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AFRICAN NATIONAL CONGRESS

MEMORANDUM

**TO: MR. F. W. DE KLERK,
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA.**

**FROM: MR. NELSON MANDELA,
PRESIDENT OF THE AFRICAN NATIONAL CONGRESS.**

Introduction.

1. The Declaration of Intent which we adopted at Codesa I committed us to the establishment of a "democratic South Africa". On the basis of this commitment many would have been led to believe that it would have been possible to overcome many obstacles in the path of realising this goal.
2. Our country is on the brink of disaster. First there is the crisis in the negotiation process itself. The central blockage stems from the refusal of the NP government to move together with all of us in the process of truly democratising South Africa. Secondly, the continuing direct and indirect involvement of the NP government, the state security forces and the police in the violence as well as your unwillingness to act decisively to bring such violence to an end has created an untenable and explosive situation.
3. The NP government persists in portraying the crisis as a creation of the ANC. This attitude is unhelpful and extremely dangerous. The NP government is placing party political interests above national interest by trying to minimise the seriousness of this crisis.
4. Attached to this memorandum is the statement of the National Executive Committee of the ANC adopted at its emergency meeting held on the 24th June, 1992 (marked annexure "B"). This statement explains the basis on which the ANC has decided to break off bilateral and Codesa negotiations. It contains a set of specific demands addressed to the NP government in connection with the critical issues around which the negotiation deadlock arises, as well as those relating to the violence ravaging our country. We are of the view that the response and concrete steps by your government to these demands will play a critical role in determining the direction and pace with which bona fide negotiations can take place. For its part the National Executive Committee has resolved to monitor the developing situation on a continuing basis.

In what follows in this memorandum we first address the crisis in the negotiations process, and then proceed to look at the issue of violence.

The Negotiations Crisis.

1. The crisis in the negotiations process arises, primarily, from the fact that the NP government has been pursuing the path of embracing the shell of a democratic South Africa while seeking to ensure that it is not democratic in content.
2. In my letter to you written from prison in 1989 I outlined the kernel of the political problem which the government and the ANC would have to address in order to resolve the SA conflict through negotiations. I stated:

"Two political issues will have to be addressed... Firstly, the demand for majority rule in a unitary state; secondly, the concern of white South Africa over this demand, as well as the insistence of whites on structural guarantees that majority rule will not mean domination of the white minority by blacks.

"The most crucial task which will face the government and the ANC will be to reconcile these two positions."

In this context I added that:

"Majority rule and internal peace are like two sides of a single coin; white South Africa simply has to accept that there will never be peace and stability in this country until the principle is fully applied."

3. The crux of the deadlock in the negotiations process lies in the failure of the NP government to face up to the need to reconcile these two issues.
4. In the first place, you have chosen to reject internationally accepted democratic principles which define a democracy. You have chosen to equate majority rule, which is the quintessential hallmark of democracy, with black domination.
5. In the second place, you have interpreted "the concern (and)...insistence of whites on structural guarantees that majority rule will not mean domination of the white minority by blacks" to establishing a white minority veto (often concealed in intricate formulae).

Instead of engaging in a constructive exercise of finding ways to address white concerns you continually slide back to white supremacist mechanisms.

6. There can be no movement forward as long as you seek to reconcile the two issues I have outlined through any form of minority veto. Such solutions may well address white concerns, but they are guaranteed to leave majority concerns frustrated. This is a recipe for in-built instability and makes peace unrealisable. For as long as the NP government insists on a minority veto in whatever form, the negotiations deadlock will remain unresolved.
7. The ANC, for its part, has rigorously kept to the need to reconcile the above-mentioned two issues. This is evident in the manner in which we have handled negotiations as well as the way in which we have developed our substantial positions.
8. Thus we advanced the idea that we should formulate and agree on a set of general constitutional principles at Codesa. These principles, which would be binding on the Constituent Assembly, would, to a certain degree, reassure all parties as well as the people of our country, black and white, of a democratic outcome.
9. Along this direction we took on board any suggestions and ideas as long as they could be accommodated and were consistent with internationally accepted democratic principles. We committed ourselves to one-person-one vote elections on the basis of proportional representation to ensure that every political formation which has any degree of support would have a place in the Constituent Assembly.
10. In our view constitution making should be a unifying and legitimising process which should enjoy overwhelming support. Hence we advocated that the constituent assembly should arrive at decisions by a sixty-six and two-thirds percent majority.
11. In South Africa regional differences have been fostered by the apartheid system. Irrespective of whether they arise from ethnic factors or vested interests nurtured by the apartheid fragmentation of our country, we sought to accommodate these regional differences. We therefore proposed that the Constituent Assembly should further:

