

The state inside South Africa between 1960 and 1990

■ INTRODUCTION

- 1 The security forces used both overt and clandestine methods to suppress resistance and counter armed actions by opponents of apartheid. Overt methods included bannings and banishment, detention without trial, judicial executions and public order policing. More clandestine and covert forms of control included torture, extra-judicial killings and support for surrogate forces.

■ BANNINGS AND BANISHMENT

- 2 Between 1950 and 1990, the former state restricted the lives and activities of political activists and other individuals it considered a threat through the use of orders of listing, banning and banishment. Although listing was an intrusion on civil liberties, the Commission does not regard it as a gross violation of human rights. A listed person could not be quoted, could not hold parliamentary office and could not practise law.
- 3 The laws which provided for such restrictions included the Riotous Assemblies Act (1930), the Suppression of Communism Act (1950), the Public Safety Act (1953), the General Laws Amendment Act (1962), the Suppression of Communism Amendment Act (1967, amended 1972), the Terrorism Act (1976), and the Internal Security Acts (1976 & 1982).

Banishment

- 4 The 1927 Native Administration Act empowered the Minister of Bantu Administration and Development (acting through the Governor General) to order “any tribe or native” to proceed forthwith to any designated place and not to leave it again

without permission “whenever [the Minister deemed] it expedient in the general public interest”. No specific reason for the banishment was needed; the ‘removal’ of the individual was in the interest of “maintaining peace and good order in the tribe”. Banished people were not charged in a court of law and had no opportunity to defend themselves.

- 5 By 1960, up to ninety-seven people had been banished, most of them chiefs and headmen who had opposed the Bantu Authorities system and other aspects of government policy. In 1986, over forty persons were still banished. Eleven had died in banishment.
- 6 Banished people were sent to isolated farms on Native Trust land, where they were usually given work as labourers. Some went alone; others were sent to camps built for groups of six or more. Both they and those who visited them speak of their extreme poverty and near-starvation. Those who were not given work were entitled to an allowance of about R4 per month, though not all received this. A banishment order was indefinite and remained in force until the government gave permission for the banished person to return home.
- 7 Mr Ben Baartman [CT00822/BRE], an active African National Congress (ANC) member in Worcester, was forced to move to the Ngwavuma area in Zululand in 1959. In 1961, he fled to Swaziland.
- 8 In 1960, the South African Police (SAP) burnt down the houses of Mr Zetule Siqa [EC1770/97ETK] and his father in Bizana, Transkei, under the orders of the local chief Makhosonko Marhelane Sigcawu. Both Siqa and his father were involved in *iKongo* (ANC) activities. They were then banished to Tabankulu for a period of nine months.
- 9 In June 1969, Mr Rangoezi G Tshikilange [JB01421/02NPVEN] was deposed as chief of Tshififi in the northern Transvaal, and banished to the farm ‘Ardath’ in the Kuruman district. His wife died in childbirth and their baby died soon afterwards due to lack of medical attention. In February 1974, his banishment order was lifted and replaced with a house arrest order. He lost another child when he was unable to take the child to hospital.
- 10 Ms Nozithandiso Olga Siliza told the Commission that her husband, Mr Mzwandile Siliza [EC1287/96NWC], was tortured and that she and her family were severely ill treated in Cradock and Queenstown from 1963 to 1987. Her husband, the

secretary of the Cradock ANC branch, was arrested and imprisoned on Robben Island from 1963 to 1966. He was assaulted by prison warders and his teeth were broken. After his release, the family were banished from Cradock to Queenstown. As a result of the conditions under which they had to live, Ms Siliza's baby died after three months. They had no money for a coffin, so it was buried in a cardboard box.

- 11 Mr Cijimpi Mnyandu [KZN/NN/233/DN] from Umbumbulu on the Natal South Coast was banished to the Sibasa area of Shayandima (later known as Venda). He died of pneumonia at the Tshelethini hospital in 1964.
- 12 Mr Jobo Titus was banished to the Transkei after serving six years on Robben Island. After ten years of banishment, on 8 December 1982, Titus fled to Lesotho. The next day he was killed in the South African Defence Force (SADF) cross-border raid in Maseru.

Banning

- 13 Banning of persons took place between 1951 and 1990. Its purpose was similar to that of 'preventive' detention – to ensure withdrawal from the political arena. The duration of banning orders ranged from one to five years, but an order could be successively applied. The longest period of banning on record is that of Mr Rowley Arenstein, who was banned for twenty-six years from 1960 to 1986.
- 14 A banned person was restricted to a specific magisterial area. When this area was not the banned person's home area, the banning order effectively became a banishment order as well. This is what happened, for example, when Ms Winnie Mandela was banished to Brandfort in the Orange Free State in 1977. Similarly, many prisoners leaving Robben Island after serving their sentences were served with orders banning them to remote areas.
- 15 Banning orders often restricted people's involvement in organisations, as well as their ability to publish. Banned persons were not permitted to communicate with each other and many orders restricted them from attending social gatherings of more than one person.
- 16 Banning orders were imposed on social and political activists from all spheres of civil society. In many cases, the Security Branch provided the Ministry of Justice with flimsy and inadequate reasons for bannings. During 1986, a number of

successful court challenges were brought against banning orders, on the grounds that the reasons the Minister was required to give under section 25 of the Internal Security Act were invalid. From then on, no banning orders were issued under the Internal Security Act. Instead, use was made of wider powers under state of emergency regulations. Many of those released from state of emergency detention during the 1988–89 period were served with restriction orders.

- 17 The terms of restriction orders made people vulnerable to attack. In April 1989, United Democratic Front (UDF) activist Chris Ntuli was stabbed to death in KwaMashu, Durban, shortly after reporting to the police station in terms of the restriction order placed on him after his release from emergency detention. All state of emergency restriction orders were withdrawn on 2 February 1990.
- 18 The Commission heard that Mr Zolile 'Zollie' Malindi [CT00510/FLA] received a two-year banning order in 1961, a further five-year order in 1963 and a third order in 1968. The order cost him his job in the Cape Town magisterial district. When he finally found a job, he lived in fear of losing it as police frequently disturbed him at work.
- 19 Ms Nobuhle Mohapi [EC9997/96PLZ], whose husband Mr Mapetla Mohapi died in detention in 1976, was banned after spending six months in solitary confinement. She told the Commission about the disruption to her family and work:

Then I was released. I took my children from my in-laws. Just a week after I took them, the police came and they arrested me. I had to take my children to my in-laws again and [in] another week I was released again. Thereafter my in-laws preferred that I should leave the children so that they cannot be affected by these removals ... The children were attending school at the time but, because I was under a banning order, I was unable to visit them. I ... could not escort my little one to school like any other parent ... I was unable to get jobs and was labelled as a terrorist ... In 1979 I got a job in a furniture shop. I was employed for five days and the police came again at Ellerines where I was working and they took me again. I was paid for the five days that I worked and was told that the job was finished.

- 20 Submissions describing periods spent under banning orders were also received from Mr George Gangen Poonen [KZN/SELF/098/DN], Ms Mary Turok [CT02912/GAU], Mr Ben Turok [CT00474/GAU], Mr Christmas Fihla Tinto [CT004771/HEL] and Mr Baderoon Ismail Bakardien [CT01112/SOU].

IN ITS DELIBERATIONS OVER WHAT CONSTITUTED SEVERE ILL TREATMENT, THE COMMISSION HAS INCLUDED BANNING AND BANISHMENT ORDERS. IT IS THUS THE FINDING OF THE COMMISSION THAT ALL THOSE UPON WHOM SUCH ORDERS WERE IMPOSED SUFFERED A GROSS VIOLATION OF HUMAN RIGHTS, FOR WHICH THE FORMER GOVERNMENT AND IN PARTICULAR THE MINISTERS OF JUSTICE AND LAW AND ORDER ARE HELD ACCOUNTABLE.

■ JUDICIAL EXECUTIONS

- 21 The former state was reputed to have one of the highest rates of judicial execution in the world. In the period covered by the Commission's mandate, over 2 500 people were hanged, 1 154 between 1976 and 1985. Some 95 per cent of all people executed were African. Studies have noted that the death penalty was far more likely to be imposed if the victim of a capital offence was white and the perpetrator black.
- 22 While the vast majority of executions were for criminal offences, capital punishment was also used against those found guilty of political offences, in defiance of the Geneva Convention. South Africa was a signatory to the 1949 convention, but declined to sign the 1977 addenda extending the definition of prisoner of war to captured guerrillas.
- 23 The death penalty could be imposed under the General Laws Amendment Act (1962), the Terrorism Act (1967) and the Internal Security Act (1976) (which replaced the Suppression of Communism Act).
- 24 The first 'political hangings' took place in 1959, a year before the beginning of the Commission's mandate period. In 1961, approximately twenty people were sentenced to death after the Pondoland revolt.¹
- 25 In the 1960s, almost one hundred Poqo activists were hanged for involvement in acts of violence in Paarl, Mbashe (Bashee Bridge), Ntlonze Hill, Queenstown, Cofimvaba, Krugersdorp, Pretoria, Umtata, Langa and other areas.²

1 The Commission received statements in connection with the following persons executed for their part in the Pondoland revolt: Nyamaayipheli Dinwa [EC1684/97 ETK], Shadrack George [EC0656/96ETK], Cenjulwa Hlongwe [EC0337/97ETK], Barnabas Mahlali Magawana [EC1632/97 and 1777/97ETK], Douglas Khewula Magawana [EC1532/97 & 1777/97ETK], Nkanyezi Mdayimani [EC1777/97, 2069/97 & 2169/97ETK], Mtholeni Msolobhana Mfuywa [EC1972/96ETK], Marelana Horace Mgulwa [EC1777/97ETK], Sheleni Mehlokhulu [EC0656/96ETK], Mnconco Mjanyelwa [EC0582/96ETK], Ntomisa Ndinwa [EC1683/97ETK], Yiva Ndisile [EC0581/96ETK], Masipalati Ntshkevana [EC0339/97ETK], Majola Shusha [1777/97ETK], and Gavu Mkhize Zadunge [EC0655/96 & 0789/96ETK].

2 Among them were: Qqibile Nicholas Hans [CT00269/WIN], Bonakele July [EC2713/97WTK], Bubele Koboka [EC1272/96STK], Lennox Mngambi Madikane [EC1270/96STK], Right Mangqikana [EC2079/97UTA], Zenzele May [EC2661/97WTK], Modi Mbizo [EC2664/97], Nkosinam Ngalo [EC2658/97WTK], Gadavu Johannes Notyhawe [EC1273/96STK], Advocate Mteteleli Ntuli [EC2667/97WTK], Katsekile Pilaphi [EC2683/97WTK], Joseph Bhazalele Qitsana [EC1344/96CTK], Goli Sonamzi [EC2663/97WTK], Nontasi Albert Tshweni [CT01338/ECA] and Mzwandile Leonard Zambodla [EC2710/97WTK].

- 26 On 6 May 1964, three ANC members in the eastern Cape – Mr Vuyisile Mini [EC2097/97PLZ], Mr Wilson Khayinga and Mr Zinakile Mkaba – were hanged after having been found guilty for killing a person suspected of informing on the ANC.

The case of Mpumelelo Bongco

Mr Mpumelelo Washington Bongco [EC 2165/97ETK], the Eastern Cape regional commander of Umkhonto weSizwe (MK), was detained at about midnight on 15 February 1963. He alleged that he was handcuffed behind a door, and beaten and kicked during questioning the following day. After he collapsed, the handcuffs were removed. Security Branch members continued to kick him with their boots and also trampled on his face. Knowing that he suffered from tuberculosis, they threatened: "We will kill you with your TB". On his release, he was charged with being in East London illegally and acquitted. He then laid charges against Sergeant Donald Card for assault, and alleges that he was again arrested and assaulted for pressing the charge. Released once again, he was hospitalised for some time.

In July 1963, he was detained under the ninety-day detention law. After repeated threats, he was forced to sign a statement withdrawing the charge against Sergeant Card. He was subsequently charged under the 'Sabotage Act' and sentenced to death in the Queenstown Circuit Court on 23 March 1964 in connection with a petrol bomb attack on the home of Mr Ddomboti Hovi. At this trial, two prosecution witnesses admitted having been assaulted during their detentions.

A security branch member is alleged to have visited Mr Bongco in his death cell and offered to have his death sentence commuted if he gave evidence against the others. Mr Bongco refused and instead went ahead with the assault charge, which was dismissed by the Supreme Court in East London on 17 November 1964.

On 10 December 1964, Washington Bongco was executed.

- 27 On 1 April 1965, Mr John Harris, a member of the African Resistance Movement (ARM), was executed for placing a bomb at the Johannesburg main railway station, resulting in one death and several injuries. Harris was the first and only white person in the mandate period to be hanged for a political offence. His widow, Ms Anne Wolfe, told the Commission:

5.30 am was the time set for the execution. We were all awake, thinking of John ... Not long afterwards the phone rang. Ad Hain answered. The voice said: 'Your John is dead.' She recognised the voice as one of the Special Branch men's.

Andrew Zondo

- 28 From 1976 onwards, a number of MK members were sentenced to death and executed. One of these was Mr Sibusiso Andrew Zondo [KZN/NG/010/DN]. Andrew Zondo (19), from KwaMashu, north of Durban, went into exile in Mozambique at the age of sixteen after a brief period of detention. He intended to study. In May 1983, a bomb detonated outside the South African Air Force (SAAF) headquarters in Church Street Pretoria, killing eleven people. The following week, the SAAF launched a retaliatory raid on a suburb in Maputo, killing six people, including a child in a creche. This changed Zondo's plans and he decided to undergo military training as he saw "violence as the only option for changing the lives of black people in South Africa".
- 29 In December 1985, the South African security forces launched a raid into Lesotho, killing nine people. Three days later, MK members in Durban, including Zondo, retaliated by placing a bomb in an Amanzimtoti shopping centre, killing three adults and two children. Zondo was arrested and charged. The main state witness in his trial was Mr X (Thembinkosi Mofokeng) who, as Zondo's alleged accomplice, was granted immunity from prosecution. Mr X admitted to providing the limpet mine and to accompanying Zondo to the shopping centre. Zondo claimed that he intended to telephone a warning to the shopping centre but could not find a vacant telephone booth.
- 30 Zondo was sentenced to death by Justice Leon and was hanged on 9 September 1986, less than nine months after the bombing.
- 31 The spiral of killing continued. Two other persons suspected of being involved in the Amanzimtoti blast, Mr Phumezo Nxiweni [EC0246/96WTK] and Mr Stanley Siphso Bhila [KZN/NJ/004/DN], were executed by Security Branch members after they were acquitted in court (see below, under *Abduction, interrogation and killing*). At Andrew Zondo's memorial service, his brother was so severely assaulted that he developed epilepsy, which subsequently killed him. Two mourners were shot dead leaving his parents' home after the memorial service. Lembede, one of the security policemen involved in the killing of Zondo's alleged accomplice, was himself later killed, allegedly by members of MK.
- 32 Mr Solomon Kalushe Mahlangu [JB00182/02PS] was executed on 6 April 1979 at the age of twenty. Recently returned from military training in Angola, Mahlangu and Mr Monty Motaung were confronted by police while carrying arms in central

Johannesburg. In the ensuing chase (the Goch Street shooting), two civilians were killed. While evidence suggested that Motaung was responsible for the actual shooting, he had been so badly beaten by police that he was declared mentally unfit to stand trial.

- 33 Mr Thelle Simon Mogoerane [JB04857/01ERTEM], Mr Jerry Joseph Mosololi [JB04958/01GTSOW] and Mr Thabo Marcus Motaung were executed for high treason on 9 June 1982. The three left South Africa after the Soweto uprising and were arrested in December 1981 while on an MK mission near Hammanskraal. In their trial, both Mogoerane and Motaung gave evidence of torture at the Compol Security Branch offices. Mogoerane alleged that he had confessed to MK activities after a pistol had been put in his mouth, followed by a loud bang. Justice Curlewis ruled that their confessions had been freely given.
- 34 Mr Clarence Lucky Payi [KZN/NG/012/FS; EC0855/96STK] and Mr Sipho Brigitte Xulu [KZN/NG/012/FS] were executed for the killing of Mr Benjamin Langa on 9 September 1986. An amnesty application by co-perpetrator Mr Joel George Martins [AM6450/97] indicates that they were acting on the instructions of MK Fear (aka Ralph Mcinga, aka AG Lawrence, aka Cyril Raymonds), an MK commander in Swaziland. MK Fear was subsequently uncovered as a Security Branch agent.
- 35 Mr Michael Lukas [CT00535/GEO] was sentenced to death in August 1987 for killing a bus inspector, Mr William Blouw, on 15 April 1986 during unrest in Oudtshoorn. Lukas was executed seven months later (on 25 March 1988) after he was refused leave to appeal and a petition for clemency to the State President failed. A service held for him in Oudtshoorn on the day of his execution was attended by hundreds of people.

'Death row'

- 36 At the special hearing on prisons (see Volume Four), Ms Paula McBride, who visited condemned prisoners on death row from 1987 to 1990, told the Commission:

It is a place that was perfectly designed to kill people ... I think that probably the seven-day period before execution is the time that anybody who supports the death penalty should be exposed to and particularly the judges who passed the sentences ... There is a light flurry in the prison, maybe on Tuesdays when the Sheriff arrives with a bunch of notices in his hand and those notices would be for people who the State President had decided were worthy of his clemency.

The other bunch of notices would be for those that he decided weren't fit any more to live. So the Sheriff would take both sets of notices up and prisoners would be called. The warder would then walk down the passages in between cells, while the prisoners waiting inside were wondering whether it was their turn today, whether they were going to get handed notices of release or of death. There was complete and utter silence, while the footsteps went down, everyone waiting to see where the footsteps would go.

All those told to pack would be taken out of their cells, and they would wait in a line outside the office where the Sheriff was waiting. Those who were given a sentence of death were moved into what was known as 'the pot' because it was where you boiled because of levels of stress before your death.

37 A warder, Mr Steinberg, testified about his experience as an assistant in the execution of condemned prisoners:

I came on duty before six o'clock in the morning. All of us moved into the section ... The prisoners were unlocked, we searched them. They were then identified in terms of photographs, they were placed in a row or in a queue so that the first person due for execution would be in front. We then took them one by one to a table ... where they again compared their thumb prints and looked at the photographs again ... After they took the finger prints ... we accompanied the people to the church ...

There would then have been a brief church service. Some of the people would receive Communion for the last time and at about half past six ... the Ministers would then move out ... Their [the condemned's] hands were cuffed behind their backs and they had to remove their shoes. At about ten to seven or there about, we would then move with them down the passage and by then it was deadly quiet.

They still sang and prayed, they greeted their people, their friends, then we moved to the gallows room, through the various gates until we were in the first reception room before the gallows. They would then stand against a wall with their faces towards us.

They were then identified again against their photographs and then the executioner would come to them and ask them about their last wishes. They sometimes thanked us, they sometimes said to us, "God bless you", and after the entire story, we would then put their caps on.

You accompany the person [to the gallows room]... Between the trap doors there would have been a pipe railing. The person who was due to be hanged,

would go on the left of the railing and the person accompanying, would go on the right. Then on the trap door, there would be two foot prints painted, and you had to make sure that the person was standing on that mark.

[T]he man who was going to execute the people, came and he placed the rope around their necks and he would then pull the flap on the hood ... and he pulls the lever ... When I looked down, I noted as the people were swinging from the momentum and had their spastic movements, I noted how they moved ... What went through my thoughts is that this person is now dying.³

THE COMMISSION FINDS THAT ALL EXECUTIONS OF PERSONS CONVICTED OF POLITICAL OFFENCES AND/OR WHICH WERE POLITICALLY MOTIVATED IN THE MANDATE PERIOD CONSTITUTED GROSS VIOLATIONS OF THE RIGHTS OF THOSE SO KILLED, FOR WHICH THE FORMER GOVERNMENT IS HELD ACCOUNTABLE.

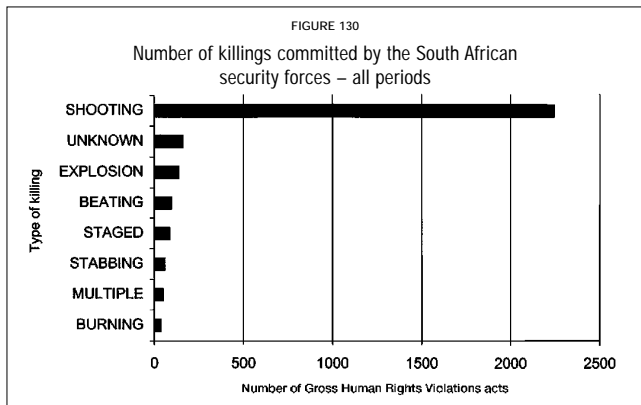
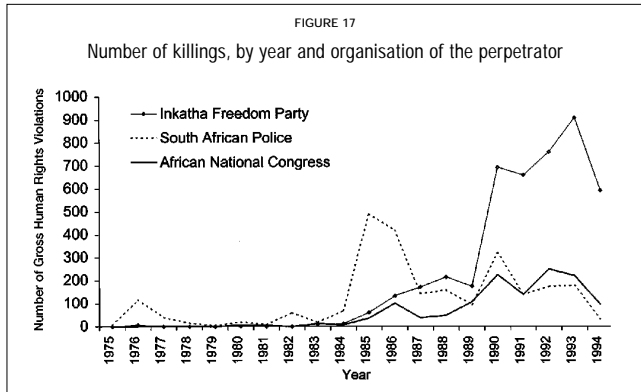
■ PUBLIC ORDER POLICING

- 38 The period under investigation by the Commission saw thousands of incidents of public disorder. Many of these incidents are extensively discussed in the following volume and elsewhere in this report.
- 39 The creation of a specialised riot control function within South Africa's policing agencies was essentially a reaction to the disorder and political unrest arising from resistance to apartheid. Although the names and structures of the units tasked with this specialist function changed a number of times during the three decades under examination, and implementation devolved to various other policing agencies in homeland and self-governing territories, their roles remained the same – the enforcement of apartheid laws, the suppression of political protest and the prevention of 'unrest, intimidation and unrest-related crimes'.
- 40 In the 1970s, as resistance to apartheid grew, the police began to see the need for a specialised capacity to 'control unrest'. The SAP looked to international models and introduced new training methods and full-time riot control units.

3 Other cases of judicial executions for political offences known to the Commission are: Mtutu Apleni, 1963; Mangena Jeffrey Boesman, 1989; Serious Dodo, 1967; Kholisile Dyakala, 1989; Livingstone Fatyela, 1967; Goduka Galeni, 1967; Dumisa Galeni; Nkwenkwe Gaqa; Benjamin Mlondolozu Gxothiwe, 1988; Fezile Jada; Mnyanda Moses Jantjies, 1987; Nto Kani; Joel Leballo; Tsepo Letsoare, 1988; Tobilo Richard Lloyd, 1988; Siphiwo Londe; Ceylon Mabaso; Victor Mahlangu; Solomon Mankopane Maqwasha, 1986; Nkosencinci Maseti, 1967; Isaac Mashigo; Fenele Matikinca; Richard Matsaphae; Alex Matshapa Matsepene, 1986; Mabhongo, May 1964; Mpenze, May 1964; Notimba Mbozwana, 1963; Makhezwene Menze, 1989; Sqwayi Mhlaba, 1962; Matokolo Mhlabeni; Bennet Mhlaleki; Poli Mili; Zwelindulmle Mjekula, 1989; Tembeni Mkoba; Siwana Mlaheki; Phineas Mlotywa; Abraham Mngomezulu, 1989; Sipho Mohala, 1988; Thomas Molathlghi; Malasella Benjamin Moloise, 1985; Joe Motsumi; Luse Mtembekwana; Petros Mtshobe; Manina Mzanywa; Tusa Mzanywa; Jabavu Mzondi; Jim Ngantweni, 1967; Bonakele Ngcongolo, 1963; Weduvedu Nokulila; Twepe Nonyukela; Jonathan Notyawe; Gladstone Nqulwana; Tembekile Nyovu; Kathazekile Pilapi, 1962; Veyishile Qoba; Lungile Rewu, 1988; Johannes Segwagwa; Ndamiso Silo Sephenuka, 1989; Edward Sikundla; Thwayi Thwayi; Corry Tyini; Wellington Tyobeka, 1967; Maliza Vulindela; Shilegu Vulindela; Bonasi Vulindlele; Elile Webushe, 1987; Mlamili Wellington Mielies, 1987; Patselo Xhego, 1963; Mtalalata Xhego, 1963; Mbaco Xhego. (List drawn up according to names on PAC and ANC documents.)

- 41 The SAP was not equipped to deal with a domestic uprising of the scale they faced in June 1976. Police who faced massive protest marches at that time were ordinary officers drawn from nearby stations, with no special skills or training in crowd control. Their lack of capacity was reflected in their tendency to use maximum force. Minister of Police Jimmy Kruger reported at the cabinet meeting of 10 August 1976 that unrest in Soweto continued and that the children were “well-trained”. The Minister proposed that: “This movement must be broken, and the police should perhaps act a bit more drastically and harshly, bringing about more deaths.” [Commission translation.] This proposal was approved.
- 42 In a parliamentary discussion in July 1976 on the desirability of police wearing protective clothing in unrest situations, Jimmy Kruger responded:
- To have our police running around like knights of the Middle Ages, heavily armoured with coats-of-mail and visors, and goodness knows what else – policemen in such garb pursuing fleet-footed little Bantu all over the veld – is something I can hardly imagine. Not only would it be ridiculous, it is also completely unnecessary. In any case, a police officer will hardly be able to handle his rifle if he is also wearing a heavy flak jacket and a face guard.*
- 43 During the 1980s, the riot policing function was expanded and separated from ‘normal’ police work, and resources were concentrated around what increasingly became a central police role. The first state of emergency was declared in 1985, and the National Security Management System (NSMS), established in 1979, fully activated in 1985/6. This provided a new context for riot control which was in line with the state’s highly militarised and co-ordinated approach to what was being described by the liberation movement as a ‘people’s war’.
- 44 Despite the expansion of its riot functions, the police had insufficient capacity to quell the rising levels of unrest. *Operation Palmiet* saw the deployment of SADF troops in a support capacity during the 1984 Vaal uprising. This deployment was later extended country-wide via *Operation Xenon*. However, it remained only a *support* capacity and the SAP retained primary responsibility for public order policing.

45 Figure 17 reflects a dramatic increase in the level of deaths attributed to the SAP in the 1984–86 period. As Figure 130 illustrates, killings by shooting form the overwhelming proportion of all deaths at the hands of the SAP. According to the Commission's database, the majority of such shootings occurred during the course of public order policing.



46 A signal message containing the minutes of a meeting held in Pretoria on 2 May 1985 by the Joint Security Staff's joint intelligence structure read as follows:

Recommendation: proposed action against ringleaders

- i. *The feeling of this GIS is that before a riot situation can be effectively defused, the ringleaders must be selectively eliminated*
- ii. *The idea around elimination is twofold:*
 - 1 *The physical gunning-down of leaders in riot situations who make themselves guilty of Annexure 1 offences.*
 - 2 *The removal of intimidators*

In the latter case specific thought is given to schools and labour situations. The feeling here is that when ringleaders are removed, they also need to be restricted physically, to such an extent that they are removed from circulation and kept away. [Commission translation.]

- 47 Security Forces also used 'ambush' tactics against civilian protesters in the Western and Eastern Cape. These, like the 'Trojan Horse shootings' in Cape Town, resulted in fatalities and injuries.
- 48 In this period of crisis, arguments for a new approach to the policing of gatherings began to emerge. The 'third force' model was first raised at the State Security Council (SSC) on 4 November 1985, when the Working Committee of the SSC, together with the Security Forces, was tasked to investigate "the possibility of a third force, parallel to the SADF and the SAP"⁴. It was envisaged that such a 'third force' would avoid the danger of politicising the police or the army; would allow the police to concentrate on their primary (crime-related) task; would allow the army to deal with civil war-type insurrection and insurgency in line with its traditional defence function, and would create a force with appropriate training and equipment for such work. The meeting noted that similar models existed in countries such as Germany, Italy and the USA.
- 49 A 'third force' working group was set up, chaired by Deputy Minister of Law and Order Adriaan Vlok. This group was involved in processing a number of proposals on the creation of a possible 'third force' including:
- a An SAP submission drawn up by Major General AJ Wandrag which proposed that special riot police should work in parallel with the SAP and SADF in combating unrest. The proposal did not support the establishment of a 'third force', but recommended instead that the counter-insurgency and unrest components of the SAP be expanded and re-organised under a centralised command structure.
 - b The South African Army report, prepared by Brigadier Ferreira, argued that a 'third force' "should be able to deal internally with all security aspects relating to a revolutionary onslaught and should therefore have the full capacity required" (Commission translation). This should include a unity of command; the full intelligence capacity to deal with national security; the full permanent and part-time operational capacity to deal with a domestic revolutionary onslaught and the full capacity to launch communication operations and psychological warfare. It was the army's view that, if a 'third force' was limited to dealing with unrest, it should be created as part of the SAP. If, however, it was intended to deal with the total revolutionary onslaught, it should resort under the SADF because of its greater and more sophisticated resources.

⁴ 'Third Force' here refers to a 'force' which is established between the military (the 1st force) and the police (the 2nd force). It does not carry the same meanings as the notion of a 'third force' which developed currency in South Africa in the 1990s which intends to imply the covert use of violence.

- 50 Both proposals drew on models of counter-insurgency and counter-revolutionary warfare, rather than less militarised conceptions of public order policing. The overall tendency was to see crowd control and anti-terrorist action through the same lens and as paramilitary functions.
- 51 On 11 and 13 March 1986, the working group appears to have agreed that, rather than establishing a separate 'third force', the existing capacity of the SAP's counter-insurgency and riot units would be expanded and re-organised. The group also recognised that whatever was decided in regard to this issue was not going to solve the problem of the '*stygende rewolusionêre bedreigingspiraal*' (escalating revolutionary threat spiral). It thus began to turn attention to the issue of creating a 'special capacity' to deal more broadly with the revolutionary onslaught. Overall co-ordination and monitoring were identified as particular gaps and there were a number of proposals: for a co-ordination centre or 'war-room'; for the upgrading of the interdepartmental Security Committee (GVS, the Afrikaans acronym for the Joint Security Staff), and for the full activation of Joint Management Centres (JMCs) country-wide.
- 52 At the SSC meeting of 12 May 1986, where the proposals were tabled, the minutes note that the chairperson (Mr PW Botha) said that the security forces must work together on the establishment of a 'third force'; that such a force must have a developed capacity to "effectively root out terrorists"; that it must be willing to be unpopular, even feared, and that the subversives must be dealt with using their own methods.
- 53 While many of the other proposals regarding co-ordination and monitoring were implemented, the 'third force' Botha wished for was not established. The minute of the SSC meeting of 8 May 1989 records that General de Witt reported that the "establishment of the municipal police and the extension of the SAP's unrest unit did away with the need for the creation of a 'third force' ".
- 54 In 1990, a similar proposal regarding the establishment of a 'third force' was raised but the proposal was again rejected by the security forces. An amended version of the idea was manifest in the creation of the Internal Stability Unit (ISU) in 1991 – a separate division of the police specifically tasked with public order functions, instead of a separate force outside of the police or army. The decision to create the ISU was announced in a 1991 speech by the then Minister Adriaan Vlok. He said that he expected the Unit to grow to a strength of 17 500 by

1997/98 – an indication that unrest was seen as a long-term feature of the South African policing landscape.

- 55 The ISU developed a reputation for abuses of power and the unaccountable behaviour of its members, which began to embarrass even senior police managers during the Peace Accord period. In a paradoxical twist of history, some township residents begin to call for troops, rather than the ISU, to patrol the townships.

The legal framework for crowd control

- 56 The regulatory framework before the introduction of the Internal Security Act (1982) was extensive, severely limiting the opportunity to exercise freedom of assembly. The Riotous Assemblies Act (1930) enabled a magistrate, with the authorisation of the Minister of Justice, to prohibit a public gathering if s/he was of the opinion that it represented a serious threat to public peace. The Minister of Justice had wide (and practically unchallengeable) discretion to prohibit a particular public gathering from taking place or a particular person from attending a particular gathering. Further sections of the Act enabled the Minister to impose blanket bans on gatherings in any public place for such period as he specified. Once prohibited, mere attendance at such a prohibited gathering was not an offence, but all actions relating to the organisation of a prohibited gathering were criminalised. The Suppression of Communism Act (1967 & 1972) gave the Minister of Justice absolute administrative powers to prohibit a particular gathering or to ban gatherings in any area and for any period specified.
- 57 In 1976, the Minister of Justice imposed a blanket ban on all outdoor gatherings without permission of the Minister or a magistrate, renewed annually until April 1991. The Internal Security Act (1982) gave magistrates the right to prohibit all gatherings in their district for a period of forty-eight hours if they believed that the gathering would endanger public peace. Alternatively, the magistrate could allow a gathering to take place, but impose conditions on how it took place. The Minister used the Act to re-issue annual government notices prohibiting all outdoor gatherings except *bona fide* sporting and religious activities. Mere attendance at such a gathering constituted a criminal offence.
- 58 The Demonstrations In or Near Court Buildings Prohibitions Act 71 of 1982 was introduced specifically to prevent protests during political trials and against the treatment of persons held under security legislation. Other 'technical' pieces of legislation such as the National Roads Act 54 of 1971, the Trespass Act and by-

laws introduced under the Black Local Authorities Act (1982) were used by state authorities to restrict protest, including the use of pickets during labour disputes. Various city councils passed by-laws requiring, in addition to magisterial permission, council permission (frequently requiring punitive warrants of indemnity) for marches and gatherings.

- 59 The Public Safety Act (1953) allowed the commissioner of police to declare 'unrest areas'. Such declarations, widely used during the 1980s, gave the Commissioner the power to ban gatherings.

Legal provisions for the use of force on crowds

- 60 Under the Riotous Assemblies Act (1956), police were allowed to disperse a gathering by force, provided that a police officer above the rank of head constable had given three warnings to the gathering that force would be used if they did not disperse. It also required that the force used should be proportionate to the need and that lethal force could be used only if other means had not proved successful or if death, serious injury or damage to valuable property had occurred or seemed likely.
- 61 The Internal Security Act (1982) authorised a police officer to order a crowd to disperse and to use force to compel obedience to this instruction. This authority applied equally to legal gatherings if violence occurred or appeared imminent. The dispersal command was supposed to contain a time period before force was used and stated that, where a valid instruction had been given and was disobeyed, the police officer "may order the police under his command to use proportionate force, including ... firearms and other legal weapons". Firearms and other lethal means "shall not ... be used to disperse a gathering", unless lesser means had proved ineffective and actual or imminent violence by the crowd to persons or property was likely.
- 62 The enforcement provisions of the Internal Security Act did not allow for means other than dispersal to deal with a prohibited gathering, ignoring the use of other international public order norms such as negotiation to encourage crowds to disperse. The experience during that period suggests that the police interpreted the provisions narrowly and did not feel that they had the legal authority to negotiate or adopt proactive approaches.

- 63 Public Safety Act (1953) provided indemnity against civil or criminal prosecution for members of security forces acting in good faith. In effect, the “regulations amount[ed] to a conferring of a broad discretion to kill or injure without legal consequences. The onus on the victim to show that a policeman acted in bad faith when he fired recklessly into a crowd, or failed to fire a warning shot, or neglected to use less drastic forms of ‘coercion’, is nearly insuperable”.⁵
- 64 Lethal force in the context of crowds and gatherings could be justified on two other legal grounds – the common law right to protect person or property and the right to use deadly force to effect an arrest under the Criminal Procedure Act (1977). Since the prohibitions on gatherings criminalised mere attendance, arrests at gatherings and the use of force in such situations were justified. Similarly, the use of force by the police often provoked the use of violence by members of the crowd, thus enabling the self-defence argument to apply.

The use of force on crowds and gatherings

- 65 The SAP used riot control to enforce the restrictions on public assembly and association that were enshrined in the legislation of apartheid. The training and equipment of riot police and the deployment ratios of these police relative to the size of the crowds that they confronted were based on the assumption that crowds would be controlled and dispersed through the use of force.
- 66 Most victims of harsh police action were black. The SAP was associated with efforts not only to suppress political resistance, but to enforce the racist organisation of South African society. Moreover, state-controlled media assisted in promoting the view that a crowd of black people equated a ‘mob’, and a mob of black people was by nature barbaric and likely to engage in violence.
- 67 Submissions to the Commission have shown that political and police authorities actively encouraged the use of harsh and punitive methods and many police officers felt obliged to use maximum force. When police were accused of overstepping their extremely wide legal boundaries, they defended and covered up their actions. In addition to the indemnity provisions prevailing during the states of emergency, police accused of using excessive force could rely on the full support of their superiors, the silence of their peers (who would often be used as witnesses) and the indulgence of security-conscious judicial officers. Press restrictions ensured the absence of the media during dispersal and unrest situations, further shielding police actions from public censure.

⁵ N Haysom, ‘License to Kill, Part 1: The SAP and the use of deadly force’, SAJHR 1989, p. 6.

ON THE BASIS OF THE ABOVE AND THE MANY HUNDREDS OF STATEMENTS FROM VICTIMS OF PUBLIC ORDER POLICING, THE COMMISSION FINDS THAT, IN RESPECT OF PUBLIC ORDER POLICING, THE SAP, SPECIFICALLY ITS CROWD-CONTROL DIVISIONS (THE RIOT AND INTERNAL STABILITY UNITS), DISPLAYED A GROSS DISREGARD FOR THE LIVES AND/OR PHYSICAL WELL-BEING OF BOTH THOSE ENGAGED IN POLITICAL ACTIVITY AS WELL AS THE GENERAL PUBLIC. THIS WAS MANIFESTED IN A TENDENCY, OFTEN THE RESULT OF HIGH-LEVEL POLITICAL PRESSURE, TO RESORT TO THE USE OF DEADLY FORCE IN SITUATIONS WHERE LESSER MEASURES WOULD HAVE SUFFICED FOR THE RESTORATION OR MAINTENANCE OF PUBLIC ORDER. THE CONSEQUENCE WAS THE NEEDLESS DEATHS OF AND INJURIES TO COUNTLESS CIVILIANS. THESE DEATHS AND INJURIES CONSTITUTED A SYSTEMATIC PATTERN OF ABUSE, AND WERE GROSS VIOLATIONS OF HUMAN RIGHTS.

THE COMMISSION FINDS THAT THIS USE OF DEADLY FORCE WAS THE PRODUCT OF THE RACISM AT THE CORE OF THE SOUTH AFRICAN POLITICAL ORDER IN THE MANDATE ERA, AIDED AND ABETTED BY INAPPROPRIATE TRAINING, POOR AND INAPPROPRIATE RESOURCING AND A WIDE-SPREAD LACK OF ACCOUNTABILITY ON THE PART OF THE SECURITY FORCES FOR ACTIONS DIRECTED AT BLACK SOUTH AFRICANS.

THE COMMISSION FINDS THE FOLLOWING TO BE DIRECTLY ACCOUNTABLE FOR THE GROSS VIOLATIONS OF HUMAN RIGHTS COMMITTED IN THE COURSE OF PUBLIC ORDER POLICING: MINISTERS OF POLICE/LAW AND ORDER; COMMISSIONERS OF POLICE; THE COMMANDING OFFICERS OF RIOT/INTERNAL STABILITY UNITS. FURTHER, THE COMMISSION FINDS THE CABINET DIRECTLY RESPONSIBLE FOR THE EXCESSIVE USE OF FORCE DURING THE 1976 UNREST AND INDIRECTLY RESPONSIBLE DURING OTHER PERIODS OF SOCIAL UPHEAVAL.

Auxiliary forces

- 68 The collapse of Black Local Authorities (BLAs) and the climate of 'ungovernability' from 1985 saw an expansion of police capacity, demonstrated by the introduction of auxiliary forces, municipal police and special constables into black townships – a cheap way of bolstering the presence of the security forces and defending the BLAs. In line with the adopted strategies of contra-mobilisation, these forces were recruited from the communities they would return to police.
- 69 Special constables were created according to the Malaysian model of counter-revolutionary warfare, popularised by American counter-insurgency theorist James McCuen. They drew too from the Rhodesian experience. A paper by Major General FMA Steenkamp from SAP headquarters points to the successful deployment of local militias in Rhodesia to regain and protect the *status quo*.

An effective physical counter to the tyranny of the 'comrades' should be established from the ranks of the blacks themselves ... the necessity for and value of such an auxiliary service is apparent from research done into the role played by the 'Security Forces Auxiliaries' in Rhodesia and the battle against the revolutionary war over there. [Commission translation.]

- 70 Former SAP captain Brian Mitchell [AM2586/96] told the Commission that the function of special constables was to win back areas and towns lost to the ANC/UDF and to act as “a physical wedge against the ‘tyranny of the comrades’”.
- 71 Special constables, also known colloquially as ‘*kitskonstabels*’ (instant police), ‘blue lines’, or ‘*bloupakke*’, were recruited from urban and rural areas, and were usually unemployed African men with few educational qualifications. Many were illiterate and some had criminal convictions. Training for special constables commenced in September 1986 at the SAP’s Koeberg facility outside Cape Town. Initially only six weeks, the training course was later increased to three months. The training was perfunctory and involved only one seven-hour course in *onlusdril* (riot drill). The Commission received evidence from former special constables that the training, given by senior Security Branch officers, presented the ANC/UDF as the enemy to be suppressed.
- 72 Although trained for three months and thereafter paid by the SAP, municipal police (known as ‘greenflies’, ‘greenbeans’ or ‘*amaTshaka*’) were attached to the BLAs, initially falling under the Department of Constitutional Development. In 1989 they were incorporated into the SAP.
- 73 It is estimated that, by the end of the 1980s, approximately 8 000 special constables and 14 000 municipal police had been recruited, trained and deployed in urban and rural towns across the country where unrest was strongest.⁶ Special constables were usually attached to local riot squads. Their powers were largely the same as ordinary SAP and included the state of emergency powers granted to all security forces. They were, however, at the very bottom of the police hierarchy. Wages and working conditions were poor and there were several strikes and desertions from the ranks.
- 74 Special constables and municipal policemen rapidly became associated with numerous violations both on and off duty, and were the subject of several interdicts. It was reported to Parliament in April 1988 that, since August 1987, 349 municipal police had been charged with crimes including murder, robbery, assault, theft, and rape.
- 75 A former member of the Pietermaritzburg Riot Unit told the Commission that “the special constables was one of the biggest mistakes the police ever made”. Two former police officers told the Commission that:

6 ‘The Apparatus of State-Orchestrated Violence in Apartheid South Africa’ Report prepared by the Civilian Support Component, Investigation Task Unit, February 1997.

The special constables were the biggest nonsense introduced by the state. They caused even more problems. They shot people unnecessarily. They were drunk on duty and rude most of the time. The problem was that they did not receive enough training ... They were wild. The problem was that they were uneducated, but given guns and a high position. (Commission interviews, Oudtshoorn.)

- 76 The types of gross human rights violations attributed to the special constables and municipal policemen include *sjambokkings*, beatings with gun butts, general assault, injury by shooting, killing by shooting, torture in custody, sexual assault and harassment, and theft. High levels of excessive and inappropriate use of violence, often arising out of drunken behaviour, ill-discipline and personal vendettas, were reported. They retained the use of shotguns even off-duty.
- 77 Special constables were also the target of attack by both civilian internal opposition groups and the armed forces of the liberation movements. Several killings or attacks on special constables and municipal policemen from late 1986 to 1989 are reported in secondary sources. Few statements were received by the Commission in this regard.

