massacre at a local government election rally organised by Sanco (SA National Civics Association) in Khayelitsha in which ten people were killed and 23 injured.

The 1994 outbreak of violence was a revival of the previous six-year war between two previous taxi associations, Lagunya and Webta. The formation of Cata was largely spearheaded by a few former Webta members, each with a history of alleged killings relating to the 1987-1992 war, most of which, to this day, have not reached court. There are allegations that collaboration with former intelligence structures has protected them from prosecution. Cata's stronghold is in Section Four of Crossroads, where Jeffrey Nongwe, now the chair of Sanco's rival civic organisation, Wecusa (Western Cape United Squatters Association) has a personal history of alleged collaboration with former state security forces and state-contracted developers. During the mid-80s this "witdoek" or vigilante-type activity resulted in the forcible removal of some 70 000 UDF-supporting squatters in the Crossroads area.

By November 1994, mediated negotiations were showing no visible progress. It was only after one of the alleged multi-murderers, Victor Sam, was refused bail that the killings stopped abruptly. His incarceration was due largely to a public outcry which included banner headlines in local newspapers, delegations to the Attorney General and a near riot at the Mitchell's Plain Magistrate's Court during a bail application.

5.2 CROSSROADS

In a disturbing correlation with taxi violence dates, the Section Two community of Crossroads informal settlement was evicted during October and November when their homes were set alight. Several community leaders active in resistance to the torchings were mysteriously attacked or assassinated, including ANC/Sanco member John Willem, his son Madoda, Simon and Michael Mqulwana, the Khobe family and SACP member Amos Nyhakatya.

These months saw the effective dissolution of both ANC structures and the ANC-affiliated Sanco branches in Section Two and its neighbouring community, Boys Town. The Section Two torchings have been attributed to conflict between Boys Town and Section Two. The burnings and killings followed an ultimatum issued late in 1993 by the Western Cape United Squatters Association (Wecusa) ordering residents of these areas to vacate the area.

Attempts were made to negotiate the allocation of some R11 million in available development funds through a structure known as the Reconstruction and Development Forum, which was representative of most of the civic groupings and political role players in the area. However, the forum was derailed when a breakaway faction, spearheaded by Wecusa, formed a rival Joint Negotiating Forum (JNF) excluding all the communities which had been driven from Sections One and Three in similar torchings in the past decade. There were two key figures in the JNF: controversial Wecusa chair Jeffrey Nongwe and John Willem's successor to the Section Two-Boys Town Sanco chair, Reverend Shadrack Mhambe. Mhambe was later to campaign publicly for the release of taxi warlord Victor Sam, for the increased presence of certain specified police officers in the area and for the removal of other local Sanco leaders.

5.3 TRIALS

The Death of Amy Biehl

The lengthy, highly publicised trial of the three PAC members accused of murdering American exchange student Amy Biehl in Guguletu in August 1993 finished in October with 18-year prison sentences each for Mongezi Manqina, Mzikhona Nofameia and Vusumzi Ntamo. Political motivation, submitted as a mitigating factor by the defence, was not given much weight by Mr Justice PJ Friedman, and the racist nature of the attack was ruled as a "highly aggravating factor." They were denied leave to appeal. On the final day of the trial a small band of followers chanted "One settler, one bullet," the slogan that was shouted during the group attack on Biehl.

Heidelberg Tavern Attack

Three members of the Azanian People's Liberation Army (Apla) were convicted on charges relating to a rifle and grenade attack on the Heidelberg Tavern in December 1993 during which four people were killed and four injured. They were sentenced to 27 years imprisonment each for four charges of murder, four of attempted murder, robbery with aggravating circumstances and illegal possession of arms and ammunition. An application for leave to appeal against both conviction and sentence was suspended pending an application to the Constitutional Court on whether they have an automatic right of appeal.

6. EASTERN CAPE

The Transkei and Border areas of the Eastern Cape were the sub-regions worst affected by violence during 1994. These areas accounted for 101 of the 119 deaths recorded in the whole province. The province also recorded a total of 206 injuries in political violence. Taxi conflict and conflict linked to politically related stock theft were the central causes of violence in the province, although organisational conflicts gave rise to violence in the Port Elizabeth area.

6.1 TRANSKEI

Theft of cattle, with perplexing political undertones, was a dominant cause of violence in the Tsolo area of Transkei. HRC recorded 67 deaths, 22 injuries and 93 houses burnt down in this violence. It is widely believed that members of the police and political organisations are involved in the conflict. A Joint Monitoring Committee (JMC), comprised of political and community organisations and the police was established but with little effect. In fact there were strong allegations that the JMC was perpetuating the fighting, rather than helping to resolve it. The violence has its roots in the actions of certain traditional leaders who began stealing cattle in 1991 with the aid of hostel residents from the Vaal Triangle in Gauteng. Communities soon established 'kangaroo courts' to try and identify the culprits resulting in the assault and murder of many village residents. Members of the ANC Youth League and the PAC were allegedly central to the establishment of these courts. The effects of the violence in this area have been devastating with many people being forced to flee their homes and take refuge at police stations and community centres.