- a. Be elected by all the people of South Africa, defined as all those whose citizenship could be traced to the boundaries of South Africa as at 1910.
 - b. Be composed of 50% of the delegates elected by means of a national list and 50% elected on the basis of a regional list, both on the basis of proportional representation.
12. Have special procedures for deciding on clauses of the Constitution dealing with regional structures and their powers and duties. That is, the Constituent Assembly as a whole would first decide on such issues by a sixty-six and two-thirds percent majority. In addition such a decision would further require an additional sixty-six and two-thirds percent majority by that half of the delegates to the Constituent Assembly who are elected on the regional list.
13. It is our firm view that the Constituent Assembly be a single chamber body with sovereign powers. The only constraints on it would be:
14. The general constitutional principles agreed upon through the negotiation process.
15. The pre-determined mechanisms to break any deadlock in the Constituent Assembly should it fail to decide on a Constitution within a relatively short time-frame. In our view a short time-frame is essential in order to prevent our country from drifting in uncertainty and instability.
16. The NP government positions have been directed basically at subverting the sovereignty of the Constituent Assembly, subjecting it to the veto of a second house and ensuring that a minority in the Constituent Assembly shall be able to frustrate an overwhelming majority.
17. The NP government's determination to impose a minority veto is also manifest in seeking to make interim government arrangements permanent. Our interim government proposals were fashioned so as to further address minority concerns in a way that would take our country into a democratic order. In our proposals for the transitional period we have further sought to address the concerns of the white people and of minority political parties. You persist in converting these proposals into entrenched constitutional arrangements. This constitutes another effort at destroying the sovereignty of the Constituent Assembly.

The Government and Violence.

1. The negotiations crisis and the issue of violence, particularly with regard to the NP government's involvement in it, are inter-related and impact on each other. Our demands, emanating from the Emergency Session of the National Executive Committee meeting held on the 24th June 1992, are specific and pointed. They relate to the security forces and the police, including the use of SADF detachments composed of foreign nationals. They also relate to government's failure to implement agreements made almost a year ago with regard to measures aimed at curbing the violence.
2. The Boipatong massacre on the 17th June, 1992 is but a tragic culmination of policies and practices followed by the NP government. In this instance the wilful negligence on the part of the South African Police in relation to the KwaMadala hostel is extensively documented. Attached hereto is a letter and memorandum from Attorneys Nicholls, Cambanis, Koopasammy and Pillay dated the 23rd June, 1992 (marked annexure "A") and addressed to Mr. Cyril Ramaphosa. Ministerial defences of the SAP and your government's failure to act against the KwaMadala hostel make government collusion an inescapable conclusion.
3. It is your government which legalised the carrying of dangerous weapons under the pretext of their being cultural weapons in 1990. The fact that the majority of the deaths and injuries have been caused by these so-called 'cultural weapons' has not moved you to restore the ban on carrying them in public on all occasions. How do we explain the failure of such a formidable force such as the SAP to arrest people involved in the massacres?

In those few instances where security force personnel and police, or IFP members have been

arrested, how do we explain the fact that inadequate police investigation is the basis for their acquittal, laughably light sentences and ridiculously low bail? You cannot but be aware of the judge's comment when he acquitted the 7 in the recent Sebokeng trial. How is it possible for you to ignore the observations of the judge and the evidence of the investigating officer in the Trust Feed massacre trial which showed extensive cover up, and the frustrating of investigations by numerous highly placed officers in the SAP? Recently the Minister of Police sought to obtain a Supreme Court injunction to prevent the Weekly Mail from publishing a report on the existence of a highly clandestine police network in the Southern Transvaal region. The report showed that such covert operation networks existed in 11 regions into which the Police have divided our country. Furthermore these covert operations were directed not against increasing criminal activities as alleged, but against activists and local leaders of the ANC and the democratic movement. Is the effort to obtain an injunction not proof enough that such covert operations are being carried out at the present moment? The evidence shows that either the NP government, even at its top most levels, sanctions such activities or that it is powerless to restrain the very forces it created.

4. At the root of the violence is apartheid and its legacy. All religions recognise that reconciliation requires confession and repentance. I have avoided imposing such requirements in the hope that you and your government would reach that recognition on your own.
5. We believe that your failure to acknowledge and recognise the centrality of apartheid with regard to the issue of violence can no longer be ignored. This is particularly so because the NP government persists in attributing the carnage in the black townships to black political rivalry.
6. In this regard the Second Interim Report of the Goldstone Commission provides a useful point of departure. This report notes that the causes of the violence are many and complicated. The report outlines a number of the causes without ordering them in terms of their relative importance. Many of the causes in that report can be categorised in terms of apartheid and its legacy.
7. The Goldstone Commission Report is unequivocal:

"The economic, social and political imbalances amongst the people of South Africa. These are the consequences of three centuries of racial discrimination and over 40 years of an extreme form of racial and economic dislocation in consequence of the policy of apartheid." (para 2.3.1. of the Report)

The Report is equally clear on the legacies of apartheid:

"A police force and army which, for many decades, have been the instruments of oppression by successive White governments in maintaining a society predicated upon racial discrimination...For many South Africans, the police and the army are not perceived as fair, objective or friendly institutions." (para 2.3.2.)