Special constables in the western Cape

- 78 Special constables were deployed in the African townships of Cape Town from October 1986. Most were recruited from the pro-government '*witdoeke*' camps of Crossroads and Khayelitsha. A group of about ninety special constables, based at the Nyanga police station, were sent out on foot patrols, armed with shotguns.
- 79 In December 1986, the Black City squatter camp was twice raided, after which numbers of residents were arrested and severely assaulted. In June 1987, the UDF-affiliated Cape Youth Congress (CAYCO) applied for and was granted an urgent Supreme Court interdict after *affidavits* alleged torture, harassment, intimidation, assault, theft and sexual abuse committed by special constables. Indoor CAYCO meetings in KTC had been violently broken up and those arrested were brutally assaulted and tortured at the Nyanga police station.
- 80 Special constables were co-opted into the political and physical defence of the leadership of the pro-government squatter camps run by *witdoeke*, Mr Johnson Ngxobongwana and Mr Mali Hoza in Crossroads and Khayelitsha respectively.

Hoza had two special constables deployed as '*Hoza wagte*' (Hoza's guards) for his personal use in 1989. 1987 JMC minutes record the deployment of several special constables as 'guards' for Ngxobongwana.

- 81 In rural areas, incidents of violence became common following the deployment of groups of between ten and twenty special constables or municipal police from early 1987.
- 82 In Beaufort West Mr Sidney Yabo [CT00358/BEA] was shot and blinded in June and Mr Jan Molowitz [CT00361/BEA] was shot and injured in July 1987. On 3 December 1988 Mr Thabo Abraham Metsing [CT00360/BEA] was shot and seriously injured by an allegedly drunk special constable who was then himself killed. On 1 January 1988 two residents, including thirteen-year-old Jerry Msindisi Ndishi [CT00565/BEA], were shot dead returning from a New Year's church service.
- 83 In De Aar, Mr Andile Tantsi and Mr Sizakele Mbekhushe [CT00555/KAR] were shot dead by special constables in 1989. No charges followed these deaths. Instead, those present at the killing of Mbekhushe were themselves charged with public violence and attempted murder. In Noupoot Mr Thembekile Mgweba [CT01500/KAR] and one other were shot dead on 14 December 1986. Mr Zenzile Dyantyi [CT01523/KAR] was shot and then assaulted in September 1987.
- 84 At the Commission's public hearings in Upington, municipal policeman Nicholas Makandile 'Oupa' Links voluntarily testified to killing Mr Elliot Mbulelo Jonga [CT01417/UPI] on 31 December 1985. He applied for amnesty for the killing [AM5923/97], expressing deep sorrow and regret and stating that his SAP colleagues had congratulated him on his first killing.
- 85 Several interdicts against special constables were applied for by and granted to individuals, organisations and whole communities, including CAYCO in KTC, Cape Town, six residents of Aberdeen, and the Midlands Council of Churches in Hofmeyr. Upington residents obtained an interdict against the municipal police.
- 86 After widespread violations by sixteen special constables in Oudtshoorn, the Bongoletu Civic Association (BHOCA) applied for a Supreme Court interdict in July 1987 preventing the special constables from assaulting residents. The application detailed assaults, harassment, abuse of power, drunken behaviour and personal vendettas on residents. Despite a police undertaking to desist from such abuses, violence continued and included the shooting of Ms Lindiwe Phillips [CT05701/GEO] and journalist Patrick Nyuka.

87 On 16 January 1988 a special constable, with other SAP members, killed Mr Soyisile Douse [CT00328/GEO], Mr Selwyn Botha [CT05601/GEO] and Mr Johnny Karelse [CT00351/GEO] in an alleged 'shooting spree' after a special constable had been stabbed to death in a shebeen. Their funerals were then restricted. An urgent second interdict restraining the special constables was granted thereafter.

Special constables in KwaZulu/Natal

88 From 1988, special constables were used to bolster Inkatha in areas around Pietermaritzburg and the Natal Midlands. They were also used to attack UDF supporters. In January 1988, 300 Inkatha supporters were sent for special constable training at Koeberg.⁷ The group included 130 of those who had been given military training in the Caprivi through the SADF's *Operation Marion* and was associated with unlawful acts, perpetrated either alone or in concert with the Riot Unit and Inkatha supporters. Examples are to be found in the Trust Feed killings in 1988 and the Seven Day War in 1990 (see Volume Three).

89 The recruitment and deployment of special constables in the KwaZulu/Natal area provided an overt armed capacity for Inkatha, as opposed to the covert capacity provided by *Operation Marion*. The Commission obtained evidence that Inkatha membership became a criterion for recruitment. Former police constable William Harrington of the Riot Unit said that all applications by people to work as special constables had to be counter-signed by an Inkatha chief (*sic*) and by another Inkatha person.

90 Special constables in several areas appear to have been recruited into hit squads. For example, in the post-1990 period, both former and serving special constables were implicated in widespread anonymous 'balaclava' killings and attacks in the western Cape, at the behest of town councillors.

THE COMMISSION FINDS THAT SPECIAL CONSTABLES CONSTITUTED A PARTICULARLY POORLY TRAINED AND ILL-DISCIPLINED SECTOR OF THE SECURITY FORCES. THEIR DEPLOYMENT WAS SOON FOLLOWED BY KILLINGS, SEVERE ILL TREATMENT AND TORTURE, AS WELL AS CRIMINAL ACTS. THEIR COMMANDING OFFICERS IN THE POLICE TOOK NO VISIBLE STEPS TO CONTROL THEIR ACTIONS IN ANY MEANINGFUL WAY, DESPITE PUBLIC ALLEGATIONS AND COURT INTERDICTS CONCERNING THEIR BEHAVIOUR. THE COMMISSION FURTHER HAS EVIDENCE THAT IN CERTAIN AREAS OF THE COUNTRY THE RIOT UNITS ACTED IN CONCERT WITH SPECIAL CONSTABLES IN THE PERPETRATION OF GROSS HUMAN RIGHTS VIOLATIONS.

⁷ Law and Order Minister Adriaan Vlok's press secretary explained that "police were not allowed to take part in any extremist organisations like the UDF or the AWB, but could be part of an organisation like Inkatha". Quoted in Brian Mitchell's amnesty application.

THE COMMISSION FINDS THAT SPECIAL CONSTABLES AND MUNICIPAL POLICE SERVED TO PROVIDE AN ARMED CAPACITY TO THOSE PRO-GOVERNMENT INDIVIDUALS OR GROUPINGS THAT THE STATE SOUGHT TO DEFEND AND PROMOTE, PARTICULARLY INKATHA.

THE COMMISSION FINDS THAT SPECIAL CONSTABLES AND MUNICIPAL POLICE WERE A PARTICULARLY VULNERABLE SECTOR OF THE SECURITY FORCES AND WERE THEMSELVES THE TARGETS OF VIOLENCE, RESULTING IN INJURIES, DEATHS AND THE DESTRUCTION OF PROPERTY. WHEN THIS OCCURRED, AND THEIR OWN RIGHTS WERE VIOLATED, THEY DID NOT BENEFIT FROM THE SAME DEGREE OF PROTECTION AND INSURANCE AS THE REGULAR MEMBERS OF THE SAP.

THE COMMISSION FINDS THAT THE SPECIAL CONSTABLES COMMITTED GROSS HUMAN RIGHTS VIOLATIONS ON A WIDE SCALE, INCLUDING KILLING, ATTEMPTED KILLING, TORTURE, ARSON AND SEVERE ILL TREATMENT, AND THAT THESE VIOLATIONS WERE PART OF A SYSTEMATIC PATTERN OF ABUSE FOR WHICH THE FORMER GOVERNMENT AND IN PARTICULAR THE MINISTER OF LAW AND ORDER AND THE COMMISSIONER OF POLICE, ARE ACCOUNTABLE.

■ TORTURE AND DEATH IN CUSTODY

- 91 The period 1960 to 1994 saw the systematic and extensive use of detention without trial in South Africa. Such detention was frequently conducive to the commission of gross abuses of human rights. The Human Rights Committee estimated the number of detentions between 1960 and 1990 at approximately 80 000, of which about 10 000 were women and 15 000 children and youths under the age of 18. Detention without trial represented the first line of defence of the security forces. It was only when this strategy began to fail that the killing of political opponents increased.
- 92 Allegations of torture of detainees form a large percentage of all violations reported to the Commission. Most people who told the Commission they had been detained said also that they had been subjected to some form of assault or torture associated with detention.
- 93 Evidence before the Commission shows that torture was used systematically by the Security Branch, both as a means of obtaining information and of terrorising detainees and activists. Torture was not confined to particular police stations, particular regions or particular individual police officers – although certain individuals' names came up repeatedly. Torture was used by the security police and by other elements of the security forces, including the Reaction Unit, the Municipal Police, the CID and, to some extent, by the military intelligence unit of the SADF.
- 94 Many former detainees who experienced torture did not come forward to make statements to the Commission. At least one of the reasons for this was the

deep shame and humiliation often associated with the experience of torture, something the security police understood well and exploited. Describing how he *sjambokked* (whipped) Mr Mkhuseli Jack [EC0006/96PLZ], former Security Branch member Gideon Nieuwoudt [AM3920/96] said during his amnesty hearing that torture “was one way to diminish his resistance and it also would have been very bad for him, because I was treating him like a child. I was giving him a hiding.”

95 The more severe the torture, the more vulnerable the detainee and the greater the silence. Extreme torture such as electric shocks or suffocation frequently resulted in loss of bladder or bowel control that detainees found painfully degrading. Some individuals gave in under pressure of torture and gave evidence against their former comrades. Often such detainees remained silent because of feelings of intense guilt.

96 Ms Zubeida Jaffer [CT00776/HEL] described her guilt and shame after she revealed a single piece of information:

They said “Zubeida, if you don’t co-operate with us and give us the answers, then we are going to detain your father”. I thought that they were just trying to trick me again, but they called me to the phone and it was my father on the phone. They had detained him in Cape Town. And so after they put the phone down, I signed the statement and I told them the name of the journalist who had done the story.

It completely humiliated me. It completely made me feel like I was worthless, that I had gone against everything that I stood for, that I believed in, and that I’d been too weak to withstand the pressure of this. I was never able to overcome it for many, many years.

97 Similarly, Ms Zahrah Narkedien [JB04418/99OVE] (formerly Greta Apelgren), detained in connection with the Magoo’s Bar bomb, testified:

They tortured me for those seven days and the only thing that really made me break in the end was when they threatened to ... kidnap my four-year-old nephew, Christopher, bring him to the 13th floor and drop him out the window ... I felt I could risk my life and I could let my body just be handed over to these men to do what they liked, but I couldn’t hand over someone else’s body so at that point I co-operated.

98 Even where detainees did not give information, the mere fact of having broken down and screamed or pleaded for mercy left many unable to speak of their

experiences. Mr Lalloo Chiba [JB00667/01GTSOW], who withstood two bouts of interrogation without answering questions, described his feelings thus:

I had screamed out in pain. I had pleaded for mercy from ... a people's enemy ... I had given them the pleasure of listening to my screams and it is something that haunts me up till today.

- 99 The 'silence of vulnerability' was the greater when sexual forms of torture were used. The Commission is aware of individual deponents who made statements about other forms of torture but were unable to discuss their experience of sexual torture.
- 100 Moreover, the example held up by individual activists and in organisations that a 'good comrade' never broke exacerbated the sense of shame and vulnerability of those who had agreed to give the information their interrogators were seeking. The experience of custody, detention and interrogation, involving torture or not, was a threatening one. Different detainees responded in different ways.
- 101 The Commission believes that the harsh judgments meted out to those who may have given information in the past is inhumane and recommends that those who have been cruelly cut off by failing to meet up to such exacting standards be reintegrated into society.

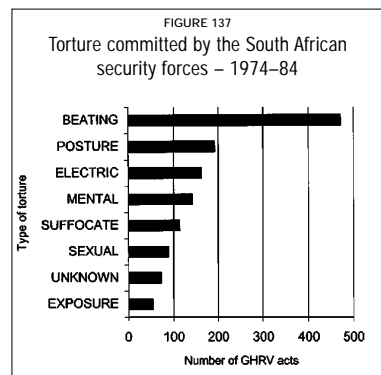
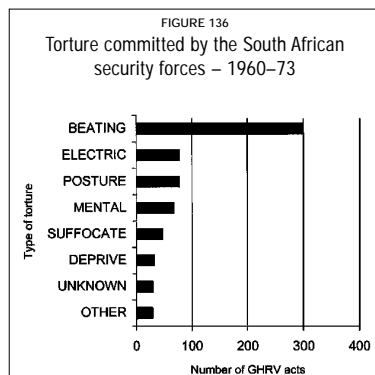
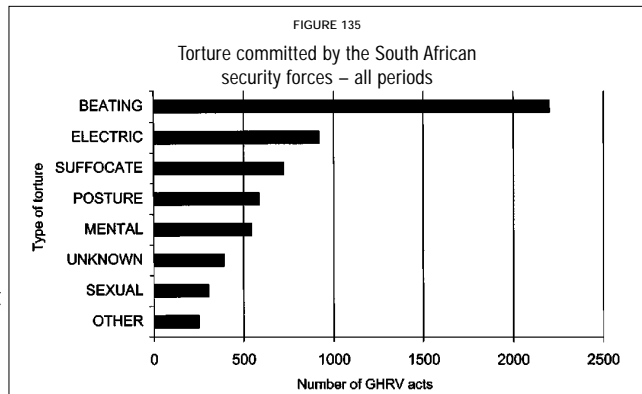
Methods of torture

- 102 The Commission accepted the following internationally accepted definition of torture:

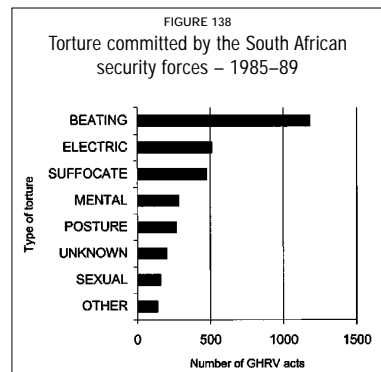
The intentional infliction of severe pain and suffering, whether physical or mental, on a person for the purpose of (1) obtaining from that or another person information or a confession, or (2) punishing him for an act that he or a third person committed or is suspected of having committed, or (3) intimidating him or a third person, or (4) for any reason based on discrimination of any kind. Pain or suffering that arises only from, inherent in, or incidental to, a lawful sanction does not qualify as torture.⁸

⁸ Article 1(1), Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

103 The cases of torture presented to the Commission included a wide range of physical and psychological types. The following graphs indicate the extent to which different techniques of torture were used:



104 Beating was the most commonly used form of torture. The Commission did not distinguish between beating detainees as a form of torture and what appears to have been a routine practice of beating and assault at the point of arrest. The latter was used to instil terror and to 'soften people up' before questioning and appears to have been widely and routinely used. This section, however, concentrates mainly on the use of torture to extract information or as a means of recruitment of informers.



105 A range of other techniques were regularly used. Suffocation as a form of torture increased significantly from 1975 to the end of the Commission's mandate period, when it became the third most common form of torture.

106 Mr Rajeegopal Vandeyar [JB00809/01GTSOW] told the Commission of the torture he experienced while in the custody of the police:

There were a number of policemen, some in uniform, some not, most visibly armed ... They began assaulting me, kicking and punching me, hitting me with gun butts. The policemen were all involved in some way or another as I was beaten from 'pillar to post'. At regular intervals I lost consciousness. They threw water on me to revive me. They kept asking me in derogatory terms – ie calling me "Coolie" ... Lieutenant van Wyk and Rooi Rus Swanepoel were particularly [vicious] ... A certain Major Brits was also present throughout, but did not lay a finger on me. He was in charge of the investigation.

- 107 Mr Ndovela Nxasana [EC0578/96ETK] was arrested in 1960 and kept at the Mkhambathi forest detention camp during the Pondoland uprising. He was one of the first people in the mandate period to describe electric shock torture. Mr Abdulhay Jassat [JB00184/01GTSOW] was also subjected to electric shocks while in police custody:

A hessian bag was put over my head and ... it was tied at my knees ... They then lay me on the floor ... they started ... untying my shoes, shoelaces and removing my socks and I could feel them fiddling around with my big toes. Then I was told I had better start talking otherwise they were going to give me electric shock treatment ... They would torture for about ... thirty seconds to a minute. Then they would stop, ask you a question, when you refused to answer they would say we are increasing it ... They went on until eventually they went up to 220 or 225 volts. Then they untied the electrodes from my toes and they lifted me up, removed the hessian bag and told me to stand on the floor without touching anything. I wasn't able to stand. My body was completely stiff so I tried to lean against the table, and when I did that they came with a ruler or some instrument and just rapped me on my knuckles ...

- 108 Former member of the Durban Riot Unit Sergeant Frank Bennetts [AM4059/96] described the technique from the torturer's side during a section 29 hearing:

I did make use of a shocking device ... They were available from anyone at Telkom. I can go fetch you one now ... It was an old crank telephone ... and you'd take two wires – well, the best one was just two keys, I presume, was the best way to do it. Just a normal key with a hole in the top. Tie a key on to each wire. The guy's got a hood over his head. Dangle them so that they touch the palms of his hands. When the first shock goes through his hands close and he can't open them again. While you keep turning the handle, he can't let go of it.

109 Forced postures or body positions were also used as a form of torture, sometimes involving the participation of the victim, thus inflicting psychological as well as physical stress. Examples included forcing the detainee to stand on a piece of foolscap piece of paper for hours, sometimes days, on end; forcing the detainee to balance on a brick or two bricks or to sit in an imaginary chair for hours on end; forcing the detainee to hold an object above her/his head. Other techniques were imposed by force. These included the 'helicopter' technique which involved manacled detainees' hands above their heads or hanging them upside down for lengthy periods.

110 Mr Archibald Patuleni [EC2636/97KWT], detained in March 1963, experienced the imaginary chair torture:

I knew Charles Sebe because he was a Special Branch ... He told me that I would sit in a government chair, so I must not break it ... It meant to put yourself in suspension as if you're sitting on a chair. When I became tired, I fell. He started punching me ... He then handcuffed me from behind. I praised him, calling him 'Tshawe', begging him to stop. He gave me a good punch on my face.

111 Frank Bennetts described, again from the torturer's side, the method referred to as 'the helicopter', 'boeing' or 'aeroplane':

They would handcuff his feet together round the ankles and handcuff his hands behind his back and then place him on his stomach with his feet in the air and put a broom stick or quite a strong plank of wood between his ankles and then through his legs coming out the top here and pick him up and hang him between two desks like that. The result was similar to crucifixion. It pulled all your muscles. It closed up your chest. You couldn't breathe. Leave the guy there long enough, he's going to talk.

112 Former Security Branch member Jeffrey Benzien [AM5314/97] described and demonstrated one form of suffocation during his amnesty application:

... it would be a cloth bag that would be submerged in water to get it completely wet ... I get the person to lie down on the ground on his stomach ... with that person's hands handcuffed behind his back. Then I would take up a position in the small of the person's back, put my feet through between his arms to maintain my balance and then pull the bag over the person's head and twist it closed around the neck in that way, cutting off the air supply to the person ... On occasions people have, I presume, and I say presume,

lost consciousness. They would go slack and every time that was done, I would release the bag.

113 Asked what the reactions of the person being suffocated were, Benzien replied:

There would be movement, there would be head movement, distress. All the time there would be questions asked – “Do you want to speak?” ... and as soon as an indication was given that this person wanted to speak, the air would be allowed back ... the person would moan, cry ...

114 Benzien claimed that, with few exceptions, this method yielded results within half an hour.

115 Cases of sexual torture included forcing detainees (both male and female) to undress; the deliberate targeting of genitals or breasts during torture; the threat of and, in some instances, actual rape of detainees (male and female); the insertion of objects such as batons or pistols into bodily orifices and placing detainees overnight in cells with common-law prisoners known to rape newcomers. Ms Ntombizanele Zingxondo [CT00860/BEA] testified:

They unbuttoned my shirt, and pulled my breast out of my bra. They emptied one drawer and my breast was squeezed in the drawer. They did this several times on each breast until white sticky stuff burst out of the nipples of my breast.

One evening while I was sleeping, a white policeman was opening the doors ... he was alone. He pulled the blankets off me – ordered me to take off my clothes. I refused and we struggled ... I kept on yelling ... The policeman let go, then ... left.

116 Fourteen-year-old Patrick Mzathi [CT06108/GEO] experienced the male version of the drawer method: “They put my penis and my testicles into a drawer, it was the first time I experienced a pain of my private parts. I went unconscious.”

117 Aside from sexual forms of torture, security police frequently targeted women in ways related to their gender or as mothers (see also the chapter on *Women* in Volume Four). Ms Nobuhle Mohapi [EC0007/96PLZ] told the Commission:

The first month of my detention, I didn't get a drop of water to wash myself. I was unable to change and I was in my menstrual cycle ... I requested water so that I can bathe and wash myself, but nobody wanted to help me

... I stayed six months in solitary confinement ... and they would come and report some of the things that are happening at home. They even came and told me that my youngest child is dead. They promised to release me so that I can attend the funeral ... [if] I should sign this paper.

118 Ms Shirley Gunn [CT00792/HEL] was detained at the Wynberg police station in Cape Town along with her sixteen-month-old unweaned son. The hygienic conditions were inadequate and the cell was drafty and cold. Social workers took her son away for a period of eight days. During this time police played a tape of his crying in order to put pressure on her.

119 The Commission received numerous statements detailing the effects of solitary confinement on detainees. Ms Zahrah Narkedien [JB04418/99OVE] describes the experience of being held in isolation in a cell the size of a small bathroom for seven months:

I don't even want to describe psychologically what I had to do to survive down there. I will write it one day but I could never tell you. It did teach me something and that is that no human being can live alone for more than I think a month ... The basement ... was ... at the bottom with high walls. I felt as the months went by that I was going deeper and deeper into the ground ... I became so psychologically damaged that I used to feel that all these cells are all like coffins and there were all dead people in there, because they were not there, no one was there. It was as if I was alive and all these people were dead ...

I'm out of prison now for more than seven or ten years but I haven't recovered and I will never recover ... I have tried to and the more I struggle to be normal, the more disturbed I become. I had to accept that I was damaged, a part of my soul was eaten away as if by maggots ... and I will never get it back again.

The use of torture in the arrest and interrogation of detainees

120 The security legislation providing for detention during the mandate period was as follows:

- a Detention for interrogation: section 21 of General Laws Amendment Act (1963); section 6 of Terrorism Act (1967); and section 29 of Internal Security Act (1982).
- b Preventative detention: section 10 of Internal Security Act (1950); section 28 of Internal Security Act (1982).

- c Short-term detention: section 22 of General Law Amendment Act (1966); section 50 of Internal Security Act (1982).
 - d Detention of state witnesses: section 12 of the Suppression of Communism Act (1950); Criminal Procedures Act (1965); section 31 of Internal Security Act (1982).
 - e State of emergency detention: Public Safety Act (1953); Proclamation R121 (1985).
- 121 Torture of political detainees was reported from the early 1960s. That torture of political detainees was a relatively new phenomenon during that period is evident from the following statement by Mr Joe Slovo:

However firm the old type of policemen were ... they were not torturers ... In a sense, up to about 1960/1, the underground struggle was fought on a gentlemanly terrain. There was still a rule of law. You had a fair trial in their courts. Nobody could be kept in isolation. Up to 1963, I know of no incident of any political prisoner being tortured.⁹

- 122 It was widely believed by many political activists of the time that, in the early 1960s, a special squad of security policemen received special training in torture techniques in France and Algeria and that this accounted for a sudden and dramatic increase in torture. The Commission established that the following officers received training in France at some point during the first half of the 1960s: Hendrik van den Bergh (then head of the Security Branch), TJ 'Rooi Rus' Swanepoel, DK Genis, Lieutenant Daantjie 'Kardoesbroek' Rossouw, G Klindt, a Major Brits (from the Railway Police), a Lieutenant van der Merwe and one Coetzee.
- 123 However, the Commission found considerable evidence of the occurrence of torture in the years prior to 1963. While torture does not appear to have been used on urban-based, ANC political detainees until 1963, the Commission received information about the extensive use of *all* forms torture on rural insurgents involved in the Pondoland revolt in 1960 and against members and supporters of the *Poqo* movement of the PAC. Further, it is clear that such methods were widely used in criminal investigations before the 1960s.
- 124 It is more likely, therefore, that the French training promoted the development of other non-physical third degree methods. Indeed, in 1964, there was a marked shift to an approach in which teams working in relays used sleep deprivation

⁹ Quoted in Thomas G Karis and Gail M Gerhardt, *From Protest to Challenge: A Documentary History of African Politics in SA, 1882–1990. Volume 5 – Nadir and Resurgence, 1964–1969*, p.25 or 26.

and non-physical means such as standing on one spot or the 'hard/soft cop' routine. It is probable that the techniques apparent in the 1964 period were the fruit of the French exercise.

- 125 The Commission received confirmation that a number of officers received further training in interrogation and counter-interrogation techniques in France in about 1968. Officers known to have attended this course include: TJ 'Rooi Rus' Swanepoel, Major JJ 'Blackie' de Swardt, Hans Gloy, Roelf van Rensberg and Dries Verwey.
- 126 It is further believed that, in the early 1980s, joint co-operation agreements between South Africa, Argentina, Chile and Taiwan led to further training opportunities and an exchange of ideas and experience. Close links with Argentina existed even before this. For example, Alfredo Astiz, a notorious torturer, was one of four torture experts attached to the Argentinian Embassy in Pretoria in 1979. During his stay, there were several seminars at which South African security police and the Argentines exchanged ideas regarding methods of interrogation.
- 127 It is also known that Military Intelligence (MI) operatives received training in interrogation techniques in Italy. According to one MI operative, such training tended to focus on non-aggressive methods of interrogation as the use of torture was seen to result in false confessions or information.
- 128 Finally, the training grounds *par excellence* were Rhodesia and South West Africa where South African police developed hands-on experience in fighting a counter-insurgency war.
- 129 Following the general failure of the Security Branch to conclude investigations in sabotage cases in the early 1960s, a tougher approach was adopted and a group of police was drawn in from outside the ranks of the Security Branch to constitute a special 'sabotage squad'. This was part of a more extensive restructuring of legal provisions relating to detentions and police structures introduced by the new Minister of Justice, Police and Prisons, Mr BJ Vorster, his new commissioner of police, Lieutenant General Keevy and new head of the Security Branch, Colonel Hendrik van den Bergh. An SAP *Commemorative Album* records that:

Col van den Bergh decided that the Security Branch should be reorganised to enable it to deal more efficiently with subversive elements in the Republic. The Minister of Justice, who was fully aware of the threat against the Republic,

*agreed with Col van den Bergh and undertook to supply the Security Branch with the necessary arms to ward off the onslaught.*¹⁰

- 130 The 'sabotage squad' was one of these "necessary arms". Officers associated with this squad include: Major TJ 'Rooi Rus' Swanepoel, Major George Klindt, a Major Coetzee, Major Britz, Lieutenant DK Genis, 'Kardoesbroek' Rossouw and a Captain or Major JJ van der Merwe. Others who appeared to form part of this team, or who worked closely with them, include Warrant Officer 'Spyker' van Wyk, Captain JJ Viktor, Lieutenant Petrus Ferreira, Lieutenant Erasmus, Lieutenant and/or Captain van Rensberg and Sergeant Greeff. Their approach contrasted sharply with the 'gentlemanly approach' of earlier Security Branch men.
- 131 Arrests of people linked to sabotage campaigns increased markedly in 1963 and the Commission received reports of torture in respect of nearly every detainee interrogated by members of this team. Reports exposed the widespread use of beating, electric shock and terror tactics (see below).
- 132 The first allegations of torture of political detainees arose during the state of emergency declared on 24 March 1960. According to the Minister of Justice, ninety-eight whites, thirty-six coloureds, ninety Indians and 11 279 Africans were detained under the Public Safety Act of 1953. From statements received by the Commission, it appears as though detainees were routinely subjected to beating and other forms of assault. Several Pondoland detainees reported the use of electric shock and torture involving forced posture.
- 133 A second wave of torture allegations came from Poqo members detained under the General Laws Amendment Act of 1961. The main form of torture remained beatings and general assault, although again instances of electric shock and forced posture were reported.
- 134 With the introduction of the ninety-day detention clause provided for by the General Laws Amendment Act of 1963 that torture became far more prevalent. Section 17 authorised any commissioned officer to detain without a warrant any person suspected of political activities and to hold them in solitary confinement, without access to a lawyer, for ninety days. In practice, people were often released after ninety days only to be re-detained on the same day for a further ninety-day period. The Minister of Justice said the intention was to detain uncooperative persons "until this side of eternity"¹¹. Ms Helen Suzman was the only Member of Parliament to vote against the amendment.

¹⁰ Marius de Witt Dippenaar, *SAP Commemorative Album*, p. 308.

¹¹ *SAP Commemorative Album*, p. 12.

135 The ninety-day law came into effect on 1 May 1963 and the first detentions took place eight days later. Between 1 May 1963 and 10 January 1965, when it was withdrawn and replaced with a 180-day detention law, it was used to detain 1 095 people, of whom 575 were charged and 272 convicted.

136 In the course of these detentions, torture went far beyond a routine level of physical assault; carefully honed techniques were put to use, designed primarily to extract information. By the end of January 1964, Minister Vorster conceded in Parliament that forty-nine complaints had been received concerning ill treatment and torture, including twenty-eight allegations of assault and twenty of electric shock. He reported that thirty-two had been investigated and found to be of no substance. Nevertheless, accounts of torture from this period – across region, rank and organisation – bear a remarkable consistency.

137 Mr Laloo Chiba [JB00667/016GTSOW] told the Commission about what appears from other statements to have been a routine experience:

There were about five or six people who were actually present in the room. They started assaulting me, punched me, kicked me and in the process my face was badly bruised. My left eardrum had been punctured. They wanted to know who my contact was in MK ... I pleaded ignorance ... The assault must have lasted half an hour or so. It is very, very difficult for me to assess the passage of time in these circumstances. But what was to follow was far more serious ...

138 Chiba, covered with a wet hessian sack, was then subjected to electric shock treatment:

Every time I resisted answering the questions, they turned on the dynamo and of course, violent electric shocks started passing through my body ... After the electric torture was over, I was unable to walk, I collapsed. They then carried me out.

139 Mr Rajeegopal Vandeyar [JB00809/01GTSOW] described Chiba's condition following this session:

His face was swollen severely. His eyes appeared to be coming out of their sockets. He was walking with great difficulty and was supported by a policeman. His legs were rigid. His knees did not bend. His hands were almost like he had severe arthritis. He looked like a Frankenstein monster.

- 140 Other methods of torture used included being dangled from the window, a range of psychological threats and, particularly from 1964, a combination of solitary confinement, sleep deprivation and forced standing, often for days on end.
- 141 Laloo Chiba, detained again in July 1964, gives his account of this new method:
- I was assured that, unlike the previous time, they won't even lay a finger on me. What they did was, they took a foolscap sheet of paper, A4 size, they put it on the floor and they asked me to stand on that. They said that I was not allowed to move off from that sheet of paper ... I stood there from about nine o'clock on Monday morning until Wednesday early in the evening, late in the afternoon. That was a period of approximately fifty-eight to sixty hours without sleep.*
- 142 The Security Branch worked in teams, ensuring that they were always fresh and clean, in sharp contrast to the exhausted detainees. Teams would also frequently alternate between apparently sympathetic police and those who displayed extreme aggression. Such methods, which left no mark, proved devastatingly effective in extracting confessions. It is important to note, however, that physical violence and electric shock continued to be used as well, particularly against less high-profile African detainees.
- 143 Section 17 of the General Laws Amendment Act was revoked as of 11 January 1965. The Minister of Justice said that it would be re-invoked should the need arise. The Criminal Procedure Amendment Act was enacted in the same year. This provided for 180-day detention and re-detention thereafter. Detainees could be held in solitary confinement but, unlike the ninety-day provision, interrogation was not specified as part of the detention. Nevertheless, it appears that the 180-day provision was used for interrogation as well.
- 144 In response to guerrilla activities on the northern borders of South West Africa, the General Laws Amendment Act was amended in 1966 to provide for up to fourteen days' detention of suspected 'terrorists' for interrogation purposes. The commissioner of police could apply to a judge to have the detention order renewed. This clause was a forerunner of the Terrorism Act (1967) which authorised indefinite detention without trial on the authority of a policeman of or above the rank of Lieutenant Colonel. The definition of terrorism was very broad. No time limit was specified for detention, which could be continued until detainees had satisfactorily replied to all questions. Detentions under the Act were generally for the purposes of extracting information and the practice of routine 'purposive torture' appears to have accompanied most interrogations.

- 145 Section 6 of the Terrorism Act was first used to detain ten South West Africans arrested during the attack on the SWAPO base at Omgulumbashe. The captives vanished from view and were brought to trial in Pretoria after two years of interrogation, intermittent torture and many months of solitary confinement. Section 6 was subsequently used in a series of detentions of suspected ANC members in 1968.
- 146 A further window into the interrogation and torture of detainees under the Terrorism Act is provided by the detention of some eighty South African Students' Organisation (SASO) and Black People's Convention (BPC) activists in November 1974. Many of these were transported to Pretoria where they were intensively interrogated at the Security Branch's Compol offices. It appears that a team of security policemen from around the country were involved in these interrogations. Almost all detainees alleged severe torture.
- 147 Former Durban Security Branch member Colonel ARC 'Andy' Taylor [AM4077/96] played a prominent role in the interrogations. He applied for amnesty for the assault of Ms Bridgette Sylvia Mabandla, Dr Sathasivan Cooper [JB06330/01GTSOW], Mr Revabalan Cooper [KZN/NSS/015/DN], Mr Lindani Muntu Myeza, Mr Nyangani Absalom Cindi and Mr Ruben William Hare. While Taylor claimed not to remember the details of these incidents, statements to the Commission and from Amnesty International indicate a consistent pattern: lengthy interrogations accompanied by assault and torture involving forced posture such as being forced to sit in an imaginary chair. In some instances, electric shocks were alleged to have been administered.
- 148 Numerous claims of torture in detention were made during the May 1976 trial of Mr Harry Gwala and nine others under the Terrorism Act. Over forty people were detained in connection with this trial. One of the detainees, Mr Joseph Mdluli, died in detention (see below). Six of the accused filed a summons against the Minister of Police for not responding to claims for damage as a result of torture. Two of the accused, Mr Joseph Nduli and Mr Cleopas Ndhlovu, had been abducted from Swaziland. In his amnesty application, Taylor stated that Nduli and Ndhlovu

were in charge of recruiting and escorting recruits through Swaziland in transit for training. They were abducted ... and taken to Island Rock near Sodwana, for questioning. They were assaulted with open hands, fists ... kicked. The detainees were also kept awake for long hours and deprived of sleep.

149 A United Nations document gives the following account:

On the morning of 29 March, Cleopas Ndhlovu was blindfolded and led through the forest to a house or hut. A rope was attached to his neck while he remained blindfolded. The rope was affixed to a rafter or similar object above his head. In this position he was repeatedly struck with a stick on his head, knees and feet. His nipples and ears were repeatedly twisted. He was struck with fists on his face and stomach, and threatened that he would be thrown into the sea from a boat.

That night, he was taken and tied to a tree, still blindfolded. His legs were clamped in leg irons. He was left exposed throughout the night of 29/30 March. Early on 31 March 1976, he was dragged by the rope, still attached to his neck, to the sea and compelled to wash himself. He was threatened that he would be taken out to sea and drowned. Throughout this period, he remained blindfolded.

A few days later, he was subjected to electrical shocks.

150 Nduli experienced similar methods of torture. During the trial, a Pietermaritzburg surgeon, Mr R Denyssen le Roux, filed an *affidavit* which noted scars on Nduli's forehead, the back of his head, neck, forearms and legs. Major JJ de Swardt and Colonel JG Dreyer denied involvement in his torture. The application for the arrest to be declared unlawful was turned down.

151 Durban security police called to testify included Colonel Dreyer, Warrant Officer Botha, Lieutenant CR McDuling, Captain D Wessels and Captain JC Fourie, all of whom denied assaulting the detainees. However, several accused as well as several of those who served as witnesses claimed assault.

152 Mr Ndoda Anthony Xaba [KZN/PMB/002/PM] testified that he was assaulted, his head banged against the wall, that he was held out of the window and his right arm broken.

153 Mr Harry Gwala alleged that, during a break in his interrogation, Lieutenant Coetzee "walked around like a dog wanting to bite someone's testicles. The Lieutenant said he would catch hold of my testicles and make me pass faeces." Colonel Dreyer said in court that it was possible that Gwala could have been interrogated for two days without sleep. Captain Fourie defended interrogating him for a forty-three-hour stretch because of the crisis in the country.

- 154 In a twenty-hour interrogation session, Mr John Nene was kicked, punched, throttled so that he fainted three times, made to walk with stones in his shoes and threatened with death by shooting or falling through a window. He was kept in a cockroach-infested cell: "In the beginning I didn't like them, but after a time I played with them and looked upon them as people in my cell."
- 155 Mr William Khanyile said he was repeatedly made to sit on an imaginary chair, and was hit and kicked. Mr Vusumusi Magubane was made to stand with stones in his shoes, was throttled and subjected to long hours of interrogation. Mr Zakhele Mdlalose also alleged the 'imaginary chair' and 'stones in shoes' torture in his evidence.
- 156 Mr Michael Gumede told the court that police had hit him, put stones in his shoes and made him stand on tiptoe, and tied a brick around his testicles and threatened to continue torturing him until he confessed to having been recruited for military training.
- 157 Mr Judson Khuzwayo and Mr Russell Maphanga [KZN/FS/142/DN], both defence witnesses, said they were tortured. Mr Frans Kunene, who initially gave evidence for the state, returned to the witness box for the defence. He told the court that he also had stones put in his shoes, was made to squat with his chin and knees against the wall and, when he fainted, was struck with a *sjambok*. His fingernails were banged with the head of the *sjambok*; and as a result he had lost them all. This treatment continued until he agreed to give evidence for the state. He was told not to mention assault in court. When he did, he was declared a hostile witness and charged with perjury.
- 158 After giving evidence for the state, Mr Harold Nxasana returned as a defence witness. He had been held under section 6 of the Terrorism Act for 500 days. He told the court that a cloth had been put into his mouth and a sheet wrapped around his neck and lower face. A policeman had rolled a heavy object like a large metal ball into another cloth and hit him with it. After giving evidence, he broke down, fearing that the Security Branch would kill him for having testified to their actions.
- 159 A number of Johannesburg detainees who were detained with Mr Neil Aggett (see below) in 1981 made statements about torture under section 6 of the Terrorism Act. An amnesty application in this connection was received from Warrant Officer WC Smith [AM5469/97].

- 160 As these cases indicate, torture was used expressly to extract information and admissions, and interrogation was in some instances followed by a trial. Detainees, 'broken' by torture, were frequently used as state witnesses. In some instances, despite the presence of perpetrators in court, such witnesses withdrew their statements, alleging that they had been made under duress. Court cases were increasingly characterised by 'trials within trials' to test the admissibility of such statements. Few judges ruled in favour of detainees. In many cases, however, detainees were eventually released after lengthy spells in detention without having been charged.
- 161 It is also important to note the *modus operandi* of the Nduli and Ndlovu detentions – abduction from Swaziland and interrogation at a police camp rather than a formal place of detention. This foreshadows an extensive pattern of abduction and interrogation in the 1980s. In later years, however, such detainees were frequently killed.
- 162 During the 1976 unrest, the government amended the Internal Security Act in order to provide for what was termed 'preventive detention'. Theoretically, the detention was not meant to exceed twelve months. Proclamation R133 of 16 July 1976 applied the provisions of the Internal Security Amendment Act to the Transvaal, while Proclamation R159 of 11 August 1976 extended its applicability country-wide. This was extended for a further year.
- 163 The Internal Security Act (1982) attempted to consolidate security legislation into one act. Detentions were covered by the following clauses:
- a Section 28: Indefinite preventive detention;
 - b Section 29: Indefinite detention for interrogation, with detainees held in solitary confinement;
 - c Section 29(2): No court could challenge the validity of a detention order;
 - d Section 31: Detention of potential witnesses for not longer than six months or for the duration of a trial;
 - e Section 50: A low-ranking police officer could detain a person deemed to be threatening public safety for fourteen days' preventive detention. For the detention to be extended, the permission of a magistrate was needed.
- 164 Detainees held under section 28 were sometimes questioned, but were primarily detained in order to keep them out of circulation. Section 29 was used chiefly

for detention of those suspected of links with the underground, and particularly military, structures. Detainees held under this clause were subjected to torture. In the mid-1980s, the Internal Security Act continued to be used for specific cases of suspected terrorism and for intensive interrogation. However, detention happened far more widely under the state of emergency provisions.

- 165 State of emergency regulations gave police powers to detain individuals for an initial period of fourteen days on little more than a suspicion that they may have been a “threat to the safety and security of the state”. The period of detention could be extended almost indefinitely. Thousands of people, mostly black men, were incarcerated under these provisions during the states of emergency in the mid- to late 1980s. The wide-ranging powers given to the police, including extensive indemnity provision, and the lack of any censure for excesses, reinforced their understanding that they enjoyed impunity for extensive abuses committed in the interests of state security.

The Red Location detainees

During August 1985, hundreds of male residents of Red Location outside Port Elizabeth were rounded up by police late one night and taken to a police station before being transferred to St Alban's prison. At the police station, they were subjected to random assaults over a period of some hours. Detainees reported having bricks dropped on their feet, being beaten with pick handles, being hit repeatedly on the palm of the hand with a cane and having to run the gauntlet of a row of policemen armed with sjamboks.

Often there seems to have been a deliberate attempt to humiliate detainees. A minister of religion was made to dance naked in front of his neighbours; an old man was forced to sing songs for teenagers; young men were made to lick the boots of police officers; a detainee whose nose had bled as a result of a beating was made to wipe the blood off the floor with his bare hands; another had his hair pulled out and was made to eat it.

Torture also took its more ‘traditional form’ of physical and emotional assault during interrogation, in an attempt to extract information. Trade union leaders, political activists and leaders of student organisations were the prime targets.

While there is no evidence that prison staff were involved in assaults, they were aware of the abuses and did nothing to stop them. In her affidavit to the Port Elizabeth Supreme Court in September 1985¹², Dr Wendy Orr reported a prison warder who said, on seeing a badly beaten and bruised

¹² Case no 2507/85, Ref 129/7. Files are at the Port Elizabeth Supreme Court, Port Elizabeth.

detainee who had just been returned to the prison after a session of interrogation, "Hy het dit seker nodig gehad" (He probably deserved it).