6.2 BORDER

The Border area of the Eastern Cape was the site of ongoing taxi violence throughout the year. A total of 34 people were killed and 51 injured in the conflicts which were the focus of two Goldstone Commission investigations during the year. The Border Alliance Taxi Association (BATA) and the King William's Town Forum (KTF) were at the centre of the conflict over which organisations' members had the right to use the route between Alice and King William's Town. Several meetings were held to try and resolve the conflict but these had little effect.

6.3 PORT ELIZABETH

Seven deaths and 102 injuries were recorded in political violence in the Eastern Cape's biggest metropolitan area. The Port Elizabeth Anti Crime Committee (PEACC) was implicated in several incidents of assault and torture. When police raided the premises of this civic sponsored structure, they discovered about R120 000 worth of stolen goods that PEACC officials claimed had been recovered and was to be returned to the owners. The Port Elizabeth area was also hit by industrial action in which 8 people were injured and 492 arrested by the security forces.

6.4 TRIALS

The Death of Matthew Goniwe and Three Others

The re-opened inquest into the deaths of Cradock activists Matthew Goniwe, Fort Calata, Sparrow Mkhonto and Sicelo Mhlauli ended in May 1994. Despite the evidence of a military signal ordering the death of the activists, the inquest judge was not able to identify individuals responsible for the attack. He did admit, however, that there was *prima facie* evidence implicating the security forces in the murders.

SADF Raid on Umtata

Charges were dropped against Nzozo Matiwane, accused of participating in the SADF raid on a home in Umtata in which 5 people were killed. Matiwane had claimed in a statement that he had travelled with a nine member team armed with silenced weapons from Port Elizabeth to Umtata on 8 October 1993. The Transkei Attorney General, Christo Nel, said that no court would have accepted that confession since it had been made while Matiwane was being detained without trial for four months under Transkei Security Legislation.

7. OTHER PROVINCES

7.1 NORTH WEST

The region accounted for 64 deaths and 199 injuries during 1994. This was an increase of 48% from last year's death toll of 42.

Seventy three percent of the deaths were recorded in the former homeland of Bophuthatswana. Police action against free political activity, prevention of voter education workshops and the disruption of ANC election meetings, caused mass actions by the citizens of Bophuthatswana. Civil servants, students and workers went on strike plunging the homeland into chaos. These actions led to a popular uprising against the homeland government which finally led to the ousting of President Mangope.

At least 34 people were killed and 121 injured by homeland security forces and the AWB who entered the homeland to assist Mangope against the revolts. Three AWB members were killed execution-style by a Bophuthatswana Defence Force soldier. During the pre-election period, right-wing activity resulted in 24 explosions in the area without any casualties. Taxi violence accounted for 9 deaths and 3 injuries.

7.2 NORTHERN TRANSVAAL

Fifty three deaths and 34 injuries were recorded in the region in 1994. This toll shows a 32% increase from the 11 deaths recorded in 1993.

The ongoing taxi conflict claimed the lives of 31 people, accounting for 60% of the total deaths recorded in the region. A Special Taxi Unit was set up by Safety and Security MEC Seth Nthai to deal with this violence. Up to date, 19 people have been arrested by this unit.

7.3 EASTERN TRANSVAAL

Eighteen deaths and 113 injuries were recorded in political violence during 1994. In the April elections the ANC won 76,6% of the seats in the provincial government. All taxi violence was attributed to the conflict between the South African Long Distance Taxi Association (SALDTA) and the South African Black Taxi Association (SABTA).

7.4 FREE STATE

Thirteen deaths and 92 injuries were recorded during 1994. This province was mostly affected by AWB-led rightwing bombing attacks in the run up to the April elections. In January, explosions were recorded at the ANC office in Bothaville and Harrismith and on a railway line between Kroonstad and Henneman. In April, an oil pipeline was damaged in an explosion in Denysville and the offices of the Independent Electoral Commission (IEC) were damaged in another explosion. Five bombs were defused by the police before they went off in other parts of the province. The bombing campaign subsided after the elections in which the ANC scored a majority of 80,7% of the provincial vote.

7.5 NORTHERN CAPE

This province recorded the lowest casualty toll of three deaths and 12 injuries throughout the country. Only 14 incidents of political violence occurred during the year. Fifty percent of the incidents occurred in the pre-election period accounting for one death. Four explosions and incidents of disruption of former State President de Klerk's election campaign were reported. One of the deaths was of a 14-year-old child shot by a white farmer. Subsequent to this event, police dispersed farm labourers with threats of live ammunition while demonstrating outside the Kakamas Magistrate's Court in protest against the police's delay in arresting the farmer.

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WEEKLY REPORT

FOR WEEK NO. 22
FROM 31/05/95 TO 06/06/95

23 deaths and 12 injuries were recorded during this period.