"A history over some years of State complicity in undercover activities, which include criminal conduct....That and the well documented criminal conduct by individual members of the South African Police and the KwaZulu Police exacerbate the perception of so many South Africans that the Government or its agencies are active parties responsible for the violence...Government has failed to take sufficiently firm steps to prevent criminal conduct by members of the security forces and the police and to ensure that the guilty are promptly and adequately punished." (para 2.3.7.)

8. The failure or refusal of the NP government, which is the sole architect and enforcer of apartheid, to acknowledge that apartheid and its legacy lie at the root of the violence is also inexcusable. You ignore the reality that the security forces and the police are the products of apartheid, have been trained in the ideology of apartheid, deployed in its defence, brutalised by that experience, and nurtured to see the ANC, its allied organisations and black people in

general as THE ENEMY. You would have the public believe that such an army and police have undergone a Damascan conversion as a result of your proclaiming that "apartheid is dead". Recently the Goldstone Commission recommended that Battalion 32 which is made up of foreign nationals not be deployed in unrest areas. Yet on the 24th of June, 1992 the Chief of the Army, Lt. General George Meiring, arrogantly this recommendation by announcing that Battalion 32 will continue to be deployed in Black residential areas.

9. This basic failure by you and your government induces you to perceive the political rivalry between the Inkatha Freedom Party and the ANC the central cause of the violence. Once more you consciously turn a blind eye to the fact that your government used millions of rands of taxpayers money to foster such rivalry. The Inkathagate scandal stands as proof of your complicity and bias in this regard. Your rendering military training to IFP members at a number of bases is also abundant proof of your involvement.

Conclusion.

1. None of us can escape the gravity of the crisis facing our country. The point has been reached where your responses will be looked at by us to determine whether you are taking concrete measures to terminate forthwith the involvement of the NP government, the state security forces and the police in the violence. We draw your attention to the demands contained in the statement of the National Executive Committee of the ANC in this regard.
2. Similarly, specific measures are expected of you to make negotiations a bona fide exercise in charting the way to a democratic South Africa, in particular that the future of our country shall be determined by a popularly elected and sovereign Constituent Assembly.
3. Our demands are the minimum measures required of your government if it is to establish a credible base for resolving the impasse our country has reached.

**26th June 1992
Johannesburg.**

ANNEXURE A

MEMORANDUM ON ATTEMPTS TO PREVENT THE BOIPATONG MASSACRE

FROM: NICHOLLS, CAMBANIS, KOOPASAMMY & PILLAY

INTRODUCTION

1. Since the Massacre on the Night Vigil in Sebokeng in January of 1991, where 38 people were killed, there have been ongoing incidents of violence in the Vaal Area.
2. These incidents are characterized by the fact that they are random insofar as they are perpetrated against residents of the Vaal Townships in an indiscriminate manner. For example, numerous attacks by gun-wielding men have taken place at shebeens and stations where patrons and commuters are killed and injured indiscriminately.
3. During the course of 1991 and 1992 it became apparent that the perpetrators of these attacks were living in the Kwa-Madala Hostel situated in the ISCOR Compound in the Vaal Triangle. Pursuant thereto, efforts were made repeatedly to prevent violence emanating from the Kwa-Madala Hostel.
4. The Boipatong Massacre could have been pre-empted if the South African Police, the ISCOR Management and the Goldstone Commission had acted immediately and effectively on receipt of the numerous representations to them about the Kwa-Madala Hostel and the danger it constitutes for the communities of Boipatong, Sharpeville and Sebokeng.
5. The South African Police have been negligent in failing to conduct effective investigations, after countless reports to them by the Vaal Council of Churches of ongoing abductions, kidnappings, rape, assaults, intimidation and murders connected to the Kwa-Madala Hostel.
6. The Vaal Council of Churches, as recipients of complaints from victims of violence perpetrated by residents of the Kwa-Madala Hostel have consistently approached the local police to investigate the individual complaints about violence committed by Kwa-Madala residents. The police's consistent response to the approaches for assistance and action by the Vaal Council of Churches was that there was not sufficient evidence for them to respond. It is submitted that the police are equipped with investigative machinery and it is their responsibility to gather evidence on receipt of complaints. The Vaal Council of Churches as a result of their fieldwork, had concluded that a pattern of random incidents of violence linked to the Kwa-Madala Hostel had emerged in the Vaal. This was a matter of great concern to them. They believed that the police would share their concern and would accordingly launch and conduct a thorough investigation into the activities of the Kwa-Madala residents.
7. The Vaal Council of Churches have consistently, since early 1991, attempted to elicit the assistance of the police. The police have consistently failed to respond to the complaints and have neither conducted effective investigations nor ensured that the perpetrators of the violence are arrested and charged. The police also failed to act timeously to prevent attacks by Kwa-Madala residents. It is submitted, and it will be shown in this memorandum that a failure to respond to the multitude of complaints about violence and intimidation perpetrated from the Kwa-Madala Hostel constituted acts of extreme negligence on the part of the South African Police.
8. In addition numerous representations were made to the ISCOR Management to ask them to act decisively to ensure that they were not housing perpetrators of violence in the Kwa-Madala Hostel. Again the Vaal Council of Churches repeatedly approached the ISCOR Management on receipt of complaints from victims of violence perpetrated by Kwa-Madala residents. While the ISCOR Management initially appeared to accept the representations that the Kwa-Madala Hostel constituted a threat to the safety of residents of the Boipatong, Sharpeville and