Deaths of detainees held in terms of security legislation

166 The Commission was told of a number of cases where the victim died while detained under security legislation.

'Suicides'

167 In the following cases the police said the death was the result of suicide:

- a Mr Looksmart Ngudle [CT00504/GAU; also see EC0127/96/CCK] died on 5 September 1963 in Pretoria, allegedly a suicide by hanging, following electric shock torture.
- b Mr Suliman Saloojee [JB01711/01ERKWA] died on 24 January 1964 after allegedly jumping from a window.
- c Mr James Thabiso Lenkoe [JB00092/01GTSOW] died in Pretoria Central prison on 10 March 1969. Police claimed he had committed suicide by hanging. A pathologist report established that he had been tortured and possibly killed.
- d Mr Ahmed Timol [JB00173/03WR] died on 27 October 1971 at John Vorster Square in Johannesburg. According to the police, he committed suicide by leaping out of the window of a tenth-floor office.
- e Mr Luke Mazwembe [CT00516/FLA; EC1249/96BUT; CT01307/KAR] died in detention in Cape Town in 1976, after allegedly "hanging himself with a blanket".
- f Mr Mapetla Mohapi [EC0007/96PLZ] died at Kei Road police station, East London, on 5 August 1976. Ms Mohapi was told by the police that her husband had hanged himself with his jeans. However, a 'suicide note' from Mohapi was apparently not in his handwriting.
- g Mr Hoosen Haffajee [KZN/NG/006/DN] died in Brighton Beach police cells, Durban, less than twelve hours after having been detained, on 3 August 1977.
- h Mr Mxolisi Johannes 'Dikkie' Jacobs [CT04205/UPI] died in Upington police cells on 22 October 1986, another alleged suicide by hanging.
- i Mr Phakamile Harry Mabija [CT00135/KIM; also see CT00635/KIM and CT04513/KIM] died in detention in Kimberley on 7 July 1977 in an alleged suicide: he "jumped out of a window" on the sixth floor.

- j Mr George Botha [EC1587/97PLZ] died in security police custody in Port Elizabeth on 15 December 1976, allegedly "suicide through jumping down a stairwell" of the Sanlam Building, the offices of the Port Elizabeth Security Branch offices.
 - k Mr Lungile Tabalaza [EC0002/96PLZ & EC2607/97PLZ] died at 15h00 on 10 July 1978, allegedly after jumping from the fifth floor window of the Sanlam Building in Port Elizabeth. At the inquest, the government pathologist acknowledged that several bruises and lacerations could have been sustained before the fall. A magistrate, Mr Lubbe, who saw Tabalaza less than an hour before his 'suicide', expressed regret for having failed to investigate Thabalaza's fears that he would be beaten if he did not make a statement when he was taken back to the Security Branch offices.
 - l Mr Neil Hudson Aggett [CT00410/FLA] was detained in November 1981 and died on 5 February 1982, allegedly having committed suicide by hanging.
- 168 The security police suggested that detainees had received instructions from the ANC to commit suicide rather than talk. Some claimed that they committed suicide in order to malign the Security Branch. Mr TJ 'Rooi Rus' Swanepoel was quoted in a November 1982 press article as saying: "It is a communist plot. If they commit suicide, they can cast doubts on the security forces."¹³
- 169 The Commission has taken into consideration the evidence of victims of torture which could well have led to death, especially those cases in which similar forms of torture *did* lead to death. A number of cases were recorded of detainees having their heads bashed against the wall and of detainees who were suspended by their feet outside windows of buildings of several storeys, raising the strong possibility that at least some of those detainees who allegedly committed suicide by jumping out of the window were either accidentally dropped or thrown.
- 172 Mr Mfene Simon Yoyo [EC0653/96QTN] told the Commission that, during his detention in East London in April 1963, his interrogating officer said: "This person does not want to tell the truth. Then I think let's throw him out of the window ...". Yoyo said they lifted him up and hung him out of the window, threatening to let go.
- 174 Mr Vusumzi Johnson Nyathi [JB02097/03WR], a detainee in the Bethal trial of *the State v Mothopeng and seventeen others*, survived after he was allegedly thrown out of the window during an interrogation session. Nyathi, who suffered spinal injuries, was later charged and found guilty of trying to escape from custody. By

¹³ *Rand Daily Mail*, 6 November 1982.

the time the Bethal trial opened in December 1977, four persons detained in connection with the trial had died in detention. They were Mr Naboath Ntshunsha, Mr Samuel Malinga, Mr Aaron Khoza and Mr Siphon Bonaventura Malaza. Nyathi later sued the Minister of Police without success.

- 175 The Commission also heard evidence of *bona fide* cases of suicide and accounts from detainees who said they had contemplated or attempted suicide. Mr Prema Naidoo spoke of his wish to commit suicide after revealing information after six days of unremitting torture: "I contemplated suicide, not because I was hurt or anything but because I felt I had betrayed the cause, the cause which I believed in."
- 176 The Commission is of the opinion that, given the extensive evidence of physical as well as psychological torture, suicides under conditions of detention should be regarded as induced suicide for which the security forces and the former government are accountable.

'Accidental deaths'

- 177 In at least three cases which came before the Commission, the police claimed accidental death. Mr Nicodimus Kgoathe [JB00113/03NWRUS] and one of his co-accused, Mr Solomon Modipane, both died in detention under the Terrorism Act in February 1969. The police explanation for Kgoathe's death was "bronchial pneumonia after slipping in the shower" and for Modipane's death, "fatal injuries from slipping on a bar of soap".
- 178 Mr Joseph Mdluli [KZN/KM/999/DN], one of the accused in the case against Harry Gwala and nine others, died in detention in Durban on 19 March 1976. The official explanation for his death was "injury to neck after falling against a chair". While Judge Howard rejected allegations of torture made by detainees during the court case, he indicated in his judgement that the injuries sustained by Mdluli could not have been self-inflicted or caused accidentally, and found that most, if not all, of the injuries had been inflicted by the security police. In October 1976, four security police, namely Captain David van Zyl, Andy Taylor, Detective Sergeant H Makhanya and Detective Sergeant Z Mkhize, were charged with culpable homicide. All were later acquitted. In March 1979, the state admitted liability for the death of Mdluli and an out-of-court settlement of R28 616 was paid to his widow.

'Natural causes'

179 In the following cases police claimed death from natural causes:

- a Mr Mzukisi Melvin Nobadula [EC0662/96PLZ] died in detention in Port Elizabeth in December 1977. His brother identified his body in the mortuary and saw that there were scars, burn marks and blood on it. At the *post mortem*, however, the district surgeon, Dr Laing, said he had died of natural causes.
- b Mr Caleb Mayekiso [EC0644/96/PLZ] died in detention in Port Elizabeth in 1969 while being held under the Terrorism Act.
- c Mr Elijah Loza [CT00257/FLA] died in Cape Town in 1977, allegedly of a stroke. His family believes he was "tortured to death".
- d Mr Stanza Bopape [JB00500/02NPPTB] was reported at the time of his disappearance to have escaped while being transported. Amnesty applications received by the Commission indicate that he died in detention, following electric shock, but allegedly from 'natural causes' (see below).
- e Mr Paris Malatji [JB0409/01GTSOW], an AZAPO activist, was shot at point-blank range when in custody in 1983 at Protea police station. Sergeant January Harm van As was convicted and sentenced to ten years' imprisonment for the shooting, the first conviction for the death of a detainee.
- f Mr Andries Raditsela, a member of the Chemical Workers' Industrial Union (CWIU) and executive member of the Federation of South African Trade Unions (FOSATU), was detained and assaulted so severely at Tsakane police station on 4 May 1985 that he died of head injuries two days later May in Baragwanath hospital, after his release.

Deaths in detention under security legislation

180 The Commission is aware of the following deaths of detainees held under specific security laws, excluding those detained under emergency regulations. The attributed cause of death is included:

1964: *Mr James Tyitya, Port Elizabeth: 'suicide by hanging';*

1965: *Mr Nengeni Gaga, Transkei: 'natural causes'; Mr Pongolasha Hoye, Transkei: 'suicide by hanging';*

1966: *Mr James Hamakwayo, Pretoria: 'suicide by hanging'; Mr Hangula Shonyeka, Pretoria: 'suicide'; Mr Leong Yun Pin, Pretoria: 'suicide by hanging'; Mr Ah Yan, Silverton: 'suicide by hanging';*

1967: *Mr Alpheus Maliba, South West Africa/Northern Transvaal: 'suicide by hanging';*

1968: *Mr Jundea B Tubakwe, Pretoria: 'suicide by hanging';*

1969: Mr Michael Shivute, South West Africa: 'suicide'; Mr Jacob Monakgotla, Pretoria: 'natural causes'; Imam Abdullah Haron, Cape Town: 'slipped down stairs'; Mr Mthayeni Cuthsela, Transkei: 'natural causes';

1976: *Mr William Tshwane, Modderbee: 'shot while trying to escape'; Mr Dumisani Mbatha, Modderbee: 'natural causes'; Mr Fenuel Mogatusi, Johannesburg: 'natural causes'; Mr Jacob Mashabane, Johannesburg: 'suicide by hanging'; Mr Edward Mzolo, Johannesburg: 'undisclosed'; Mr Ernest Mamasile, Transkei: 'suicide by hanging'; Mr Thabo Mosala, Transkei: 'natural causes'; Mr Wellington Tshazibane, Johannesburg: 'suicide by hanging';*

1977: *Mr Nabaoth Ntshunsha, Leslie: 'suicide by hanging'; Mr Lawrence Ndzanga, Johannesburg: 'natural causes'; Mr Elmon Malele, Johannesburg: 'natural causes'; Mr Twasifeni Joyi, Transkei: 'undisclosed'; Mr Mathews Mabelane, Johannesburg: 'fell out of window'; Mr Samuel Malinga, Pietermaritzburg: 'natural causes'; Mr Aaron Khoza, Pietermaritzburg: 'suicide by hanging'; Mr Hoosen Haffajee, Durban: 'suicide by hanging'; Mr Bayempini Mbizi, Durban: 'suicide by hanging'; Mr Stephen Bantu Biko, Port Elizabeth: 'head injuries'; Mr Siphon Bonaventura Malaza, Krugersdorp: 'suicide by hanging';*

1981: *Mr Manana Mgqweto, Transkei: 'unknown';*

1982: *Mr Ernest Dipale, Johannesburg: 'suicide by hanging';*

1983: *Mr Simon Mndawe, Nelspruit: 'suicide by hanging'; Mr Paris Malatji, Johannesburg: 'shot in the head';*

1984: *Mr Samuel Tshikudo, Venda: 'natural causes'; Mr Mxolisi Sipele, Transkei: 'unknown'; Mr Ephraim Mthethwa, Durban: 'suicide by hanging';*

1985: *Mr Andries Raditsela, Johannesburg: 'head injury';*

1986: *Mr Makompe Kutumela, Lebowa: 'police assault'; Mr Peter Nchabaleng, Lebowa: 'police assault';*

1987: *Mr Benedict Mashoke, Burgersfort: 'suicide by hanging'; Ms Nobandla Elda Bani, Port Elizabeth: 'natural causes';*

1988: *Mr Sithembele Zokwe, Transkei: 'shot by police'; Mr Alfred Makaleng, Johannesburg: 'natural causes';*

1990: *Mr Clayton Sizwe Sithole, Johannesburg: 'suicide by hanging'; Mr Lucas Tlhothhomisang, Klerksdorp: 'natural causes'; Mr Donald Thabela Madisha, Potgietersrus: 'suicide by hanging'.*

- 181 The Commission received statements about the following deaths in police custody. Although the Commission made a positive victim finding in these cases, it was not able to establish the exact legislation under which they were held at the time of their deaths.
- a Political activist Colenso Ninase Mnyane [EC0735/97ETK] died in detention in Tabankulu on 5 November 1967, either of heart failure or of injuries from a fall.
 - b Mr Rocky James [EC0144/96/NWC] was shot dead while in custody in Cradock on 9 November 1977, allegedly while "trying to escape". A statement from a municipal policeman, Michael Adams, said James was severely beaten by a white policeman. When James pleaded for help, Adams attempted to intervene. During the scuffle with the white policeman, James attempted to run away and was shot dead. Adams subsequently lost his job. The family heard that James had been instructed by the police to run away and had then been shot in the back.
 - c Mr Ephraim Thami 'Papi' Mthethwa [KZN/ZJ/146/DN], a UDF member, was detained and died two months later on 24 August 1984 in Lamontville. He was held in solitary confinement at Sentela police station. Police claimed he had hanged himself.
 - d Congress of South African Students (COSAS) activist Sipho Mutsi [KZN/ZJ/115/BL] was detained and died on 14 May 1985 in Odendaalsrus, Orange Free State after being severely beaten.
 - e In August 1985 Mr Thembelakhe George [EC0846/96/KWT] was assaulted by police, first at his home during his arrest in connection with the consumer boycott in Ginsberg, and then at the police station in King Williams Town. His family later found him in hospital where he died from injuries sustained from the assault. The inquest magistrate noted that the head injuries which caused his death could have been inflicted by the police.
 - f Mr Amos Dendeng Sonnyboy Mokoena [JB00264/01GTSOW] died in detention in Pilgrims' Rest on 16 August 1985. The police told his mother he hanged himself in his cell. While the police allege that Mokoena was arrested on criminal charges, his mother alleges that he was politically active and had fled to Pilgrims' Rest to escape detention.

- g Mr Tota Alex Mfazwe [EC1363/96PLZ] was arrested in Queenstown on 5 July 1986, severely assaulted, and is alleged to have committed suicide by hanging himself at Queenstown police station on 6 July. The family reported that there were bruises and a big scratch on his face and that his clothes were badly torn.
 - h Mr Nopola Njatu [EC0427/96/NEC] died after being beaten up in police custody in Sterkstroom in November 1986. Police alleged death due to an epileptic fit; but his family noted an open wound on his forehead. The inquest found that the cause of death was 'not determined'.
 - i Mr Eric Ndongela Nongqo [EC1515/97NWC] died of neck injuries after being arrested and beaten up at the police station in Steynsburg on 18 July 1987.
 - j Mr Paulus Radebe [KZN/ZJ/169/WE] was detained in 1987 in Welkom. He was tortured to death at the Odendaalsrus police station on 31 October 1987.
 - k Mr Anthony Melville Smiles [EC0313/96/ALN], a political activist, was arrested in Dordrecht in 1988, allegedly for being drunk in the street. The police alleged that he had committed suicide in police cells by hanging himself with his overalls. The inquest report indicated that, while suicide was possible, death by other means could not be ruled out. The *post mortem* recorded that either the victim had attempted to loosen the overalls himself or that he had first been strangled and then hanged after death.
- 182 The Commission has received a substantial number of further cases of deaths in police custody. In many inquest reports, magistrates ruled that no one could be held accountable for the deaths of detainees.
- 183 The Commission received amnesty applications in respect of the deaths of only three detainees, namely Mr Stephen Bantu Biko, Mr Sizwe Kondile and Mr Stanza Bopape.
- 184 Stephen Bantu Biko died in police custody in Pretoria on 12 September 1977. He was detained by the Security Branch in Port Elizabeth twenty-four days earlier, and was subjected to interrogation, during which he sustained serious brain injuries. He was examined by both a district surgeon and a medical specialist (see Volume Four, chapter on the health sector hearing). He was then transported naked in the back of a police van from Port Elizabeth to Pretoria. He died from brain damage in a prison cell shortly after his arrival in Pretoria. On hearing the news of his death, Minister Kruger said: "It leaves me cold." He implied that

Biko had died as a result of engaging in a hunger strike. At the inquest, the security police claimed that Biko had “become violent” during interrogation and had to be “subdued” by the interrogation team, in the course of which he hit his head against the wall.

- 185 Mr Harold Snyman [AM3918/96], Mr Gideon Nieuwoudt [AM3920/96], Mr Daniel Petrus Siebert [AM 3915/96], Mr Ruben Beneke Marx [AM3521/96] and Mr Jacobus Johannes Oosthuizen Beneke [AM6367/97] applied for amnesty for Biko’s death. Brigadier Piet Goosen, head of the Security Branch in the Eastern Cape at the time of Biko’s death, is deceased. Amnesty applicants held fast to the explanation they gave at the inquest. The Biko family did not make a statement to the Commission and are opposed to the granting of amnesty.
- 186 Mr Stanza Bopape [JB00500/02NPPTB] was arrested at around midnight on 9 or 10 June 1998, together with his flatmate Mr Bheki Nkosi [JB00500/02NPPTB] at their flat in Hillbrow. About twenty men, armed with guns, bush knives and bullet-proof vests and led by Lieutenant CA Zeelie [AM3751/96], jumped into the room. Zeelie asked Bopape whether he was ‘ST’ or ‘Walk Tall’, MK names by which Bopape was known. Bopape was then punched in the stomach. The last Nkosi saw of Bopape was at the Roodepoort police station. Nkosi himself was later subjected to electric shock torture.
- 187 After several queries from Bopape’s lawyers as to his whereabouts, the SAP informed them that he had escaped. On 13 July 1988, then Lieutenant General Johan van der Merwe, head of the Security Branch, informed the lawyers that Bopape had “wilfully escaped” while “being escorted by motor vehicle to Vereeniging, where certain police investigations were in process. A flat tyre en route necessitated that the police vehicle stop and whilst the spare tyre was being fitted, your client made good his escape.” Van der Merwe said that this escape had not been publicised for fear of jeopardising a sensitive police investigation regarding the movement and activities of trained “terrorists”.
- 188 In an article that appeared in *Business Day* on 26 April 1989, Minister Vlok was reported to have announced that Bopape had been seen in an area where an act of terror took place. Similarly, on 15 June 1989 the *Sowetan* quoted Brigadier Leon Mellett of the SAP as saying that Bopape had been seen by a former colleague, whose name was not disclosed. On 19 June 1990, Vlok reported to Parliament that the investigation into Bopape’s disappearance was continuing. He refused to disclose the names of the officers in whose care

Bopape had been at the time of his disappearance, but indicated his preparedness to do so if the Harms Commission wished him to. The Harms Commission decided that there were insufficient grounds for holding a hearing.

- 189 Bopape's disappearance remained unresolved until amnesty applications were received from Lieutenant Charles Zeelie [AM3751/96], Mr HAB Mostert [AM4403/96], Major AP van Niekerk [AM4353/96] and Mr JL du Preez [AM4404/96] for their role in his death. In addition, the head of the Security Branch, Lieutenant General JV van der Merwe [AM4157/96], Colonel S Visser [AM5000/97], Captain Leon van Loggerenberg [AM5010/97], Witwatersrand divisional commander Major-General GN Erasmus [AM4134/96], and Major General PL du Toit [AM4131/96] applied for amnesty for their role in covering up the death.
- 190 The amnesty applications reveal that a meeting was held on Saturday, 11 June at the offices of the Krugersdorp/West Rand Security Branch. The meeting was attended by about fifteen Security Branch members, including officers Mostert and Colonel Van Niekerk from Johannesburg. They were told that Bopape had been trained by MK member Odirile Maponya, and had been involved in and/or planned several terrorist attacks. Maponya's group, Mr MRA Toka and eleven others, had stood trial on several charges of murder and bombings in Pretoria.
- 191 On Sunday, 12 June 1988, Bopape was taken from his cells to the offices at John Vorster Square for questioning by Mostert and S/Constable Engelbrecht. After Bopape refused to co-operate, Van Niekerk, Zeelie, Mostert and Engelbrecht together decided that Bopape needed to be given a "little fright" to persuade him to co-operate. Colonel Van Niekerk approved the use of the electric shock instrument. A Sergeant du Preez brought the instrument from Sandton where it was kept. Van Niekerk relates:

We decided to tie Mr Bopape to a chair ... His shirt was removed, his hands were tied to the supports of the chair and his feet to the legs ... Sergeant du Preez had the shock device in his hand ... There were two cords running from the device and at the tip of it, these cords, there were two pieces of cloth which were wrapped around the tips of the cords. This device was turned three or four times by Sergeant du Preez and whilst he was turning it, Mr Engelbrecht pushed these cords against his body ... It didn't take very long, maybe two to four minutes, the device was turned, then it was stopped, then someone asked him if he wanted to say something and if there was no reaction to that, then the machine was turned again and this must have happened about three times. By the third time, Mr Bopape's

head fell forward and I realised there was something wrong. We immediately untied him, placed him on the floor and Sergeant du Preez gave him mouth-to-mouth resuscitation. It seemed that he was dead already and I think that all of us standing there ... all thought that he was dead.

- 192 The five officers discussed the possible consequences of Bopape's death and decided that they could be extremely serious. Aside from the negative publicity around yet another section 29 death, June 16 was only a few days away and the Security Branch feared that the news of his death could spark off violence. Colonel Van Niekerk reported the matter to his divisional commander, who discussed the matter with Lieutenant General Johan van der Merwe and they agreed that a fake escape should be arranged. Brigadier Schalk Visser, head of the Eastern Transvaal Security Branch, would assist with the disposal of the body.
- 193 As night fell, Stanza Bopape's body was secreted out of the police station. Members of the Johannesburg Security Branch met members of the Eastern Transvaal Security Branch next to a highway near Bronkhorstspuit, where they handed over the 'sensitive package' to Captain van Loggerenberg. Van Loggerenberg could see that it was a human body covered in plastic. He drove directly to a crocodile hole in the Komati River close to Komatipoort, near a picnic spot frequented by police officers. He pushed the body partially into the hole and it sank away. On his return he reported to Visser.
- 194 The applicants claimed that they only "turned the instrument two or three times" and that this was not sufficient to cause death in a healthy human being. They said that Bopape had previously been treated for a heart complaint at the Princess Clinic, that they had been unaware of this, and that his death must have occurred as a result. The Princess Clinic no longer exists and corroborating records are not available. However, Bopape's girlfriend claims that his treatment at the Princess Clinic was in connection with a nasal complaint.
- 195 Odirile Maponya, who is alleged to have trained Bopape, was blown up while allegedly laying a limpet mine in Pretoria in 1988. Maponya's brother was abducted and interrogated about his brother's network and killed (see below).

Applications for amnesty

- 196 While the Commission received thousands of statements alleging torture, few amnesty applications were received specifically for torture. Amnesty applicant

Andries Johannes van Heerden [AM3763/96] was a member of the terrorist detection unit at John Vorster Square between January 1977 and June 1978, during which time he was involved in the interrogation and beating of those involved in Soweto unrest. Detainees were kicked, slapped and suffocated, using a wet tyre tube. In 1988 he participated – by beating and administering electric shocks – in the interrogation of Mr Peter Dlamini and others connected with the Café Zurich explosion in Hillbrow.

- 197 Amnesty applicant Willem Johannes Momberg [AM4159/96] was a member of the Security Branch in Northern Transvaal (sergeant in 1981, and later lieutenant colonel). Momberg applied for amnesty for the torture of an unidentified MK member, who was killed during interrogation. He also applied for amnesty in connection with the interrogation of a security guard at the United Bank in Pretoria, whose brother was an MK 'terrorist'.
- 198 Amnesty applicant Stephanus Adriaan Oosthuizen [AM3760/96] applied for the beating, kicking and suffocation of an unknown activist on a farm near the Pietersberg freeway.
- 199 Amnesty applicant Colonel PJ Cornelius Loots [AM5462/97] applied for amnesty for his involvement, together with Captain Jacques Hechter [AM2776/96] and Warrant Officer van Vuuren, in kidnapping Father Smangaliso Mkhathshwa from police cells and detaining and interrogating him for several days. Mkhathshwa was made to stand for the entire period of his interrogation. He was blindfolded while gunshots were fired and dustbin covers banged together next to his head, and locusts were made to crawl up his legs.
- 200 Mr Christo Nel [AM6609/97] applied for amnesty in respect of the detention and torture of a detainee in Durban in 1984/5. The victim was made to remove his clothes and to climb onto a table. He was held down by Nel and an unidentified medical practitioner inserted his finger into the victim's anus while he was questioned.
- 201 Lieutenant Colonel Antonie Heystek [AM4145/97] applied for amnesty in respect of the abduction and torture of Mr Peter Moleke Lengene in Soweto during 1982. Lieutenant-Colonel Anton Pretorius [AM4389/96] and Lieutenant-Colonel Willem Helm 'Timol' Coetzee [AM4032/96] also applied for amnesty for the abduction and torture of Lengene as well as the abduction and torture of Ms Nokuthula Simelane.

- 202 Lengene was abducted from Botswana, and, after being rendered unconscious, taken to a garage where he was left naked and handcuffed to a table. He was then taken to what he believed to be a farmhouse belonging to Coetzee's father-in-law. He was interrogated for six days, during which time he was given electric shocks to his genitals, beaten with a hosepipe and kept naked and without blankets. At some point Coetzee's father-in-law came in with a pair of pliers and told the Security Branch officers interrogating them that they were wasting their time. "He just took hold of my penis with a plier. He said, 'Willem, take this and cut the fucking penis with a plier, he will tell you the truth'. They just kept on laughing while I was grieving with pain."
- 203 Lengene became an *askari*, working chiefly with the Soweto Intelligence Unit (SIU), and himself applied for amnesty for a number of operations conducted as part of the SIU.
- 204 Mr Johannes Jacobus Strijdom [AM5464/97] applied for amnesty for torturing activists on a Hammanskraal farm during 1986/7 when he was a member of Vlakplaas and the security police's anti-terrorist unit – using forced posture, beating and intimidation. Strijdom and Major Sarel du Plessis 'Sakkie' Crafford were part of a team of mostly black security force members who were staying on the farm to assist with the interrogations. After interrogating an activist one Saturday, Strijdom and a named colleague left the activist with the black security members and went to Pretoria. When he returned, the activist was hanging from a tree and was being assaulted. His colleague held a pistol to the activist's head, with the barrel facing upwards, and pulled the trigger repeatedly. Strijdom got an empty soda water bottle and hit the man on the head several times. When he lost consciousness, they poured buckets of water on him. The interrogation was authorised by his commanding officer, whose name may not be revealed as the amnesty application had not been heard at the time of reporting.
- 205 Amnesty applicant Warrant Officer Paul van Vuuren [AM6528/97], a member of the Northern Transvaal security police, was involved in several cases of torture in Pretoria and surrounding areas between 1985 and 1989. Torture methods used included beating, electric shocks, placing gas masks over the faces of victims, suffocation using a rubber tube ("tubing"), and strangulation with a piece of electric wiring. Warrant Officer Van Vuuren also applied for amnesty for the torture, interrogation and killing of Mr Jackson Maake, Mr Andrew Makupe and Mr Harold Sefola (see below).

- 206 Colonel Roelof Venter [AM2774/96] applied for amnesty for the interrogation of arrested ANC, PAC and SACP members between 1972 and 1985. Torture methods used included beating, electric shocks, prolonged interrogation to tire the person mentally, insults, humiliation and degradation. He specifically mentioned the interrogation of Ms Regan Shope and also that of Ms Barbara Hogan between December 1981 and June 1982, which was authorised by his commanding officer, whose name is being withheld.
- 207 Mr Eric Goosen [AM4158/96], a member of Northern Transvaal security police, applied for amnesty for beating and severe ill treatment administered to an unknown ANC courier in Mamelodi West between June and December 1987. During the interrogation, he denied any involvement with the ANC. Goosen participated in hitting and kicking him to try to get information, and then put him into the boot of the car.
- 208 Amnesty applicants Marius Greyling [AM8027/97], Karl Durr [AM8029/97] and Frans Bothma [AM8030/97] were involved in the interrogation and assault of Mr Pravin Gordhan in 1990 in Bethlehem. Greyling also assisted in the suffocation of Mr Raymond Lalla.
- 209 Durban security police officer Andy Taylor [AM4077/96] applied for amnesty for numerous acts of assault on detainees. Taylor admits to assault leading to severe swelling and the use of electric shock torture on Mr Raymond Suttner. Taylor died in December 1997, before his application to the amnesty committee had been heard.
- 210 Warrant Officer WCC Smith [AM5469/97] applied for amnesty for the torture of numerous detainees held in Johannesburg in 1981 in connection with underground activities. He said that detainees were subjected to "serious assaults", the details of which he was unable to remember. However, as far as he was aware, he used "normal Security Branch methods". The detainees in respect of whom he applied for amnesty include Mr Benjamin Greyling, Mr Gerhardus van der Werf, Mr Prema Naidoo, Mr Suresh Nanabhai, Mr Michael Jenkins and Ms Esther Levetan.
- 211 Amnesty applicant Jeffrey Benzien [AM5314/97] was a detective at the Bishop Lavis Murder and Robbery Unit until 1986, after which he worked for the security police's Terrorism Tracking Unit. During his amnesty hearing, he admitted to torturing Mr Peter Jacobs, Mr Ashley Forbes, Mr Anwar Dramat, Mr Tony Yengeni, Mr Gary Krusen, Mr Niclo Pedro and Mr Allan Mamba. The main form of torture

was the 'wet bag' method. Lieutenant Liebenberg [AM6369/97], Benzien's superior at the time, applied for amnesty for knowledge of torture. Major General Griebenaauw, who gave corroborating evidence in the amnesty hearing, testified as follows:

During my term in office in Cape Town, extreme pressure was placed by the Joint Security Management System on the Security Branch, in particular to stem the tide of murder and violence. And obviously I gave members under my command instructions to do everything in their power to apprehend people who were guilty of these things and to extract as much information as possible from the detainees so that the entire network operative in the country could be disrupted in time to prevent further loss of life. This was the only way in which we could protect lives and properties ...

I was ... very much aware of the fact that members' success could be ascribed to the use of unconventional questioning or interrogation methods. It would have been naive of me to believe that they would extract information in any other way from a well trained terrorist and to do so quite quickly.

212 Amnesty applicant Gert Cornelius Hugo [AM3833/96], a former MI operative, said that he was part of an operation called *Orpheus* whose aim was to "remove" the leadership of local resistance organisations. He worked with Security Branch members, at least one of whom, Lieutenant Gideon Nieuwoudt [AM3920/96], also applied for amnesty for acts of torture. He mentioned several forms of torture, including the use of "truth serum", submerging in water, electric shocks, forcing people to stand for hours and suffocation with a rubber tube.

213 As can be seen from the above, a number of the applications relate to the torture of people *outside* of official custody. Abduction or 'unofficial' detention was used increasingly during the 1980s. In most instances, those so detained were subjected to extreme torture and were either coerced into becoming *askaris* or killed (see below).

Knowledge or condonation of torture

214 The SAP and the former government have conceded that torture occurred, but have claimed that it represented the actions of a few renegade policemen. Thus, for example, in his submission to the Commission, the former leader of the National Party (NP) and former State President FW de Klerk maintained:

The National Party is prepared to accept responsibility for the policies that it adopted and for the actions taken by its office-bearers in the implementation

of those policies. It is, however not prepared to accept responsibility for the criminal actions of a handful of operatives of the security forces of which the Party was not aware and which it never would have condoned.

- 215 However, the NP's former Deputy Minister of Police Leon Wessels conceded that it was not possible to deny knowledge of torture. At the Commission's special hearing on the role of the State Security Council, Wessels said that "it was foreseen that under those circumstances people would be detained, people would be tortured, everybody in this country knew people were tortured". Wessels also conceded in an interview that, on one occasion, when he had raised the matter of torture with former Minister Louis le Grange, Le Grange had responded: "Leon, but you have such a fantastic image amongst the Police and other people, why are you ... spoiling all of this by getting involved in this".
- 216 While the courts in general failed to protect the rights of detainees, there were cases when magistrates and judges ruled in favour of those in custody. Thus, for example, in the State v Mogale, the Appellate Division established that the security police had severely assaulted a detainee in order to compel him to confess. Such assault had included punching, kicking, throttling with a medallion chain, electric shock and breaking of two teeth with pliers.
- 217 In the State v Mayson, the judge ruled that Mr Cedric Mayson's statement was inadmissible as he had been subjected to torture. Eight months before, one of the officers implicated in the Mayson case admitted at the Aggett inquest that he had "given Lieutenant Whitehead and other officers permission to interrogate Aggett for an extraordinarily lengthy spell said to have covered sixty-three hours". Shortly thereafter, other security police implicated in these cases were ordered to pay Mr Auret van Heerden R5 000 in damages for subjecting him to "unreasonably lengthy periods of detention". Hence, notwithstanding incriminating judgments, security police were allowed to continue torturing detainees unchecked.
- 218 Further evidence of tolerance of torture lies in the promotion, sometimes to the highest levels, of security police officers involved in torture. Statements before the Commission implicate four former heads of the Security Branch, two of whom subsequently became commissioners of police.
- 219 A number of officers commanding of divisional and local Security Branch offices and section heads at headquarters have been implicated either directly or indirectly of having knowledge of torture. These include the divisional commanders of the Eastern Cape, the Eastern Transvaal, Port Natal, Northern Transvaal and Border.

220 The use and condoning of torture allowed for the use of coercion in the investigation of cases. Reinforced by deep racism, this approach increasingly characterised police work and led, furthermore, to serious neglect of investigative police work.

THE COMMISSION FINDS THAT THE USE OF TORTURE IN THE FORM OF THE INFLICTION OF SEVERE PHYSICAL AND/OR MENTAL PAIN AND SUFFERING FOR THE PURPOSES OF PUNISHMENT, INTIMIDATION AND THE EXTRACTING OF INFORMATION AND/OR CONFESSIONS, WAS PRACTISED SYSTEMATICALLY PARTICULARLY, BUT NOT EXCLUSIVELY, BY THE SECURITY BRANCH OF THE SAP THROUGHOUT THE COMMISSION'S MANDATE PERIOD.

THE COMMISSION FINDS FURTHER THAT A CONSIDERABLE NUMBER OF DEATHS IN DETENTION OCCURRED, EITHER AS A DIRECT RESULT OF TORTURE OR AS A CONSEQUENCE OF A SITUATION IN WHICH THE CIRCUMSTANCES WERE SUCH THAT DETAINEES WERE INDUCED TO COMMIT SUICIDE.

GIVEN THAT:

- EVIDENCE TO THIS COMMISSION HAS SHOWN THAT TORTURE WAS USED BY THE SECURITY BRANCH AT ALL LEVELS, JUNIOR AND SENIOR, AND IN ALL PARTS OF THE COUNTRY;
- MANY OF THOSE ABOUT WHOM EITHER CLEAR EVIDENCE EXISTED OR SUBSTANTIAL ALLEGATIONS HAD BEEN MADE OF THEIR INVOLVEMENT IN TORTURE, RESULTING AT TIMES IN THE DEATHS OF THEIR VICTIMS, WERE PROMOTED TO HIGHER RANKS;
- DESPITE NATIONAL AND INTERNATIONAL CONCERN AT THE EVIDENCE OF THE WIDESPREAD AND SYSTEMATIC USE OF TORTURE BY THE SOUTH AFRICAN SECURITY FORCES, LITTLE EFFECTIVE ACTION WAS TAKEN BY THE STATE TO PROHIBIT OR EVEN LIMIT ITS USE AND THAT, TO THE CONTRARY, LEGISLATION WAS ENACTED WITH THE SPECIFIC INTENT OF PREVENTING INTERVENTION BY THE JUDICIARY AND REMOVING ANY PUBLIC ACCOUNTABILITY ON THE PART OF THE SECURITY FORCES FOR THEIR TREATMENT OF DETAINEES,

THE COMMISSION CONCLUDES THAT THE USE OF TORTURE WAS CONDONED BY THE SOUTH AFRICAN GOVERNMENT AS OFFICIAL PRACTICE.

THE COMMISSION FINDS THAT TORTURE AS PRACTISED BY MEMBERS OF THE SAP CONSTITUTED A SYSTEMATIC PATTERN OF ABUSE WHICH ENTAILED DELIBERATE PLANNING BY SENIOR MEMBERS OF THE SAP, AND WAS A GROSS HUMAN RIGHTS VIOLATION.

THE COMMISSION FINDS THEREFORE THAT THE FOLLOWING ARE DIRECTLY ACCOUNTABLE FOR THE USE OF TORTURE AGAINST DETAINEES AND INDIRECTLY FOR ALL UNNATURAL DEATHS OF DETAINEES IN POLICE CUSTODY: THE MINISTERS OF POLICE AND OF LAW AND ORDER; THE COMMISSIONERS OF POLICE; OFFICERS COMMANDING OF THE SECURITY BRANCH AT NATIONAL, DIVISIONAL AND LOCAL LEVELS. THE CABINET IS FOUND TO BE INDIRECTLY RESPONSIBLE.

■ KILLING

221 As levels of conflict intensified, the security forces came to believe that it was no longer possible to rely on the due process of law and that it was preferable to kill people extra-judicially. Evidence of this is contained in numerous amnesty

applications as well as section 29 hearings, in particular the hearing on the armed forces. Major-General 'Sakkie' Crafford [AM5468/97] claimed in his amnesty application that:

In some cases it was necessary to eliminate activists by killing them. This was the only way in which effective action could be taken against activists in a war situation ... to charge someone in the normal court structure and go through the whole process was cumbersome and occasionally totally inadequate and impossible.

- 222 Extra-judicial killing was generally directed at high-profile activists “whose detention in terms of security legislation would give momentum to the liberation struggle. The security police and the country could not afford a Nelson Mandela again.”
- 223 Crafford suggested that the purpose of extra-judicial killing was threefold:
- a It scared off other supporters and potential supporters; it made people reluctant to offer open support; it created distrust and demoralisation amongst cadres.
 - b It gave white voters confidence that the security forces were in control and winning the fight against Communism and terrorism.
 - c The information gleaned during interrogation needed to be protected against disclosure.
- 224 The difficulty posed by extra-judicial killing was that it moved the security forces directly into an arena of illegality. While cross-border assassinations and raids certainly fell outside the scope of international protocols and sometimes law, the security forces perceived them to be legitimate, authorised and thus legal actions. Raids, for example, although organised at a clandestine level, were openly – and proudly – acknowledged after the operation was completed.
- 225 The internal situation was different. Here operations had to be highly covert, ensuring that actions could not be traced back to the security forces. This led to the development of covert units, such as region 6 of the Civil Co-operation Bureau (CCB) and Vlakplaas hit squads.
- 226 Evidence before the Commission also suggests that, in some instances, the security forces were able to arrange for killings to be conducted by a third party. A former member of the CCB described it thus:

The emphasis was more placed on disruption by means of indirect means of getting the enemy to kill itself, to detain itself and to disrupt itself. And physically killing them was placed more or less ... [a]s a last resort, sort of method.

- 227 Examples of this form of killing included cases where an impression was deliberately created that someone was in the employ of the Security Branch and the person was subsequently killed by 'comrades' or, as in Natal, dropping UDF supporters in known Inkatha strongholds or 'no-go' areas where they had little chance of survival. At the other end of the spectrum, it included the fomenting of divisions within communities that led to more widespread killings. This approach had the added benefit of conveying the impression to white South Africa and the international community that the problem South Africa experienced was one of so-called black-on-black violence (see below).
- 228 The Commission distinguished between four types of extra-judicial killings: targeted killings; killing following abduction and interrogation; ambushes where seemingly little or no attempt was made to effect an arrest, and entrapment killings. Information about extra-judicial killings was drawn largely from amnesty applications, most of which were yet to be heard at the time of reporting, and thus largely untested. Where these applications are used, no conclusive finding is made by the Commission. Where amnesty applications have been heard and granted, and reliance is placed upon such applications, the Commission has also not made specific findings, as the finding of the Amnesty Committee constitutes the finding of the Commission.
- 229 It needs to be noted, further, that there were often no independent witnesses to these killings. Aside from the difficulties this poses in relation to corroboration, it poses even larger problems for victims. That the last moment in a victim's life should be recorded for posterity through the voices and versions of those who killed them is of itself an act of violence. This needs to be acknowledged and remembered.

Targeted killing

230

Targeted killings refer to those which aimed to ensure the victim's 'permanent removal from society'. In most instances, targets for such killings were those whom the security forces perceived as a threat but were unable to charge, either for lack of evidence or because they feared it would lead to greater mobilisation. The people concerned were frequently high-profile political figures.

Richard Turner

- 231 Dr Richard Turner [KZN/KP/001/DN], killed at his Durban home shortly after midnight on 8 January 1978, was one such figure. Details of Turner's killing are documented in Volume Three. The Commission's Investigation Unit concluded that the police investigation that followed his assassination "was so poorly conducted, that it gives the impression of complete lack of competence or deliberate negligence from the investigators and their superiors". Amongst other things:
- a The crime scene was not properly secured; no forensic examination report was made of actions taken at the crime scene; the bullet was found, not by the police, but by Turner's former wife the day after the killing by simply following a line from the bullet hole.
 - b None of the neighbours, their servants or people moving around the area at the time were questioned, including a neighbour, Mr Jack Tubb, who acted as a security police informer and who was seen walking around his garden with a 9mm pistol shortly after Turner's death.
 - c Bureau of State Security (BOSS) agent Martin Dolinчек, whose name appears in the investigation diary on 25 January 1978 with the comment "the integrity and movements of him are strongly to be suspected" was never questioned or asked to give a statement.
 - d On 1 February 1978, investigating officer Brigadier Chris Earle noted that "Due to the delicate nature thereof, not all possible information and leads are written down. The situation will first be explored further."
 - e The investigation was closed by Major Groenewald and/or his superior Brigadier Hansen in November 1978 before the inquest was held and shortly after investigating officers were advised by their superiors not to waste time on the investigation into Dolinчек, because there was no evidence of his involvement.
- 232 While the Commission was unable to establish the exact identity of the assassin, evidence supported the widely held view that Turner had been killed by members of the security forces. In a section 29 hearing, Brigadier Earle was asked whether he believed the killing had been planned and engineered by officers superior to himself. He responded, "I would not say people above me or higher than me but people who were part of the security forces and that they wanted to protect this and not have it known". Martin Dolinчек told the Commission that he had visited Turner shortly before his death, apparently as part of an assessment as

to whether his banning order should be renewed, but denied any part in his killing. He suggested that Turner's death was a result of an intimidation action "gone wrong" and that he had been killed by a ricocheting bullet.

- 233 Suspicion has also been cast on the 'Z-squad,' an operational unit of BOSS that was alleged to have been involved in such operations. A member of the former NIS, now a high-ranking NIA official, confirmed that Z-squad member Phil Freeman had the necessary technical expertise and had allegedly been involved in an intimidation action in which a gunshot was fired through the front door of the Reverend Theo Kotze's house. At the time, Kotze was the Western Cape director of the Christian Institute, a structure that had not only been the target of considerable police harassment but had also initiated the SPROCAS project, in which Turner had also participated. However, a passport held by Freeman reflects that he was in France at the time of Turner's killing.

THE COMMISSION FINDS THAT DR RICHARD TURNER WAS KILLED BY UNKNOWN MEMBERS OF THE SECURITY FORCES. THE COMMISSION WAS, HOWEVER, UNABLE TO DETERMINE ON WHOSE ORDERS OR WHICH COMPONENT OF THE SECURITY FORCES WERE INVOLVED. THIS FINDING DOES NOT PRECLUDE THE POSSIBILITY THAT THE KILLING OF DR TURNER WAS NOT INTENTIONAL AND THAT THE INTENTION WAS INTIMIDATORY. EVEN IF THIS WAS THE CASE, THE POSSIBILITY OF INJURIES OR DEATH ARISING OUT OF SUCH AN ACTION SHOULD HAVE BEEN FORESEEN.

Griffiths Mxenge

- 234 Mr Griffiths Mxenge, a prominent Durban lawyer, was stabbed to death on 19 November 1981. The Commission received amnesty applications from Captain Dirk Coetzee [AM0063/96], commander of C1, the Vlakplaas unit; Vlakplaas members Constable Butana Almond Nofemela [AM0064/96] and Constable Ntshavheni David Tshikilange [AM0065/96]; and Brigadier WAL du Toit [AM5184/97], a member of the Security Branch's technical division. In addition, Brigadier Willem Schoon [AM4396/96], head of the C section of Security Branch headquarters, said he had knowledge of the killing.
- 235 Coetzee's version was that the Vlakplaas unit was operating under the command of the Durban Security Branch at the time, specifically Brigadier van der Hoven and Andy Taylor. Coetzee had previously been involved in various cross-border actions while stationed at Oshoek (at which time Brigadier van der Hoven had been divisional commander of the Eastern Transvaal Security Branch). Before the amnesty application was heard, the above applicants, together with Taylor and Van der Hoven, were charged with Mxenge's murder. Taylor and Van der Hoven were acquitted by the court, but the Commission's Amnesty Committee

noted that, although it could not ascertain exactly who had given the order, it believed that the operation had been authorised by “one or more senior members of the Security Branch”. Amnesty was granted to the above applicants. (See also Volume Four.)