WEEKLY DEATH TOLL

	GAUTENG	NATAL	E CAPE	TOTAL
General Incidents	-	21	-	21
Other Incidents	-	-	2	2
TOTAL	-	21	2	23

Political violence in KwaZulu-Natal resulted in 21 deaths this week, almost double last week's 11 deaths. The increase pushes the national death toll to 23 from the 13 deaths recorded last week.

The long struggle against the death penalty in South Africa came to an end this week when the constitutional court ruled that capital punishment is unconstitutional.

SEE ATTACHED REPORT FOR DETAILS !

A. HUMAN RIGHTS AND FREEDOMS

RIGHT TO LIFE

The death penalty has been abolished following a Constitutional Court decision in which the court unanimously ruled it unconstitutional. The court delivered judgement on 6 June. At the time of the decision, 459 people were on death row.

LEGISLATION

Constitutional Court Complementary Bill

The bill, which sets out various court procedures and gives the court additional powers was approved in the National Assembly on 31 May. Two hundred and twenty-one voted in favour of the bill and 44 against.

Truth Commission Bill

A further 30 amendments to the bill are being discussed in the Senate Committee on Justice.

The Police Bill

A redrafted police bill was approved by cabinet on 5 June.

Legal Aid Act

Cabinet has approved a bill which will extend the provisions for free legal aid in criminal cases.

International

An ad hoc committee has reported its recommendation to Parliament that South Africa should ratify the Convention on the Rights of the Child.

Land reform

A bill which should spell the end of the officially banned labour tenancy system in terms of which tenure is exchanged for cheap labour, was gazetted on 2 June. The Land Reform (Labour Tenants) Bill aims to protect labour tenants from arbitrary and unfair evictions and provides land rights to resolve historical claims. A moratorium on evictions in the bill came into immediate effect to prevent mass evictions before the bill is passed.

Parliamentary committees

A committee has been discussing the establishment of the Gender Commission, which is provided for in the interim Constitution.

Constitutional Assembly

Evidence about the attorney-general's office and party submissions about political rights were heard by theme committees this week. Reports on the judiciary and the Human Rights Commission were discussed. Public hearings for labour and women were held in Johannesburg.

Local Government Elections

Provincial powers have been cut by an amendment to the Local Government Transition Act, due to be signed into law by the President this week. The amendment, drafted at a crisis meeting of the parliamentary standing committee on local government elections, divests provincial local government committee chairpersons of hire-and-fire powers within their committees, and gives it to the national minister of Constitutional Affairs.

B. POLITICAL VIOLENCE

GENERAL INCIDENTS

KWAZULU-NATAL : 21 deaths and 4 injuries - almost double the 11 deaths recorded last week. The S Coast was the worst affected area accounting for 13 deaths and 3 injuries. Other sub-regions affected were : Durban (3 deaths and 1 injury), Midlands (2 deaths) and N Coast (3 deaths). Incidents included: In Izingolweni, three ANC supporting youths were killed and three kraals set alight in an attack by alleged IFP supporters. In retaliation for this attack, five IFP supporters, were shot dead and 20 homes set alight by alleged ANC supporters. In a related incident, a bus driver was shot dead in an ambush. According to the Port Shepstone Peace Committee, the victim was mistaken for another bus driver who is an active ANC member. Three people were killed and three injured in Nkulu Ward, S Coast in a series of attacks and counter attacks between IFP and ANC supporters. Three people were killed in attacks on ANC supporters participating in a Cosatu-organised stay away in Umlazi and Durban. One person was injured when 10 buses were stoned at a barricade erected by ANC supporters in order to prevent residents going to work. Two people were killed and seven homes set alight in Loskop, Midlands. Three people were killed in Sundumbili, N Coast, hours before an IFP rally addressed by IFP leader Mangosuthu Buthelezi. One of the deceased was an IFP supporter who was allegedly a key instigator of violence in the area.

E CAPE : No casualties. A guesthouse was vandalised and set alight in an incident allegedly linked to a consumer boycott in Lady Grey.

ATTACKS AGAINST SECURITY FORCES

KWAZULU-NATAL : No casualties. Members of the ISU came under fire during a patrol when they tried to remove burning barricades erected by ANC members enforcing Cosatu's stayaway call in Umlazi.

C. OTHER INCIDENTS

TAXI CONFLICT

KWAZULU-NATAL : 3 injuries in Matatiele, during a clash between taxi owners from the Mount Fletcher and Matatiele Taxi Associations.

E CAPE : 2 deaths and 5 injuries. Two people were killed and five injured in ongoing violence between rival taxi associations in the province.

EDUCATION CONFLICT

KWAZULU-NATAL : No casualties. Protesting ML Sultan Technikon students occupied the offices of four senior staff members who returned to campus after an agreement was reached between students and staff that the four would not return subject to a commission of inquiry into allegations of misconduct. In another incident, protesting students disrupted an ML Sultan graduation ceremony.

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