Sebokeng Communities, they subsequently denied and rejected the submissions of the Vaal Council of Churches that acts of violence were planned and executed from the Kwa-Madala Hostel. It is perplexing that the ISCOR Management, despite reports of numerous incidents of violence perpetrated by residents of the Kwa-Madala Hostel, adopted this attitude. It is submitted that the Boipatong Massacre could have been prevented if the ISCOR Management had shown due concern to the ongoing requests for the Kwa-Madala to be closed, for the ISCOR workers living there to be integrated into the other ISCOR Hostel, the Kwa-Masiza, and for the remaining residents of the Kwa-Madala Hostel, believed to be the perpetrators of the violence, to be arrested and charged.

9. In the face of the negligence the South African Police and the reluctance of the ISCOR Management, an approach was made to the Commission for the Prevention of Public Violence and Intimidation (The Goldstone Commission) to inquire into the violence emanating from the Kwa-Madala Hostel and to take steps to prevent further violence.
10. In submissions made to the Commission, the Vaal Council of Churches asked that the Commission investigate the closure of the Kwa-Madala Hostel and oversee the issues arising from this process. After the initial submissions, the violence in the Vaal escalated and the Commission was asked on two occasions to act urgently to prevent further deaths.
11. However, after a preliminary hearing, the Commission decided that it would not appoint a Committee inquire into the violence emanating from the Kwa-Madala. It is submitted that the decision to ignore this request is regrettable. Moreover, it is believed that if the Goldstone Commission had been in a position to convene a procedure to deal with the suggestion for the closure of the Kwa-Madala Hostel, the recent massacre could have been pre-empted. This process could have been speedily implemented and facilitated. It is submitted that if the legislation framing the Commission and the mechanisms provided therein could not accommodate such a process, then recommendations for amendments to the legislation should be made.
12. Following hereto are details of the efforts which have been made to prevent the violence emanating from the Kwa-Madala Hostel. Initials have been used at the request of the individuals concerned, who desire that their identities be withheld.

HISTORY

1. Fieldworkers for the South African Council of Churches (SACC) (Vaal Region), Rev. Peter Moerane and the late Saul Tsotetsi, since early 1991 have repeatedly made attempts to bring to the attention of the South African Police and the ISCOR management that the Kwa-Madala Hostel has been a base from which attacks against residents of Boipatong, Bopelong, Sebokeng and Sharpsville have been perpetrated.
2. In the first half of 1991, the fieldworkers, pursuant to numerous reports that residents of the Kwa-Mazisa Hostel had been abducted by residents of the Kwa-Madala Hostel, met with the District Commander of Police and with Col. Steyn of the Security Branch in order to bring to their attention that the activities of the residents of the Kwa-Madala Hostel constituted a threat and danger for the communities surrounding the hostel.

The meeting was requested by the fieldworkers, in order to explain to the police that consequent to their fieldwork, they had perceived that people residing at Kwa-Madala Hostel had been responsible for numerous acts of public violence and intimidation in the Vaal Triangle in the preceding months.

At the meeting they outlined the incidents of violence and requested that the police undertake an immediate investigation into the unlawful activities of the residents of Kwa-Madala Hostel and take action to prevent further violence.

3. The fieldworkers were of the view that they had not been able to convince the police of the dangers for the community relating to the activities of the residents of the Kwa-Madala Hostel

and they held a joint press conference with COSATU. They felt that the holding of a press conference exposing the activities of the residents of the Kwa-Madala Hostel would exert pressure on the police to investigate and to take action to protect the workers of the Kwa-Mazisa Hostel, as well as the residents of the surrounding townships.

4. After the meeting with the police in June 1991, attacks in the area continued to take place. The incidents of violence linked to the Kwa-Madala Hostel included:
 - a. During the last week of June and the first week of July 1991, a group of men went a number of times to the house of Ernest Sotsu, an executive member of the Boipatong Branch of the African National Congress (ANC). They informed Mr. Sotsu's family that he should report to them at the Kwa-Madala Hostel and threatened that should he fail to do so, they would take drastic action.