Siphiwe Mthimkulu and Topsy Madaka

- 236 On 14 April 1982, Mr Siphiwe Mthimkulu [EC0034/96PLZ], a COSAS activist with links to the ANC in Lesotho, disappeared with fellow activist Mr Tobekile ‘Topsy’ Madaka [EC0766/96PLZ]. The Commission received amnesty applications for their killing from Captain Gideon Nieuwoudt [AM3920/96], Major General Nick Janse van Rensburg [AM3919/96], Major Hermanus Barend du Plessis [AM4384/96] and Major General Gerrit Erasmus [AM4134/96]. Colonel Eugene de Kock [AM0066/96] said he had knowledge of the operation.
- 237 Mthimkulu was detained in 1981 and subjected to severe torture. After his release, he instituted a claim against the Minister of Police for torture. He later became seriously ill and was diagnosed as having been poisoned with thallium. Thallium is not widely available in South Africa, but had been researched by the security forces and had been in the possession of the security police counter-insurgency unit *Koevoet* since 1979. On 2 April 1982, Mthimkulu instituted a second claim against the Minister of Police, this time for poisoning. On 14 April, Mthimkulu and Madaka disappeared.
- 238 About a week after their disappearance, Madaka’s car was found at Sterkspruit in the Transkei, near the Tele Bridge border post with Lesotho. Ms Mthimkulu searched relentlessly for her son; the Security Branch maintained the fiction that the two had left the country by getting someone to phone Ms Madaka to say they were safe. Police also conducted a search of the Madaka house and, as late as 1986, searched the Mthimkulu house, alleging that Siphiwe had been trained as a guerrilla and was back in Veeplaas. Minister of Police Louis le Grange said in Parliament that the police had no knowledge of Siphiwe’s whereabouts.
- 239 The Amnesty Committee heard that Mthimkulu and Madaka had been abducted and taken to Post Chalmers, an abandoned police station near Cradock, where they were interrogated, drugged and finally shot in the head. Their bodies were burnt on a wooden pyre and their remains thrown in the Fish River. The applicants denied any knowledge of Mthimkulu’s earlier poisoning.

THE COMMISSION IS SATISFIED THAT ALL EVIDENCE POINTS TO THE FACT THAT MTHIMKULU WAS DELIBERATELY POISONED BY THE SECURITY BRANCH, AND HOLDS ACCOUNTABLE THOSE RESPONSIBLE FOR HIS DETENTION. IN ADDITION, IT IS CLEAR THAT THE SECURITY BRANCH ACTIVELY PARTICIPATED IN AN ELABORATE AND SUSTAINED COVER-UP OF THE KILLING OF MTHIMKULU AND MADAKA AND THAT THIS COVER-UP WENT AS FAR AS PARLIAMENT.

The PEBCO Three

- 240 Sipho Hashe [EC0003/96PLZ], Mr Champion Galela [EC0005/96PLZ] and Mr Qaqawuli Godolozzi [EC0004/96PLZ], members of the Port Elizabeth Black Civic Organisation (PEBCO), an affiliate of the UDF, were abducted on 11 May 1985 by members of the Port Elizabeth Security Branch, taken to Post Chalmers and killed. Their bodies were subsequently thrown into the Fish River. *Askaris* from the Vlakplaas unit assisted in the operation. The Commission received amnesty applications for their killing and/or circumstances surrounding their killing from Major Herman Barend du Plessis [AM4384/96], Major GJ Lotz [AM3921/96], Captain Gideon Nieuwoudt [AM3920/96] and Warrant Officer Johannes Koole [AM3748/96], amongst others.
- 241 Shortly before the killing, a high-powered political delegation including State President Botha and Ministers Vlok and Malan visited the strife-torn Eastern Cape. Numerous security force personnel testified to the fact that they were informed that the area had to be stabilised at all costs and that they had to do whatever was required to achieve this – no holds barred. As Port Elizabeth Security Branch member Harold Snyman [AM3918/96] put it: “Pressure was exercised from the Government’s side to act in a drastic way to neutralise activists and to help the security situation to normalise”.
- 242 Evidence led before the Amnesty Committee indicates that Hashe, Galela and Godolozzi went to the Ben Schoeman airport in Port Elizabeth after receiving a telephone call from an English-speaking Security Branch member, posing as a British Embassy official. Security Branch members, with the help of Vlakplaas *askaris*, abducted them before they entered the terminal. They were then taken to Post Chalmers where, according to the Security Branch members, they were given sedatives in coffee, then executed. This version is contradicted by the evidence of *askaris*. The *askaris*’ version is that first Galela was interrogated and tortured to death. With his body in full view, Hashe was brought out and subjected to unremitting torture until he, too, died. Godolozzi spent the night in a garage with the bodies of Galela and Hashe and the following morning suffered the same fate. Their bodies were thrown into the Fish River.

- 243 Evidence received by the Commission subsequent to the amnesty hearing indicates that a person attached to the British Embassy may well have been involved in setting up the meeting that lured the three to the airport. While the Commission is in possession of this person's name, it was unable to follow up or ascertain whether, if this was so, the person acted in an informed or unwitting capacity.
- 244 The killing of the PEBCO Three demonstrates the co-operation between Vlakplaas and divisional Security Branch offices. Unlike the Mxenge case, the Port Elizabeth security police have said that they were responsible for identifying the targets and initiating and conducting the operation. It is thus clear that Vlakplaas-based *askaris* acted in a supportive capacity, under the command of the Port Elizabeth Security Branch.

The Cradock Four

- 245 Some six weeks after the abduction and murder of the PEBCO Three, UDF activists Mr Matthew Goniwe [EC0080/96NWC], Mr Sparrow Mkhonto [EC0029/96NWC], Mr Fort Calata [EC0028/96NWC] and Mr Sicelo Mhlawuli [EC0079/96NWC] were abducted and killed outside Port Elizabeth on 27 June 1985.
- 246 At the time of his death, Goniwe was rural organiser for the UDF. He had previously served time in Transkei for a political offence and while in Cradock had been suspended from his teaching post. An attempt was made to have him transferred to a school outside Cradock, in order to put an end to campaigns protesting against his suspension; this, however, only intensified protest.
- 247 Mkhonto and Calata were members of the Cradock Residents' Association and Mhlawuli was active in the Oudtshoorn Youth Organisation and a community newspaper, *Saamstaan*. Before their deaths, they had all been frequently detained, tortured, threatened and harassed. At the time, great efforts were being made by the security forces to stabilise the security situation in the Eastern Cape, in particular the rising resistance in rural areas. Cradock itself was seen as a model of organisation by the UDF in the eastern Cape and elsewhere in the country.
- 248 The 1987 inquest into the deaths found that they had been killed by unknown persons. The inquest was re-opened in 1993, after the disclosure of a signal message from the SADF's Eastern Province Command to the SSC Secretariat calling for Goniwe's "permanent removal from society". The inquest judge ruled that:

In my opinion there is prima facie proof that it was members of the security forces that in fact carried out the murders. It was proved further that Mathew Goniwe was a thorn in the flesh of the security forces ... referred to as an enemy of the state whose activities had to be curtailed or terminated.

It has also been proved prima facie in my opinion, that the signal sent by Colonel du Plessis on the instructions of Brigadier van der Westhuizen to Major General van Rensburg was a recommendation that Matthew Goniwe, Mbulelo Goniwe and Fort Calata should be killed, and that this was the meaning Colonel du Plessis and Brigadier van der Westhuizen intended the signal to have.

- 249 However, the identity of the perpetrators remained unknown until amnesty applications were received from the following members of the Port Elizabeth Security Branch: Major General Nick Janse van Rensburg [AM3919/96], Major GJ Lotz [AM3921/96], Lieutenant Colonel Eric Taylor [AM3917/96], Colonel Harold Snyman [AM3918/96] and Major Hermanus Barend du Plessis [AM4384/96]. Eugene de Kock [AM0066/96] and Captain JM 'Sakkie' van Zyl [AM 5637/97] applied for amnesty for knowledge relating to the killings.
- 250 The amnesty applications reveal that, on the night of 27 June, the 'Cradock Four' were returning from a UDF meeting in Port Elizabeth, when they were abducted at the Olifantshoek pass. The four were shot and/or stabbed, and their bodies mutilated in order to turn suspicion away from the security forces. Their burnt bodies were found near Bluewater Bay during the following week.
- 251 At the time, an attempt was made to suggest that their deaths were as a result of ongoing and violent conflict between the Azanian People's Organisation (AZAPO) and the UDF in the Eastern Cape. The Commission found evidence that this strategy was formulated by the Strategic Communications Branch of the SSC Secretariat.
- 252 One of the amnesty applicants, JM 'Sakkie' van Zyl, was known to be a CCB operative. The Commission was unable to establish whether his link with the SADF preceded the killing of the Cradock Four, thus indicating possible military involvement.

THE COMMISSION WAS UNABLE TO MAKE A FINDING ON THE KILLING OF THE CRADOCK FOUR AS, AT THE TIME OF REPORTING, THE AMNESTY COMMITTEE HAD STILL TO MAKE A DECISION. HOWEVER, THE COMMISSION DOES FIND THAT THE ATTEMPT TO LAY THE CRIME AT THE DOOR OF AZAPO IN THE EASTERN CAPE WAS NOT ONLY A CASE OF DISINFORMATION, BUT A DELIBERATE ATTEMPT TO STOKE CONFLICT THAT HAD ALREADY CLAIMED LIVES IN THE EASTERN CAPE.

Victoria Mxenge

- 253 Civil rights lawyer Ms Victoria Mxenge (43), lawyer for the UDF treason trialists and wife of slain Griffiths Mxenge, was shot and axed to death outside her Umlazi home in Durban on 1 August 1985. The killing, carried out by four men, two of whom were armed, was witnessed by her son Mbasa and the Reverend Xundu, Natal UDF chairperson. At the time, Mxenge was the instructing attorney for the accused in the Pietermaritzburg UDF treason trial and secretary/treasurer for the Release Mandela Committee (RMC).
- 254 The Commission received various accounts of who was responsible for this assassination. In a statement to the Commission, *askari* Jimmy Mbane says that *askari* Thabiso Sphamla confessed to him, while drunk, that he and three other *askaris* – Eric Maluleke, Peggy Hadebe and ‘Samuel’ – had killed Victoria Mxenge. They were paid for the operation when they returned home from Durban.
- 255 Mr Pat Hlongwane of the Returned Exiles Committee said that he shared a cell with a Mr Bongani Malinga (aka Marvin Sefako) at Quatro camp during 1988, and that Sefako claimed that he had killed Victoria Mxenge on orders from Captain Dirk Coetzee of Vlakplaas. While this version is challenged by the fact that Coetzee had left Vlakplaas long before 1985, the identity of the perpetrator is corroborated in the ANC’s second submission. The ANC alleges that Martin Sefako was recruited by Sergeant Skekheshe Ntombela of the Security Branch in March 1985 or earlier. He was handled by Ntombela and a Brigadier Pieter Swanepoel and underwent training from March 1985 to September 1985. The training is alleged to have included poisoning food and the use of firearms.
- 256 Sefako is alleged also to have been involved with other operatives in other unlawful acts conducted on behalf of the Security Branch, including the fatal stabbing of Mr Eugene Nunu Kheswa on 3 June 1986; a vehicle attack on Nelisiwe Lamola, and the killing of Ms Thandi Poswa, an associate of the Reverend Xundu in Clermont. This latter killing was witnessed and reported to the SAP by Ms Nelisiwe Octavia Lamola, a student at Ziphatele High School. Concerning Ms Mxenge, Sefako is alleged to have confessed: “I shot her five times on the chest but she never fell, where I followed her with an axe and chopped her next to her dining room door”.
- 257 Hlongwane claims that Sefako returned to South Africa after the unbanning of the ANC but was subsequently killed, allegedly by IFP supporters.

258 Aside from Mbane's statement, the above confessions come from people held in ANC custody and thus an element of duress cannot be excluded. However, the assertion that the killing was a security force operation is common to all three versions. (See also KwaZulu/Natal regional profile.)

THE COMMISSION FINDS THAT MS VICTORIA MXENGE WAS KILLED BY, OR ON THE ORDERS OF, UNKNOWN MEMBERS OF THE SECURITY FORCES, AND THAT HER DEATH WAS A GROSS HUMAN RIGHTS VIOLATION WHICH ENTAILED DELIBERATE PLANNING ON THE PART OF THE SAID SECURITY FORCES.

Toto Roy Dweba

259 The Commission received a statement from Ms Virginia Vuyiswa Dweba [KZN/NN/288/DN] concerning the killing of her son, Mr Toto Roy Dweba, in Mthunzini on the Natal north coast on 20 August 1985. Dweba, a UDF and Natal Freedom Charter Committee member, was the brother-in-law of MK member Mduzuzi Guma, killed in the 1981 Matola raid. Evidence given in a section 29 enquiry by Security Branch member Vusi Ismael "Spyker" Myeza indicates that Dweba was suspected of being a courier of guns for the ANC from Swaziland.

260 Dweba's wife, Ms Daphne Dweba [KZN/MR/492/DN], said that her husband was abducted from his place of work on 19 August 1985. He was fatally stabbed and mutilated in Eshowe on 20 August 1985. She said that she had received strange phone calls, and suspected that the caller was responsible for the abduction and killing. On 22 August 1985, the police informed Mrs Dweba that her husband had been found dead. On 27 August, a petrol bomb was thrown at the Dweba house.

261 Toto Dweba was buried on 5 September 1985. Two weeks after the funeral, his hands were found in a plastic bag in a cane field. The hands were taken to Pretoria for forensic tests. Some weeks later, Dweba's uncle, police officer Maxwell Dweba, was contacted by the Empangeni police station and told to fetch his nephew's hands, which were then buried.

262 Three months after the burial, an unknown white man in civilian clothing sought out Maxwell Dweba and took him to a white Ford Escort in Gillespie Street, Durban. In the boot were his dead nephew's clothes, which the unknown white man said were "from Pretoria".

THE COMMISSION FINDS THAT TOTO DWEBA WAS KILLED BY, OR ON THE ORDERS OF, UNKNOWN SECURITY FORCE MEMBERS, AND THAT HIS DEATH WAS A GROSS HUMAN RIGHTS VIOLATION WHICH ENTAILED DELIBERATE PLANNING ON THE PART OF THE SAID SECURITY FORCES.

Florence Ribeiro and Fabian Ribeiro

- 263 On 1 December 1986, Dr Fabian Ribeiro and his wife Florence were assassinated outside their home in Mamelodi. Shortly thereafter, a vehicle identified by witnesses was traced to Mr Noel Robey [AM5470/97], an SADF Special Forces operative. No one was charged with the killing. Those who applied for amnesty in respect of the killing were Brigadier Jack Cronjé [AM2773/96], then divisional commander, Northern Transvaal, Captain Paul van Vuuren [AM6528/97], Captain Jacques Hechter [AM2776/96], Major General AJM 'Joep' Joubert [AM3799/96], then officer commanding SADF Special Forces, Commandant (Lieutenant-Colonel) Charl Naudé [AM5453/96] and Mr Noel Robey [AM5470/97], a Special Forces operative.
- 264 Evidence from amnesty applications suggests that the killing of the Ribeiros was a joint Northern Transvaal and SADF Special Forces operation. Joubert indicates that, in early 1986, he was instructed by the chief of the defence force, General JJ Geldenhuys, that Special Forces was to provide support for the Security Branch. In terms of this instruction he drew up a plan identifying three 'hotspots' – the Northern Transvaal, the Witwatersrand and the eastern Cape – to be stabilised by joint Special Forces and Security Branch operations. According to Joubert, his plan was approved by General Geldenhuys at a social function. Geldenhuys denies this.
- 265 Believing that the plan had been authorised, Joubert assigned Charl Naudé to the Northern Transvaal and Colonel Joe Verster to the Witwatersrand. Because internal security was the responsibility of the SAP, Special Forces operatives were to act in support of the Security Branch. This meant that each operation needed to be authorised by the Security Branch before Special Forces operatives could participate. Their function was to meet with the Security Branch in the assigned areas and decide on joint operations. Such operations included killing. Amnesty applicants further indicate that such killings occurred after targets had been identified at joint meetings attended by other high-ranking SADF officials.
- 266 The assassination of the Ribeiros was conducted according to this plan. At the hearing on the armed forces, the Commission heard that Lieutenant General Ian Gleeson (then acting chief of the SADF) and General JJ Geldenhuys were informed of the involvement of Special Forces in the killing of the Ribeiros. General Geldenhuys conceded that he had not drawn this information to the attention of the Attorney-General or the investigating officers.

267 According to Security Branch amnesty applicants, the Ribeiros were targeted because Dr Ribeiro provided medical assistance to people injured in security force action and allegedly provided financial assistance to those wishing to leave the country. Despite extensive cross-examination, amnesty applicants were unable to provide one specific case of support and conceded that the Security Branch had no file on Ms Ribeiro. Mr Chris Ribeiro [JB3488/02PS] said that, following a period in detention in the early 1980s, his father had decided to limit his political role to providing professional medical assistance.

THE AMNESTY COMMITTEE HAD NOT MADE A FINDING ON THE RIBEIRO CASE AT THE TIME OF REPORTING. HOWEVER, THE COMMISSION DOES FIND THAT, BY WILFULLY WITHOLDING INFORMATION PERTINENT TO THE IDENTITIES OF THE PERPETRATORS FROM THE SAP INVESTIGATING TEAM, GENERAL JJ GELDENHUYS AND LIEUTENANT GENERAL I GLEESON ACTED IN AN OBSTRUCTIVE MANNER FOR WHICH THEY ARE LEGALLY RESPONSIBLE.

Joe Tsele

268 Mr Joe Tsele, a UDF activist who had earlier served time on Robben Island, was shot dead at his home in Bophuthatswana on 6 May 1987. The Commission received amnesty applications from Brigadier Jack Cronjé [AM2773/96], Captain Jacques Hechter [AM2776/96] and Major Sarel 'Sakkie' Crafford [AM5468/97].

269 Crafford says he believed that Tsele was responsible for arranging safe houses for ANC members. Cronjé, Hechter, Mamasela and another *askari* went to reconnoitre Tsele's house to establish whether it was indeed being used as a safe house. Hechter added that, if their suspicions were confirmed, they were to eliminate Tsele.

270 While Cronjé and Hechter waited in the car, Mamasela and a fellow *askari* whom he identifies as Mbatha moved towards the house, armed with AK-47s. Through a window they saw a man watching the television, and identified him, from a photo, as their target. According to Mamasela:

Because there was burglar-proofing across the window and I and Mbata were worried that a bullet could be deflected back against it, we decided to push our AK-47 rifles through the window at the same time and fire at the man on full automatic. We then pushed our weapons through the window and fired at the man. I saw blood splashing and the man's body jerking. Because the weapons were on automatic firing I cannot say how many shots Mbata and I fired. It was quite a number at any rate. (Commission translation.)

- 271 Several days later Cronjé sent Mamasela and Mbatha back to Makapanstad to ascertain whether Tsele had been successfully killed.
- 272 The amnesty applicants claim that Joe Mamasela acted without authorisation in this case. Yet there is no evidence to suggest that he received any kind of rebuke from his superior officers, nor that he was subjected disciplinary procedures. This suggests, at the very least, a *post hoc* authorisation and legitimisation for future actions of this kind.

David Webster

- 273 Dr David Webster [JB00218/01GTSOW] was shot outside his home in Troyeville, Johannesburg on 1 May 1989. He died some twenty minutes later. The Commission received two amnesty applications about the circumstances surrounding his killing, but none concerning the killing itself. During the life of the Commission, however, a CCB operative, Mr Ferdinand Barnard, was charged and convicted with the murder of Webster.
- 274 Dr Webster was a well-known human rights activist, a member of the Detainees' Parents' Support Committee (DPSC) and vice-chairperson of the Five Freedoms Forum, an affiliate of the UDF. As an anthropologist, Webster went on regular field trips to Kosi Bay in Northern Natal and it was rumoured that he had possibly stumbled on evidence of the ongoing supply of weapons to RENAMO or of ivory smuggling. The Hiemstra Commission, set up to investigate a spy-ring with military links in the Johannesburg City Council, heard evidence that Dr Webster had been under surveillance.
- 275 There were several eyewitnesses to the shooting. Ferdinand Barnard was later detained under section 29 of the Internal Security Act but, although he gave information leading to the disclosure of the existence of the CCB and the detention of a number of other CCB members, the identity of Webster's killing was not revealed.
- 276 In addition to an official inquest, Webster's killing was examined by the Harms Commission and by an internal military/police investigation into General IJ 'Krappies' Engelbrecht. While the CCB and Barnard in particular were frequently raised as possible suspects, no one was charged with the killing at the time.

277 While the Commission was investigating the matter, however, investigators were informed of the Transvaal Attorney-General's decision to prosecute. In June 1997 the Commission told the Attorney-General's office that it would not continue investigating the Webster case. Mr Ferdinand Barnard was arrested and subsequently charged and convicted of the killing of Dr Webster.

Abduction, interrogation and killing

278 This section deals with a different category of killings – where the primary purpose was to obtain information, and death followed, apparently in order to protect the information received. Victims in almost all of these cases were suspected of having links with underground military structures or with networks that provided support for such structures. The purpose of interrogation was to gather intelligence on issues such as *modi operandi*, guerrilla infiltration routes and possible planned operations. This information was considered vital, not only to enable counter-measures to be taken, but for the ongoing and effective penetration of such structures by agents or *askaris*.

279 Amnesty applicants suggested that such intelligence had value only for as long as the 'enemy' was not aware that the information had been uncovered. Detainees – even those kept in solitary confinement – sometimes managed to smuggle out information about their detention and interrogation. Moreover, in the nature of clandestine work, once a detention was known about, old routines, codes and meeting places would be regarded as compromised and therefore changed. It was for this reason, the Security Branch argued, that it was preferable to abduct rather than officially detain, and to kill the abductee once information had been extracted. In some instances, the Security Branch attempted to 'turn' (recruit) the individual; where this proved unsuccessful, killing was regarded as necessary.

280 This *modus operandi* allowed for greater freedom to torture without fear of consequences. It should also be noted, as is evident in some of the cases below, that confessions and admissions were sometimes obtained only after brutal torture. The possibility that a number of people so targeted had no real link to underground military structures cannot be excluded.

Gcinisizwe Kondile

281 Eastern Cape political activist Gcinisizwe Kondile [EC0021/96STK] was killed by the security police in August 1981. Mr Kondile was first detained by the security police in 1980 while a student at Fort Hare University. After his release, he fled

to Lesotho where he continued to be politically active. In June 1981, he was apprehended by the security police after entering the country in a car owned by Chris Hani.

- 282 Amnesty applicants have presented two different versions of the circumstances leading to Kondile's death. Captain Dirk Coetzee [AM0063196] says that Kondile was transferred to Jeffrey's Bay in the eastern Cape where he was held for two months and severely tortured. So serious was his condition that the police feared he would die. Deciding they could not afford "another Biko", the upper management of the Security Branch decided he should be killed and all evidence of his existence destroyed. This version is confirmed by a Sergeant Danster who guarded Kondile at the Jeffrey's Bay police station. Danster referred to the use of torture, including 'tubing', electric shock and assault.
- 283 To cover their tracks, the security police officially released Kondile from custody on 11 August 1981 and then immediately re-arrested and held him secretly in the 'white' quarters of the Jeffrey's Bay police station.
- 284 C section head, Brigadier W Schoon, ordered Dirk Coetzee to meet with Major Archie Flemington from the local security police office at Komatipoort. The Port Elizabeth Security Branch arrived at Komatipoort with Kondile, who was then taken by a group of security police members – including Coetzee, Flemington, Nick Janse van Rensburg, Sergeant JG Raath [AM4397/96], Captain Paul van Dyk and two others from Ermelo – to an isolated spot near Komatipoort. Here he was drugged with "knock-out" drops acquired from General Lothar Neethling's police forensic laboratory, shot and cremated over a log fire for seven hours until all traces of his body had been destroyed. During the cremation, the group drank and cooked meat at a separate 'braai'. Coetzee related:

The burning of a body to ashes takes about seven hours, and whilst that happened we were drinking and even having a braai next to the fire. Now, I don't say that to show our braveness, I just tell it to the Commission to show our callousness and to what extremes we have gone in those days ... the chunks of meat, and especially the buttocks and the upper part of the legs, had to be turned frequently during the night to make sure that everything burnt to ashes. And the next morning, after raking through the rubble to make sure that there were no pieces of meat or bone left at all, we departed and all went our own way.

- 285 Other amnesty applicants disputed this version of events. The Port Elizabeth Security Branch applicants stated that Kondile was transferred to their region after interrogation in the Orange Free State. After two weeks of interrogation with assault at the Jeffrey's Bay police station, Kondile agreed to act as an informer. However, Major Du Plessis [AM4384/96] alleges that he then personally discovered a concealed note from Kondile to the ANC. Du Plessis realised that Kondile had deceived him. Kondile had been briefed about Du Plessis's informer network (including a person in the UNHCR who provided photographs of refugee applicants to the police) which would now be compromised. After discussions with his immediate superior Nick Janse van Rensburg and the Divisional Commander, then Colonel Gerrit Erasmus [AM4134/96], it was decided that Kondile should be killed.
- 286 Kondile was taken near Komatipoort where they met with Captain Dirk Coetzee. He was tied to a tree and shackled, given some food and cold drinks, after which he became unconscious. Sergeant Roy Otto (now deceased) then shot him through the head, after which his body was placed on a wood fire and burnt until morning.

Nokuthula Simelane

- 287 According to amnesty applicant Lieutenant-Colonel Anton Pretorius [AM4389/96], the Soweto Intelligence Unit (SIU) had in 1983 succeeded in penetrating and infiltrating MK structures in Swaziland. Deep-cover agents RS269 and RS243 had succeeded in gaining information about arms caches, infiltration routes, lines of command and so on. Through a Soweto-based source, SWT 66, they had managed to establish the linkages between the Swaziland structures and MK's Transvaal military structures.
- 288 During 1983, they received information that a courier from Swaziland was expected in Johannesburg. The courier, Ms Nokuthula Aurelia Simelane (aka MK Sibongile), arrived in Johannesburg in September 1983 and was abducted by the SIU from the parking lot outside the Carlton Hotel where she had planned to meet her contact. She was initially taken to the Custodum police flats in Norwood and kept for several days in a tenth-floor storeroom. During this time she was intensively interrogated and, according to an amnesty applicant, badly beaten.
- 289 From Norwood, Simelane was taken to a farm near Thabazimbi, where she was apparently kept in an outbuilding for a month, possibly two.
- 290 According to amnesty applicants Anton Pretorius and Lieutenant Colonel Willem 'Timol' Coetzee, [AM4032/96] then head of the SIU, she agreed during her initial

interrogation and torture to become an agent for the Security Branch and her removal to the farm had been organised to facilitate the necessary training. Coetzee claims that the arrangements surrounding this recruitment were discussed with his superior officer as well as with Section C at Security Branch headquarters. Pretorius and Coetzee said that, after three weeks, Simelane returned to Swaziland but that all subsequent pre-arranged contact and communication with her failed. These applicants said they believe that her defection was discovered by MK and that she was killed as a consequence.

291 A number of other members of the unit involved in her abduction also applied for amnesty. At least one of these, however, disputes the Coetzee/Pretorius version. According to this applicant, Simelane continued to be tortured at the farm in Thabazimbi. After about two months, she was put in the boot of the car, handcuffed and in leg-irons, and driven away. This was the last that black members of the unit saw of her. Her physical state at the time was such that returning her to Swaziland would not have been possible. "She was very beautiful. But by the time they were finished with her, she could not be recognised."

292 The applicant indicated that, after he was back in Soweto, he asked one of his superiors about Simelane and was told not to ask questions. He subsequently heard that she had been shot and buried in Rustenburg.

Japie Maponya

293 Mr Japie Maponya [JB02090/03WR] was abducted by Vlakplaas *askaris*, interrogated and subsequently killed. Amnesty applicants included General JH le Roux [AM4148/96]; Colonel Eugene de Kock [AM0066/96] head of C1/Vlakplaas, Warrant Officer Willie A Nortjé [AM3764/96]; Constable TJ Mbelo [AM3785/96] and Sergeant DJ van der Walt [AM3769/96].

294 According to applicants, a request for assistance was submitted to security headquarters by Colonel Johan le Roux, head of the Krugersdorp Security Branch (later a general who commanded the Security Branch). On instructions from Security Branch headquarters, a team under Warrant Officer Willie Nortjé, with which De Kock later linked up, was deployed to Krugersdorp. Japie Maponya, a security guard, was abducted from Krugersdorp by Mbelo and two other *askaris* and taken to Vlakplaas for questioning about the activities of his brother, MK operative Odirile Maponya (MK Mainstay), who was suspected of involvement in the death of an SAP member, Warrant Officer Tswane.

- 295 Maponya was severely beaten by the *askaris*. Two security police from the Krugersdorp Security Branch were present during the interrogation and apparently participated. Tear gas was sprayed into his mouth, allegedly by De Kock (who denies this), but all efforts to extract information from him failed. De Kock and Willie Nortjé then took Maponya across the border to a plantation in Swaziland and killed him. De Kock struck him on the head with the sharp end of a spade and Nortjé shot him in the temple with a 9mm pistol. He was buried in the plantation.
- 296 This case had not been heard by the Amnesty Committee at the time of reporting. Among the matters to be canvassed will be whether the decision to kill Maponya came from Le Roux, as De Kock alleges, or whether Le Roux only gave an instruction for his abduction and interrogation. De Kock also alleges that, during the Harms Commission's investigation, the original telex from Le Roux to Special Branch headquarters, requesting Vlakplaas assistance, was destroyed after being brought to the attention of the then head of C section.

Jackson Maake, Andrew Makupe and Harold Sefolo

- 297 Mr Jackson Maake [JB02706/02PS], Mr Andrew Makupe [JB02699/02PS] and Mr Harold Sefolo [JB00104/02PS] were abducted in 1986 or 1987, interrogated and then killed. Amnesty applications in respect of their killings were received from Mr Sampina Bokaba [AM5460/97], Captain Jacques Hechter [AM2776/96], Warrant Officer Paul van Vuuren [AM6528/97] and Brigadier JH Cronjé.
- 298 Bokaba stated that he and a Warrant Officer van Wyk recruited Jackson Maake sometime in 1986. Later, he handled Maake jointly with Hechter and Van Vuuren. Maake was sent to Botswana to infiltrate ANC networks but, on his return, Hechter suspected Maake of being a double agent. He was picked up, taken to a deserted property owned by the Pretoria Portland Cement Mine some five to ten kilometres outside Messina and interrogated. Maake denied the allegation that he was a double agent, but after being subjected to electric shocks confessed that he was working for the ANC and gave the name of Makupe as his MK contact.
- 299 According to Van Vuuren, they then went to the Security Branch offices and drew Makupe's file which confirmed that he was a courier for the ANC. Makupe was abducted, taken to the mine property and interrogated. He told the Security Branch that Harold Sefolo was the MK operative who chose targets and acted as an ANC courier. Makupe was taken to a telephone box and instructed to call Sefola in Witbank, telling him that he would be collected by some ANC comrades

that night. That night, Mamasela and another *askari* abducted Sefolo. His interrogation began the next morning.

- 300 Van Vuuren described how Mamasela “forced a knife in Sefolo’s nose, after which he provided additional information. He also begged for his life.” In order to persuade him to provide more information, they shocked Maake to death in front of him. As they were preparing to do the same to Makupe, Sefola “asked if he could say something”. Van Vuuren said:

I agreed to it. He asked if he could sing Nkosi Sikelel' iAfrika ... He also claimed that the ANC would govern later, that apartheid would no longer be able to be maintained and that a democracy would be the end of the Boers. He also mentioned that the Security Police and Umkhonto weSizwe were the toys of the politicians. Mamasela had an ANC flag present which was with us then. He threw this over Maake while Sefola sang Nkosi Sikelel' iAfrika. We then shocked Makupe to death.

- 301 Sefolo himself was then shocked to death. Van Vuuren said they acted “under the instructions of Brigadier Cronjé” and “the purpose was to neutralise the cell”. The three bodies were loaded into a minibus and, somewhere on a road in Bophuthatswana, were placed on top of a landmine, which was detonated. The aim was to create the impression that they had blown themselves up, thus performing the dual function of turning suspicion away from the security forces and making MK soldiers look incompetent.

Unknown activists

- 302 Shortly after this incident, an unknown ANC operative alleged to be part of Harold Sefolo’s cell was abducted by Hechter and Bokaba and driven to a road in Bophuthatswana where Hechter strangled him to force a confession from him. When he refused to talk, Paul Van Vuuren strangled him to death with a wire. A tyre was then put around his neck, he was doused with petrol and set alight. In his amnesty application, Bokaba said that one of the purposes of ‘elimination’ was disinformation: “It was painted to be a struggle between blacks ... Voters were once again persuaded to vote for the National Party in the light of the black onslaught.”
- 303 Lieutenant Colonel WJ Momberg [AM4159/96] applied for amnesty in respect of the killing of an unknown MK member at some time between January and April 1986. The MK member was arrested by the Security Branch and taken to Mamelodi,

Pretoria, in order that he might identify safe houses being used for 'terrorist' operations. After a while, the police concluded that the MK member was misleading them. Momberg and a named captain began to slap him, punch him in the ribs, and knock him around. Despite the assault, they failed to extract any information from the unknown man.

- 304 They then took him to a quiet place in the Pienaar's River area to interrogate him further. The captain began the interrogation behind the minibus. When the victim would not co-operate, the captain grabbed his throat with both hands and shook him so that he landed in the boot of the minibus. When he stepped back from the minibus, the MK member was dead. When told about the death, Brigadier Cronjé gave orders that the body should be blown up with a landmine to render it unrecognisable.
- 305 Paul van Vuuren [AM6528/97] applied for amnesty in respect of the killing, in 1986 or 1987, of another unknown activist at Die Bron in the northern Transvaal. Van Vuuren could not remember why the victim was arrested. At some stage the victim was put into the boot of a car. Van Vuuren said that the activist may already have been dead at this point, but he could not remember much else about the incident. Other applicants include Brigadier JH Cronjé and Captain J Hechter.

Stanley Bhila

- 306 Mr Stanley Bhila, an MK member, was abducted and killed eighteen days after his acquittal in the Durban trial of Dudu Buthelezi and nine others. The charges included the Amanzimtoti bomb blast for which Andrew Zondo had already been convicted and executed.

- 307 Amnesty applicant Captain Frank McCarter [AM4378/96] stated:

Bhila ... was acquitted ... I met Major Andy Taylor. He informed us ... that Bhila would continue with his terrorist activities now that he had been released. He requested us to kill him and we agreed ... We were fighting a war where the enemy was not bound by any rules ... I had to do things that went against my grain sometimes ... I did not regard them as morally wrong, although I realise that my acts were illegal.

- 308 On 22 February 1987, Bhila was abducted, taken to a house on the South Coast and shot by McCarter with a 6.35mm pistol. His body was thrown over a

cliff in the Umbumbulu district, south of Durban. Sergeant LG Wasserman also applied for amnesty.

Ntombi Ngcobo (Khubeka)

- 309 Colonel Andy Taylor [AM4077/96], Captain HJP 'Hentie' Botha [AM4117/96], Captain Adrian David Baker [AM5284/97], Lieutenant Sam du Preez [AM4130/96], Sergeant LG Wasserman [AM4508/96], *askari* Jimmy Mbane and Sergeant CA "Cassie" van der Westhuizen [AM4388/96] applied for amnesty for the death of Ntombi Ngcobo (née Khubeka) in custody.
- 310 Security Branch amnesty applicants claim that Ngcobo (Kkhubeka) died of a heart attack during interrogation after having being abducted, and that her body was dumped in violence-torn Bhambayi. However, a body believed to be hers was exhumed by the Commission and was found to have a bullet wound to the back of the head.
- 311 It appears that the Security Branch believed that Ngcobo (Kkhubeka) was acting in a liaison capacity between externally and internally trained 'terrorists'. They suspected her of stashing arms, providing accommodation and gathering intelligence in connection with targets. Both her brother Themba and her sister Sibongile Khubeka were at ANC HQ in Lusaka.
- 312 According to *askari* Jimmy Mbane, he and two other *askaris* were instructed to infiltrate Ngcobo's group. The *askaris* convinced her that they were from exile and needed accommodation. Mbane alleges that, as a result of this infiltration, four people were killed – a man Ngcobo had introduced to *askari* Simon Radebe saying he needed a safe place; a man named Sbu, who was also introduced by Ngcobo (Khubeka) and who was electrocuted; a friend of Sbu's, who was shot, and Ngcobo (Khubeka) herself.
- 313 In May 1987, Mbane took Ngcobo (Khubeka) to the old Railway Police Station in Winkelspruit where Captain Botha, Lieutenant Du Preez, Sergeant Wasserman and others were waiting. Ngcobo was tightly blindfolded, tortured by means of electric shocks and struck on the knees with beer bottles. Taylor claims that Ngcobo (Khubeka) confessed to liaising with four externally trained guerrillas. She agreed to identify them on condition that her identity was not revealed, but then she suddenly went into convulsions and died. Her body was disposed of by Du Preez, Wasserman, and 'Hentie' Botha.

Phumezo Nxiweni

314 Following the abduction and interrogation of Ms Phila Portia Ndwandwe in October 1988 (see chapters on *Gross Violations of Human Rights Committed by the State outside South Africa and Exhumations* in this volume), the Security Branch established that Mr Phumezo Nxiweni [EC0246/96WTK] was the commander of an MK underground structure in Durban. Hentie Botha claims that this unit was responsible for thirteen explosions in the Durban area during 1988. Nxiweni had been charged with these attacks, including the Amanzimtoti bomb, and acquitted.

315 On 4 November 1988, Captain 'Hentie' Botha, Lieutenant Sam du Preez and Cassie van der Westhuizen arrested Nxiweni. He was taken to a safe house in Mount Edgecombe, near Durban, where, according to the Security Branch, he admitted under interrogation to his role in these and other acts of terror. He also admitted to the bombing of Rossburgh Railway station the previous night. They decided to "eliminate" him, the task being given to Andy Taylor, Lawrence Wasserman and Du Preez. Taylor explains:

It was clear to me that he was a dangerous terrorist who would not stop his activities ... It was also apparent that there was insufficient evidence to remove him from society through the normal channels of the Court, due to the fact that he had already been acquitted.

316 Nxiweni was shot and buried in a sugar cane field adjacent to the safe house. His body was exhumed by the Commission.

Vusumuzi Mtshali, Sibusiso Ndlovu and Mazwi Vilikazi

317 In the days following Nxiweni's killing, the Security Branch made contact with other members of his network through informers. An attempt to arrest two members of the unit failed, as they had fled to the Transkei. However, informers were able to infiltrate a KwaMashu unit and reported that this unit was planning to sabotage the Phoenix railway station. Du Preez, Wasserman and Botha arrested three members believed to be Mr Vusumuzi Mtshali, Mr Sibusiso Ndlovu and Mr Mazwi Vilikazi. Botha told the Commission:

After their arrest, they were taken to the safe house where Colonel Andy Taylor was waiting for us, for questioning ... We decided that in the light of the fact that the three terrorists were not cooperative there would be no point in trying to convince them to co-operate ... A conviction would not

have been successful without the statements of the informers and we could not compromise them ... We could not release them because ... they were responsible for the acts of terrorism ... Accordingly we decided that the three must be eliminated by blowing them up on the railway line that they had identified as the target.

Colonel Taylor, Sam du Preez, and Laurie Wasserman rode with the three terrorists to the Phoenix Railway Station ... I ordered them to kneel side by side next to each other ... We each stood behind the person and removed our weapons ... I gave a nod of my head and we each shot the person in front of us with a single shot to the head. Sam put the limpet mines on the railway line and Laurie and I laid out the three corpses on the tracks ... After Sam activated the explosives, we left the scene in a vehicle. We were about a kilometre from the scene when the explosions occurred.

- 318 General JA Steyn (then officer commanding, Port Natal Division), Colonel Andy Taylor [AM4077/96], Captain HP 'Hentie' Botha [AM4117/96], Lieutenant Sam du Preez [AM4130/96] and Sergeant LG Wasserman [AM4508/96] applied for amnesty for the killings.

Blessing Ninela

- 319 Ms Gretina Ninela (KZN/NN/404/DN) made a statement to the Commission about the disappearance of her son Blessing Ninela from Pinetown on 13 June 1988. According to Ms Ninela, her son had been detained with several others in January 1987. On 11 June 1988, some time after his release, two unknown people came to the house and left a note making an appointment for Ninela to meet them at the Pinetown post office on 13 June. He left to meet them and was never seen again.
- 320 Askari Ben Mwelase [AM6436/97] said in his amnesty application that he was involved in the abduction of a man from Pinetown post office while serving under Taylor. At a section 29 investigative hearing, Security Branch member Vusi 'Spyker' Myeza revealed that Ninela had been abducted and killed in Bulwer, and that Lieutenant Sam du Preez [AM4130/97] and Sergeant LG Wasserman [AM4508/96] then blew his body up on a railway line by means of a limpet mine. Ninela's body was discovered soon afterwards. His face was injured beyond recognition and one of his hands was missing. He could not be identified and was given a pauper's burial at Ixopo near Richmond a few weeks later. The remains of Blessing Ninela were exhumed by the Commission in August 1997.

Ambushes

321 The Security Branch and later the SADF (who assumed responsibility for the security of South Africa's borders from 1984) expended much effort in uncovering infiltration routes and attempting to thwart infiltration by trained MK operatives. Such routes appear to have been highly compromised and a number of ambushes were laid for operatives attempting to re-enter South Africa. Because of the large number of ambushes resulting in the death of insurgents, the Commission came to the conclusion that ambushes became part of the proactive policy of the security forces. It appears, moreover, that little attempt was made to arrest those caught in such ambushes. Indeed, in some instances, amnesty applicants make it quite clear that the intention was to kill them.

Jobe Ngwenya, Sihle Mbongwa and Henry Chiliza

322 In April 1977, a Swazi citizen, Mr Jobe Ngwenya, who worked closely with the ANC as a courier, was stopped at a roadblock just inside South Africa. He was travelling with two MK cadres, Mr Sihle Mbongwa (aka Sihle Ndlanzi) and Mr Henry Chiliza. All three attempted to run from the roadblock. Chiliza managed to escape and made it back to Swaziland. Mbongwa was caught, detained and severely tortured. He was eventually released and fled the country.

323 The fate of Ngwenya is unknown; he has not been seen or heard of since. Mbongwa said he had seen a bundle of Ngwenya's bloodstained clothes at the Jozini police station.

THE COMMISSION FINDS THAT, ON THE BALANCE OF PROBABILITIES, NGWENYA WAS KILLED BY MEMBERS OF THE SECURITY FORCES INVOLVED IN THIS AMBUSH, AND THAT HIS DEATH WAS A GROSS VIOLATION OF HUMAN RIGHTS.

Bushy Swartbooi, Sikhiri Ramokgopa and Andries Moatshe

324 On 4 May 1983, two MK operatives, Mr Bushy Swartbooi (aka Solomon Mlonzi and Kruschev) and Mr Sikhiri Ramokgopa (aka Karl Marx) and a Botswana citizen and Security Branch informant, Mr Andries Moatshe, were shot and killed at Silver Valley near the Derdebos border post with Botswana. Moatshe was infiltrating the other two into South Africa and had informed Zeerust Security Branch member Colonel Philip Rudolph 'Rudi' Crause [AM4125/96], of this.

325 After deciding to ambush and arrest the two, the head of Zeerust Security Branch, Colonel (later Brigadier) Wickus Loots, decided that they should be killed. That night all three, including the informer Moatshe, were shot and killed, after which a quantity of weapons were planted on their bodies. Others who applied for amnesty for this killing are the then head of Western Transvaal division, Major General Johannes Bertus Steyn [AM4513/97] (later Port Natal divisional commander); then head of the Zeerust Security Branch and later Western Transvaal divisional commander, Colonel Loots, and Lieutenant CJ du Preez Smit [AM4386/96]. Other applicants include: Sergeant Isak Johannes Marais [AM4151/96], Gideon Jacobus van Zyl [AM4372/96], Daniel Johannes Nieuwenhuis [AM4395/96] and Rudolf J Venter [A2776/96].

Victor Mgadi and Oupa Funani:

326 In May 1997, the Commission's Investigation Unit exhumed the bodies of two MK operatives who had been killed by security police near Piet Retief. Mr Victor Mgadi from Inanda in Durban and Mr Oupa Funani from Soweto were killed in separate incidents in 1982 after returning from Swaziland, and were buried in unmarked graves in Thandokukhanya cemetery at Piet Retief.

THE COMMISSION FINDS THAT MGADI AND FUNANI WERE KILLED AS A RESULT OF DELIBERATE PLANNING ON THE PART OF MEMBERS OF THE SECURITY POLICE, AND THAT THEIR DEATHS WERE GROSS HUMAN RIGHTS VIOLATIONS, FOR WHICH THE SECURITY BRANCH OF THE SAP IS ACCOUNTABLE.

Unnamed MK members

327 During 1986, information was received that MK members were planning to infiltrate South Africa via Ramotswa in Botswana. Lieutenant Christoffel Johannes du Preez Smit [AM4386/96] and a Warrant Officer Modise recruited an informant to infiltrate the group. Smit reported to his commander, Captain Frederick Crause [AM4124/96] and to Colonel Loots, divisional commander of the Western Transvaal, in Potchefstroom.

328 In June 1986, the informer was due to pick up armed MK members in the Ramotswa area and take them to Krugersdorp. Loots organised for the Reaction Unit in Potchefstroom to help with the arrests at a place chosen by Smit on the road between the Botswana border and Zeerust. Smit later learned from the informant that the MK members had jumped out of their vehicle with their weapons and run towards the Reaction Unit and that one of them had apparently thrown a hand grenade.

329 Four people were shot dead in the ambush and the informant and Constable Wessels of the Reaction Unit were injured. There were AK-47s and hand grenades with the bodies of the dead. The bodies were taken to the Zeerust mortuary, an inquest was held and the deceased were identified as MK members. Smit does not recall their names.

'Tallmen' Assen Jeremia Thimula, 'Bernard' Mbengeni Kone, Shadrack Sithole and others

330 The 'Amsterdam' operation, which took place on 14 August 1986, was conducted by members of Vlakplaas in association with the Security Branch in Piet Retief in the Eastern Transvaal division.

331 Colonel Eugene de Kock alleged that they received information indicating that two ANC members responsible for planting landmines were planning other attacks, including an attack on a primary school. They decided to kill the operatives as well as those on the other side of the border who assisted with the infiltration.

332 The security police succeeded in recruiting a source who was responsible for transporting the MK operatives. As pre-arranged, the driver pulled over to the side of the road, and Mr 'Tallmen' Assen Jeremia Thimula from Venda, Mr 'Bernard' Mbengeni Kone from Diepkloof, Soweto and Mr Shadrack Sithole, the driver and a Swazi citizen, were all killed. Sithole, who was the brother of one of the *askaris*, was killed allegedly on the grounds that he was only interested in being paid. One of those who had assisted with the infiltration was also killed, while another who had managed to escape was arrested by forest workers the following day.

Ambushes and farm shootings in the Alldays area

333 A joint SAP/SADF ambush, leading to the death of six alleged MK members, took place on the Breslau Road near Alldays on 10 July 1986. The following applied for amnesty for this incident: Mr JH Kruger [AM4147/96], Mr LM Pretorius [AM4366/96], Mr MM Sehlwana [AM3747/96], Mr NS Coetzee [AM4121/96], Mr PA Dreyer [AM 4128/96], Mr JAN Strydom [AM4368/96], Senior Superintendent AJG Erwee [AM4135/96], Mr PTCJ Fourie [AM4137/96], Mr PPF Fuchs [AM4138/96], Mr FCS Swarts [AM4512/96], Mr JP van den Berg [AM4367/96], Mr WJ van der Merwe [AM4380/96] Mr JH van Dyk [AM4370/96] and Mr Josef Venter [AM4381/96].

- 334 The operation was launched in response to information received about a planned infiltration via Botswana of a group of six heavily armed MK guerrillas. Final planning for the operation was conducted in conjunction with the Fifth Reconnaissance Regiment of the SADF's Special Forces.
- 335 The police provided a minibus with its rear window removed, and Constable Sehlwana was appointed to meet the group at the border under the pretext of being a taxi driver. He was instructed to stop the minibus at a designated spot, one side of which was fenced while the other was open. An army Casspir was parked in the road to prevent the occupants of the taxi from escaping; a group of policemen hid in the river bed, about thirty metres from the road; two or three other military personnel waited on the bank to the right of the road to communicate with the occupants of the minibus. A number of other groups were stationed in the vicinity to observe the scene. In addition, an operative hid at the fence to throw a tear gas canister into the vehicle in order to facilitate the arrests and to allow Constable Sehlwana to escape. An aircraft with radio communication monitored the scene, and a helicopter was on stand-by for any emergency.
- 336 According to the amnesty applicants, Inspector Kobus Fourie reported that the six suspects had crossed the border and had climbed into the designated minibus. Sehlwana stopped the vehicle at the appointed place; the tear gas canister was thrown in and Sehlwana escaped. At this point it is alleged that the occupants of the vehicle began firing and that this led to a shoot-out in which five of the insurgents were killed. The remaining guerrilla, alive though badly wounded, was taken away for interrogation. During interrogation, a military medic gave him an injection to stabilise his condition but he died later, on the way to Alldays.
- 337 Because of the sensitivity regarding Sehlwana and an informant from whom they had received intelligence, it was agreed that certain information would be omitted from then Colonel (later Senior-Superintendent) Erwee's statement. The inquest finding was that nobody could be held responsible for the deaths of the unnamed victims.
- 338 The Alldays incident was clearly a carefully planned and executed operation, involving both the police and the military. SADF standing instructions on conducting an ambush include advice on how to identify 'a killing ground': the enemy must be channelled into the killing ground; it must be large enough to accommodate the enemy and must facilitate flat trajectories, providing as little cover for the enemy as possible.

- 339 Several other incidents involving some of the above role-players occurred in the Alldays area during 1987 and 1988, leading to the deaths of some sixteen people.
- 340 On 11 September 1987, one person was shot and two escaped in an incident at Renaissance Farm in the Waterpoort District. The two who had escaped were shot by a named farmer on 12 September. The investigating officer was CJH Bressler. The victims were Mr Nicolaas Moio, Mr Stanley Mehlope, and Mr Frans Mgoasheng.
- 341 On 3 August 1998, five people were shot and buried on Bridge Water Farm, a state-owned farm in the Alldays area. The investigating officer was Warrant Officer Pretorius, an amnesty applicant in this and the Alldays incident.
- 342 On 23 September 1998, a further three people were killed by a farmer near Pongriffs, Alldays. One person was arrested, and later became an *askari*. The victims were Mr Mzikayise Mgzangxeni, Mr Mkhathshane Johannes Shangaan and Mr Mark Mkoto; the investigating officer was Barend van der Merwe.

Stephen Bogacu

- 343 Mr Stephen Bogacu [KZN/TIS/006/BL] was killed by members of Unrest Unit 17 in the Ficksburg area on 24 May 1988. An inquest into his death [Inquest 8/88] found justifiable homicide, as the police claimed he was about to throw a grenade at them after they had observed him crossing a river. It appears that they had been lying in wait for him, as members of the Unrest Unit state that they had been given a photo and description of Bogacu.
- 344 The evidence of two other witnesses is conflicting. Mr Mmtali 'Fatty' Letlaka [KZN/TIS/006/BL] from Ficksburg stated that he had taken Bogacu into exile in 1985. In 1988, Letlaka was asked to fetch Bogacu from Leribe (Lesotho) so he could catch a taxi from Ficksburg to Zimbabwe. As they came through the border, a minibus stopped them and Letlaka was told to stand aside while Bogacu was shot several times at point-blank range. He fell to the ground and was shot again. Letlaka was then called to the minibus and searched. One of the policemen appeared to recognise him, and he was told to go home. A Detective Sefatsa from Ladybrand and two white policeman later arrived at Letlaka's house and took Bogacu's suitcase. Letlaka was forced to sign a blank piece of paper and was given R500 and thanked for giving them the suitcase. Subsequently, they visited him on several occasions.

345 Mr Jan Seboi Sekete [KZNNT/009/FB] said he and a Mr Litabe (now deceased) were returning from the Lesotho border and were joined by Steve Bogacu of the ANC and 'Fatty' Letlaka, who had come across the river. He said they were stopped by two uniformed white men near the Caledon Park location in Ficksberg, who shot one of the men. The rest were told to "fokoff". As Sekete and Litabe left, they saw Letlaka shaking hands with the policemen and realised that it had been a set-up. Neither Letlaka nor Sekete mention a grenade.

THE COMMISSION FINDS THAT BOGACU WAS KILLED BY MEMBERS OF THE SAP, THAT HIS DEATH WAS THE RESULT OF A DELIBERATE PLAN AND THAT IT WAS A GROSS VIOLATION OF HUMAN RIGHTS, FOR WHICH THE SAP IS HELD ACCOUNTABLE.

SM Nyoka and others

346 In 1988, two ambushes occurred within days of each other near Piet Retief. All the targets were killed without any arrests being made. Amnesty applications in respect of the first ambush were received from Colonel De Kock [AM0066/97], Mr Gerrie Johan Barnard [AM5004/97], Mr Jury Bernardus Hayes [AM5003/97], Mr Flip Koenraad Theron [AM5012/97], Sergeant Leon William John Flores [AM4361/96] Captain Marthinus David Ras jnr [AM5183/97], DG Willemse [AM372/96] JH Tait [AM3922/96], HC du Plessis [AM4129/96], Brigadier WF Schoon [AM4396/96] Major CP Deetleefs [AM5001/97], then Warrant Officer FHS 'Lappies' Labuschagne [AM5005/97], NJ 'Snor' Vermeulen, Warrant Officer FJ Pienaar [AM5014/97] and Dawid Brits.

347 According to amnesty applicants, a group of recently trained ANC guerrillas under a senior MK official, Mr Charles Ndaba, were set to infiltrate into Natal from Swaziland. According to De Kock, the group had been penetrated by a double agent run by Piet Retief Security Branch member Warrant Officer 'Freek' Pienaar. He had arranged that the first party of infiltrators be driven across the border on 12 June 1988 in a minibus driven by a member of C section, Lieutenant Mose. Mose stopped the vehicle at a pre-arranged spot and jumped out of the van while his four passengers, Mr Surendra Makhosi Nyoka, Ms Lindiwe Mthembu, Mr Lenny Naidoo and Ms June-Rose Cothoza were shot dead. Police officers Marthinus Grobler and James Stevens later fled South Africa fearing for their lives. They had overheard Security Branch operatives saying that the group who had been killed were unarmed and that it had been necessary to plant a Makarov in the minibus as part of the cover-up. The operation was kept out of the press in order to ensure that the second infiltration went ahead.

Jabulani Sibisi, Joseph Boxer Mthembu, Sifiso Nxumalo and Nkosi Thenjekwayo

348 Four days later, a second ambush took place during which Mr Jabulani Sibisi, Mr Joseph Boxer Mthembu, Mr Sifiso Nxumalo and Mr Nkosi Thenjekwayo were shot dead. Minister Vlok stated that the MK operatives had crossed the border in a minibus packed with Russian arms and ammunition and had died attempting to evade a roadblock. The parents of the deceased were refused access to their children's clothing as well as to the scene of the crime. There was no blood on the minibus used by the activists, although the bodies had been riddled with bullets. Those who applied for amnesty for this ambush were *inter alia* De Kock [AM0066/96], Mr Flip Koenraad Theron [AM5012/97], Warrant Officer Willem Albertus, 'Willie' Nortjé [AM3764/96], Mr Gerrie Johan Barnard [AM5004/97], Mr CJ Botha [AM5015/97], Major Christo Petro Deetlefs [AM5001/97], Mr JB Hayes [AM5003/97], Captain Marthinus David Ras jnr. [AM5183/97], Sergeant CS Rorich [AM5011/97], Captain PJ van Dyk [AM5013/97] and JEW van Zweel [AM5017/97].

Unnamed activists

349 At this time, De Kock also sent a team into Swaziland in an attempt to kill Mr Charles Ndaba. They failed in this objective but killed another person. In their amnesty applications, Paul van Dyk and Cornelius Johannes Botha said they were involved in an ambush inside Swaziland on 12 June 1988 in which one person was killed and one escaped. No names are cited but it is likely to have been this attempt on Ndaba. The ANC list of members killed in operations names Mr Israel Pharasi and Mr Sifiso Howard Nxumalo as fatalities in Swaziland at this time and the victim may have been one of these. Charles Ndaba was subsequently killed by the Security Branch while engaged in *Operation Vula*.

THE NUMBER OF AMBUSHES THAT ENDED IN THE DEATH OF THE INSURGENTS LEADS THE COMMISSION TO CONCLUDE THAT, IN MANY INSTANCES, LITTLE ATTEMPT WAS MADE TO EFFECT THE ARREST OF THOSE CAUGHT IN SUCH AMBUSHES.

MK operatives killed in the process of an arrest or while pointing out arms

350 The Commission was informed of a number of cases where alleged MK operatives were killed either in the course of an arrest or shortly thereafter.

Unnamed guerrillas

351 In about November 1984, an ANC guerrilla was arrested by C1 members in Mafikeng. The Zeerust Security Branch was called in to help and Colonel Roelof Venter [AM2274/96] was involved in the interrogation. During the interrogation, “violent methods were employed” and it was revealed that there were already two combatants in hiding in Vryburg and that the guerrilla had been on his way to join them. Venter, Crause, Du Preez Smith, and JJ Wehrmann went to Vryburg, along with members of the uniform branch. They managed to arrest one of the two, who was interrogated, tortured and forced to show them where the other one was hiding. When they arrived at the house, the guerrilla inside threw a hand grenade which failed to explode. He threw another one which exploded against the inside of the door. As the guerrilla ran out, a third grenade exploded between him and a police official. The guerrilla was killed and the police official suffered minor injuries.

Blessing Mabaso, Luvuyo Percival ‘Two Bob’ Mgobhozi, Thembani (Thabane) Memela and Mbongeni Henry Zondi

352 Mr Blessing Mabaso, Mr Luvuyo Percival ‘Two Bob’ Mgobhozi and Mr Thembani (Thabane) Memela [KZN/NN/002/DN] were shot dead in Quarry Road, Durban, on 7 September 1986, allegedly by Security Branch members Andy Taylor, and others. A Security Branch file lists a fourth person killed, namely Mr Mbongeni Henry Zondi. At the time the police claimed that the men had attacked a home in KwaMashu and that a number of weapons had been seized. A Durban inquest magistrate, Mr FM Vorster, found that the police were justified in killing the four men. Three people have applied for amnesty for this incident: JA ‘Bertus’ Steyn [AM4513/97], Sergeant LG Wasserman [AM4508/96] and MC Botha [AM7560/97].

353 In his trial, De Kock said he had been phoned one evening by General Bertus Steyn, head of the Port Natal Security Branch Division. Steyn had asked him to supply four AK-47s because the Durban Security Branch had shot four unarmed people and they needed AK-47s to make them look like combatants. A week or so later, Steyn contacted De Kock with a similar request. De Kock sent an arsenal of weapons for use in the future.

Norman 'Billy Holiday' Pietersen and Zola Michael 'Jabulani' Dubeni

- 354 MK operative Norman 'Billy Holiday' Pietersen [CT00440/WIN] and Mr Zola Michael 'Jabulani' Dubeni [EC2653/97UTA] were shot dead in Cape Town following several armed attacks on members of the SAP. On 9 January 1987, Unrest Unit member GJ Labuschagne was killed and Warrant Officer Barnard seriously injured in a hand grenade attack on their vehicle. Constable WL Mthethwa was shot dead in a second incident three days later.
- 355 Members of the Unrest Unit arrested Pietersen in his bedroom in New Crossroads, Cape Town, on 14 March 1987. At the inquest, the police alleged that, while members of the Riot Unit were searching the contents of a bag of arms in his possession, Pietersen pulled away from the policeman holding him, tried to dive under the bed, grabbed an AK-47 and shot at the police. Two Riot Unit members attempted to pull Pietersen out from under the bed and a third member shot him dead.
- 356 Dubeni was arrested by Western Cape Security Branch members together with Vlakplaas operatives and *askaris* in Nyanga on 14 March 1987. Dubeni was believed by the police to have been responsible for armed actions in the Transkei in 1985, including a shoot-out with police in which one policeman was killed. The following day he was allegedly taken by Warrant Officer JH Nel, Sergeant WR Bellingan and Warrant Officer PJ Theron to a remote bushy area near Faure outside Cape Town to point out an arms cache.
- 357 Nel claimed at the inquest that Dubeni allegedly dropped the spade which which he was digging and picked up a plastic packet from which he produced a grenade. Dubeni was in handcuffs and leg irons at the time. He was then shot in the stomach and face by Nel and Bellingan, and died at the scene. The packet was found to have contained four hand grenades. Lieutenant Desmond Segal was called to investigate the death.
- 358 MK sources told the Commission that there was no arms cache in Faure and that Dubeni had recently been disarmed by vigilantes in Khayelitsha. Notably, no officer or photographer were present at the 'pointing out', nor were photographs taken of the scene at any stage, allegedly because it was raining. This serious violation of police procedure suggests that there was no intention of bringing charges against Dubeni, since the pointing out of the arms cache would have been inadmissible in court without photographic evidence.

Unnamed MK members

359 In April 1987, *askari* Xola Frank 'Jimmy' Mbane's unit [AM8066/97] and Vusi 'Spyker' Myeza from Andy Taylor's unit went to Jozini where they shot one MK member in the legs; another sought refuge in a dam and shot security policeman Captain Frank McCarter. The injured man was left to die. After McCarter had been taken to hospital, the man in the dam attempted to give himself up to the police, but was shot in the head.

Sandile 'Zintlhe' Mahlangu

360 Security Branch file DR53/87 reveals that MK member, Sandile 'Zintlhe' Mahlangu was shot by Lieutenant SJG du Preez and Sergeant LG Wasserman in N Section, Umlazi on 30 June 1987 while running away. The victim had previously applied for political asylum in Lesotho.

'Thanduxolo' and 'Nombini'

361 Two ANC members – 'Thanduxolo' and another, said to be an armed woman and possibly his sister, 'Nombini' – were killed on 7 July 1987 in Motherwell, Port Elizabeth. They died after police used an armoured vehicle as a breaching device and flattened the house they were in. The police claimed to have seized a quantity of munitions including a grenade.¹⁴

Bongani Edwin Cele

362 ANC member Mr Bongani Edwin Cele [KZN/NG/031/DN] was shot dead by the police Murder and Robbery Unit in Mobeni Heights near Durban on 9 July 1987. The police claimed that Cele had tried to detonate a grenade while pointing out a site. The investigating officer, Hentie Botha, stated that Cele had been detained by the Security Branch for questioning about his involvement in attacks on a black councillor's home in Lamontville and the Lamontville police station. He further claimed that Cele had undergone military training in the ANC. On 30 June 1988, a Durban inquest court found that the police had been justified in killing the arrested ANC member.

¹⁴ M Morris, *Update: SA Bomb Summary*, 1 May–31 August 1987.

Ashley Kriel

- 363 Mr Ashley Kriel [CT00307/HEL], a young activist from Bonteheuwel, Cape Town, left the country in late December 1985, joined the ANC and underwent military training in Angola. He infiltrated the country in April 1987. On 9 July 1987, Warrant Officer Jeffrey Benzien of the Terrorism Detection Unit and Sergeant AD Abels went to the Athlone house in which Kriel was staying. The two allege that they were only intending to reconnoitre the place. Kriel allegedly opened the door holding a pistol concealed beneath a towel. A scuffle broke out during which Benzien shot Kriel in the back with his own weapon. Warrant Officer Nel of the Security Branch allegedly found a grenade under a pillow on the bed.
- 364 The Commission established that the incident had been planned in the Athlone police station. Further, other members of the Security Branch were concealed in the nearby vicinity.
- 365 Forensic evidence also contradicts the police version of events. Blood was found in the bathroom and on the floor between the bathroom and kitchen door. Further, the bullet entrance wound indicated direct contact with the skin as opposed to passing through his clothing.

Thozama Phoebe Mani

- 366 Ms Thozama Phoebe Mani [EC0170/96PLZ] was detained and tortured in 1987. It is not clear whether she herself was a trained MK guerilla or was assisting an MK cell. She was in hiding in December 1987 when the shack in which she was staying in Veeplaas, Port Elizabeth was surrounded by security forces. She was shot and killed and the shack was crushed by armoured vehicles.

Mxolisi Penwell 'Mubhi' Khumalo

- 367 According to the records of the Centre for Adult Education, two armed policemen arrested Mr Mxolisi Penwell 'Mubhi' Khumalo in Sobantu on 30 July 1988 at about 19h30. According to this version, a hand grenade detonated, killing Khumalo and, according to rumour, the two policemen. Two gunshots were heard immediately after the hand grenade blast. A statement submitted to the Commission by the Khumalo family [KZN/NNN/427/DN] states that Khumalo went into exile in 1986 and returned briefly in July 1988. The family was told that he had died in a bomb blast on a mission at a soccer field in Magqonqo.

368 In a section 29 hearing, Sergeant Bonginkosi Simon Makhaye admitted to involvement, along with other named Security Branch members, in the death of Khumalo. They were acting on information provided by a Colonel Voster or Vosloo. Makhaye said that the three attempted to overpower Khumalo, but he reached into his pocket and detonated a grenade. Two of the police were slightly injured and Khumalo was shot dead.

369 The Commission subsequently located a pauper's grave in Pietermaritzburg where Khumalo had been buried under the name of Sithole. On further forensic examination of the remains, no trace of a grenade explosion was found. A bullet wound was found at the base of the skull (see Volume Three).

Mthetheleli Gcina

370 Mr Mthetheleli Gcina was shot dead in Gugulethu, Cape Town, on 27 September 1988 by *askari* Lucky 'Agrippa' Madubula and Mr David Musimeke. They said that an informer pointed out Mthetheleli to them while they were travelling in a minibus and wearing civilian clothes. Mthetheleli allegedly produced a pistol and fired shots at them, after which they shot and fatally wounded him.

Patrick Welile 'Deks' Dakuse

371 Mr Patrick Welile 'Deks' Dakuse, a well-known political activist, was shot dead by Murder and Robbery Unit members, Lieutenant Des Segal and Sergeant Etebeth, on January 23rd 1989, allegedly while showing police the site of a buried weapon in the bushes next to Khayelitsha. Dakuse was allegedly a suspect in the killing of a councillor.

372 Segal stated that, after several days of questioning, Dakuse said he would point out where his weapon was buried. With his hands cuffed in front of him, Dakuse allegedly directed them to a bushy area on the outskirts of Khayelitsha and pointed out a site. He then dug a small hole with his hands and produced a plastic packet with an object in it, which he handed to Segal. While Segal was examining this, Sergeant Etebeth allegedly saw Dakuse produce a grenade and fiddle with the detonator. Etebeth fired two shots at Dakuse, killing him. A .38 Smith and Wesson revolver was found in the plastic packet. Explosive expert Warrant Officer Theron took possession of a grenade.

373 At the inquest, Wynberg magistrate G Hoffman found that Dakuse was killed by police acting in self-defence. No photographs were presented to the inquest hearing of the position of the hand grenade at the scene. A photograph of the explosive in a plastic bag in an office environment was presented instead.

Anton Fransch

374 Twenty-year-old Anton Fransch [CT03204/FLA] died after a six-hour gun battle with the police on 17 November 1989 at a house in Athlone, Cape Town. A Riot Squad sergeant was finally authorised to throw a grenade into his room, but security forces allege that, before it was thrown, there was a detonation in the room. Police penetrated the house and found the disfigured body of Anton Fransch with the rest of the ammunition. There has been persistent speculation as to whether the last grenade was self-detonated in a final act of suicide, or whether it was thrown by the security forces. The Commission was unable to determine this matter conclusively.

375 The Commission had difficulty in establishing the exact circumstances of each case, not least because the version presented to the media and the courts at the time was in almost all instances the police version. The Commission took into consideration a number of facts about these killings which seriously challenge the official versions. In the first place, several of the incidents happened while the suspect was already in custody, indicating that police did not make appropriate arrangements for the security of detainees. Detainees were routinely handcuffed when transported to courts and even hospitals; one would reasonably expect that extra care would have been taken where the possibility of access to weaponry existed.

376 Secondly, in at least one case, that of Mxolisi Khumalo, the version given to the court has been shown to be false. The fact that a bullet hole was found at the base of his skull would seem to indicate an execution-style killing. The fact that there was no indication of his body having been involved in an explosion further contradicts the police version.

377 Thirdly, the evidence of De Kock points to the fact that, in at least three cases, weapons were planted at the scene after death. It also needs to be noted that senior officers of the Security Branch were involved in the cover-ups. The Durban request for AK-47s came from the divisional commander of the Security Branch, who was later promoted to general. A statement by a Constable Bambatha

attached to the East London *askari* unit further verifies that the planting of weapons was a routine occurrence:

My specific functions in the section ... were to drive askaris around all over the Republic of South Africa so that they could identify and point out terrorist members who had infiltrated the Republic, so that I could arrest them ... I was given an advocate's-type attache case which contained one Makharov pistol and a number of F1 hand grenades. My instructions from the then Captain ... was that, in the circumstances leading to the death of a terrorist in the process of trying to arrest him, I was to send the askaris away and be first at the scene so that I could place the Makharov pistol and F1 hand grenades on the deceased with no person to observe me. The reason ... to do this was to cover the police in the event of a court case ... As it is, in the process of pointing out a terrorist, it was the preference of the askaris that the person be killed as they feared that should ... he speak to other terrorist [sic] about their involvement, they themselves would be killed. This view was also supported by the then Captain ... to prevent the terrorist being released later.

- 378 Several of the deaths occurred shortly after or in connection with MK attacks on police or so-called 'collaborators', creating an impression that the deaths of MK operatives were possibly revenge killings.
- 379 The use of the Casspir or armoured vehicle as a breaching device, a common *Koevoet* practice, indicates scant regard for the principle of minimum force. Its lethal nature makes the possibility of an arrest improbable and the death of the occupants – including civilians – intentional.

Entrapment Killing

- 380 Evidence before the Commission demonstrated that *askaris* were sent to infiltrate open structures of the mass movements, posing as MK operatives, and to identify potential recruits for military training. Such recruits were then killed, sometimes after being trained and armed. This led, in some instances, to Security Branch 'credibility operations' in which targets were attacked in order to enhance the cover of *askaris* posing as MK combatants (see below).

M Madikela, N Matabane and F Nhlapo

- 381 An incident in Krugersdorp led to the deaths of three COSAS activists, Mr M Madikela, Mr N Matabane and Mr F Nhlapo [JB01909/03WR] on 15 February

1982. The operation was conducted jointly by the Soweto Security Branch and Vlakplaas. Brigadier W Schoon [AM4396/96], Captain JC Coetzee [AM4120/96], Sergeant TE Mfalapitsa [AM3592/96], Sergeant CS Rorich [AM5011/97] and Colonel Abraham Grobbelaar [AM4143/96] applied for amnesty.

382 According to Jan Coetzee, a group of *askaris*, including Sergeant Joe Mamasela and Ephraim Mfalapitsa, were working in the Soweto area in co-operation with the Soweto Security Branch. Mfalapitsa had been a member of the ANC based in Lusaka, Zambia, from 1976 to 1981. He told the Commission that he had been involved in the torture of ANC cadres suspected of being spies. He defected to the Security Branch towards the end of 1981 and became an *askari*.

COSAS students Hoseo Lengosane, Joseph Mazibuko, John Mlangeni, Samuel Lekatsa, Humphrey Tshabalala, Johannes Mazibuko and Mr Cedric Dladla

383 Mfalapitsa made contact with a group of COSAS students, who allegedly wanted weapons training in order to kill a prominent Security Branch member in Kagiso. Following discussion with Brigadier Schoon, it was decided an arrest would expose Mfalapitsa. According to Coetzee, Schoon then obtained authorisation for the killing of the students.

384 Rorich, an explosives expert based at the Ermelo Security Branch, said he was approached by Coetzee for assistance and was responsible for making a bomb with an electrical detonator and placing it in the pump house of a mine bunker.

385 At a section 29 investigative hearing, Sergeant Joe Mamasela related how Mfalapitsa –

picked up four youngsters and ... he told them that ... I am a taxi man that he hired. And then I drove them until Mfalapitsa ... said stop here ... Then he climbed off with the youngsters and they moved in the bush in the darkness ... I knew there was already a mine bunker that was prepared for these youths – there was explosive stuff in cement bags and whatever ... So when the youngsters were there, Mfalapitsa .. must leave them and say he is going to fetch the other material. And whilst out the door was made to lock ... and then he must run away so that these people can operate ... a remote control sort of thing to blow these little schoolboys to smithereens...

386 The bomb was detonated by Rorich, killing the three COSAS students and injuring Mr Zandisile John Musi [JB01909/03/WR].

387 A similar operation, known as *Operation Zero Zero* reflected the same basic *modus operandi* as the Krugersdorp incident, but with a significantly new development: the victims died at their own hands. Those who applied for amnesty for the operation were General Johan van der Merwe [AM4157/96], Brigadier Willem Schoon [AM4396/96], Brigadier Jack Cronjé [AM2773/96], Sergeant Daniel Nkala [AM2460/96], Captain Roelof Venter [AM4382/96], Brigadier JL M (Marthinus) Delpont [AM4127/96], Mr Francois Steenkamp [AM4383/96], Colonel JF (Kobus) Kok [AM3811/96], Mr JF (Japie) Kok [AM3812/96], Mr LC Prince [AM4382/96], Mr Andre Roos [AM4392/96] and Brigadier WAL du Toit [AM5184/97].

388 In sketching the context for this operation, then head of the Security Branch General Johan van der Merwe said the police were experiencing greater and greater difficulties policing the areas of the East Rand and Vaal Triangle. In particular, there was increasing anxiety about their seeming inability to protect black policemen and community councillors, a core component of their reform strategy but at the same time an increasingly vulnerable underbelly. He told the Commission:

[W]e knew if we could not succeed in protecting our Black members ... the whole system would collapse and that we in no way would be able to defend ourselves against the onslaught ...

389 Van der Merwe said the Security Branch had received reports that a group of activists were planning to launch armed attacks on black policemen living in the East Rand townships. Sergeant Joe Mamasela claims that he was tasked with infiltrating the group of 'troublemakers'. He did this successfully and succeeded in removing a person he regarded as pivotal to the group to a more neutral environment. According to Mamasela, the killing of a white nurse provided the trigger for the operation. He says the anger of the security police was such that they insisted "die mense moet vrek" (the people must die).

390 Explaining why an arrest was not possible, Van der Merwe said:

It became very obvious that any attempts to arrest the activists concerned and bring them before court would be futile to say the least, primarily due to the high intimidation factor which precluded any witnesses from coming forward. It also became equally obvious that the life of the informer concerned would be in grave danger.

391 Van der Merwe sought approval from his superiors to organise the killing of the activists. Direct consent up to the level of the Minister of Law and Order, Louis

le Grange was granted. Police commissioner General PJ Coetzee was allegedly involved in the planning stage of the operation and Van der Merwe reported to him in full at the end of the operation. Van der Merwe assigned the then commander of C1 (Vlakplaas), Brigadier Jack Cronjé to the operation. While Van der Merwe himself implicates no one higher than Minister le Grange, Cronjé claims in his amnesty application that Van der Merwe “specifically indicated to me that this came directly from Minister le Grange and that it had indeed been authorised by President PW Botha, as well as Commissioner Johan Coetzee”.

- 392 Cronjé recalled De Kock from Durban and they made plans to provide the COSAS activists with modified grenades with a zero-timed delay mechanism so that, in the words of Van der Merwe, “any person throwing such a hand grenade at the home of a policemen [*sic*] would be affected first due to the shortened time-delay”. According to Brigadier Willem Schoon, he discussed the technical details with Major General ‘Joep’ Joubert [AM3799/96] of the SADF Special Forces. However, Brigadier WAL du Toit [AM5184/97], an expert from the technical section of the Security Branch, appears to have physically altered the timing devices.
- 393 Van der Merwe states that he was personally in charge of the operation. Just before the incident took place, he travelled to Springs where he held a briefing meeting in the offices of the divisional commander, then Colonel Delport. According to Delport, Van der Merwe stated at this meeting that the C1 Unit (Vlakplaas) would come down to carry out the mission.
- 394 Both Van der Merwe and Cronjé claim that the *askaris* were given strict instructions to supply the weapons only and not to become involved in choosing targets. In practice, the nature of the *askaris*’ interaction with the activists went beyond mere supply. Mamasela and another *askari* arranged a training session with the recruits, using two grenades that had been supplied by De Kock. Mamasela also said that he and other *askaris* working with him had been armed with handguns and a grenade when they had infiltrated the group, to increase their credibility. Mamasela chose 26 June, “Freedom Day”, for the operation, saying to the students, “we are going to celebrate the ... freedom ... day of 26 June ... it will be ideal if you celebrate unity in action, and by that we mean we will ... provide you with training and we ... will arm you so that you can make an armed propaganda”.
- 395 On the night of 26 June 1985, the modified grenades and a limpet mine were handed to Mamasela. Mamasela says that there was some concern that one particular student, Congress, be eliminated because of his ability to identify

Mamasela. Consequently a modified landmine and not a grenade was given to him and he was escorted by Mamasela and Constable Nkala to the electricity sub-station which was to be his target.

- 396 Eight people were killed and seven seriously injured in the ensuing hand grenade and limpet mine blasts. The victims were Mr Hoseo Lengosane, Mr Joseph Mazibuko, Mr John Mlangeni, Mr Samuel Lekatsa, Mr Humphrey Tshabalala, Mr Johannes Mazibuko and Mr Cedric Dladla. A police spokesperson at the time said that the victims were killed while attacking the homes of SAP members and an electricity substation. The hand grenades were identified as being of Russian origin and of the type used only in ANC terror attacks.
- 397 The officer in charge of the investigation, Francois Steenkamp, was aware that it was a Vlakplaas operation. He stated in his amnesty application that he was called in on 25 June 1985 by his superior, Brigadier Delport, who told him that he had to be on standby that night as police were expecting a number of explosions to take place. Later that night he learnt that members of the C1 unit, including De Kock, were in fact planning to distribute booby-trapped hand grenades to activists under the pretext that they were from the ANC.
- 398 Mamasela observes that when he reported back to his Commander, "he was ecstatic about it, he was extremely happy, he jumped like a beheaded chicken". Mamasela was promoted and the other two *askaris* involved received 'koppgeld' (bounty money) of R2 000. Ms Maki Skosana, whom some of the survivors identified as having been seen with Mamasela, was necklaced a few days after the accident.

The Gugulethu Seven

- 399 On 3 March 1986, shortly after 07h00, seven men aged between sixteen and twenty three were shot dead in Gugulethu. They were Mr Mandla Simon Mxinwa, Mr Zanisile Zenith Mjobo [CT00116/FLA], Mr Zola Alfred Swelani [CT00700/FLA], Mr Godfrey Jabulani Miya [CT00818/FLA], Mr Christopher Piet, Mr Themba Mlifi [CT00100/FLA] and Mr Zabonke John Konile [CT00108/FLA]. All sustained numerous gunshot wounds to their bodies; all were shot in the head; one had half his face blown away. Police officers involved on the scene or in the investigation thereafter were Warrant Officers Barnard and McMaster, Majors Johan Kleyn, Dolf Odendal and Stephanus Brits, Captains Charles Brazzelle and Leonard Knipe, Sergeants John Sterrenberg, Grobbelaar and Rian Bellingan, and Constable

Mbelo. Those who applied for amnesty for the killing of the Gugulethu Seven were Sergeant Wilhelm Riaan 'Balletjies' Bellingan [AM5283/97], Mr Xola Frank Mbane [AM8066/97] and Constable Thapelo Johannes Mbelo [AM3785/96].

- 400 The 'Gugulethu Seven' incident was the subject of an inquest in 1986, a trial in 1987 and a reopened inquest in 1989. The outcome of both inquests, despite opposing eyewitness accounts and conflicting forensic evidence, was a finding by Wynberg magistrate Hoffmann that the youths had died in a legitimate anti-terrorist operation.
- 401 Following a lengthy investigation by the Commission's Investigation Unit, the following account emerged. During 1985, there was a dramatic escalation in armed attacks by MK operatives, including a hand grenade attack on security forces in August resulting in casualties. This incident led Major General Griebenouw of the Western Cape security police to request the assistance of Vlakplaas. Vlakplaas commander Eugene de Kock deployed certain Vlakplaas personnel including Joe Coetzer, Riaan Bellingan and several *askaris*, including Gladstone Moss, Eric 'Shakes Maluleke and Xola Frank 'Jimmy' Mbane. After a final briefing from De Kock at Vlakplaas, Bellingan took charge of the mission. They drove to Cape Town in early January 1986.
- 402 Based at Koeberg, they were briefed by members of the security police. They were shown photographs of some activists in Gugulethu who were alleged to be dangerous 'terrorists'. After an unsuccessful attempt to infiltrate Mbelo into a group in Gugulethu, Jimmy Mbane and Eric Maluleke were sent in. They were given weapons and grenades and arrived at the home of squatter leader 'Yamile', claiming to be commanders from exile. As proof, they opened a concealed panel in the minibus, showing their guns. Yamile believed the *askaris* and, after introducing them to Christopher 'Rasta' Piet, they soon had the core of the group which became known as the 'Gugulethu Seven'.
- 403 Mbane claims to have informed both Bellingan and Liebenberg that these were merely youths rather than hardened 'terrorists' and that only one of them – Rasta Piet – was trained. Liebenberg allegedly informed Mbane that he should see to their training. Over a period of two months, the youths received basic training in military combat work from Mbane and political education from Eric Maluleke.
- 404 The plan was to launch an attack on a police bus which ferried senior police to Gugulethu police station every morning. This plan was reported to both Liebenberg

and Bellingan by Jimmy Mbane. After a meeting of senior officers the night before the incident, and a briefing at Wingfield Naval Base, more than twenty-five heavily armed police were deployed to saturate the area.

405 Just after 07h25 on 3 March 1986, Jimmy Mbane, driving a stolen bakery van, began dropping off the 'comrades'. The police operation commenced with a loud noise and then the firing began. It is alleged that, of the seven, the only person who had time to fire back was Rasta Piet. The two *askaris* who led them into the ambush were able to escape and were paid R7 000 each – R1 000 for every victim. Mbelo was paid R1 000.

The Chesterville Four

406 According to his amnesty application, Warrant Officer WA 'Willie' Nortjé [AM3764/96] was one of a team of Vlakplaas members sent to Durban. The team was informed by the Durban security police that an ANC self-defence unit, allegedly including Charles Ndaba, was responsible for the unrest. Evidence in possession of the Commission suggests that this was Thabane Memela and not Ndaba as Nortjé indicates.

407 In June 1986 a group of seven – Warrant Officer 'Willie' Nortjé, Sergeant Izak Daniel 'Steve' Bosch [AM3765/96] and other Security Branch members and *askaris* – set out, allegedly to arrest Memela. While the white Vlakplaas operatives waited at a nearby graveyard, the *askaris* went to locate Memela. Some time later one of the *askaris* reported that he had found a group of 'comrades' willing to take him to Memela, but they seemed somewhat suspicious. In order to boost the *askari's* credibility, Nortjé gave him an AK-47. About half an hour later, Nortjé heard shooting.

408 At the time the *askari* claimed that the youths had opened fire. He later confessed to Nortjé that one of the police team had produced his gun too soon because he was nervous, and that the other members had then begun shooting as well.

409 Amnesty applicant Constable Butana Almond Nofemela [AM 0064/96] gives a different version. According to Nofemela, De Kock was in charge of the operation and ordered Nofemela not to participate. Others made contact with a group of Chesterville UDF members and arranged a meeting. De Kock accompanied them to the meeting place and issued certain new recruits with AK-47s. The operatives were ordered to meet the UDF members and kill them. De Kock and

Nofemela waited at the vehicle while the other members shot them. The men then returned and reported a successful operation.

410 Those killed were Mr Russel Mngomezulu [KZN/GM/007/DN], Mr Muntuwenkosi Dlamini, Mr Russel Mthembu [KZN/GM/007/DN] and Mr Sandile Khawula.

The KwaNdebele Nine

411 A group of nine young activists who had fled from Mamelodi to Kwandebele was infiltrated by the SAP. The activists were told to meet at a house in Vlaklaagte, KwaNdebele, on 15 July 1986, from where they would be taken for military training. The police surrounded the house, killed all the activists and set the house alight. Those killed include Mr Jeremiah Maqaqula, Mr Jimmy Mabena, Mr Samuel Ledwaba, Mr Zakias Skosana, Mr Obed Mokhonwana, Mr Mabuso Malobala, Mr Abram Makulane, Mr Ngemane Benjamin Mafidi and Mr Jeffrey Hlope.

The Nietverdiend Ten

412 In the 'Nietverdiend Ten' incident, a group of ten youths between the ages of fourteen and nineteen were recruited for military training by Sergeant Joe Mamasela and then killed on 26 June 1986. This operation was a joint Northern Transvaal and Special Forces operation. Brigadier J Cronjé [AM2773/96], Captain Jacques Hechter [AM2776/96], Colonel WJ Loots [AM4149/96], Colonel PR Crause [AM4125/96], Major General AJM Joubert [AM3799/96] and Commandant Charl Naudé [AM5453/97] applied for amnesty for the incident.

413 The Northern Transvaal had been designated as one of the 'hotspots' in Major General Joubert's plan (see above). Charl Naudé was assigned to co-ordinate support for the Northern Transvaal Security Branch and worked in a covert Special Forces unit from 1984. Cronjé approached Naudé and discussed a plan to eliminate the group of activists. Naudé reported to his superior officer, Major General 'Joep' Joubert, who authorised the plan. The plan involved killing the activists *en route* to Botswana, where they were supposedly destined to receive training, and required the co-operation of the Western Transvaal Security Branch, under the command of Colonel Wickus Loots. Captain Crause from the Zeerust Security Branch drove around with Cronjé and Naudé in order to identify a suitable spot.