On the 3rd July 1991, an attack was carried out on his house and his wife, daughter and grandson were killed and two grandchildren were injured.
 - b. On or about the 7th July 1991, an attack took place at the Erica Tavern in Zone 7, Sebokeng. Two residents of the Kwa-Madala hostel were arrested for this attack.
5. The fieldworkers of the SACC continued to receive reports from the residents of Boipatong, Sharpville and Sebokeng of violence and intimidation perpetrated by residents of the Kwa-Madala Hostel. In addition to approaching the police to intervene to protect the residents of the townships, they decided to approach the Iscor Management.
6. On the 15th August 1991, Rev. Moerane accompanied a delegation of women from the Boipatong township to Mr. Viljoen, a manager of ISCOR. The delegation handed to him a letter wherein they stated that they believed that the perpetrators of numerous incidents in the Vaal were residing in the Kwa-Madala Hostel. They further stated as follows:

"We want to know why are you insensitive to the use of the Kwa-Madala as a base for dangerous weapons and attacks on human life?"

They requested that ISCOR stop housing "enemies of peace and life".
7. ISCOR responded in a letter wherein they denied that violence is executed from the Kwa-Madala Hostel. They stated that "all allegations had been thoroughly investigated by ISCOR and no evidence could be found to convince management that the Kwa-Madala Hostel should be managed differently to that of ISCOR's other hostel, Kwa-Mazisa".

They, however, proposed a meeting to "exchange further information and clarify our respective positions".
8. On or about the 24th September 1991 the fieldworkers met with the ISCOR Management and attempted to establish a monitoring committee with them. However, this process subsequently broke down.
9. On or about the 25th September 1991, the SADF attempted to enter the Kwa-Madala Hostel in response to various complaints about the activities of the residents. The SADF members were shot at with AK 47 weapons by the residents of Kwa-Madala. The SADF thereafter shot and killed 5 residents of Kwa-Madala.
10. The fieldworkers of the Vaal Council of Churches continued to receive reports of public violence and intimidation perpetrated by residents of the Kwa-Madala Hostel, including:
 - a. The abduction of J.M. and Sipho Mthimkulu on the 17th October 1991 by residents of the Kwa-Madala Hostel. They were taken to the hostel and held there against their will for two weeks;

- b. On the 29th November 1991, P.H. and Sipho Mazibuko were abducted and taken to the Kwa-Madala Hostel. P.H. was severely assaulted before he was released. He identified Sipho's body at the mortuary the following day;
 - c. On or about the 8th December 1991 a number of young girls were abducted by residents of the Kwa-Madala Hostel. They were held at the Hostel against their will and raped repeatedly.
11. During the period July to December 1991 and in response to the ongoing reports of violence received, the fieldworkers met with the Divisional Commissioner of Police in Vereeniging on at least four occasions.

They repeatedly raised their concerns that public violence and intimidation against residents of Boipatong, Sharpsville and Sebokeng emanate from the Kwa-Madala Hostel. The fieldworkers reported that the response of the police at these meetings was that there was insufficient evidence for them to take action.

12. On the 8th January 1992, and pursuant to reports of further abductions of residents of the townships to the Kwa-Madala Hostel, the fieldworkers and the General-Secretary of the Vaal Council of Churches met with Capt. de Klerk and Col. Steyn of the former Security Branch in Vereeniging. They requested the assistance of the police in securing the release of people being held against their will at the Kwa-Madala Hostel.
13. In the week subsequent to this meeting, the police stated to the fieldworkers and to the attorneys acting for the Vaal Council of Churches that there were legal constraints preventing them from raiding the Kwa-Madala Hostel. Col. Steyn informed attorneys Nicholls, Cambanis, Koopasammy and Pillay that the evidence provided by the Vaal Council of Churches was not concrete enough for them to take action against the Kwa-Madala Hostel.

The request was made repeatedly between the 9th January and the 15th January 1992 to the police to investigate the allegations of abductions. On the 16th January 1992 Saul Tsotsetsi was informed by the police that they had raided the Kwa-Madala Hostel, but had not discovered anyone being held against their will at the Kwa-Madala Hostel.

14. The fieldworkers continued to receive reports of incidents of violence during January and February 1992:
- a. On the 12th February 1992 a young boy reported to the fieldworkers that he had forcibly been taken from the Mark Park Shopping Centre in Vereeniging by residents of the Kwa-Madala Hostel. He, however, escaped.
 - b. On the 21st February 1992 an attack took place at the Ha-hlo-ho-ya-peye Tavern in Sharpsville. Five people were killed by the gunshots and several others injured. The survivors informed the fieldworkers that one of the perpetrators was recognised as a resident of the Kwa-Madala Hostel.
 - c. On the 15th March 1992, an attack took place at Chief's Place Tavern in Sharpsville. Two women were killed and several injured. One of the perpetrators of the attack was injured by one of his colleagues by accident. He has stated on affidavit as follows:

"I am able to live at the Kwa-Madala Hostel without charge. I am unemployed, as are several of the other residents of the hostel. We are supported by those residents who are employed. In addition, we receive food parcels from the International Red Cross every two weeks. We also robbed people in town. We, as a group, approached individuals and threatened them so that they gave us money.