414 On the night of the 26 June 1986, the anniversary of *Operation Zero Zero*, Sergeant Joe Mamasela collected the group in a minibus and drove towards Botswana.

He stopped at a Zeerust filling station as arranged and picked up another man who was to act as their escort. At this stage, Cronjé, Hechter, Loots, Crause and Naudé began to follow them. The escort later told him to turn left off the road and after approximately thirty to forty metres they entered a dense, bushy area. As he drew to a halt, soldiers wearing camouflage uniform and balaclavas surrounded the vehicle. The youths were instructed to climb out and lie face down. Their trousers were removed and Naudé injected with them with a sedative or other chemical substance. The victims were then returned to the vehicle and driven to a pre-selected spot in Bophuthatswana. The minibus with the activists still inside was left to roll down a steep hill, crashed into a wall and was blown up. Four AK-47s were placed in the destroyed vehicle and a number of AZAPO pamphlets were strewn around the area. It is not clear at what stage the victims died, nor whether their death was caused by the chemical substances, the impact or the explosion.

415 The bodies were charred and could not be identified. The elimination of nine more activists from Mamelodi – the Kwandebele Nine – dealt with above, created further confusion as to the identity of the victims. According to information received from the families, those who are assumed to have been killed in this operation were Mr Abraham Makolane [JB02700/02PS], Mr Samuel Masilela, Mr Siphon Philip Sibanyoni [JB01032/02PS], Mr Thomas Phiri [JB02663/02PS], Mr Jeremiah Magagula [JB02701/02PS], Mr Morris Nkabinde [JB01015/02PS], Mr Matthews Promapana Lerutla [JB00787/02PS], Mr Stephen Makena [JB01005/02PS] and Mr Elliot Sathège. Mamasela also names '*Rooibaard*' Geldenhuys and Umzoki Sibanja as victims.

416 Cronjé says he was congratulated by a named general after the operation. Mamasela was given R1 000 'koppeld' (bounty money) and two weeks' holiday.

Jeffrey Sibiya

417 In 1987 ANC activist Jeffrey Sibiya [JB03063/01ERKAT] was allegedly involved in petrol bomb attacks, arson and intimidation against the SAP and opponents of the ANC in Mamelodi. Paul van Vuuren [AM6528/97] tried unsuccessfully to persuade Sibiya to become an informer. Information was received that Sibiya was planning an attack on Van Vuuren and Hechter, and a decision was taken to kill him.

418 Mamasela went to Mamelodi to fetch Sibiya and another person, Mpho, under the pretence that he was to take them across the border. Captain Jacques Hechter [AM2776/96], Sarel du Plessis Crafford [AM5468/97] and Paul van Vuuren, among others, waited in a minibus outside Mamelodi. They were taken to a place five kilometres north of Pienaar's River. There the activists were interrogated, kicked, beaten and were strangulated with wire. Both were killed during interrogation. In order to conceal the evidence, the bodies were destroyed using a landmine somewhere in Bophuthatswana. Amnesty applicants include: 'Sakkie' Crafford, Brigadier JH Cronjé, Captain J Hechter and Captain PJ Janse van Vuuren.

The Mofolo Three

419 Lieutenant Colonel Anton Pretorius [AM4389/96], *askaris* Moleke Peter 'Frank' Lengene [AM4033/96], Manuel Olifant [AM4032/96], Mr Sarel Petrus Nienaber [AM4391/96] and Captain Daniel Johan Steenberg [AM4374/96] applied for amnesty in connection with the killing of three activists on 2 July 1989.

420 In his amnesty application, Pretorius refers to the escalation of MK activities from the beginning of 1988. He alleges that the Soweto Intelligence Unit (SIU), which he commanded, identified a number of MK units which were planning to attack SAP targets. The units operated from within organisations such as the Soweto Youth Congress (SOYCO) and the South African Youth Congress (SAYCO). It was decided to infiltrate such structures via 'credibility operations' – involving the sabotage of buildings to enhance the credibility of the agents and/or *askaris*. Five such operations were conducted in a matter of months and began to have the desired results.

421 In one of these operations, the Security Branch made contact with one Nceba who allegedly had a unit in Mofolo, and infiltrated Peter Lengene into the unit. Lengene was a former SAYCO member who had been abducted from Botswana and, after being tortured, became an *askari*. The infiltration was successful and Lengene introduced Constable Linda Moni, a Vlakplaas member seconded to the SIU, as his commander. Lengene and Moni arranged a meeting at a Hillbrow hotel where they showed Nceba an AK-47, a grenade and an SPM landmine. It was agreed that Lengene would train members of Nceba's unit in the use of mines. A further seconded Vlakplaas member assisted with this training.

422 The Nceba unit then began to plan a terror attack. Following a discussion with the Divisional Commander, an operation similar to *Operation Zero Zero* was

decided on. Pretorius proposed that they lay mines on signal boxes on railway lines and he informed the Divisional Commander that he had three zero-timed VDM-IM switches available. Members of the Security Branch technical division saw to the alteration to the time delay mechanisms.

423 The plan was that Lengene, Moni and another Vlakplaas member would say they had received an order from outside instructing them to conduct an operation. The chosen targets were the railway line at Mofolo, Midway and Kliptown. Each of the activists was accompanied by one of the *askaris* armed with AK-47s, allegedly for credibility and to protect themselves from Nceba and his unit. The situation was monitored by the security police from a distance. However, during the operation, only one of the limpet mines detonated. According to Pretorius, when he arrived at the scene he discovered that the detonated mine had killed Nceba and that Lengene and Moni had shot the other two after their limpets failed to detonate. One of the *askaris* gives a different version, saying that he feared that Pretorius would kill him if he failed to shoot the activist.

424 Pretorius took the bodies of the two who had been shot and dumped them next to a river near Rustenburg, placed a tyre on them and burnt them so that they could not be identified. On his return, Pretorius claims that he reported to the Divisional Commander only that he had dealt with the matter. He said further that, while they knew the identities of those killed, they did not reveal this to police investigators for fear of exposing the Security Branch's involvement.

Killing of own forces

425 Killings were also recorded inside the state or the security forces themselves; the victims were those whose loyalties were questioned or who represented a 'weak link' in the chain. A large number of the victims were *askaris*.

Robert and Jean-Cora Smit

426 Mr Robert Smit, a former government representative at the IMF in Washington and National Party parliamentary candidate, and his wife Jean-Cora Smit, were shot and stabbed to death in what has been described as "an extremely professional hit" on 22 November 1977. The letters 'RAU TEM' were painted in red at the scene of the murder. Despite apparent intensive investigations the killings have remained unsolved for over twenty years.

- 427 During this period there have been persistent allegations that the killings were carried out by the South African security forces. A number of possible motives have been put forward: that Dr Smit had uncovered massive corruption and fraud involving extremely high-level government sources; that he was in possession of information relating to South Africa's nuclear programme; or that the reason for the killings related to South Africa's sanctions-busting activities, in which Dr Smit had been involved. Several people confirmed at the time that Dr Smit was in possession of information he had described as "explosive".
- 428 Particular suspicion was directed at former members of BOSS's alleged Z-squad and the SAP's Special Task Team. Three names, Dries 'Krulebol' Verwey, Jack Widdowson and Roy Allen have repeatedly been associated with the killings. Verwey subsequently died in uncertain circumstances; both Widdowson and Allen, identified by two independent sources as having been in the area at the time of the killings, were named in the 1992 Steyn report as being connected to 'third force' activities. In addition, it is known that Dr Smit was due to meet with a Mr McDougal on the evening of his death. McDougal was the codename of a former Z squad operative, Phil Freeman, who has been named as a possible suspect in the Rick Turner killing.
- 429 Further allegations were that the investigation into the killings, conducted by members of the East Rand Murder and Robbery Squad, sought to cover up security force involvement. The investigation was conducted by the same SAP officer later responsible for the cover-up around RENAMO secretary general Orlando Christina's killing. This officer was part of a joint SAP-SADF committee set up to assess the implication of Christina's death and which recommended the killing of a number of people associated with Christina's killing in order to conceal the then covert link between the SADF and RENAMO. Thus, while no evidence exists regarding this officer's role in the Smit killings, his role in activities amounting both to cover-up and further unlawful actions has been established.
- 430 The Commission received no amnesty applications in respect of the Smits' killings. Recent attempts by their daughter Liza to investigate her parents' death, and her subsequent submission to the Commission, have been associated with death threats and possible attempts on her life. This tends to suggest a contemporary interest in ensuring that the facts surrounding the killings remain hidden, and points to a political agenda or at least one in which powerful – possibly financial – interests are vested.

431 While the Commission did not make significant headway in respect of these killings, it should be noted that the Attorney-General's investigation confirms a politically motivated killing involving the security forces.

THE COMMISSION FINDS THAT ROBERT AND JEAN-CORA SMIT WERE KILLED BY MEMBERS OF THE SECURITY FORCES AND THAT THEIR DEATHS CONSTITUTE A GROSS VIOLATION OF HUMAN RIGHTS.

'Skorpion'

432 According to amnesty applications received by the Commission, Brigadier Schalk Visser [AM5000/97], Mr GS 'Gert' Schoon [AM5006/97], Captain JM 'Sakkie' van Zyl [AM5637/97], Warrant Officer Don Gold [AM3686/96] and Warrant Officer Disre 'Des' Carr [AM5008/97] were involved in an operation in April 1980 to eliminate an alleged Security Branch source who was suspected of being a double agent.

433 'Skorpion' or 'Scorpio' (aka Robin, Rupert, Reuben or Robert) was handled by Martin van Rooyen of the Soweto Security Branch and was suspected of having given information to the ANC which resulted in the death of at least one SAP informant in Swaziland. Brigadier Schalk Visser, then officer in command of the Soweto Security Branch, says that he discussed the issue with Brigadier Piet J Goosen, then head of the A section at Security Branch headquarters, and was instructed to make arrangements for Skorpion to be killed.

434 Visser contacted an ex-Koevoet colleague, Captain 'Sakkie' van Zyl, then Security Branch commander of Ladysmith, for assistance. Captain Van Zyl decided to use explosives as he had been told that no trace of Skorpion should be left. He contacted the explosives inspector, Warrant Officer Don Gold of the Pietermaritzburg Security Branch, and told him to bring explosives and detonators and meet him in Pongola. Visser and Captain Van Zyl loaded Skorpion, apparently heavily sedated, into a vehicle, met Gold in Pongola and then met up with Gert Schoon and Warrant Officer Des Carr in Jozini.

435 Des Carr shot at Skorpion with a Walther hand-machine carbine at an isolated farmhouse while he slept under a tree. Skorpion jumped up and stormed van Zyl, who fired a shot at him, hitting him in the head. He died instantly. His body was wrapped in a tarpaulin and Van Zyl, Gold and Carr drove to the edge of Jozini Dam where Schoon and Visser were waiting with a boat. The body was blown up on an island by Gold. After the first explosion, the remains were collected together and again detonated to ensure complete destruction.

Peter Dlamini

- 436 According to Ms Gertrude Dlamini [KZN/NM/100/NQ], her son, Peter Nkosinathi Dlamini from Nqutu, went into exile in 1978. Before he left he had been regularly harassed by Security Branch members as a result of his involvement in political activities at the University of Zululand. After he left, the Security Branch visited his mother's home and asked for him. She was later informed that her son had been kidnapped and brought back to South Africa, where he was forced to become an *askari*, and was later killed.
- 437 Dirk Coetzee stated that Brigadier Willem Schoon, fearing that Dlamini would return to the ANC, decided he should be killed. In 1981, Dlamini and ANC operative Vuyani Mavuso were taken by Dirk Coetzee and Major Koos Vermeulen to a spot near Komatipoort. Mavuso had been captured in the Matola raid, and after unsuccessful attempts to 'turn' him, it was decided that he too should be killed. The two were given 'knock-out' drops obtained from General Lothar Neethling. These and subsequent drops did not have the desired effect. Eventually the two were shot by Koos Vermeulen and their bodies burnt, while the operatives had a braai.

Isaac Moema

- 438 Another *askari*, Isaac Moema, aka 'Ace Ramela', was similarly killed near Komatipoort in 1981. Moema went into exile in 1978 and trained in Angola. He is said to have taken part in the Zimbabwean war in 1979 and 1980. He was captured by the South African forces along with Mr Jackson Mnisi while infiltrating South Africa sometime in 1981. Moema is said to have become an *askari*, but was killed after Vlakplaas operatives began to question his loyalty. Dirk Coetzee [AM0063/96] applied for amnesty and named other operatives as well as superior officers in this operation.

'Bron 406'

- 439 At some time in 1987 or 1988, Captain (later Major) 'Sakkie' Crafford [AM5468/97] asked DJ Kruger [AM5233/97] and other named officers to assist in carrying an unconscious man from the office to a minibus. Crafford informed them that the person, 'Bron 406' was leading a double life and he had decided to kill him, as his double role was dangerous to the country and the SAP. They stopped in Mamelodi East and placed 'Bron 406' on a landmine. Crafford detonated the mine.

Sergeant Mothasi

- 440 Sergeant Mothasi was based at the Police College at Hammanskraal. He had laid a charge against a Colonel van Zyl who had assaulted him, leaving him with a burst eardrum. Unsuccessful efforts were made to put pressure on him to withdraw charges.
- 441 On 30 November 1987, Hechter, Mamasela and Van Vuuren went to the Mothasi house. After ascertaining that Mothasi was not at home, Mamasela reported back to Hechter and Van Vuuren, who instructed him to return and to take Ms Irene Busi Mothasi into one of the back rooms. Hechter and Van Vuuren then entered the house and sat in darkness until Mothasi returned, when they tackled him. Van Vuuren put a pillow over his head to act as a silencer and then shot him. Mamasela claims that he was also instructed to kill Ms Mothasi and a child, as they would be able to identify him. He killed Ms Mothasi, but left the child. This is disputed by Hechter and Van Vuuren who claim that they were unaware of the child and that Mamasela killed Ms Mothasi of his own accord. Neighbours subsequently reported hearing the child crying through the night.
- 442 Colonel PJC Loots [AM5462/97] Bridadier JH Cronjé, Captain Jacques Hechter [AM2776/96 and Paul van Vuuren [AM6528/97] have applied for amnesty for the killing, but claim that they were told that Mothasi was passing information on to the ANC.

Phumelo Moses Nthelang

- 443 In June 1989, Eugene de Kock returned from an operation near the Oshoek border post that had failed to materialise. According to him, by the time he and his colleagues arrived at Vlakplaas they had drunk a significant amount of alcohol and they continued drinking in the Vlakplaas bar. While there, *askari* Phumelo Moses Nthelang reported to De Kock that he had lost his weapon. De Kock first struck Nthelang with a snooker cue and, when that broke, with his open hand. A number of other Vlakplaas operatives joined in the assault. Nthelang was 'tubed' (a common form of torture in which a tube is held tightly over the victim's mouth, preventing him or her from breathing), beaten and kicked to death. His body was taken to a farm near Zeerust and buried.

Glen Mgoduka, Amos Faku, Desmond Mapipa and Charles Jack

- 444 Three black security police and an informer died when a bomb placed in their vehicle was detonated by radio control outside Port Elizabeth on 14 December 1989. They were Mr Glen Mgoduka [EC2631/97PLZ], Mr Amos Faku, Mr Daliwonga Desmond Mapipa and an informer, Xolile Shepherd Sakati (aka Charles Jack). It was initially thought that MK, who claimed credit for the operation, were responsible. However, investigations led to a trial of five Security Branch members, at which De Kock testified that he had been told that the killings had been necessary to cover up the assassinations of the Cradock Four. The accused denied this and held that they had killed their colleagues because of a case of fraud involving the Council of Churches. A third version emerged at the amnesty hearing. It was alleged that the four had begun to make overtures to the ANC. Attempts to establish from the ANC whether there was any substance to this were unsuccessful.
- 445 Those convicted were Lieutenant-Colonel Gideon Nieuwoudt [AM3920/96] of the Port Elizabeth Security Branch, Brigadier WAL du Toit [AM5184/97] of the Security Branch's technical division and Major Marthinus Ras, a Vlakplaas operative. Gerhardus Lotz [AM3921/96] and Jacobus Kok [AM3811/96] were acquitted. Others named as being involved in the operation were Nick Janse van Rensburg [AM3919/96] officer commanding the Security Branch, who planned the killing with Nieuwoudt and De Kock in Pretoria; Brigadier J Gilbert, head of the Security Branch in Port Elizabeth at the time of the killings, and state witnesses Daniel Lionel Snyman, Warrant Officer 'Snor' Vermeulen and Eugene de Kock.
- 446 In reviewing the evidence before the Commission, and based on the cases detailed above, it appears that the following divisions and units were involved in extra-judicial killings: Vlakplaas, Port Natal, Northern Transvaal, Eastern Cape, Witwatersrand (Soweto), Eastern Transvaal, Western Cape and Orange Free State Security Branches, SADF Special Forces and possibly BOSS. In relation to internal eliminations, in almost every case the Vlakplaas unit operated under the relevant divisional or local Security Branch.
- 447 While many of the eliminations occurred in border areas that provided access routes for combatants to re-enter South Africa, and thus many of those targeted could be classified as combatants, indications are that a number of those so killed were not in a combat situation at the time. A number of security force personnel acknowledged that the distinction between combatant and non-combatant became blurred. They justified this in terms of the ANC's strategic direction towards a

'people's war', and the enormous pressure placed by politicians on security force members to stabilise the situations at all costs. Members of the security forces whose loyalty was questioned also became victims of extra-judicial killings.

- 448 What is also evident is that a number of operatives were involved in more than one case, supporting the claim put forward by some amnesty applicants that specific Security Branch members operated as 'hit squads.' That these were not just a few low-ranking Security Branch members who had misinterpreted their instructions is evident by the extent to which authorisation or knowledge of such killings frequently involved leadership echelons such as divisional heads of the Security Branch, staff at Security Branch headquarters as well as the commanding officers of the Security Branch, Special Forces, the chief of the SADF and, in at least two cases, the Minister of Law and Order. What is also evident is that many operatives involved in extra-judicial killings, or in authorising them, had previously spent time in then Rhodesia and/or South West Africa.
- 449 The marked increase in eliminations after 1985 coincides with the shift in strategy to counter-revolutionary warfare. In the face of increasing militancy and unrest throughout the country, the threat to South Africa was no longer seen principally as external (in the form of armed MK insurgents infiltrating from neighbouring states), but increasingly as an internal threat. State Security Council (SSC) documentation at the time reflects an increasing anxiety regarding the seeming inability of the security forces to bring an end to internal unrest.
- 450 The shift to a military solution is evident in the increasingly strident language and rhetoric of politicians and security force personnel both in private and on public platforms. State documents and speeches began routinely to speak of 'wiping out', 'eliminating' and 'hunting down' members of the ANC and those who gave them support. In the words of Defence Minister Magnus Malan:

I have often said ... that South Africa would take out terrorists wherever they found them. (Magnus Malan, Parliamentary speech, 15 Sept 1987, Hansard, Column 5912.)

The SADF will not hesitate to root out terrorists wherever they may be – whether it is in South West Africa, the Northern Transvaal or our residential areas and cities ... Events in our residential areas and even city streets demonstrate that we are dealing with textbook examples of communist inspired terrorism ... (Magnus Malan, Cape Times, 10 December 1985.)

- 451 An August 1986 meeting of the SSC adopted a document entitled "*Strategie ter bekamping van die ANC*" (Strategy for the combating of the ANC), which included the the following recommendations: "*Om die ANC leierskap te neutraliseer* (To neutralise the ANC leadership); *Om die magte en invloed van sleutelpersone van die ANC en hulle meelopers te neutraliseer* (To neutralise the power and influence of key persons in the ANC, and their fellow-travellers)."
- 452 On 1 December 1986, the SSC adopted a document entitled '*Konsep Nasionale Strategie Teen Die Rewolusionêre Oorlog teen die RSA: NR 44*' which can probably be regarded as the definitive strategy document for the late 1980s phase of internal counter-revolutionary warfare. Earlier goals are again stressed, and a new dimension is introduced where it is stated that "*Intimiteerders moet dmv formele en informele polisiëring geneutraliseer word* (Intimidators must be neutralised by way of formal and informal policing)". As a follow-up to Konsep NR 44, a strategy document dated 24 January 1987 suggested that the strategy should be to "*identifiseer en elimineer die rewolusionêre leiers en veral dié met charisma* (identify and eliminate the revolutionary leaders, especially those with charisma)".
- 453 The rhetoric did not always readily distinguish between persons engaged in military operations or acts of terrorism and those who opposed apartheid by lawful or peaceful means; nor did it provide a definition of 'terrorists'. Nowhere in any of the SSC documents is a clear and unambiguous definition provided for any of the terms *elimineer* (eliminate), *neutraliseer* (neutralise), *fisiese vernietiging* (physical destruction), *uithaal* (take out) or ander metodes as *aanhouding* (methods other than detention).
- 454 This led to a blurred distinction in the minds of the security forces. As Pik Botha explained to the Commission:

[M]embers of the security forces would have interpreted a phrase like 'wipe out the terrorists' to include killing them, and unless the senior command structures of the security forces made sure that all ranks understood the distinction between a person who is directly engaged in the planning and execution of acts of violence threatening the lives of civilians on the one hand, and political opponents belonging to the same organisations as the terrorists on the other hand, lower ranks would probably not have made that distinction on their own.

- 455 Given both documentary evidence and that given by amnesty applicants, it seems reasonable to believe that there was a growing acceptance in government that

the revolutionary onslaught could not be combated by lawful methods alone. Members of the SSC knew that the overwhelming majority of security policemen were committed supporters of the NP who were implacably opposed to the liberation movements and what they represented. They also knew that conventional methods of combating unrest and terrorism, such as arrest, prosecution and conviction, were becoming less and less effective.

- 456 Further compelling evidence that extra-judicial killing represented deliberate intent is to be found in the development of structures whose function was, among others, to identify and develop targets.

Identification of targets

- 457 In November 1996, Brigadier Jack Cronjé [AM2773/96] told the Amnesty Committee that, in 1985, the security forces had established a structure, called TREWITS – the Counter-Revolutionary Information Target Centre – whose primary task was to identify targets for elimination:

Initially [TREWITS] identified targets in the neighbouring states, terrorist bases, etc, but it was later extended to targets inside South Africa ... Col Tom Louw was responsible, or was initially in command of TREWITS with executive chief Gen Büchner who was functioning in 1987 and after that under Gen Bob Beukes and subsequently under Brig Victor ... There was a representative from Military Intelligence and SADF Special Forces. Each region maintained records with regard to who were activists, who came from what region and who caused trouble.

- 458 General Johan van der Merwe, head of the Security Branch in the late 1980s and a former commissioner of police, while denying that TREWITS had ever been used inside South Africa, confirmed its existence and function in respect of target identification outside of South Africa.
- 459 A submission from the National Intelligence Agency compiled by two former NIS representatives on TREWITS, Mr R Roos and Mr F du Preez, with former SADF representative Mr D Vorster disputed the term 'target' (*teiken*) in the name of the unit, stating that it was officially the '*Teen Rewolusionêre Inligting Taakspan*' rather than the '*Teen Rewolusionêre Teiken Sentrum*':

TREWITS was an official organ of the Coordinating Intelligence Committee consisting of government officials, officially seconded by their respective

departments to serve on TREWITS ... The purpose of TREWITS ... was to coordinate tactical information with regard to the former liberation movements in neighbouring countries. This included detail on facilities, movement of personnel, training camps, infiltrations and planned military operations. TREWITS, however, had no mandate to get involved in the identification and execution of operations as was claimed in media reports.

460 The Commission obtained further information on TREWITS from a joint submission by the last chairperson of TREWITS, Assistant Commissioner CJA Victor and a former SAP representative, Superintendent PCJ Vermeulen, from amnesty applications, from a series of section 29 investigative hearings with former ranking police officers and former SADF officers and the questioning of former Director General of NIS, Dr LD 'Niel' Barnard during the State Security Policy hearing in December 1997. The Commission made further attempts to retrieve TREWITS documentation but was informed by the SAP that the official holdings were destroyed when TREWITS closed down in early 1992.

461 KIK documentation shows that the decision to form TREWITS was taken in September 1986. Before this, 1986, identification of targets was done by the different security force components separately and often on an event basis. Thus, for example, the Z-squad (a BOSS component) had as early as 1974 been involved in identifying installations in neighbouring countries. Intelligence for the Matola raid in 1981 was allegedly provided by Henk Coetzee and then Commandant Lieutenant-Colonel, later Brigadier) Callie Steijn of Military Intelligence.¹⁵ Steijn was allegedly also involved in identifying targets for the 1983 Matola raid together with Mariette Barends¹⁶ and for the June 1985 Botswana raid. (While the Commission was not able to corroborate this, it did establish that then Commandant Steijn was based in the Chief Directorate of Military Intelligence and worked on target development in the early 1980s. After a short stint as a military attache, he returned to this section and by March 1986 was responsible for the development of targets in respect of the ANC and PAC. It is therefore reasonable to assume that he carried some responsibility for the identification and/or analysis of targets in respect of cross border raids). Commandant (Lieutenant-Colonel) Jan Anton Nieuwoudt (Military Intelligence, SADF) [AM3813/96] was apparently involved in target identification between 1983 and 1988; and Major Craig Williamson [AM5181/97] admitted to being involved in target identification for the Gaborone raid.

¹⁵ See Büchner section 29; interview with Henri van der Westhuizen.

¹⁶ Interview: Henri van der Westhuizen.

- 462 Vlakplaas was also involved in both killings and abductions in neighbouring countries from the early 1980s and there, too, operatives had clearly been involved in a process of intelligence gathering around key ANC/MK personnel in the frontline states. Notably, Commandant (Lieutenant-Colonel) Steijn was the military's full-time liaison person with Section C from 1978/9 to the end of 1982.
- 463 As conflict escalated towards the mid-1980s, the SADF appears to have established a target identification workgroup. One of its initial members, Captain Henri van der Westhuizen, established a sub-group in the Eastern Transvaal in late 1986, drawing on the resources of the NIS, the Security Branch and Military Intelligence. The Eastern Transvaal was seen as the buffer between South Africa and Mozambique and Swaziland and thus the primary infiltration route of MK personnel from those countries. Members of the Eastern Transvaal group included: then Warrant Officer FHS 'Lappies' Labuschagne (Security Branch) [AM5005/97], Henri van der Westhuizen (Military Intelligence), and Mr Daan du Plessis (NIS). As Swaziland was a police responsibility, this group, according to Van der Westhuizen, operated under the overall command of the divisional Security Branch commander Brigadier Schalk Visser and subsequently Brigadier Daan Siebert. Later Van der Westhuizen assisted in establishing a group in Ladybrand (OFS) which had responsibility for developing targets in Lesotho. This group was chaired by Ladybrand Security Branch commander Frik Fouche, with Paul Oeschger as the SADF representative. Similar networks were set up in Zeerust (Western Transvaal) with responsibility for Botswana, where the SADF was represented by Captain HC Nel; and in the Northern Province where Leon Nefdt served as the SADF representative. The Northern Transvaal group had responsibility for Zimbabwe and Nefdt apparently drew extensively on Daan du Plessis who had allegedly developed an extensive source base in Zimbabwe. Nel was also responsible for developing targets in Angola.
- 464 According to Captain Henri van der Westhuizen, SADF authorisation for the establishment of the Eastern Transvaal workgroup came from then Brig Chris Thirion (Chief Director Military Intelligence), Major General 'Joep' Joubert (General Officer Commanding Special Forces) and Major-General Dirk Hamman (Chief of Army Intelligence)
- 465 At about the same time as the Eastern Transvaal target workgroup was established, the decision to set up TREWITS was made. As indicated above, this decision was recorded in the September minutes of KIK. Willem Schoon told the Commission that:

The fact that MK and eventually APLA members started using neighbouring frontline states as a springboard for launching their armed attacks against the Republic led directly to the establishment of a cross-border capability aimed at eliminating or neutralising this very real threat. A counter-Revolutionary Intelligence Task Team was created and comprised members of the NIS, the SAP and the SADF.

466 TREWITS became fully operational on 12 January 1987 when it moved into its new offices on the 7th Floor, Charter House, Bosman St, Pretoria.

Documentation describes TREWITS as being:

'n nuwe, gesamentlike poging deur die betrokke lede van die IG om 'n hegte inligtingsbasis vir betekenisvolle teenrewolusionêre operasionele optrede tot stand te bring. (a new, joint effort by the relevant members of the IG to bring about a solid information base for meaningful counter-revolutionary operational action [emphasis added])¹⁷

467 Its function was:

om alle tersaaklike inligting te konsolideer, te evalueer, te vertolk en te versprei met die oog op operasionele optredes ter verwesenliking van die RSA se teen-rewolusionêre strategiese doel (to consolidate, evaluate, interpret and distribute all relevant information with a view to operational actions to realise the RSA's counter-revolutionary strategic aim) [emphasis added].

468 While TREWITS had a range of tasks, the documentation reveals that it was, from the outset, more than simply a coordinated intelligence-gathering structure, but had a clear operational intention.

469 TREWITS' operational imperatives are also confirmed by location and membership. According to General 'Basie' Smit, TREWITS was located within the C Section of the Security Branch, 'Terrorism Investigations'. While the C section had its own intelligence component, it was primarily the operational unit of the Security Branch via C1, more commonly known as Vlakplaas. Thus, while it fell under the direct command of Security Branch headquarters, it was nonetheless a sub-structure of the covert collection subcommittee of KIK. During this period, the sub-committee was chaired by Brigadier J 'Toletjie' Botha, while the CIC was chaired by Dr LD 'Niel' Barnard.

¹⁷ 'Teenrewolusionêre Inligtingtaakspan' document attached to CIC agenda for meeting of 4 February 1987.

- 470 Of the original three TREWITS members, at least two were deployed operationally in the region. During a section 29 investigative enquiry, General Büchner acknowledged involvement in the Matola raid of 13 January 1981 and the raid into Maseru on 9 December 1982 in which forty-two people were killed. The SADF representative, Commandant (Lieutenant-Colonel) 'Callie' Steijn, was involved in target development from as at least as early as 1981 and again in 1985/6. An SADF document, dated 28 March 1986, describes Steijn as being *"baie operasioneel ingestel en behoort in daardie verband aangewend te word"* (very operationally oriented and ought to be applied in that respect).
- 471 Thus two of three TREWITS founding members had been involved in the identification of targets – resulting in actions that included abduction, torture and elimination – outside of South Africa prior to their secondment to TREWITS. Read together with KIK documentation, this would seem to confirm that the purpose of TREWITS was not simply to gather intelligence as members of the security and intelligence communities have currently argued, but rather that intelligence was gathered for specific operational purposes and that the location and personnel chosen were selected precisely for their operational capacity.
- 472 The extent to which TREWITS functioned separately from the SADF-initiated target workgroup(s) is not entirely clear. KIK documentation indicates that a decision was taken on 4 February 1987 that this group should be drawn into TREWITS to avoid duplication. The meeting of 18 February 1987 identified the following as members of the target development group who should be incorporated into TREWITS: Major C Everts (Military Intelligence Division), Major L Nefdt (Army Intelligence), Captain HC Nel (Special Forces), Captain H van der Westhuizen (Military Intelligence Division).
- 473 While the Commission was unable to establish a direct link, it should be noted that the decision to incorporate the target group happened at about the time when there was allegedly concern over who was responsible for the decision to assassinate the Ribeiros (see above) and when, according to Major-General AJM Joubert, a 'new procedure' was being worked out.
- 474 Regarding the integration of the workgroup(s) with TREWITS, evidence from section 29 enquiries appears to suggest that, while the SADF initiated target workgroup functioned on an ongoing basis, its members were drawn into regional TREWITS meetings where targets and target priorities were discussed. National TREWITS members, target workgroup members and possibly other

interested parties would be present at such meetings. In other words, these structures maintained something of a separate identity. This is corroborated by a 1989 Security Branch document which indicates that the “actual development of target studies” was still being performed by a project group of Special Forces:

Die ontwikkeling van teikens, word tans nog, soos in die verlede, deur die projekte-groep van Spes Magte hanteer. Die redes hiervoor is dat die groep nie soos aanvanklik beplan, by die kantore van TREWITS gesetel is nie en die feit dat die groep oor die nodige ervaring, kundigheid en toerusting beskik. *(The development of targets is still, as in the past, handled by the project group of Special Forces. The reason for this is that the group was not based at TREWITS offices as originally planned and the fact that the group has the necessary experience, expertise and equipment at its disposal.)*¹⁸

- 475 This lends credence to the ongoing and somewhat separate existence of the target workgroup. The target section of Military Intelligence was transferred to Special Forces in 1987 where it continued under the direct command of Colonel ‘Mielie’ Prinsloo, then head of Special Forces intelligence. However, individual members from Military Intelligence continued to serve on the workgroups, but were based at Special Forces. Further links were maintained, particularly with the Directorate of Covert Collection, which appears to have enjoyed a closer relationship with Special Forces than other Military Intelligence components.
- 476 According to Captain H Van der Westhuizen, the target development process would work in the following way. First a structure would be identified – for example, the ANC Regional Politico-Military Council in Mozambique; then all its components/sub-structures and various positions assigned and names placed next to positions. The next stage would be to develop dossiers around each individual in the structure including personal and political information. This would lead to a set of new names and so the process would continue. When a target was ‘full’ or ‘complete’, it was then ready for action. Targets, according to Van der Westhuizen, included ANC personnel and not just those associated with MK. This is born out by Nel who indicates that the entire NEC was considered a target, for whom specific authorisation for any action was not required.
- 477 According to the above-mentioned intelligence personnel, targets were discussed at two levels. First, a presentation was made to a group that was possibly the SADF General Staff or, at the least, very senior personnel:

¹⁸ Annexure JJ, Submission General Smit.

We used to get together once a month to do presentations to very high ranking officials. Then General Liebenberg used to come, General Gleeson used to come and I felt very intimidated as this young captain ... this is more or less a round table sort of thing with big boards, sliding walls with all the maps and all the photos of the so-called most prominent, most active people who pose a threat to the RSA were put on those boards. They were developed. We developed targets on persons; we developed targets on facilities. In other words the Revolutionary Council in Lusaka, the so-called RCL, was developed at that stage as a specific target and the houses of certain officials, certain office buildings in Harare, in Botswana were regarded as targets. And then certain activities that takes place, flights ... logistical re-supply ... were also regarded as opportunity targets.¹⁹

- 478 Following this meeting, said Van der Westhuizen, the Chief of Staff Intelligence would brief the Minister and, if targets were agreed upon, they would be handed over to the tactical planning level which usually involved then Colonel 'Mielie' Prinsloo and Chris Serfontein, a high-ranking Special Forces operative. Additionally, there would be a quarterly meeting with the Directorate of Covert Collections (DCC) where priorities would be passed on for further collection and verification. At that stage HW Doncaster was in charge of the Terrorism Section of DCC.
- 479 The second level at which targets were discussed was at the TREWITS regional meetings. Here input would be received from both the NIS and the Security Branch.
- 480 Aside from official TREWITS meetings there was ongoing liaison between individuals and institutions. Target workgroup members received regular telex intercepts from the NIS 'Valkoog capacity,' whereby *all* telex communication between ANC offices both internationally and in the Frontline states was continuously intercepted. Thus, for example, information regarding the delivery of meat to ANC camps in Angola was received via 'Valkoog' and a major operation to poison the meat was planned but, to Nel's knowledge, not carried out. Other intercepts of value were those that related to travel arrangements (see Gibson Mondlane case).
- 481 The project group also liaised extensively with the Security Branch, both at a regional level and with C1 (Vlakplaas) and C2, under Major Martin Naudé. Naudé's unit monitored the movement of activists leaving South Africa and developed an extensive collection of photographs, which was regularly updated and was given to the *askaris* to identify possible military trainees. The *askaris* themselves appear to have been widely used and were seen as extremely valuable sources of information.

¹⁹ HC Nel, section 29 hearing, 15 June 1998, Cape Town.

- 482 As indicated above, the twenty members of the ANC National Executive Council were regarded as priority targets. Van der Westhuizen indicated that the following people were regarded as targets in Mozambique: Mr Jacob Zuma, Ms Sue Rabkin, Mr Mohamed Timol, Mr Bobby Pillay, Mr Keith Mokoape and Mr Indres Naidoo.
- 483 Nel gave evidence as to the extensive infiltration of the ANC's, and to some extent, the PAC's Lesotho networks. Thus, for example, Nel said that "we made available to them an office, a telex, a facility they could use to communicate and all the telephone conversations and everything that happened was available to us". The eventual detention of virtually the entire Western Cape MK machinery arose when this Special Forces facility intercepted a phone call from a Cape Town MK operative to the Lesotho office. It needs to be noted that recruitment was not necessarily aimed at high-ranking targets, but frequently those who had access or were close to such targets. As Nel suggested, "You would get an infrastructure of sources. What we normally say jokingly, 'You start with the cleaner to end up with the General'. You start at the backdoor, you get the cleaner to work for you and the cleaner will tell you about somebody else who's got certain weaknesses and then you go one step higher and as you go higher you discard the more junior sources". Taxi drivers, in particular those who operated on the border areas, appear to have been a particular target for recruitment.
- 484 According to Nel, another strong component of security force strategy at this time was to place emphasis on "disruption by ... indirect means of getting the enemy to kill itself, to detain itself and to disrupt itself. And physically killing them was placed more or less ... [a]s a last resort...". This approach could obviously encompass a wide range of tactics including spreading disinformation which could lead to the detention or killing of individuals by their own cadres; tampering with weapons caches – in particular altering time devices – which appears to have been done by both Security Branch and SADF; and so forth.
- 485 Operations aimed at elimination were sometimes called off for logistical reasons. For example, Nel indicates that the Mozambican leg of the dual Swaziland and Mozambican operation planned for December 1986 was called off because the link-up between the seaward attacking group and Dave Tippet on land failed to materialise. This operation entailed hitting the ANC targets in Mozambique listed above and at the point at which it was called off, the seaward attack group was already in Maputo harbour.

486 Finally, political considerations provided a further factor in determining whether and when targets could be hit. Nel gave some detail about a target he had developed in Angola that was similarly called off at the last moment, this time for political considerations:

[W]hen I arrived at Special Forces headquarters, I was given the responsibility of work on Angola specifically to identify a target with a large concentration of MK soldiers that can be attacked by the SADF ... Then it was decided that Vuyana Camp, which is about 30 km east of Luanda, would be attacked and I went all around the country and I had access to all information and I travelled abroad to Portugal and other places to debrief informers and other people ... And today you can blindfold me, I can draw the base and every little thing that was inside it ...

That operation went all the way up, the reconnaissance team went in and they marked up the base [with flares that would be ignited to guide the planes in] and everything was 100 per cent correct ... I was sitting in the foyer of Genl Malan's office with Colonel Prinsloo many times to present this thing and to be on stand-by and eventually to the disappointment of many people and after a lot of money was wasted and used, of naval operations and air force planning ... it was stopped due to political reasons ... It would have clashed with political initiatives [to start negotiating with the Cubans] at that stage. It was the right target at the wrong time.

487 At other times, however, political considerations dictated carrying out operations based on old or incomplete intelligence. Thus examples were cited when a political decision was made to retaliate against ANC actions and operations would be conducted based on what intelligence personnel regarded as old intelligence, leading frequently to the wrong targets being hit.

488 From evidence before the Commission, it would appear that, while almost all the initial work focused on external targets, a decision was taken later to develop internal targets. Captain HC 'Chris' Nel explained how this came about:

[A]fter doing this total presentation that we worked through all the night ... and we worked through Botswana and Zimbabwe and all the countries and we plotted the individuals' houses and their photos were there and all the facilities ... And then we were very disappointed when Genl Liebenberg said to us: "You are missing the point. I do not see any information about the top structure of the SACP. The whites, where are they? The UDF, where are they?"... It was explained to us that there were pipelines. The Botswana

machinery may be in Gaborone to day but tomorrow they are somewhere in the Western Transvaal. So should we stop our operation at the border or should we follow the pipelines through to their courier systems and their safe houses inside the country?

489 Following this, Chris Cloete was specifically tasked to look at the internal situation.

490 KIK documentation shows that, from early on, target identification and development was to be one of TREWITS' responsibilities. An item in the KIK minutes for October 1986 (that is, one month following the decision to set up TREWITS) states:

3.3. Teeninsurgensietaakspan en databank

*3.3.1. Die Voorsitter (ie Niel Barnard) deel mee dat NI oor wardevolle inligting beskik wat by die taakspan ingevoer sal word. **Dit behoort te help om sekere belhamels uit die stelsel te verwyder**, dog met groot omsigtigheid behandel word om die betrokke intelligensiebatas (ie sources/ agents) nie to ontbloot nie.²⁰ [Emphasis added]*

491 Although Barnard does not refer to TREWITS by name, in all probability this is what was being referred to. Moreover, a document presented to the KIK meeting of 4/3/87 includes under functions of TREWITS:

Die insameling van alle inligting tov ANC-teikens in die buiteland ... en die byhou van sodanige inligting met die oog op optrede teen ANC-teikens.

492 Similarly, 'Teikenontwikkeling' is added to the list of issues identified for collection of intelligence. This decision was further reiterated at the meeting of 14 and 18 May, where KIK decided that:

TREWITS ook as die sentrale invoerpunt vir teikeninligting vanaf die Intelligensiegemeenskap moet dien.

493 TREWITS was an exclusively national unit, attached to the C section of the Security Branch. However, the unit did liaise with regional intelligence gathering networks on a regular basis. At such meetings, the Security Branch would generally be represented by the regional officer commanding or a senior officer; NIS by a middle level personnel; and the SADF by senior Special Forces or DCC staff.

494 The following people have been identified as having attended regional TREWITS meetings: Captain PR Krause and/or Brigadier Loots (Western Transvaal), Schalk

²⁰ KIK minutes 21 October 1986

Visser, FHS Labuschagne and Major Chris Deetleefs (Eastern Transvaal), Captain Van Jaarsveld and/or Captain Loots and later Captain Roelof Venter (Northern Transvaal), Lieutenant Colonel Anton Pretorius of the Soweto Intelligence Unit and Daan du Plessis from NIS.

495 In addition to formal TREWITS meetings, those who attended TREWITS meetings in the regions enjoyed ongoing and regular liaison with those involved in the target workgroups/ Project Section of Special Forces.

496 Thus, Nel made extensive use of the Western Transvaal networks:

... from all the police structures that I liaised with, the policemen in the Western Transvaal knew what Special Forces wanted. It was seldom necessary for me to develop a target much further. If they give me a target, I can take it like that to Special Forces and it was 99% complete because the Co-operation between Special Forces and the police dated back to the early 1980s... They knew that Special Forces were even interested in the name of the dog and how thick the burglar bars are... They would put together a target the way military people would think, because of previous experience..... They fitted into the TREWITS liaison system ... very easily because TREWITS was there to develop targets and they knew how to do it.²¹

497 The document 'Teenrewolusionêre Inligtingtaakspan' referred to earlier describes the enemy as the ANC, the SACP, the PAC and the UDF. According to the document submitted by former TREWITS chair, CJ Victor and Peet Vermeulen, the target fields were laid down within the Co-ordinating Intelligence Committee guidelines. These included:

Individuê, strukture, fasiliteite, wapentuig, infiltrasies, infiltrasieroetes, opleidingsplekke, voertuie, kommunikasienetwerke, modus operandi, ens. Die taakspan het hom bepaal by inligting mbt organisasies en individue wat rewolusionêre – of blote geweldsoogmerke gehad het...²²

498 Schoon described the brief as follows:

It was their task to properly evaluate and co-ordinate all intelligence regarding the revolutionary threat facing the RSA and especially with regard to identifying and prioritising political targets which posed such a threat. These threats could be in the form of an individual, a group, an organisation, an

²¹ Nel, Section 29

²² Document, 'Teenrewolusionêre Inligtingtaakspan (TREWITS) opgestel deur CJA Victor and Superintendent PCJ Vermeulen, n.d.