Although the Kwa-Madala Hostel is owned by Iscor, only some of the residents work at Iscor. Some work at other factories and, as mentioned above, the rest are unemployed.

All the residents of the Kwa-Madala Hostel are members of the Inkatha Freedom Party. Amongst the residents there are individuals whom are leaders of the Inkatha Freedom Party. Amongst them is one, Buthelezi.

A system exists at the Kwa-Madala Hostel whereby each resident becomes part of a "unit". I was placed in a unit consisting of four members".

"I was trained in the use of weapons by Buthelezi".

"Every resident is trained in the use of weapons.

I am aware that other members of other units were also trained in the use of weapons.

I have seen many arms and ammunition stored at the Kwa-Madala Hostel. Meetings were held every Tuesday and Thursday. At these meetings, we were informed when new weapons had arrived.

The arms are brought by members of the Inkatha Freedom Party, who arrive at the hostel from Natal. I have seen them arrive with AK 47's and spears with poisoned tips.

Some of those who arrive come to the area to work. However, others come to carry out missions and attacks in the local township. Others come to bring arms and then leave.

During the four months that I have lived at the Kwa-Madala Hostel, I have seen units being sent out on missions. However, I have not known exactly where they have been sent to or what missions they have carried out".

"On the 15th March 1992, my unit was instructed by Buthelezi to go to Sharpville Township for the following purpose:

- i. to attack comrades who had been responsible for the killing of an Inkatha member, one Tihola;
- ii. to attack two taverns, namely, Chief's Place and the Philadelphia Tavern. We were instructed to kill people there because it is known that comrades drink there.

We were also informed that a secondary purpose to our mission was to assist in the attack of comrades for the purpose of Inkatha regaining entry to the townships.

We were given arms by Buthelezi. We were given two rifles amongst the four of us. I was not myself carrying a rifle.

two. I moved with N. He was carrying a rifle.

Between 8 and 9p.m and at or near Phomolong Section in Sharpville, we saw a group of comrades. Amongst them was one comrade known to me as Ntopia. My partner opened fire and Ntopia was struck.

We formed two groups. Two stayed on the ground and myself and my partner went forward to shoot. Thereafter, we moved to Chief's Tavern. K was shooting at people in the tavern and the gun jerked and that was when I was hit. I was carrying a rifle at Chief's Tavern. N gave me the rifle.

As far as I am aware our second mission at the Philadelphia Tavern was not carried out after I was struck and injured".

14. In light of the evidence from Mr. X of a military style operation being conducted from the Kwa-Madala Hostel, the fieldworkers became all the more anxious for action to be taken. Their requests to the police and the ISCOR Management had been unsuccessful. Thus in March 1992, the fieldworkers instructed attorneys Nicholls, Cambanis, Koopasammy and Pillay to approach the Commission for the Prevention of Public Violence and Intimidation (The Goldstone Commission) to request that the Commission inquire into the causes of violence and intimidation in the Vaal and recommend steps for the prevention thereof. Affidavits and Documents were submitted to the Commission on their behalf, which documents included a request to the Commission to take urgent steps to prevent further violence from the Kwa-Madala Hostel.
15. On the 3rd April 1992, Adv. J J du Toit and a Colonel from the Commission met with Mr. X, to hear his evidence of the activities at the Kwa-Madala Hostel. Lawyers acting for the Vaal Council of Churches requested that the Commission urgently convene a meeting of representatives of ISCOR, the SAP, the residents of Kwa-Madala Hostel and residents of the townships to discuss the closure of the Hostel and the reintegration of residents of the Kwa-Madala Hostel into the Kwa-Masiza Hostel and the surrounding townships.
16. On the 17th April 1992, two young men were kidnapped in Zone 7, Sebokeng by residents of the Kwa-Madala Hostel. Their corpses were identified by their families at the Vereeniging Mortuary on the 19th April 1992.
17. In the early hours of the 19th April 1992, eight members of the Lefeidi family were killed at their home at Vergenoeg in Sharpville. In the affidavit of a survivor of the attack, it is averred that the perpetrators of the attack indicated that they were from the Kwa-Madala Hostel.
18. Attorneys acting for the Vaal Council of Churches forwarded the affidavits detailing the above events to the Commission with a request for urgent assistance in resolving and ending the violence surrounding and connected with the Kwa-Madala Hostel. The request stated that the fieldworkers believed that any further delay would lead to an escalation of the violence and to further deaths.
19. The police were also approached and the affidavits were forwarded to them.
20. On the 24th April 1992, attorneys acting for the Vaal Council of Churches were approached telephonically by an Advocate from the Commission with a proposal that the Commission combine an inquiry in respect of the Vaal, Alexander and Soweto. The attorneys agreed with the proposal but referred the Commission to the discussion on the 3rd April 1992 with the Advocate where it had been stated that steps to prevent violence in the Vaal could be taken almost immediately. It was further communicated that the Vaal Council of Churches was concerned that the implementation of steps to prevent further violence in the Vaal be done as soon as possible.
21. On the 5th May 1992, a preliminary inquiry into violence in the Vaal, Alexander and Soweto was convened by the Commission.
22. The Vaal Council of Churches submitted an overview of the Violence in the Vaal to the Commission. The following submissions were made in respect of the Kwa-Madala Hostel.