*accommodation or logistical facility and were prioritised in terms of the level of political destabilisation each target posed.*²³

- 499 Although TREWITS documents indicate a wider focus than the ANC, it would appear that the focus was almost exclusively on the ANC. There has been some dispute as to whether TREWITS had an internal or an external focus. Thus the NIA document compiled by former TREWITS members as quoted earlier indicates that TREWITS focused exclusively on the liberation movements in neighbouring countries. Regarding the elimination of targets by TREWITS, General van der Merwe, is on record as saying "In the country, no, but overseas, yes".
- 500 In direct contradiction to these views, the former Director General of NIS, Dr LD 'Niel' Barnard, asserted that: "I cannot remember that TREWITS ever was involved in foreign intelligence but I understand they did that on occasion".²⁴
- 501 The evidence from other submissions and section 29 investigations would seem to concur that TREWITS dealt with both the external and internal situation. It is possible that the initial function of target identification was to identify targets for cross-border raids, but that this was later broadened to include identifying and tracking particular individuals involved in military and/or underground structures and, according to the 'pipeline' notion, would thus have included the movement of individuals from neighbouring countries to inside South Africa.
- 502 With regards to Security Branch personnel, it needs to be noted that many were operationally deployed in the region, both before and after the establishment of TREWITS. Similarly Military Intelligence personnel have indicated knowledge, if not participation, in operations. Of the amnesty applicants said to have attended regional meetings, Commission analysis indicates that they have applied for approximately eighty-two killings, seven attempted killings and four abductions and/or acts of torture.
- 503 A number of points need to be made about the violations referred to above. Firstly, these figures are not complete, but are based on the list of names referred to above as having attended regional TREWITS meetings.
- 504 Secondly, involvement in killings, primarily cross-border killings, precedes both the establishment of target group(s) and TREWITS. This would indicate that people attending TREWITS meetings as regional representatives had previously

²³ Schoon, Section 29, November 1996, CT

²⁴ Security Policy hearing December 1997 CT

played a significant role at both an intelligence-gathering and operational level and the question needs to be asked as to whether they were chosen to represent the regional security branch at TREWITS meetings for precisely this reason. What is also significant about Security Branch members who were drawn into TREWITS meetings in the regions is that many had been engaged in border duty both in then South West Africa and/or Rhodesia, once again showing the continuity between counter-insurgency warfare in the region and Security Branch work inside South Africa. It would appear that those chosen for service in the regions were chosen precisely for their counter-insurgency experience.

505 Thirdly, in the period in which TREWITS existed (post December 1986), there are both internal and external killings and it is reasonable to speculate that these are directly associated with some form of target identification.

506 Fourthly, some operatives from different regions/divisions are involved in the same operations. These networks that developed between different operatives are crucial in understanding the culture and pattern of killing that developed.

507 Finally, the involvement of senior security branch personnel such as divisional heads (Visser and Loots) and branch heads (Deetleefs) is a significant indicator of the level of sanction.

508 There can be no doubt that those identified as attending regional TREWITS meetings saw their function, centrally, as target identification, and that once an individual's name appeared on a TREWITS target list, he/she was seen as a legitimate target. In the words of a participant: "What did they think we were collecting all this information about addresses, cars, movement for? To send Christmas cards?"

509 KIK documentation and Commission investigations indicate that the functioning of TREWITS may have declined, particularly after 1988, as a result of internal conflicts and political developments. However, the set of networks that had been established continued to function.

THE COMMISSION REJECTS THE STANDPOINT OF FORMER NIS DIRECTOR GENERAL NIEL BARNARD AND OTHER FORMER NIS OPERATIVES WHO HAVE DENIED INVOLVEMENT AND/OR KNOWLEDGE THAT INTELLIGENCE GATHERED WAS PUT TO OPERATIONAL USES THAT INCLUDED ELIMINATION. IN EVIDENCE BEFORE THE COMMISSION, DR BARNARD CONCEDED THAT INFORMATION WAS PROVIDED BOTH TO THE SECURITY BRANCH AND THE SADF BUT CLAIMED THAT 'THE DEFENCE FORCE WAS NOT UNDER MY RESPONSIBILITY NEITHER THE POLICE. WHAT THE POLICE OR THE ARMY DID WITH THE INFORMATION I DO NOT KNOW.' THE COMMISSION FINDS

HIS VIEWPOINT THAT THE MANNER IN WHICH INTELLIGENCE SUPPLIED BY HIS AGENCY WAS USED, WAS NOT HIS CONCERN, UNACCEPTABLE.

THE COMMISSION FINDS FURTHER, THAT:

- EXTRA-JUDICIAL KILLINGS WERE UNDERTAKEN BY A NUMBER OF DIFFERENT SECURITY BRANCH DIVISIONS AND BY THE SPECIAL FORCES AND OCCURRED ACROSS THE COUNTRY BUT WITH A CONCENTRATION IN AREAS ADJACENT TO SOUTH AFRICA'S BORDERS WITH ITS IMMEDIATE NEIGHBOURS AS WELL AS WITHIN THOSE STATES;
- EXTRA-JUDICIAL KILLINGS WERE OFTEN THE END RESULT OF A PROCESS OF OPERATIONALLY DIRECTED INTELLIGENCE COLLECTION ON TARGETED INDIVIDUALS. ALL THREE PRIMARY SECURITY INTELLIGENCE ARMS – NATIONAL INTELLIGENCE SERVICE (NIS), SECTION C2 OF THE SECURITY BRANCH, AND MILITARY INTELLIGENCE – UNDERTOOK SUCH ACTIVITIES AND CO-ORDINATED THEIR INFORMATION THROUGH JOINT PARTICIPATION IN SO-CALLED TARGET WORKGROUPS FORMED IN 1986 IN CERTAIN SELECTED STRATEGIC AREAS (EASTERN TRANVAAL, SOUTHERN FREE STATE) WHOSE ROLE WAS *INTER ALIA* TO TARGET INDIVIDUALS FOR KILLING OUTSIDE OF SOUTH AFRICA'S BORDERS AS WELL AS CO-ORDINATING STRUCTURES SUCH AS THE TEEN REWOLUSIONERE INLIGTINGS TAAKSPAN (TREWITS);
- EXTRA-JUDICIAL KILLINGS WERE TARGETED PRIMARILY AT HIGH-PROFILE ACTIVISTS INSIDE AND OUTSIDE SOUTH AFRICA; THOSE BOTH CONNECTED TO BOTH MILITARY (MK AND APLA) AND NON-MILITARY STRUCTURES; AT THOSE ACTIVISTS OR PERCEIVED ACTIVISTS WHOSE CONVICTION HAD NOT BEEN SECURED THROUGH THE JUDICIAL PROCESS OR WHERE IT WAS BELIEVED THAT JUDICIAL ACTION WOULD NOT SUCCEED; AS WELL AS AT OWN FORCES WHOSE LOYALTY CAME INTO QUESTION;
- EXTRA-JUDICIAL KILLINGS WERE OFTEN ACCOMPANIED BY THE DELIBERATE PLACING OF WEAPONS ON OR NEAR THE BODIES OF VICTIMS AFTER THEY HAD BEEN KILLED.

THE COMMISSION FINDS THAT SUCH EXTRA-JUDICIAL KILLINGS TOOK THE FORM OF:

- THE ASSASSINATION OF ACTIVISTS BY STATE OPERATIVES WHERE THE MODUS OPERANDI IN MANY CASES WAS SUCH THAT THE KILLING WOULD BE LAID AT THE DOOR OF A THIRD PARTY;
- AMBUSHES OF COMBATANTS OR THOSE LINKED TO MILITARY STRUCTURES ENTERING SOUTH AFRICA. WHILE THE COMMISSION WAS UNABLE TO ESTABLISH INTENT TO ELIMINATE IN EVERY CASE, THE PATTERN THAT EMERGES IN THE POST-1985 PERIOD IS THAT IN MANY INSTANCES LITTLE OR NO ATTEMPT WAS MADE TO EFFECT ARRESTS, LENDING CREDENCE TO THE VIEW THAT ELIMINATION WAS THE PRIMARY PURPOSE;
- ENTRAPMENT KILLINGS WHERE SECURITY FORCE PERSONNEL PARTICIPATED IN THE RECRUITMENT AND/OR MILITARY TRAINING AND/OR SUPPLY OF WEAPONRY (SOMETIMES BOOBY-TRAPPED) TO ACTIVISTS WHO WERE THEN ELIMINATED;
- THE KILLING OF PERSONS IN THE PROCESS OF EFFECTING AN ARREST OR WHILST THEY WERE POINTING OUT ARMS. AS IN THE ABOVE CASE, A CLEAR PATTERN EMERGES THAT MANY OF THESE WERE KILLING ACTIONS;

THE COMMISSION FINDS THE FOLLOWING STRUCTURES AND INDIVIDUALS TO BE ACCOUNTABLE FOR THE EXTRA-JUDICIAL KILLING OF POLITICAL OPPONENTS: THE STATE PRESIDENT, MINISTERS OF LAW AND ORDER, DEFENCE, FOREIGN AFFAIRS, COMMISSIONERS OF POLICE, CHIEFS OF THE

SECURITY BRANCH AND HEADS OF C SECTION, CHIEFS OF THE DEFENCE FORCE, OCS SPECIAL FORCES, CHAIR OF THE SADF GENERAL COMMAND COUNCIL, CSI , GENERAL MANAGER CCB, DIRECTOR GENERAL, NIS

FURTHER, ALL MEMBERS OF THE CABINET AND THE SSC ARE FOUND TO BE INDIRECTLY ACCOUNTABLE.

Attempted killings, arson and sabotage

- 510 The Commission received a number of amnesty applications detailing the direct involvement of members of the security forces in acts of sabotage and arson, including an application by former Minister of Law and Order Adriaan Vlok and Security Branch head General Johan van der Merwe, implicating State President PW Botha. While many of these cases did not result in gross violations of human rights, some can be classified as attempted killings and therefore gross violations.
- 511 Evidence before the Commission reveals that intimidation and disinformation provided the rationale for such attacks. Activists and their supporters needed to be aware that if they got involved in political activities, dire consequences would follow. Furthermore, the idea that the political conflict was a consequence of internecine strife within the black community, commonly referred to as black-on-black violence, was promoted amongst the general public.
- 512 The involvement of the security forces in such attacks appeared to accord with state policy. This is reflected in a document prepared for a working group of the Joint Security Staff in January 1987 which refers to the '*Fisiese vernietiging van rewolusionêre organisasies (mense, fasiliteite, fondse, ens) binne- en buitelands deur enige owerste en koverste metodes*' (Physical destruction of revolutionary organisations (people, facilities, funds, etc) inside and outside the country by overt and covert methods)²⁵.

Cosatu House, Johannesburg

- 513 Cosatu House, which housed the national offices of the Congress of South African Trade Unions (COSATU) and a number of its affiliates, was extensively damaged by two bombs in the early hours of 7 May 1987. The bombs, described at the time as "the most powerful ever detonated on the Reef", were placed in the basement of the building. The damage they caused was such that the building

²⁵ *Strategiese oorwegings ten opsigte van die inisiëring van die kontramobilisasie in die RSA.* (Strategic considerations in respect of the initiation of contra-mobilisation in the RSA.) Document prepared for the GVS-werkgroep, 24 January 1987, 22/3/2/44.

was declared structurally unsafe. At the time of the explosion there were about twenty people in the building, two of whom were slightly injured.

514 This and the Khotso House incident described below are the only instances for which a member of the former government applied for amnesty for an unlawful act. Mr Adriaan Vlok and General JV van der Merwe rationalised this decision, saying that the May 1987 general election had sparked off new levels of resistance. Furthermore, a country-wide strike by railway workers had assumed violent proportions in attacks on railway property and the holding hostage of five strike-breakers by members of the South African Railways' and Harbour Workers' Union (SARHWU) at Cosatu house. Four of the hostages were subsequently taken from the building and killed. Vlok and Van der Merwe said also that the Security Branch was in possession of information showing that underground ANC members and trained MK soldiers were using Cosatu House as a base for planning, among other things, an attack on members of the police. Van der Merwe said that this view was shared with the intelligence community as a whole and the SSC structures.

515 According to both Vlok and Van der Merwe, a crucial factor in their decision to destroy Cosatu House was their conviction that other legal methods to remove the threat posed by Cosatu House would be ineffective, especially after the detention of the SARHWU general secretary, Mike Roussos, whom they believed to be part of underground networks, had been successfully challenged in court. In the words of Van der Merwe:

We detained about 40 000 people at one specific time and I often said to Vlok that this does not lead to anything. We cannot keep them indefinitely. As soon as we detain them we cause that person, not only that person but also his family and all his friends, we brought them all into unrest against the police, in opposition to the government.

516 The hope was that an effective bombing of COSATU House "would cause so much disruption that it would give us a breathing space."

517 Van der Merwe instructed Brigadier Willem Schoon, head of the C section, to get C1 to make the necessary plans. Van der Merwe also briefed the Witwatersrand Security Branch divisional head, Gerrit Erasmus, and instructed Sergeant Bosch, head of the Vlakplaas technical department, to construct the explosive device. It was important to the operation that firearms and explosive devices were the same as those used by the liberation movements.

- 518 Several teams were responsible for the actual operation: the team wearing balaclavas and armed with AK-47s who would penetrate the area; a team to distract the guard, if necessary using 'spiked' alcohol; a team consisting of black members to patrol the area on foot with batons and to ensure, using violence if necessary, that no one passed through the operational area; a team to warn of any approaching traffic or police vehicles; and the command team consisting of Van der Merwe himself and Brigadier Schoon. In addition, Deon Greyling of the Witwatersrand Security Branch was assigned to tune in to the frequencies of the Johannesburg traffic police, the SAP Murder and Robbery Unit, the Uniform Investigation Unit and the Flying and Dog Squads. Eugene de Kock was in overall command.
- 519 Later a braai was held for the white Vlakplaas members to celebrate the success of the operation. It appears that black members may have received R200 each for their participation.
- 520 Under cross-examination at the amnesty hearing, both Vlok and Van der Merwe remained adamant that the action taken at Cosatu House was purely because of the use of the building by persons intent on 'acts of terror' and not linked to the numerous attacks, burglaries and raids that took place on Cosatu offices around the country in May and during the months that followed.

Khotso House, Johannesburg

- 521 Khotso House, the headquarters of the South African Council of Churches (SACC), was destroyed by explosives on 1 September 1988. Khotso House was also the national headquarters of the UDF. Vlok alleged that incidents of violence had followed meetings held by the UDF and/or its affiliates in the building and that individuals in Khotso House were using it to further 'terrorist' activities.
- 522 In June 1988, President PW Botha requested Vlok to stay behind at the end of a regular SSC meeting, where once again the role of the Council of Churches and other organisations had been discussed:

Mr Botha ... told me ... "I have tried everything to get them to other insights, nothing helped. We cannot act against the people, you must make that building unusable." ... He furthermore also said: "Whatever you do, you must make sure that no people are killed." He didn't say how it had to be done, he just said what had to be done.

- 523 Again the matter was passed on to the C1 unit in co-operation with the Witwatersrand Security Branch.
- 524 Colonel Eugene de Kock foresaw the loss of life, notwithstanding the injunction to prevent it. Khotso House was located near a block of flats in a part of the city which experienced the “permanent flow of human traffic”. The Commission heard that, when De Kock asked what should be done if the team was confronted by other SAP members who would naturally regard them as armed ‘terrorists’, Brigadier Erasmus responded, “Shoot them”.
- 525 During the operation, a black uniformed policeman peered through a window into the basement. This led De Kock to expedite the operation by placing the rucksacks of explosives in front of the two lifts. The operational teams withdrew in the direction of Hillbrow and waited for the devices, activated by electronic time devices, to detonate.
- 526 While no fatalities were incurred, at least twenty-three people were treated for injuries and shock after the explosion. Mr Adriaan Vlok publicly expressed his condolences to those who had been injured. SAP spokesman Brigadier Leon Mellet stated that it was believed that the explosion could have originated in the basement of Khotso House where explosives were thought to be stored. General Jaap Joubert (now deceased) was assigned to the investigation into the blast and a disinformation campaign by the STRATCOM section of the Security Branch swung into action.
- 527 Joubert later informed Vlok that a witness had testified to the fact that he had given a lift to a white male, a white female and a coloured male and had, at their request, dropped them close to Khotso House on the day of the explosion. After dropping them, he had seen them make contact with a black male in a red car. The woman was identified as Ms Shirley Gunn and was suspected of involvement in underground military activities. Having been assured by Joubert that Gunn was in any event being sought by the Security Branch, Vlok regarded this information as a ‘godsend’ and it was decided that her name would be publicly released as a prime suspect. Gunn was later detained.
- 528 Vlok said that PW Botha congratulated him, at an SSC meeting, on work well done. Evidence by both Vlok and Van der Merwe at the amnesty hearing further indicated that, at the time of the NP’s second submission to the Commission, former President de Klerk had been aware of their involvement in both the Cosatu and Khotso House bombings.

529 A number of amnesty applicants said that the security forces' involvement in high-profile attacks such as on the London ANC offices, Khotso and Cosatu House was widely suspected by their members and that, given the high-profile nature of such cases, this could only have happened with authorisation at the highest level.

Other sabotage attacks

530 Aside from the above two highly publicised cases, the Commission received numerous amnesty applications from former members of the security forces detailing other attacks on offices, on individuals' homes and on vehicles belonging to opponents of the government.

531 In the *Cry Freedom* incident, bomb threats originating from the Security Branch had the effect of preventing the screening of David Attenborough's film on the life and death of Steve Biko. The Minister of Internal Affairs had failed to persuade the Appeal Board of the government-appointed Publications Committee to reverse its decision permitting the screening. Adriaan Vlok told the Commission:

[W]e had walked the legal way, we had tried everything possible. If you take everything into consideration, I judged the risk that this film would have and it was so enciteful [sic] that this risk was too big.

532 At a meeting in Minister Vlok's office, attended by Security Branch head Johan van der Merwe, General Jaap Joubert and STRATCOM expert Brigadier McIntyre, it was decided that bomb threats would create 'an atmosphere of fear', thus forcing the distributors to withdraw the film from the circuit. Interventions included the placing of a small explosive device outside the Highgate shopping centre in Roodepoort and outside the Metro Cinema in West Street, Durban, as well as bomb threats made to several cinemas by Security Branch members posing as right-wingers. Following these incidents, the commissioner of police, General de Witt, issued an order on 30 July in terms of the state of emergency media regulations, in which further screening of the film was prohibited owing to the danger it presented to public order and security.

533 Those who applied for amnesty for these incidents are AJ Vlok [AM4399/96], General JV van der Merwe [AM4157/96], Major General JH le Roux [AM4148/96], Major General JA Steyn [AM4513/97], CS Heyneke [AM4144/96] and JCWK Louw [AM4150/96].

- 534 An attack on the home of Labour Party MP Allan Hendrickse originated from the Security Branch headquarters in the eastern Cape. According to amnesty applicant Abraham Christoffel Kendall [AM3757/96], a named general at Security Branch headquarters instructed him, in September or October 1998, to consult with the branch commanders of Port Elizabeth and Oudtshoorn to plan hand grenade attacks on the homes of Hendrickse and another Labour Party leader, a Mr April. Kendall said that the reason offered for the attacks was that Hendrickse and April were unwilling to vote on certain legislative changes. Kendall conveyed this instruction to the Port Elizabeth and Oudtshoorn Security Branches. On his return to Johannesburg from the eastern Cape, Kendall heard on the news that Hendrickse's house had been attacked with a hand grenade.
- 535 The Security Branch in the Eastern Transvaal was responsible for several arson attacks on houses in the Kanyamazane area belonging to ANC members in 1986 and 1987. According to amnesty applicant Izak Daniel Bosch [AM3765/96], these attacks were aimed at protecting the lives of Nelspruit Security Branch police informants. Members of Vlakplaas petrol-bombed houses belonging to 'comrades', targets being provided by the Nelspruit Security Branch. In another attack, the house of a black trade unionist was petrol-bombed by Mr Christopher Mosiane [AM3768/96] and another named *askari*.
- 536 Mosiane also applied for amnesty for an arson attack on a church in Witbank, Eastern Transvaal, allegedly on instructions from the Witbank security police. According to Mosiane, the reason was that the church was being used by activists.
- 537 Amnesty applications were received from Josephus DL Coetser [AM3758/96] and Jacques Hechter [AM2776/96] in respect of bombing/s of the house of activist/s in Ekalanga in the Northern Transvaal in 1986 or 1987 (according to Hechter) and February or March 1986 (according to Coetser). It is unclear whether the two applications refer to the same incident.
- 538 On 28 May 1986, an arson attack orchestrated and executed by the Security Branch at Oukasie destroyed the home of David and Joyce Modimeng and resulted in the death of Ms Modimeng. The situation in Oukasie at the time was tense as residents were opposing a government decision for their removal to Lethabile near Brits. Mr MAS Pretorius [AM5467/97] applied for amnesty for the attack. The homes of Mr Sello Ramakobye and ANC member Leonard Brown, both opposed to the removals, were petrol-bombed on 17 May 1988 in attacks perpetrated by security police. Nobody was killed or injured in the incidents.

- 539 Mr Oupa Masuku's home in Atteridgeville was bombed in early 1986 in an attack conducted by Josephus DL Coetser [AM3758/96], Hechter and a black policeman. A day after the explosion, Coetser was informed that Masuku's mother, Ms Esther Masuku, had been killed. Upon hearing that an innocent person had been killed, Coetser decided that he could no longer be involved in these operations and was excused from his duties by Brigadier Cronjé.
- 540 Houses were bombed at Mamelodi and Soshanguve in February 1986 in attacks perpetrated by Coetser, Hechter, JJ Viktor, jnr [AM4371/96] and others. The targets were houses of prominent black political activists. Coetser said that Hechter informed him that one person was killed in one of the Mamelodi explosions.
- 541 In about 1989, Colonel Eugene de Kock received orders to burn down a church building in Pretoria, which was allegedly being used by the ANC to print Communist literature and anti-government propaganda. Members of the Vlakplaas unit planned and executed a petrol-bomb attack on the church. The press reported that several people were in the church at the time of the attack and were rescued by the fire brigade.
- 542 Mr David Jacobus Brits [AM3745/96] applied for amnesty for landmine explosions at Daveyton and Benoni. Others involved were De Kock, Vermeulen, Nortjé, Mentz, Snyman, de Swardt, with De Kock who authorised the operations. The aim was to intimidate ANC members and supporters. Nobody was injured or killed in the explosions.
- 543 Mr JH le Roux [AM4148/96] and other Security Branch members engineered a controlled explosion near an unused railway line at Factoria, Krugersdorp in 1987/8. The operation was set up for an police informer who had successfully infiltrated MK structures in Botswana and who had received orders to commit an act of terrorism in South Africa, to show that he was ready to work as an MK operative. They made sure that the media reported on the explosion so that the informer could report back positively to MK.
- 544 A controlled bombing of a house in Klipspruit, Soweto, was planned and executed by members of the Security Branch in the Witwatersrand in 1985/6 in order to maintain the credibility of an agent by the name of Sebataiaan Reed in the wake of the arrest of an ANC courier who was staying with Reed. The explosion was planned by Reed's handler, Colonel W Coetzee, and Mr L de Jager [AM4216/96].

- 545 Other 'credibility operations' were planned by the SIU, which had recruited MK members allegedly part of the underground based in Soweto and Swaziland. Two of the infiltrated deep-cover agents underwent military training in Swaziland and were assigned by MK to reconnoitre Wits Command and to launch an attack on the morning parade with hand grenades. After their return to South Africa, they were debriefed by the Security Branch. The attack was not carried out. Later, two 'credibility operations' took place, in the form of attacks on a power station and a railway line in Johannesburg. The actions were authorised by Brigadier W Schoon and Brigadier H Muller. These attacks – and further attacks on the railways – were successfully conducted and MK slogans were painted at the scene. This credibility operation helped undercover agents to penetrate more deeply and ultimately facilitated the arrest of various MK leaders in Soweto.
- 546 An operation to damage the Ipelgeng Centre, used for meetings by the Soweto Youth Congress (SOYCO) between 1985 and 1988, was authorised by Lieutenant General I Coetzee. Anton Pretorius was informed by De Jager that named Special Forces operatives would be involved. An inflammatory device using a mixture of petrol and diesel was used, but did not cause much damage.
- 547 The 'Why Not' nightclub in Hillbrow was bombed on 22 September 1988 in reaction to the two limpet mine explosions at the Vanderbijl bus terminus. The club was targeted as it was opposite the Café Zurich Club where a hand grenade had been planted by ANC member Peter Dlamini earlier in the year. On the night of the operation, Mr Charles Zeelie, an explosives expert, fetched Warrant Officer AJ van Heerden [AM4134/96] from his home. Warrant Officer Van Heerden, assisted by Zeelie, was personally responsible for planting two mini limpet mines under a seat in the nightclub. While nobody was killed, some people sustained injuries and the building was damaged. Other amnesty applicants include Mr PL du Toit [AM4131/96] and Mr GN Erasmus [AM4134/96], then divisional commander of the Witwatersrand.
- 548 An internal sabotage operation by the CCB was the blowing up of the Early Learning Centre (ELC) in Athlone, Cape Town on 31 August 1989. This was a region 6 project for which all its core members have applied for amnesty. The ELC was targeted because it was frequently used by community organisations for meetings. While the amnesty applicants claimed that great care was taken to ensure that there were no casualties, the explosion happened on a night when the building was routinely used by executive members of the Cape Youth Congress.

- 549 In 1989 a bomb was detonated by the security police at the whites-only public toilets in the Strand, Cape Town during the UDF 'Open the Beaches' campaign. The explosives originated from Vlakplaas. De Kock ordered Wouter Mentz to deliver a minibus loaded with explosives to the Cape Town security police. Mentz, Colonel Dave Baker and Colonel L de Jager accompanied members of the Cape Town security police in this operation. No one was injured in the explosion.
- 550 In Durban, Mr Griffiths Mxenge's house was petrol-bombed by members of the Security Branch linked to Andy Taylor's unit. Taylor provided the material to make the petrol bombs, which were then used on Mxenge's house and one other house in Umlazi.

Contra-mobilisation

Support to surrogate and opposition groups

- 551 Other chapters of this report deal with the former state's use of surrogate forces and covert support to opposition groups outside South Africa. Major Craig Williamson told the Commission that this strategy was adopted and used actively from the 1980s on the principle that "my enemy's enemy is my friend." Several specific operations were undertaken. The strategy was also implemented internally through the practice of 'contra-mobilisation'.
- 552 The two most prominent examples of operations designed to create, bolster or train 'middle groups' to counter the revolutionary threat were *Operation Marion* and *Operation Katzen*. The former was fully implemented; the latter only partially. Both operations were run as DST 2 projects with input and training from Special Forces. Both are dealt with elsewhere in the Commission's report. *Marion* involved the building of the counter-revolutionary capacities of Inkatha as a bulwark against the UDF and ANC. *Katzen* involved efforts to build a traditionalist, ethnically-based bulwark against the resistance movements in the Eastern Cape.
- 553 Contra-mobilisation was essentially the practical implementation of the principles of 'strategic communication' or 'STRATCOM' (also known in military terms as communication operations, or 'COMOPS') – counter-propaganda to motivate the population to oppose the revolution²⁶. At this point the only aspect of STRATCOM covered in this report is that of contra-mobilisation. As there were

²⁶ In 1984/85, the SSC established a special committee to investigate strategic communication and the co-ordination of counter-propaganda among departments. In line with the greater emphasis on STRATCOM, the Strategic Communications Branch of the SSC was reformulated and various state organs allocated responsibilities in this regard.

amnesty applications pending at the time of reporting, the broader issue of STRATCOM will be covered in the Amnesty Committee's report.

Contra-mobilisation

- 554 Contra-mobilisation is an important principle of counter-revolutionary warfare developed by American military and intelligence analysts in the 1960s. It holds that, in revolutionary warfare, the most significant battle is for the 'hearts and minds' of the population, and that security strategies should therefore be 80 per cent political and only 20 per cent military. This approach was increasingly incorporated into the SADF's security perspectives from the 1960s and was reproduced virtually in text book form by senior SADF strategists such as Brigadier CA Fraser.²⁷
- 555 In the South African context, contra-mobilisation was used to organise and support 'moderate blacks' to oppose the revolutionary movements. Of necessity, it was a covert strategy – concealing the hand of the state as provider of logistical, political and financial support – and making use of 'surrogate' forces. Hence, the state would not be seen to be involved in the conflict and violence between groupings and the resistance organisations.
- 556 Elements of the theory and practice of contra-mobilisation can be traced to the early 1980s. From 1985 it received the attention of the State Security Council (SSC), resulting in the January 1987 'position paper' which postulated that the idea was an integral part of 'Strategy 44', which was developed in the Total Strategy Branch of the SSC, and was formally adopted by the SSC in December 1986 as the "*Nasionale Strategie teen die Rewolusionêre Oorlog teen die RSA*" (National strategy against Revolutionary War against South Africa).
- 557 Strategy 44 aimed "to mobilize groups and individuals to defend themselves and to offer resistance against revolutionary actions", giving "moderate blacks" support in political developments. It held also that counter-revolutionary organisations should be "developed on an ethnic basis to prevent radicals from utilising the political vacuum".
- 558 The term contra-mobilisation was used in official documentation to refer to more offensive actions in which the population is seen as a direct vehicle to crush the revolutionary threat. For example, a November 1985 discussion document authored by National Intelligence Service states:

²⁷ Brigadier CA Fraser, *Lessons from Past Revolutionary Wars*.

The activities of the Comrades should be rendered inoperative by the neutralization of the leadership by means of an operation called 'vasvat' [to take a firm grip], or, in a clandestine manner, to make them the target of the 'vigilantes' or 'mabangalala'. ...

The action against intimidation from anarchists and revolutionaries by the so-called 'vigilantes' or 'mabangalala', should, taking in consideration an organization such as Inkatha, in a clandestine manner, be reinforced, extended and portrayed as a natural resistance by moderates against anarchy."²⁸

- 559 A specific theme related to South African implementation of the principles of contra-mobilisation can be found in the fostering of conflicts, either in the ethnic dimensions mentioned above or in ideological differences. As early as 1982, the SADF proposed to the SSC that it should "exploit and encourage the division between the ANC, Inkatha and the BCM [Black Consciousness Movement] organizations."²⁹
- 560 The STRATCOM branch of the SSC played an important role in this aspect as well. It is seen, for example, in a 1985 telex directive from the Secretariat of the SSC and the STRATCOM branch to regional JMCs regarding the fostering of differences between the UDF and AZAPO and advancing ideas and suggestions for further inflaming situations of conflict.
- 561 The security arm most directly concerned with the implementation of contra-mobilisation was the SADF. The SADF was made responsible for youth clubs, community organisations, women's organisations, traditional authorities, arts and rural development, with the aim of establishing structures to oppose the revolution. Major Marius Oelschig acknowledged in the *State v Msane* and 19 others that "the South African government ... through the SADF, assisted various dissident groups to create a capability, which they themselves could use ...".³⁰
- 562 In September 1985, the SADF proposed to the SSC that a national contra-mobilisation project be established, a project similar to the Etango/eZuva project in South West Africa/Namibia. The project was approved by the Minister of Defence on 11 September 1985 and the organisational structure and expenses were approved by the Chief of the Defence Force on 19 December 1985.³¹

28 From file 22/3/2/44, Pretoria State Archives, Vol 3, ref NI/B3/17/1/4/19.

29 From file 22/3/2/2 ANC Total Strategy, HSAW 521/2/2/30 Vol 1, Appendix A: Military Strategic Directive (MSD) No 461 HS OPS/HDB/303/11/1.

30 Major Oelschig, *State v P Msane*, vol 54, p. 4225.

31 AMI/KO/328/6/3/ANCOR *Uitbreiding van Kontramobilisasiestrategie* (Extension of Contra-mobilisation Strategy), 21 July 1986, Memorandum from the chief of staff intelligence to chief of the army.

563 The contra-mobilisation methods applied to Etango and eZuva were seen to be successful. It was felt that this was owing to the absence of public involvement of the SADF, which would have damaged the credibility of these organisations. The aim of the Etango project was “to motivate the Owambo people to resist SWAPO and any form of communist infiltration”. It was run largely by the Directorate of Communication Operations (‘COMOPS’) and was intended to establish a traditionalist tribally oriented Owambo movement. Similarly, the eZuva project targeted the Kavango population.

564 Colonel HC ‘Chris’ Nel suggests that some support for the Etango project came from former SWAPO-supporting members of the local population:

We had a high turnover of suspects, members of the local population, so-called SWAPO chairmen, people who were part of the internal support structure, that were brought in for questioning and we had to release them within thirty days. We had a very high turnover of that. They were all administered by the military police who kept records of everybody who came in there and then were released according to the law. Those who offered to become askaris [i.e. collaborate], they were passed on to a structure called Etango, called Komops. There were people under the leadership of Dr Pasques who established a political organisation called Etango and this is the Ovambo word for rising sun. They had a facility not very far from the POW camp and with the advantage of hindsight, today I can say that they were brainwashed, conditioned ... They were put through an extensive programme to clean their minds of all communist influences and they were recruited to become organisers and members of the DTA. That was where a large percentage of the prisoners went.”

565 Guidelines for contra-mobilisation were issued from command HQ level and were given to the territorial commands. These instructions took the form of memoranda discussed in various conferences. The regional COMOPS divisions met from time to time to exchange notes. Over and above contra-mobilisation projects undertaken by the territorial commands, COMOPS ran national contra-mobilisation projects under Brigadier FJ ‘Ferdie’ van Wyk.

Project Capital

566 The Federal Independent Democratic Alliance (FIDA) constitutes one example of a national project. The 1991 Kahn Committee described the project, code-named *Capital*, as a “moderate alliance of black organisations to combat violence and

advance stability”, further stating that “we were told it was a very valuable source of information to the Defence Force on violence in black townships”. FIDA had a head office in Johannesburg and was active in thirteen regions with at least sixty-eight employees by 1991. SADF links were terminated in September 1991 with a once-off payment of R1.47 million. Its annual budget by 1991 was at least R3 million per year.

- 567 *Project Ancor*, which fell under the umbrella of *Project Orange*, was identified as the national contra-mobilisation project. Other projects included *Metros: Mobilisering van tradisionele genesers* (Mobilisation of traditional healers); *Natal Vakbond*; *KwaNdebele project*; *Venda project*; *OwaOwa project*; *Eagle Jeugklubs* (Youth clubs) (OVS); *Vaaldriehoekse Swartjeug projek* (Vaal Triangle black youth project); *Oriëntering Swart onderwysers*; *Globale Kleurling projek*; *Kleurling Parlementariërs* (Coloured parliamentarians); *Mobilisering van gematigde Swart leiers in RSA* (Mobilisation of moderate black leaders in RSA); *Navorsingsprojek Stellenbosch Universiteit* (Stellenbosch University research project); *Caprivi-projek*; *Kaokoland-projek*; *Namaland-projek*; *Mike Wildtuin*; *Rigters*; *Kerkgroep SWA*; *Spesialisgroep Kommunikators SWA*; *SWA Swart Leiers*; and *SWA Bybelskool*. It was anticipated that the annual amounts required to cover these groupings would be in excess of R15 million.
- 568 *ANCOR* also involved the creation of a front company called Adult Education Consultants or AdEd CC in Pretoria. Its members included Dr LJ Pasques and Dr JL van der Westhuizen. The mission of the organisation was “*die effektiewe mobilisering en kontramobilisering van die verskillende groepe in Suidelike Afrika, ter beveiliging van die RSA se Nasionale Veiligheidsdoelwitte*” (the effective mobilisation and contra-mobilisation of different groups in Southern Africa, to protect the National Security goals of South Africa).
- 569 *Project Kampong*, under which regional projects fell, was a sub-project of *ANCOR*. In the Eastern Cape, an extensive network of MI-funded front companies were established from 1985 onwards with the aim of building an anti-revolutionary base of support. The Eastern Cape COMOPS unit was awarded the ‘*Vrede Sabel/Peace Sword*’ for four years in the late 1980s as the most successful region in this field, an honour previously awarded to the South West African component. Projects included *Pullin* (East Cape Sports Foundation), *Lactone* (Lion Life Resource Corporation), and *Vallex*, and they received funding through the SADF or the STRATCOM branch of the SSC.³² The above projects did not

32 The (empty) files of the SSC STRATCOM branch list the following project in operation during 1985. *Projek 71: Ooskaap - betrek van Gematigde swartmense (HTSK)*.

directly involve the creation of vigilante groupings. However, the individuals who were promoted, trained and supported through the projects were sometimes themselves involved in acts of violence. The clearest example of this is Reverend Maqina and the AmaAfrika movement.

570 The SAP adopted some measure of activity regarding contra-mobilisation. Key SAP unrest strategist General Wandrag sent out a set of directives or guidelines for dealing with unrest to all divisional commissioners of the police and railway police, as well as army HQ on 23 March 1986. Point 11 dealt with contra-mobilisation.³³ In the SAP, the key channel through which vigilantes and fomentation of conflict would have been encouraged, sponsored or initiated would have been through agents employed by the Security Branch.

Vigilante Activity

571 Not all vigilante activity was a product of state engineering. Intolerant actions and coercive campaigns of the UDF and its adherents mobilised genuine disaffection and anger amongst black residents, forming the basis for retaliatory actions by so-called 'vigilantes'. Nevertheless, Commission investigations produced evidence of a range of levels of endorsement, support and management of vigilante groupings by different security arms of the state.

572 The detailed substance of the conflicts that swept through Port Elizabeth and Uitenhage are covered in Volume Three. In summary, during 1985 there were violent conflicts between UDF and AZAPO as well as the Azanian Youth Organisation (AZANYU). By early 1986 the anti-UDF grouping re-emerged as a group called the *AmaAfrika*. Evidence shows that, while there were genuine conflicts between the UDF and AZAPO, the security forces used these as the basis for the creation and support of vigilante groupings which perpetrated serious violations and escalated the conflict.

573 A central figure in the conflicts was Reverend Mzwandile Ebenezer Maqina. Initially a member of AZAPO, he was expelled from the organisation in January 1986 after the first wave of violence between AZAPO and UDF members in 1985. Thereafter the Azanian Youth organisation (AZANYU) and the *AmaAfrika* movement became his political vehicles. In addition, he was associated with various welfare bodies such as the Black Crisis Centre (BCC), Save the Child, and the African Person's Concerned Committee (APCC). During the early 1990s

³³ Kriptoberg, 25/3/86, GVS/GOS Instruksie: GVS *Riglyne vir Optredes ter bekamping van die onrus/onlussituasie* (Guidelines for action to combat the unrest situation).

he was again associated with initiatives such as the Siyaakha Peace organisation and youth movement, the Black Crisis Forum and the anti-violence centre in Port Elizabeth. These outfits had offices and vehicles ostensibly supported by the private sector.

- 574 The Commission received evidence that, from the early 1980s to the early 1990s, Reverend Ebenezer Mzwandile Maqina was working with the Security Branch and had links to the SADF, and was the chief individual through whom the security forces sought to create dissension and an anti-UDF power base. Maqina consistently denied any such links. He told the Commission that his ideological sympathies lay with Africanism and Black Consciousness. He further claimed that his actions were aimed at trying to control the situation.
- 575 Commission statements link Maqina to several violations. Commission research indicated that Maqina was recruited by the Security Branch in the early 1980s. A national intelligence document links him to self-confessed ANC spy and Security Branch source Pat Hlongwane and a Colonel van Rooyen as early as 1981. Sources indicate that Billy Strydom of the Port Elizabeth Security Branch was Maqina's handler during 1986. This is further confirmed by a report on Maqina written by Dr Johan van der Westhuizen (Maqina is referred to as M and Henry interchangeably, and SB refers to Security Branch).

M on occasion requested me to organize a firearm. ... It may be that the SB provided him with a firearm. (Billy Strydom – security police handler). M was aware of the fact that Billy and myself knew each other and he, on one night, requested me to convey a message to Billy because he was not able to reach him. ... If you would like to find out, contact Billy Strydom and ask him about M. He is supposed to know what is going on with Henry with regard to a change in the front. M. visibly had a reasonable position of trust with Billy.³⁴

The SAP (SB) has been informed. Lt Billy Strydom, and the attitude is 100 per cent positive in favor of co-operation. Will provide information on demand. They will also organize a firearm upon Henry's request – a telephone for the house will also be expedited.

- 576 Colonel Hermanus du Plessis of the Security Branch attempted to pass Maqina on to Colonel Lourens du Plessis in Military Intelligence (MI) during 1986 when he became an "embarrassment" after being caught by the CID with weapons in

34 Document entitled Projek M, written by Johan van der Westhuizen, no date.

his vehicle. According to Colonel Lourens du Plessis, "the problem was that CID was not fully in the picture".

577 During 1986, Maqina's organisations were logistically supported by MI. This was done through front companies and organisations run by Dr Johan van der Westhuizen, Dr Ben Conradie and others. An organisation was established known as Action for Peace and Prosperity (APP)/*Aksie Voorspoed*, which was funded by MI. Money and goods from MI were channeled through them to Maqina.

578 In documents made available to the Commission, numerous references are made of ongoing financial support for Maqina's various initiatives. Eduguide official Ben Conradie has made public specific details of thousands of rands, food and equipment given to Maqina. He stated:

One of the projects that I took over from Dr JL van der Westhuizen was known as 'Project Henry' and it was regarded as top secret that a Commandant from Eastern Province Command [SADF] was also involved in this ... I was introduced to Rev Maqina by Dr JL van der Westhuizen, who had close contact with Brigadier Joffel van der Westhuizen ... I had to constantly keep in the minds of my target group, inter alia groups identified by Rev Maqina, that the communists such as the UDF and ANC were enemies of the state and that they must be eliminated.

579 Conradie recalls that it was hoped that Maqina could become the 'Buthelezi' of the region.. "These projects involved the founding and building of 'resistance movements' in the black areas of eastern Cape towns so that 'we' could get to Cradock, the 'focus of the revolution'. The aim was to consolidate all Xhosas under one community leader."

580 Maqina was also provided with office space and a vehicle. A logo was designed for the *AmaAfrika* through Ad Ed. Former mayor Thamsanqa Linda was also given a vehicle. Louis Pasques proposed financial support totalling R126 000 to Save the Child, Black Crisis Centre and Maqina's 'youth brigades' [probably AZANYU], all Maqina's initiatives. Food parcels ("food as bait"³⁵) were organised by the SADF for Maqina to distribute to Port Elizabeth residents to garner political support for himself. Anti-UDF pamphlets were arranged and printed for Maqina by the SADF, mainly for distribution in Uitenhage, the heart of the conflict from 1987.