"We are of the view that the Kwa-Madala Hostel is central to the reign of violence in the Vaal area. We request that the Commission inquire into the assertion made by Mr. X that the Hostel is organised and run as a military style camp from where violent "missions" are launched.

Myself and my colleagues at the S.A.C.C. believe that the steps to be taken to prevent further violence is the closure of the Kwa-Madala Hostel. We request that the Commission inquire into the process and mechanism for such a closure. We understand that the process will require extensive discussions with the respective parties.

We also request the Commission to assist in ensuring that the perpetrators of the violence be

charged and brought to trial. This is particularly urgent in relation to perpetrators who have been identified as having been involved repeatedly in attacks.

We also request the Commission to inquire into whether the police are empowered to conduct raids of the hostel on receipt of information regarding unlawful activities of residents of the hostel and to advise the police in relation thereto. Should the Commission find that in terms of current Legislation the police are not so empowered, we request that the Commission recommend to the State President that Legislation be passed empowering the police to conduct such raids of the hostels".

I believe that residents of Sharpville, Sebokeng and Boipatong have been looking to the Commission for a remedy for the end of the violence, since our initial request to the Commission in March 1992. I am fearful that any further delay will result in the loss of more lives".

23. On the 13th May 1992, the Commission issued a press release wherein they stated that a Commission of Inquiry would be established with the following terms of reference:
- a. To establish the circumstances in which people may have been forced by violence or intimidation to vacate homes or hostels in Alexandra Township, the Greater Soweto Area and the Vaal Triangle;
 - b. To establish the names and present whereabouts of such persons;
 - c. To establish whether persons have acquired occupation of homes or places in hostels in those areas in consequence of violence or intimidation and, if so, the circumstances in which they have come to do so;
 - d. To consider practical and effective ways and means of placing the persons referred to in (a) and (b) back into possession of their homes or places in hostels;
 - e. To consider whether the persons referred to in (a) and (b) are legally or morally entitled to compensation for damages suffered by them by reason of the foregoing circumstances and, if so:
 - i. the amounts thereof; and
 - ii. appropriate sources of funding such compensation;
 - f. To consider steps which should be taken to ensure the safety of persons in the position of these referred to in (a) and (b) and of their property.
24. On perusal of the terms of reference, the Vaal Council of Churches were concerned that the terms of Reference of the Commission which had been established would not necessarily include an inquiry into the danger for the Community emanating from the Kwa-Madala Hostel.
- They therefore submitted to the Commission that in their view, the problem of displacement is a secondary issue in the Vaal and that the central issue is the violence carried out from the Kwa-Madala Hostel. They urged the Commission to take account of the safety of persons who are victims of violence, but are not displaced persons.
25. At a further meeting of the Commission on the 27th May 1992, the Vaal Council of Churches again placed on record that they were concerned that the terms of inquiry would not include the question of the safety of victims of violence perpetrated by residents of the Kwa-Madala Hostel.
26. The Vaal Council of Churches are of the view that the closure of the Kwa-Madala Hostel is essential to bring peace to the area. In this regard, they have consistently sought the assistance of the police, ISCOR Management and the Goldstone Commission. They, on

numerous occasions, expressed the need for an urgent response to their ongoing representations to the abovementioned parties. They believe an urgent response would have prevented the massacre which occurred in Boipatong on the 17th and 18th June 1992.

27. The Vaal Council of Churches noted that the Interim Report of the Goldstone Commission recommended that all hostels should immediately be adequately and securely fenced and that a strong and efficient police presence should ensure that no arms are taken in or out of the hostels. The Vaal Council of Churches are aware that this recommendation was submitted to the State President a considerable time ago. Once again, if there had been an urgent response to this recommendation, the massacre at Boipatong would have been prevented.

The closure of the Hostel however remains a priority.

The State President should act immediately and effectively in taking steps to achieve this.

The arrest and charging of the perpetrators of the massacre and of the other incidents of violence is also a priority and the State President must ensure that all efforts are concentrated thereon.

DATED at JOHANNESBURG on this the 23rd day of JUNE 1992.

ANNEXURE B

STATEMENT OF THE EMERGENCY MEETING OF THE NATIONAL EXECUTIVE COMMITTEE OF THE ANC 23 JUNE, 1992

The National Party regime of FW de Klerk has brought our country to the brink of disaster. Riddled with corruption and mismanagement, the regime is determined to block any advance to democracy. It pursues a strategy which embraces negotiations, together with systematic covert actions, including murder, involving its security forces and surrogates. This subversion of political processes to destroy the democratic movement in South Africa led by the ANC cannot be allowed to prevail any longer.

We cannot tolerate a situation where the regime's control of state power allows it the space to deny and cover up its role in fostering and fomenting violence.

The Boipatong massacre is one of the most chilling instances of the consequences of the actions of the FW De Klerk regime. Before the people of South Africa and the bar of international opinion it cannot escape culpability.

What is at issue is more than the crisis of the negotiations process. The fundamental reason for the deadlock is whether there is to be democratic change, or white minority veto powers. There is only one way forward. It is a road which must unmistakably and unequivocally lead to the establishment of a democratic South Africa.

To this end it is necessary that the De Klerk regime agrees to:

- * The creation of a democratically elected and sovereign Constituent Assembly to draft and adopt a new constitution; and
- * The establishment of an Interim Government of National Unity which is the only way all South Africans will recognise that the country shall have moved decisively to end white minority rule.

Demands on the Regime

The regime must immediately end its campaign of terror against the people and the democratic movement. In this regard it must immediately carry out the following measures:

- * Terminate all covert operations including hit squad activity.
- * Disarm, disband and confine to barracks all special forces as well as detachments made up of foreign nationals.
- * Suspend and prosecute all officers and security force personnel involved in the violence.
- * Ensure that all repression in some of the self-governing states, and in the so-called independent states, is ended forthwith.

Our people are compelled to live in a perpetual state of fear - be it in their homes, on their way to work, in trains and taxis, at funerals and vigils, at their places of work and entertainment. This is the stark reality. Between July 1990 and April 1992 there have been 261 attacks on township residents by hostel inmates, which led to 1,207 deaths and 3,697 injuries.

We further demand that the regime implements agreements on curbing violence reached with the ANC almost a year ago. In particular:

- * The immediate implementation of the programme to phase out the hostels and convert them into family unit accommodation.

- * Installation of fences around these establishments
- * Guarding of these hostels by security forces on a permanent basis, monitored by multi-lateral peace structures, and the expulsion of those who occupy the hostels illegally
- * Regular searches of hostels with the participation of multi-lateral peace structures
- * Banning the carrying of all dangerous weapons in public on all occasions, including so-called cultural weapons.

We insist that the regime agree to:

- * The implementation of the universal demand requiring at least the establishment of an International Commission of Inquiry into the Boipatong Massacre and all acts of violence as well as international monitoring of the violence.
- * Release all political prisoners forthwith
- * Repeal all repressive legislation, including those laws which were so hastily passed during the last days of the recent session of parliament.

Call to the People of South Africa

The crisis caused by the regime constitutes a challenge to all South Africans to unite in a broad movement for democracy, peace and justice now. We all, black and white together, share the responsibility to stop the regime from plunging our country into chaos and anarchy. The ANC shall consult all formations with a view to holding a summit to unite and mobilise our people against continued white minority rule and for democracy. Unity and disciplined struggle remain the surest basis for realising peace and stability.

We call on the entire people of our country, including the business community, to join in observing 29 June as a National Day of Mourning and solidarity with the victims of the Boipatong massacre as the dead are buried.

Appeal to the International Community

The National Party regime is acting in contempt of the wishes of the international community for a speedy end to apartheid.

Now, more than ever, the international community is required to compel the De Klerk regime to bring violence to an end and to commit itself to solutions based on internationally accepted democratic principles.

In consultation with sporting bodies, we shall be reviewing the forthcoming international sports engagements involving South Africa.

We appeal to the United Nations Security Council to convene as a matter of urgency to undertake measures which will help stop the violence and reinforce our efforts aimed at bringing about a democratic order.

We call on the international community to act in solidarity with our people on the day of the funeral for the victims of the Boipatong massacre, June 29. In particular we appeal to all workers throughout the world not to handle South African carriers and goods on this day.

On Negotiations

The ANC reaffirms its commitment to a negotiated resolution of the conflict in our country which would bring about democracy, peace and justice. The refusal of the regime to accept such a settlement compelled the NEC to review the current negotiations process.

The ANC has no option but to break off bilateral and Codesa negotiations. The NEC will be keeping the situation under continuous review. The response and practical steps taken by the De Klerk regime to these demands will play a critical role in determining the direction and speed with which bona fide negotiations can take place.

The decisions taken today will be conveyed to the regime by ANC President Nelson Mandela as soon as possible.

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