35 Dr JL van der Westhuizen, *Memo: Eastern Cape – AdEd*, early 1987.

- 581 During 1986 Maqina had contact with the conservative *witdoeke* in Cape Town. Dr JL van der Westhuizen notes that “the longest discussion I have had with M, was with regard to the ‘*witdoeke*’ and his visit to Cape Town. LJP [Pasques] is in possession of the tape recording.”
- 582 A document written in the first few days of June 1986 states that ‘Henry’ had asked for funds for a “symposium in Cape Town ... probably amongst the moderates in Crossroads”. This was an obvious reference to the *witdoeke*, who had already embarked on their first attack in May and were preparing for the second attack in June 1986.

STRATCOM Fomentation

- 583 At a special meeting in Port Elizabeth on 8 May 1985, Major General Dirk Genis from SAP HQ in Pretoria stated that “the conflict between the UDF and AZAPO should be exploited as soon as possible. ComCom (Communications Committee) is busy with planning in this regard.”³⁶
- 584 A telex directive from the STRATCOM branch of the SSC suggested a number of themes for use in actions such as covert pamphlets. The directive was sent out by the Secretariat of the SSC to all regional JMCs on 20 December 1985. The themes/suggestions sought to enhance the differences between the UDF and AZAPO.
- 585 Dr van der Westhuizen believed that the security police were actively promoting the link between Maqina and AZAPO. “Henry, through public opinion, is still connected to AZAPO and I am of the opinion that this is being fanned by the SB. I have already discussed this with them, but ... cannot interfere with the line function.”
- 586 The security forces’ appreciation of the role that AZAPO could play is noted in the following recommendation by Brigadier Ferdi van Wyk regarding appropriate language to use concerning AZAPO: “In the current situation it will be difficult to refer to AZAPO as a gang of murderers and agitators due to the fact that in many instances the UDF is being neutralized by AZAPO.”³⁷

THE COMMISSION FINDS THAT, DURING THE PERIOD 1985 TO 1990, MZWANDILE EBENEZER MAQINA WAS INVOLVED IN THE FORMATION AND SUPPORT OF VIGILANTE GROUPS AND

36 “*Notule van spesiale GVS GOS (Port Elizabeth) vergadering gehou op 8 Mei 1985 te Hoofkwartier Kommandement Oostelike Provinsie*”, attended by *inter alia* local SAP, SARP, and security police. Major General Genis was sent to Cape Town around the time of the *witdoeke* attack in June 1986.

37 22/5/2/2 Volume 5, H Leër/GS2/328/3/3/1.

POLITICAL AND SOCIAL ORGANISATIONS IN AND AROUND PORT ELIZABETH, EASTERN CAPE, WHICH HAD AS THEIR AIM, INTER ALIA, THE PERPETRATION OF VIOLENCE AGAINST MEMBERS AND SUPPORTERS OF THE UDF.

MAQINA INCITED MEMBERS OF THE AFORESAID ORGANISATIONS AND GROUPS TO ACT VIOLENTLY AGAINST MEMBERS AND SUPPORTERS OF THE UDF.

MAQINA COLLUDED WITH MEMBERS OF THE SAP AND SADF IN ORDER TO FURTHER THE AIMS REFERRED TO.

AS A RESULT OF MAQINA'S ACTIONS, SUBSTANTIAL VIOLENT POLITICAL CONFLICT OCCURRED IN THE PORT ELIZABETH REGION BETWEEN 1985 AND 1990, AS A RESULT OF WHICH AN UNKNOWN NUMBER OF PEOPLE WERE INJURED AND/OR KILLED.

THE FOLLOWING STATE BODIES OR ORGANISATIONS WERE CLOSELY ASSOCIATED WITH MAQINA DURING THE PERIOD REFERRED TO ABOVE, IDENTIFIED THEMSELVES WITH THE AIMS OF MAQINA AND OF THE ORGANISATIONS AND GROUPS ESTABLISHED AND/OR SUPPORTED BY HIM AS SET OUT ABOVE, FACILITATED THE ACHIEVEMENT OF THOSE AIMS BY PROVIDING MAQINA WITH ASSISTANCE AND SUPPORT, AND DELIBERATELY FAILED TO ENSURE THAT THE APPROPRIATE ACTION AGAINST MAQINA WAS TAKEN BY THE SAP: THE SAP, THE SECURITY BRANCH OF THE SAP, THE PORT ELIZABETH JOINT MANAGEMENT CENTRE, EASTERN PROVINCE COMMAND (SADF), IN PARTICULAR ITS COMOPS DIVISION, AND ASSOCIATED FRONT COMPANIES, AND ARMY INTELLIGENCE (GS2) STRUCTURES UNDER BRIGADIER FJ 'FERDI' VAN WYK AND OTHERS.

Witdoeke in the Western Cape

587 The attacks launched by *witdoeke* in the western Cape resulted in the deaths of over sixty people and the destruction of the homes of over 60 000 people in May and June 1986. The Commission uncovered a trail of covert official endorsement of the *witdoeke* (see Volume Three). The subsequent court case, too, points to a sustained and expensive cover-up of these acts.

588 In summary, documented evidence indicates that official approval of the *witdoeke* began in January 1986. At a JMC management meeting on 10 January 1986, following a serious outbreak of violence over the New Year period during which the 'fathers'³⁸ attacked the comrades, JMC chairperson Brigadier AK de Jager of WP (Western Province) Command stated that the actions of the 'old guard' deserved support, though this should occur in a covert manner.³⁹ The minutes were sent to the Secretariat of the SSC.

589 On 25 March 1986, guidelines for managing unrest were sent out to security forces from General Wandrag's office. One of these guidelines specified contra-mobilisation. The guidelines were discussed at a sub-JMC meeting in the western

³⁸ The terms '*witdoeke*', 'fathers' and 'old guard' are used interchangeably.

³⁹ Notule 1/86, File 22/8/4/3/13, State Archives.

Cape the same day and it was noted that "SADF WP Command is already working in this direction to get the 'fathers' to resist the comrades".⁴⁰

590 During March 1986, several JMCs nationwide were asked by the chairperson of the SSC to draw up plans to deal with their particular 'trouble spots'. The final plan for the WP JMC included a section stating that the goal was "to remove the influence of the Comrades and other activists on the community", and the tasks were "to support well disposed moderate blacks". The actions specified in this regard were the "covert organising of adult law-abiding black men (fathers) to go against the Comrades in their terror campaign against the residents of black areas".⁴¹

591 This JMC plan was presented to the SSC meeting of 14 April 1986. Present in the meeting were General Magnus Malan (Minister of Defence); Adriaan Vlok and Mr Roelf Meyer, all of whom later issued section 66 notices blocking access to evidence during the subsequent court case. The meeting was also attended by NIS director general Niel Barnard and the police commissioner, General PJ Coetzee.

592 Chief *witdoek* leader Sam Ndima testified to the Commission that he met twice with "men from Pretoria" who, in his understanding, gave permission for the *witdoeke* to take action. Further, the Commission obtained information that, immediately after the conflict, an official of the Administration Board attended a meeting with members of the security forces – including a Brigadier – at which security force support for the *witdoeke* was confirmed.

593 On the morning of the attack on KTC squatter camp, the JMC arranged a flight on an SADF aircraft for several leading *witdoeke* and two Development Board personnel to consult chief *witdoek* leader Johnson Ngxobongwana, who had been sent to the Ciskei in March 1986. The details of this flight request were sent to the SSC.⁴²

594 During the course of the first day of the attack on KTC (9 June), a signal message was sent from the WP JMC by the secretary of the WP JMC to the SSC in Pretoria requesting a sum of R3 000 for buy cattle for a victory feast by the *witdoeke*.⁴³

40 Memorandum with Minutes of Sub GBS Veikom, 1986-03-25, from SAP file C7/6/7/30.

41 Minutes 5/86, File No. 22/2/5/2, Pretoria State Archives.

42 Top Secret fax from WP Command to 5 Air Command and the SSSC, K53/848/JUN86, 061330B, File 22/8/4/1/1, State Archives.

43 WPGBS/888/9 JUN 86, *Ontlonting Wegblyksies* 16 Jun, File 22/8/4/1/1, State Archives.

THE COMMISSION FINDS THAT THE ORIGINS OF THE CONFLICT LAY IN HISTORICAL RIVALRIES AND POLITICAL DIFFERENCES BETWEEN DIFFERENT GROUPS AND AN INCREASING TENDENCY TO RESOLVE SUCH DIFFERENCES BY VIOLENT MEANS. HOWEVER, THESE CONFLICTS WOULD NOT HAVE RESULTED IN THE SCALE OF VIOLENCE AND DESTRUCTION WITHOUT THE PERMISSION, FACILITATION AND ENDORSEMENT OF THE SECURITY FORCES.

THE COMMISSION FINDS THAT, DURING THE PERIOD JANUARY 1986 TO JUNE 1986, THE STATE – IN THE FORM OF THE SSC AND ITS COMPONENT SECURITY STRUCTURES INCLUDING THE NIS, THE JOINT MANAGEMENT CENTRE, THE WESTERN CAPE REGIONAL COMMAND OF THE SAP, THE WESTERN CAPE COMMAND OF THE SADF AND THE WESTERN CAPE DEVELOPMENT BOARD – COVERTLY CONSPIRED TO ENDORSE AND PROMOTE THE ACTIVITIES OF INDIVIDUALS FROM THE CROSSROADS INFORMAL SETTLEMENT, NAMELY MR JOHNSON NGXOBONGWANA, MR SAM NDIMA AND MR PRINCE GOBINGCA (REFERRED TO HEREINAFTER AS THE *WITDOEK* LEADERS).

THE *WITDOEK* LEADERS SOUGHT TO COUNTER THE ACTIVITIES AND INFLUENCE OF THE SOCIAL AND POLITICAL GROUPINGS IN THE CROSSROADS/KTC AREA WHICH WERE SUPPORTIVE OF THE UDF; TO ACHIEVE OVERALL LEADERSHIP POSITIONS IN THE CROSSROADS/KTC AREA, AND TO TAKE VIOLENT ACTION AGAINST THOSE PERSONS WHO WERE MEMBERS AND SUPPORTERS OF THE GROUPINGS REFERRED TO ABOVE IN ORDER TO ACHIEVE THEIR OBJECTIVES.

FROM 17 TO 21 MAY AND FROM 9 TO 11 JUNE 1986, PERSONS WHO SUPPORTED THE *WITDOEK* LEADERS PARTICIPATED IN A PROLONGED AND VIOLENT ATTACK ON RESIDENTS OF THE CROSSROADS SATELLITE AND KTC INFORMAL SETTLEMENTS, DURING THE COURSE OF WHICH OVER SIXTY PERSONS WERE KILLED AND OVER 10 000 HOUSES WERE DESTROYED.

THE COMMISSION FINDS THAT STRUCTURES OF THE SSC AND THE SECURITY FORCES IDENTIFIED WITH THE AIMS OF THE *WITDOEK* LEADERS AS SET OUT ABOVE; ENDORSED AND PROMOTED THE *WITDOEK* LEADERS IN THEIR ATTEMPTS TO ACHIEVE SUCH AIMS, AND FAILED TO TAKE APPROPRIATE STEPS TO ENSURE THAT THE VIOLENT ACTION REFERRED TO ABOVE WAS AVERTED OR PREVENTED.

THE COMMISSION FINDS THAT THE DEATHS OF THE OVER SIXTY PEOPLE AND THE SEVERE ILL TREATMENT SUFFERED BY THOSE PERSONS WHOSE HOUSES WERE DESTROYED IN THE PERIOD SPECIFIED ABOVE, WERE GROSS HUMAN RIGHTS VIOLATIONS FOR WHICH, *INTER ALIA*, THE FOLLOWING STATE BODIES, STATE INSTITUTIONS OR INFORMAL GROUPINGS ARE HELD ACCOUNTABLE: THE SSC; THE WESTERN PROVINCE JOINT MANAGEMENT CENTRE ; THE SADF'S WESTERN PROVINCE COMMAND COMMANDED BY BRIGADIER AK DE JAGER; THE SAP, IN PARTICULAR THE RIOT UNIT; THE SECURITY BRANCH IN THE WESTERN CAPE, HEADED BY BRIGADIER SJ STRYDOM; THE NIS; THE WESTERN CAPE DEVELOPMENT BOARD, AND *WITDOEK* LEADERS MR JOHNSON NGXOBONGWANA, MR SAM NDIMA AND MR PRINCE GOBINGCA.

The Eagles in the Orange Free State

595 The Eagles began as a black youth project of the Department of Education and Training in conjunction with administration boards and community councillors in Orange Free State towns in the early 1980s. By the second half of the 1980s, the Eagles had established a significant presence in almost every Orange Free State town.

- 596 After the dissolution of the Administration Boards in 1985, an MI front company was established to sustain the Eagles, who were then registered as a private company. During 1986 they were listed as part of the contra-mobilisation projects falling under *Project Ancor*. The Kahn Committee reports identify the Eagles Clubs as *Project Napper*, a special secret project, described as being active in the OFS, north and west Cape, Vaal Triangle and southern Transvaal, and as “another valuable source of information on violence in black townships”.⁴⁴ By the time of its ‘termination’ by the Kahn Committee in September 1991, the project had an annual budget of over R2 million and was due to continue independently on a reduced scale. At that stage the Eagles were claiming a membership of 600 000, with fifty clubs around the country involving over eighty members of staff. In reality they never managed to establish a strong base outside the Orange Free State.
- 597 The Eagles are frequently referred to in SSC documentation as a model of contra-mobilisation. Former State President FW de Klerk stated that none of the projects exposed in 1991 were involved in the gross violation of human rights. However, there are several known violations linked to the Eagles. The Eagles came into conflict with UDF youth organisations, SAYCO in particular, and acted against UDF campaigns. They were involved in repressive activities, such as pointing out activists, launching arson and petrol bomb attacks on activists’ homes (including that of Ms Winnie Mandela), and disrupting political meetings.
- 598 Amnesty applicant Nelson Mphithizeli Ngo [AM2422/96] states directly that a number of vigilante groups, including those of criminal origin, were in close relationship with the Security Branch in the Orange Free State. He identifies the Eagles in this regard, stating that the Security Branch recruited standard ten pupils from Matshidiso High school and Brandfort and sent them to the Rodeval SADF base for ‘indoctrination’ courses:

The main aim of the SADF intelligen[ce] services in conducting such courses in schools was to teach them tactics and strategies of suppressing student bodies like COSAS and SRCs at school and to replace them with the prefect system. Some of the teachers who were in favour of the prefect system were recruited by Security Branch members to strengthen the structure of the Eagles club at school and were also given courses by the SADF members in Rodeval.

- 599 Active members of student bodies were also targeted and victimised by the Eagles club, with the co-operation of the recruited teachers. Most members of the Eagles club were armed and protected by the security police when engaged in disrupting meetings in schools. Registered members of the Eagles club working

⁴⁴ Kahn Committee reports.

as informers to the Security Branch received a monthly payment from the security police HQ in Bloemfontein. Eagles members themselves were targets of violence by UDF or ANC-aligned people.

THE COMMISSION FINDS THAT THE EAGLES YOUTH CLUBS WERE DIRECTLY CREATED AND SUSTAINED BY THE STATE AND ITS SECURITY FORCES. WHILE THE ESTABLISHMENT OF A CONSERVATIVE YOUTH GROUP WAS PERHAPS A LEGITIMATE, ALBEIT COVERT, ACTIVITY, THE COMMISSION FINDS THAT THE EAGLES WERE GIVEN FREE REIN AND WERE ENCOURAGED AT TIMES TO TAKE VIOLENT ACTION AGAINST MEMBERS AND SUPPORTERS OF THE LIBERATION MOVEMENTS AND THEIR PROPERTY. FURTHER, THE COMMISSION FINDS THAT THE SECURITY BRANCH MADE USE OF THESE ANTI-UDF YOUTH TO TAKE ACTION AGAINST THE UDF. THE COMMISSION FINDS THAT MEMBERS OF THE EAGLES YOUTH CLUBS WERE THEMSELVES SUBJECTED TO VIOLENT ATTACKS IN EFFORTS BY UDF ALIGNED GROUPINGS.

Other vigilante groupings: The Phakathis and the A-Team

- 600 The Phakathi vigilante group emerged in the wake of the student boycott and street resistance that began in Thabong, Orange Free State, from late 1984. They engaged mainly in severe floggings with sjamboks but they also shot and killed several people in their efforts to crush protest activities. At least seven councillors and the mayor were involved in the assaults; numerous unemployed people were also drawn in. The Commission located an Orange Free State JMC report for the period March to May 1985 sent to the SSC, which states that “resistance against agitators is in a covert manner encouraged and allowed.”⁴⁵
- 601 The Chesterville Natal A-Team, active between 1983 and 1990, was a pro-Inkatha semi-criminal grouping that engaged in violent attacks on UDF areas and supporters (see Volume Three).
- 602 The amnesty application and testimony of Mr Frank Sandy Bennetts [AM4059/96] describes the close working relationship between the different branches of the SAP, particularly the Riot Unit and the Security Branch, and the A-Team. He stated that protection and patrols, as well as resources such as petrol, were offered to the A-Team. Members of the A-team were used as informers and for identification purposes.
- 603 Bennetts told the Commission of his belief that the A-Team was a “handled” outfit. He alleged that it was started by a military intelligence agent employed by the Natal Provincial Administration as the township manager to oversee the administration of Chesterville. He describes seeing a particular MI officer in almost daily contact with members of the group.

⁴⁵ Document dated 3 June 1985, file 22/3/2/47, Vol 4, State Archives.

Gangster Vigilantes

604 The amnesty application of Mr Nelson Mphithizeli Ngo states that a number of criminal vigilante groups were used by the security police in the Orange Free State, including the Anti-comrades, the Eagles and the Three Million Gang. The Anti-comrades and the Eagles are explicitly referred to as 'dekmantel organisasies' (cover organisations) in an SSC document. In relation to the Anti-comrades, Ngo said:

This gangster [grouping] was also formed by the Security Branch (SB) together with the head of the Local Authority council, who worked as a councillor in Brandfort, and criminals were recruited from Brandfort prison by a prison warder who also worked for this gangster [grouping] to join the Anti-comrades and was the main co-ordinator of these gangsters and the security police.

The main task assigned to this gangster [grouping] by members of the security police was that they must deal with members of political organisations such as the UDF and the Civic organisation in the community.

605 He goes on to describe the murder of one Papie Steyn. Ngo's version is corroborated to some degree by other information gathered by the Commission.

606 Ngo also identifies the Three Million Gang as one of the gangster groupings used by the police to counter the liberation movements. He states:

This gangster [grouping] operated on a part time basis in Brandfort and was called by Sergeant or the SB when ever there was a need to reinforce the prevailing structures of gangsters in Brandfort. Co-ordination meetings were held at Brandfort police station, where leaders of the gangsters met with members of the SB to receive attacking strategies from the SB, weapons, money and material sponsors like beers and tobacco.

607 Conflict between the ANC and the Three Million Gang is described in the Orange Free State regional profile, Volume Three.

THE COMMISSION FINDS THAT THIS POLICY OF CONTRA-MOBILISATION SOUGHT, BY COVERT MEANS, TO CREATE GROUPINGS OPPOSED TO THE LIBERATION MOVEMENTS AND TO MANIPULATE SOCIAL, ETHNIC AND OTHER DIVISIONS WITH THE INTENTION OF MOBILISING ONE GROUP AGAINST ANOTHER. IN ITS MOST EXTREME FORM, CONTRA-MOBILISATION LED TO VIOLENCE. THE POLICY ENTAILED:

- **COVERT FUNDING OF INITIATIVES TO PROMOTE 'MODERATE' PRO-GOVERNMENT BLACK ORGANISATIONS OR INDIVIDUALS THAT IN SOME INSTANCES WERE USED AS CHANNELS FOR**

RESOURCES TO BE GIVEN TO VIGILANTES, INCLUDING THOSE DIRECTLY USED TO CRUSH ANTI-GOVERNMENT ACTIVITY, SUCH AS THE EAGLES.

- IDEOLOGICAL TRAINING, THE PROVISION OF LOGISTICAL SUPPORT (INCLUDING VEHICLES AND MONEY IN CERTAIN INSTANCES) OR OTHER FORMS OF ENDORSEMENT OF VIGILANTES, PARTICULARLY REV MZWANDILE MAQINA OF *AMAAFRIKA* IN THE EASTERN CAPE, THE '*WITDOEKE*' IN THE WESTERN CAPE AND THE A-TEAM IN NATAL.
- IN THE CASE OF INKATHA AND THE BLACK CATS, MILITARY TRAINING AND WEAPONRY, THE PROVISION OF WHICH RESULTED IN AN ESCALATION OF CONFLICTS AND ENORMOUS LOSS OF LIFE, INJURY AND DESTRUCTION OF PROPERTY.
- THE INCORPORATION OF MEMBERS OF CRIMINAL NETWORKS INTO VIGILANTE GROUPS.
- STRATCOM OPERATIONS AND PROPAGANDA DELIBERATELY DESIGNED TO FOMENT DIVISIONS AND SOCIAL CLEAVAGES.

THE COMMISSION FINDS THAT, IN CERTAIN INSTANCES, SECURITY FORCES PLAYED A FACILITATING ROLE IN THE ACTUAL VIOLATIONS, AND THAT THE SYSTEMATIC FAILURE TO PROSECUTE INDIVIDUALS, ORGANISATIONS OR GROUPS WHO ATTACKED SUPPORTERS OF THE LIBERATION MOVEMENTS AND THEIR PROPERTY AMOUNTED TO AN ENDORSEMENT OF SUCH ACTIONS AND, IN SOME INSTANCES, A SUBVERSION OF JUSTICE.

APPENDIX

State Security Forces: Directory of Organisations and Structures

■ JOINT SECURITY STRUCTURES

State Security Council and related structures

- 1 The State Security Council (SSC) was established by the Security Intelligence and State Security Act, No 64 of 1972. Its functions were "to advise the government with regard to ..the formulation of national policy and strategy in relation to ... security .. and the manner in which such policy or strategy shall be implemented ... [and] to combat any particular threat to the security ... [and] to determine intelligence priorities."
- 2 Prior to the effective functioning of the State Security Council and the National Security Management System, a number of structures and/or initiatives were put in place to develop security policy and to establish greater co-ordination between the various security and intelligence arms. These include the establishment of: a State Security Committee in 1963; an Intelligence Coordinating Committee in 1964; a State Security Advisory Council (SSAC) which replaced the old State Security Committee in 1966; the Bureau of State Security in 1969; the Potgieter Commission in 1969 whose report in 1971/2 led to the establishment of the State Security Council (SSC) in 1972; a Civil Service Commission, the 'Venter Commission' in April 1973 which reported in early 1975; a government symposium on security on 21 September 1976 which led to the establishment of the Van Dalsen Committee.
- 3 The latter two were central in formulating the need for a 'national security system' and proposed the establishment of a number of sub-structures: inter-departmental committees; regional and area committees to co-ordinate security actions; a national security staff function in the Office of the Prime Minister; a Working Committee and Secretariat to service the SSC. However, when PW Botha became Prime Minister in September 1978, little progress had been made with

the exception of the establishment of fifteen inter-departmental committees and in April 1978 of a Working Committee to support the SSC. Following Botha's accession to power, the eighteen standing cabinet committees were reduced to five to ensure better management. The five were: Constitutional, Economic, Social, Finance and National Security - or as it became known The State Security Council.

- 4 The following people formed the core of the SSC: Prime Minister (after 1983 State President); Ministers of Foreign Affairs, Defence, Law and Order, Justice; the Director General of NIS, the Chief of the SADF, the Commissioner of Police, and the Secretaries of Justice and Foreign Affairs. In addition, a number of ministers were co-opted for various periods of time. In the second half of the 1980s, virtually all ministers as well as the Deputy Ministers of Law and Order and Foreign Affairs were drawn into an extended SSC, whose meetings alternated with the 'core' SSC. Secretaries of the SSC were all Lt Generals of the SADF and were: AJ van Deventer (1978-1985), PW van der Westhuizen (1985 -1988) , Charles J Lloyd (1988-1990)
- 5 In the face of rising resistance and apparent inability of the security forces to contain it, the IDC for security was upgraded to a Joint Security Staff (JSS/GVS). The Deputy Minister of Law and Order was relieved of all duties in order to manage the JSS/GVS. Given that membership and functions now overlapped, the NCC was discontinued on 11 August 1986. Following the imposition of a second, this time nation-wide, State of Emergency in June 1986, civilian departments were drawn in and the JSS/GVS was further upgraded to the status of a National JMC (NJMC) in February 1987.
- 6 Further, in the early days of the emergency, a Ministers Committee (MINCOM) chaired by the State President and comprising eight ministers were charged with the overall function of managing the State of Emergency on the advice of a Committee of Senior Officials chaired by the chairperson of the JSS. These committees ceased to function later as the SSC and the WC themselves began to develop 'dual forms' of functioning.

The Co-ordinating Intelligence Committee (CIC/KIK)

- 7 On 14 November 1980, PW Botha issued an instruction that intelligence structures should be rationalised and better co-ordinated. A Rationalisation Committee was set up that met from 14-19 January 1981, in a meeting now known as the

'Simonstown Beraad'. On 30 January, PW Botha approved the establishment of a National Intelligence Interpretation Branch (NIIB/TNV) as part of the SSSC as well as the Co-ordinating Intelligence Committee under the chairmanship of NIS. The NIIB officially came into being on 1 January 1982.

- 8 The Coordinating Intelligence Committee (CIC/KIK) consisted of representatives from all intelligence-gathering structures the Military Intelligence Division of the SADF, the Security Branch of the SAP, the National Intelligence Service and the intelligence component of Foreign Affairs. It was established in 1981 and had several sub-committees including counter-intelligence, technical and covert collection sub-committees. It was under the sub-committee for covert collection that a special counter-revolutionary information task team, TREWITS (Teen Rewolusionere Inligtings Taakspan), was established in late 1986.
- 9 The KIK was chaired by Dr LD Barnard, Director-General of NIS.

■ SOUTH AFRICAN POLICE (SAP)

- 10 The SAP was formed in 1913, the Special Branch (later called the Security Branch) in 1947 or 1948 and the Riot squad in 1975. In 1986 the South African Railway Police were incorporated into the SAP and special constables introduced.
- 11 The following people served as Ministers of Police/ Law and Order Commissioners during the Commission's mandate period: FC Erasmus; BJ Vorster (1961-68); SL (Lourens) Muller (1968-1974); JT Kruger 1974-79); Louis le Grange (1979-1986); Adriaan Vlok (1986-1991); HJ Kriel (1991-94).
- 12 The following people served as Commissioner of Police during the mandate period: Maj Gen Rademeyer (-1960); Lt Gen AJ du Plooy (1960-62); Lt Gen JM Keevy (1962-68); Gen JP Gous (1968 - 1971); GJ Joubert (1971-73); Gen TJ Gous (1973-1975); Gen GL Prinsloo (1975-78); MCW Geldenhuys (1978-1983); Gen PJ Coetzee (1983-87); Gen H de Witt (1987-89); JV van der Merwe (1990-96). Generals du Plooy, Prinsloo, Geldenhuys, Coetzee and Van der Merwe were all former Heads of the Security Branch or had Security Branch experience. Thus in virtually every significant period of unrest, a former security branch head has occupied the post of Commissioner of Police.

The Security Branch

- 13 The Security Branch was created as a fully fledged structure in 1947 or 1948. It was organised in sections. These sections were subject to changes at various times. The following is based on a mid-1980s organogram.
- a Section A: information collection
 - b Section B seems to have collected information on non-mainline groups such as the Detainees Parents Support Committee, SA Council on Sport, etc (by 1992 Section A dealt with 'Revolutionary/Radical' groups; while Section B dealt with 'Reactionary Groups');
 - c Section C: an operative unit responsible for anti-terrorism activities.
 - d Section D dealt with state property, border posts, airports, etc.
 - e Section E dealt with detainees;
 - f Section F covered inter-departmental committees, library, research (By 1992 E is earmarked legal advisers);
 - g Section G was responsible for intelligence (G1), Strategic Communication (G2) and Counter-Espionage (G3). (By 1992 G was responsible for 'interdepartmental linkages' and included links/secondments to Venda, Bophutatswana, Swaziland);
 - h Section H was Secret Funds (by 1992 Secret Funds fell under Group K and Group H had become Constitutional Services and connected into returning exiles and releases);
 - i Section J connected to the SSSRC and the JMCs; by 1992 it had become the Trewits section;
 - j Section K was the Inspectorate (by 1992 Special Account);
 - k Section L was the database or information centre;
 - l Section M was Namibia (by 1992 the Technical Division);
 - m Section N was the Technical Division (by 1992 the Administrative section);
 - n Section O was Training.
- 14 In 1991, the Special Branch merged with the Criminal Investigation Division into a structure known as Crime Combating and Investigation. The section previously known as the Security Branch was renamed the Crime Information Service (CIS). It is now called Internal Security. The change brought a change in the allocation of functions to the different sections, as reflected in the listing above.

- 15 Commanding officers of the Security Branch include: 1960s - Gen Hendrik van der Bergh, Brig PJ 'Tiny' Venter; 1970s - Brig PJ 'Tiny' Venter, Mike Geldenhuys; Lt-Genl CF Zietsman; 1980s - Brig Johan Coetzee; Maj Gen Frans Steenkamp; Maj-Genl S Schutte; Brig Johan van der Merwe; 1990s - Basie Smit.

Section C1: Vlakplaas

- 16 The unit which came to be known by the name of the farm was started in the late 1970s by Col JJ Viktor, then head of the C section, and Col Jan du Preez.
- 17 The purpose of Vlakplaas at this stage was ostensibly as a place to rehabilitate 'turned terrorists' or, as they were called, askaris. The askaris were eventually divided into units and supervised by white security police, and it was this change that transformed Vlakplaas into a counter-insurgency unit. The units responded to requests that were channelled to them via the head of Section C or via branch commanders.
- 18 In the mid to late 1980s similar units to Vlakplaas were established in Camperdown in Kwazulu Natal and in the Eastern Cape.
- 19 Heads of C section under which C1/Vlakplaas resided were Col JJ Viktor (later a Maj-Genl); Brig Willem Schoon; Maj-Genl Nick Janse Van Rensburg and Maj-Genl IJ Engelbrecht. Commanders of Vlakplaas were: Col JJ Viktor (founder of the unit); Capt Dirk Coetzee (1980-81); Capt Jan Carel Coetzee (1982); Lt Col Jack Cronje (1983-1985) - later a brigadier; Col Eugene de Kock (1985-1993)

The Riot Squad

- 20 During the 1960s the SAP established Divisional Anti-Riot Units throughout South Africa.
- 21 Throughout the 1980s, the homeland police forces had also been establishing specialised, separate riot control agencies, with approximately 30 units established by 1993. The riot units in the homelands were usually less organised, less skilled, and even more brutal than those of the SAP. On occasion, when it appeared that homeland forces were unable to contain a particular incident, the SADF (not the SAP) were deployed to assist.

- 22 Forty Internal Stability Units, with over 7 000 members, were operating throughout South Africa by 1994. One of the largest of these, with 1 200 members, was 'Unit 19', the special national unit which was based in Pretoria for rapid deployment to unrest focal points anywhere in the country. The remaining units were spread across the country, but concentrated around flashpoints for unrest in the PWV, Natal, Western and Eastern Cape. An additional thirty-seven similar units had been established in the various homeland police forces.
- 23 For the pre-election transitional period, a special force, known as the National Peacekeeping Force, was created to assist with the maintenance of Public Order.
- 24 From the mid-1980s, Maj-Genl Albertus Wandrag, a senior Deputy Commissioner at SAP Headquarters was in charge of riot control.

■ **BUREAU OF STATE SECURITY (BOSS)/ DEPARTMENT OF NATIONAL SECURITY (DONS) / NATIONAL INTELLIGENCE SERVICE**

- 25 BOSS was established in 1968 but its establishment was only legislated in 1969. Its primary purpose was to co-ordinate intelligence work as well as to create a foreign espionage capacity. The intention was to amalgamate personnel from the security branch, military intelligence and the Department of Foreign Affairs under the overall command of Genl Hendrik van den Bergh.
- 26 With the accession to power of PW Botha, BOSS's name was changed to the Department of National Security (DONS) with Alec van Wyk as caretaker head. In 1980, PW Botha appointed a twenty-seven year old academic, Lukas Daniel Barnard as Director -General. It was at this time that its name was changed to the National Intelligence Service(NIS). At the Simonstown Beraad in 1981 its powers were significantly curbed from 'super-spy' status to a more limited role.
- 27 NIS played a significant role in relation to the SSC, the Secretariat of the SSC (SSSC) and key intelligence sub-structures that formed part of the Secretariat, as well as Joint Management Committees around the country, until it withdrew from this system in 1987.
- 28 Towards the latter half of the 1980's, NIS played a pivotal role in negotiations and performed the role of 'secret messengers' between the SA government and the ANC. By 1988, they were seen to be 'running the negotiations'.

- 29 Around 1989, NIS moved from the Department of Justice to the Office of the State President and, with the sanction of President De Klerk, began to penetrate the security forces to investigate its suspicions of Third Force activity. Later it worked closely with the investigation into such activities run by Genl Pierre Steyn.

■ SOUTH AFRICAN DEFENCE FORCE (SADF)

- 30 The Union Defence Force (UDF) was established in 1912. In 1957, a new Defence Act was passed which changed its name to the South African Defence Force. At that stage the SADF consisted of three arms of service - the Army, Navy and the Air-Force. In 1979, a fourth arm, the South African Medical Service (SAMS), was added.
- 31 The following are some of the components of the SADF that were regarded as significant to the mandate of the Commission:

The Military Intelligence Division (MID)

- 32 The Military Intelligence Division (MID) resided under one of the five staff components of the SADF (personnel, intelligence, operational, logistics, planning and finance). The staff division was run by the Chief of Staff Intelligence (CSI) who was directly responsible to the Chief of the SADF (CSADF).
- 33 In the pre-total strategy period, the MID was relatively small and said to have a staff of less than 100 in the mid-1970s. However, from the late 1970s it underwent significant expansion and its staff complement is said to have stood at an estimated few thousand by the latter 1980s. It had the capacity to recruit personnel from sectors outside the military, including the civilian as well as police and intelligence. With expansion, also went a process of re-organisation. A structural distinction was effected between strategic and tactical intelligence. The latter function was organised into parallel staff divisions within each Arm of Service of the SADF. These were:
- GS2 - Chief of Staff Army Intelligence - colloquially referred to in the intelligence world as 'Blennie';
 - AS2 - Chief of Staff Air Force Intelligence;
 - NS2 - Chief of Staff Naval Intelligence;
 - MS2 - Chief of Staff Medical Intelligence.

- 34 Although the functions of these directorates were co-ordinated by CSI , some developed a degree of institutional autonomy, especially GS2 in regard to operations in Angola and Namibia, and internally after the decision to deploy the SADF in townships.
- 35 Responsibility for strategic intelligence was given to the MID which also underwent processes of expansion and re-organisation. By the mid-1980s, MID was organised into three major sub-divisions - military intelligence, counter-intelligence and intelligence operations - and several directorates, one of which was the Directorate of Covert Collection (DCC).
- 36 An Intelligence Staff Council was responsible for the co-ordination of policy and comprised: CSI (Chair); Chiefs of Staff Army, Air Force, Navy and Medical Intelligence; Chief Directors of Military Intelligence, Counter-Intelligence and Intelligence Operations and the Director of DCC.
- 37 The post of CSI became one of the most powerful with, under PW Botha, its incumbents being Lt-Gen. P. W. van der Westhuizen (1978-85), Vice-Admiral Dries Putter (1985-89), and Lt-Gen. R 'Witkop' Badenhorst (1989-91). Following Badenhorst, Lt Genl CJ 'Joffel' van der Westhuizen was CSI. Lt-Gen. PW van der Westhuizen, after his term as CSI, served as secretary of the SSC until well into 1988.

The Directorate of Covert Collection (DCC)

- 38 While most intelligence is gathered through overt means, a small but significant part is collected covertly. Within the SADF, DCC was responsible for such covert collection.
- 39 In 1986 authorisation was given for the formation of a civilian front organisation to be funded out of the Special Defence account. The first DCC front was Pan-Afrik Industrial Investment Consultants CC (PAIIC CC). Registered on 7 November 1986, it functioned until 28 February 1993 and employed 49 personnel. Other fronts which were created included Africa Risk Analysis Consultants (ARAC), African Information Systems (AFRINFRO) (PTY) LTD and Longreach.
- 40 In the mid-1980s, the DCC was headed by a Director (Brig. JP 'Tolletjie' Botha) who reported direct to the Chief of Staff Intelligence. He had below him five sections, namely, West Front (Namibia and Angola headed by Brig. Koos Louw); East Front (Mozambique and Swaziland, headed by Col. At Nel); International;

Terrorism or Tuis (the home front), later renamed Internal Sub-Theatre which was headed by Col. Col JGC 'Gerrie' Bornman, and Foreign Intelligence Services, basically a counter-intelligence group headed by a Brig. Van Rensburg. The Terrorism Section was responsible for collection in respect of the liberation movements externally, as well as internally during the 1980s. During this period as well, DCC field offices were established in each territorial command.

The Directorate of Special Tasks (DST)

- 41 The DST has its origins in the SADF's involvement with UNITA in the mid-1970s. Later, the SADF became involved with military groupings operating in other Southern African states and DST became the channel for assistance. DST was broadly divided into Western (DST1) and Eastern Fronts (DST2). Thus DST 1 was responsible for liaison with UNITA while DST 2 handled RENAMO, the Lesotho Liberation Army and assistance to Zimbabwean dissidents. In 1985, an internal dimension was added to the functions of the DST with Operations Marion (support for Inkatha) and Katzen (counter-insurgency operations in the Eastern Cape) being added to the portfolio of responsibilities of DST 2.
- 42 DST was a highly clandestine operation. Details of the command structure of DST in its early days are sketchy but it is known that then Col. (later Maj-Genl.) Marius Oelschig was Officer Commanding of DST's Field Office in Rundu from December 1978-82. According to material on DST supplied to the Commission, Brig Daan Hamman headed DST in 1982; he was replaced for six months in 1983 by a Brig. Botha who, in turn, was succeeded by Brig. C.J. 'Neels' Van Tonder who remained until 1986 when he was replaced by Brig. CJ 'Cor' van Niekerk.
- 43 Functionally, DST operated by project. In 1983 the arrangement was:
- DST 1: OC in 1983 not known but probably Col. Oelschig. By 1985, however, the OC of this section was Brig. Thackwray.
 - *Operation Disa* (formerly *Silwer*) - aid to UNITA: Commander: Col. Oelschig
 - DST 2: OC Col. Cor. van Niekerk.
 - *Operation Drama* - aid to Zimbabwean dissidents; Commander: Col. Frayne
 - *Operation Latsa* (later *Capsize*) - aid to Lesotho Liberation Army: Commander: Col. May but replaced during year by Col Benade
 - *Operation Mila* (formerly *Altar*) - aid to RENAMO; Commander: Col. Cor. van Niekerk

- 44 By the mid-1980s, DST's functions as well as those of some other structures, such as the Directorate COMOPS, were centralised under the Directorate Intelligence Operations which was headed by former DST officer commanding, Brig CJ 'Neels' van Tonder.
- 45 In the SADF, strategic communication ('stratcom') initiatives were known as communication operations, or 'comops'. The responsibility for Comops was divided between CSI/MID and the Arms of Service, specifically the SA Army where it resided under Chief of Staff Army Intelligence (GS2). Within MID two directorates existed, namely Directorate Own Forces and Population and the Directorate of International Communication. Within the Army the following sections existed: Comops Population, Comops Enemy, Comops Own Forces and Media Liason.
- 46 Comops personnel were appointed at all levels of command, including the territorial commands. During the 1986/87 period a new sub-division of MID was established called Intelligence Operations and both COMOPS and DST resided here, headed by Brigadier 'Neels' van Tonder.
- 47 The SADF submission indicates that stratcom projects were suspended after 1992 except in respect of its own forces.

GOC Special Forces

- 48 GOC Special Forces was directly responsible to the Chief of the SADF, bypassing normal channels of command. DST made extensive use of Special Forces in their destabilisation of Southern African countries, in particular in providing training and support to surrogate forces. All sensitive Special Forces operations were vetted by the Minister of Defence and in the case of particularly sensitive operations, by the State President.
- 49 From its inception and until the early 1990s, the GOCs Special Forces were Maj-Gen FW Loots (1974-82); Maj-Gen AJ Liebenberg (1982-85); Maj-Gen AJM Joubert (1985-89); Maj-Gen E Webb (1989-91).

One Reconnaissance Regiment

- 50 1RR was based in Durban and consisted of a training component and an operational wing which provided personnel for cross-border raids such as those

on Matola and Maseru. In the 1980s it was a predominantly black unit with white senior officers and with a strength of approximately 1 000. Officers commanding 1RR were Cmdt JG 'Jannie' Breytenbach (1972-75); Maj (T/Cmdt) JC Swart (1975-81); Col. E Olckers (1981-83); Col. A Bestbier (1983-88); Col. G Keulder (1988-)

Two Reconnaissance Regiment

- 51 2RR was a Citizen Force unit for ex-Recce members, available for emergency deployment on a Citizen Force basis. Its total strength was 2-3 000 but its operational strength only a few hundred. Between 1974-92, its OC was Maj. (later Col.) DS van der Spuy.

Three Reconnaissance Regiment

- 52 3RR was established in 1980 to absorb members of the Rhodesian Special Forces. Its name was later changed to Delta 40 and then Barnacle. It operated as the covert arm of Special Forces. It underwent another name change in 1986 with the formation of the CC. Its first commander was ex-Rhodesian Garth Barrett (1980-83).

Four Reconnaissance Regiment

- 53 4RR was located at Langebaan and its expertise focused on sea-borne skills. It was a relatively small (450-500) mainly white unit, and was involved in special sea-borne operations in Angola and Mozambique. Officers commanding 4RR were Cmdt. M Kinghorn (1978-82), Col. J Venter (1982-94) and Col. K Nel (1994-).

Five Reconnaissance Regiment

- 54 5RR was based outside Phalaborwa. It consisted of at least 1 000 members, mostly Mozambicans, and was organised into five field commandos (three operational; one intelligence and one logistical). Officers commanding 5RR were Maj. PJ (Joe) Verster (1975-81); Cmdt HM Blaauw (1981); Cmdt. HW Snyders (1981-3); Cmdt. AG 'Bertie' Sachse (1983-4); Col. JR Hills (1984-8); Col. CAJ Meerholz (1988-90); Col. AG 'Bertie' Sachse (1990-3); and Col. JW Engelbrecht (1993-).

South African Army

55 Specialist units of the Army included 32 Battalion and the 44 Parachute Brigade.

Battalion 32

56 32 Battalion, often referred to as the 'Buffalo Battalion', was created in 1976 by Col Jan Breytenbach. It was largely a black battalion and contained many foreign mercenaries. Its operational strength was approximately 1 500. Officers commanding 32 Bn were Col JD 'Jannie' Breytenbach (1976-7); Col GJ Nel (1977-8); Col Deon Ferreira (1978-83); Col EG Viljoen (1984-8); and Col MB Delport (88-93).

44 Parachute Brigade

57 44 Parachute Brigade, modeled on the British SAS, contained both a National Service component (one battalion) and a Citizen Force component (two battalions). If the Citizen Force members had all been deployed its strength would have been in the region of 6 000. Recent officers commanding 44 Para Bde were Brig MJ Du Plessis (1978-9); Col. JD Breytenbach (1980-2); Col. FJ Bestbier (1982-5); Col. DJ Moore (1985-9); Col. McGill Alexander (1989-92); and Col. Les Rudman (1992-4).