



#147

EPISCOPAL CHURCHPEOPLE for a FREE SOUTHERN AFRICA

339 Lafayette Street, New York, N.Y. 10012-2725

(212) 477-0066

FAX: (212) 979-1013

6 April 1994

THE INDEPENDENT

TUESDAY 5 APRIL 1994

SA opinion polls say ANC is assured of electoral victory

THE LAST opinion polls South Africans will see before the elections in three weeks' time indicates that the African National Congress is assured of victory but is losing support, while F W de Klerk's National Party is gaining ground from the black and white right wing.

By decree of the Independent Electoral Commission, the body organising and adjudicating on the elections, no more electoral surveys may be published between now and the final day of the three days during which South Africans will be voting, 28 April. The concern is not to influence the result unfairly.

The Johannesburg *Sunday Times* found that ANC support had dropped from 65.9 per cent in November to 56.5 per cent last month. The National Party had grown from 14.5 per cent to 19.9 and the white right, which has splintered in recent weeks, had dropped from 5 per cent to 1 per cent.

In a separate poll conducted by the Durban-based Institute for Multi-Party Democracy under the aegis of the Oxford academic and long-time Inkatha devotee R W Johnson, it emerged that even if the Inkatha leader, Mangosuthu Buthelezi, had decided to join the elections he would have struggled badly against the ANC in his own Zulu heartland of Natal/KwaZulu.

While ANC support remained more or less constant in the province at a shade over 50 per cent, Inkatha's had dropped from 32.7 to 24.8 per cent since November. The National Party, whose provincial support has grown from 9.5 to 19.5 per cent, has been the main beneficiary of Chief Buthelezi's decision not to join the elections. The importance of the poll is that Natal/

JOHN CARLIN
in Johannesburg

KwaZulu will have its own federal parliament after the elections.

Despite Chief Buthelezi's — and Zulu king Goodwill Zwelithini's — call for "the Zulu nation" not to vote, half of Inkatha supporters said they were determined to do so.

The *Sunday Times*' more comprehensive national poll also put the ANC comfortably ahead of Inkatha in Natal. It also showed that support for Inkatha among whites, which was high in November, has virtually ceased to exist.

The polls reinforce the widespread perception that the main reason Chief Buthelezi is boycotting the elections, indeed is trying to hold the entire democratic process to ransom with the threat of "civil war", is his difficulty with the notion of becoming an opposition politician.

As to the reason why the ANC is shedding some of its vote, it appears to be due to the decision taken collectively by the ANC and the government to introduce a double ballot system for the national and provincial parliaments. Some voters now seem disposed to hedging their bets and splitting their votes on polling day.

If the results of the *Sunday Times*' national poll hold firm then four NP ministers would accompany a vice-president F W de Klerk in the cabinet of the coalition government of national unity that will rule South Africa for the first five years after the election.

While most of the country, as the polls now conclusively show, would like nothing more than to get on

with the business of holding free and fair elections, the refusal of Chief Buthelezi to heed the popular will has led to continuing tension between Inkatha and ANC supporters in the Zulu townships. The declaration of a state of emergency last Thursday in Natal/KwaZulu has diminished the number of violent flashpoints, according to the police, but has had little impact on the death rate, which yesterday climbed above 60 for the last five days.

Hopes for peace were bolstered yesterday by news of the imminent arrival in South Africa of the former US secretary of state Henry Kissinger and Britain's former foreign secretary Lord Carrington, on a mediation mission.

A senior ANC official, who did not wish to be identified, said talks between the ANC and Inkatha would take place over the next few days to prepare the ground for the mediators' arrival.

"My understanding is that Kissinger and Carrington ... will arrive this week," said the ANC official, adding that the mediators' recommendations would not be binding. "They will be here to mediate, not to arbitrate," he said.

Speaking in the United States, Mr Kissinger said he was honoured to be asked to mediate. "I am waiting for more precise terms of reference and the high-level meeting between the parties which is taking place on Friday," he said.

Today Inkatha is due to hold a march in the northern Natal town of Empangeni. It is expected to provide a stiff test of the ability and resolve of the army, deployed in numbers in the province following imposition of the state of emergency, to contain the killings.

20 *The Guardian* British police to help force in S Africa

THE GUARDIAN
Tuesday April 5 1994David Baresford in
Johannesburg and
Chris McGreal in Durban

BRITAIN is sending a team of about 40 top police officers to South Africa to help to oversee the local police amid new controversy over the alleged involvement of senior commanders in a plot to destabilise the country.

The row has provoked unprecedented exchanges between two Supreme Court judges over allegations by one that the other had smeared the force.

In Natal, meanwhile, the army is preparing for a big crackdown on Inkatha under the regional state of emergency.

Government intelligence sources said the crackdown would go ahead if Friday's summit involving Chief Mangosuthu Buthelezi, or foreign mediation, failed to produce a swift reduction in violence.

The continued slaughter in the province — with at least 12 more deaths overnight — is seen as confirmation that influential elements within Inkatha intend to press ahead with the campaign to wreck the vote.

An Inkatha march through Empangeni in northern Natal today will be the first test of the security forces' willingness to enforce a ban on carrying arms under the emergency regulations. The South African Defence Force has deployed 1,200 troops in the province.

The ANC said yesterday that Henry Kissinger and Lord Carrington were due to arrive this week to mediate between the ANC and Inkatha. But it is unlikely they will go unless they are invited by agreement at Friday's summit.

The British police team going out this week will be part of an 80-strong task group under the

aegis of the European Union. It will be led by the Assistant Commissioner, Keith Biddle, an expert in counter-terrorism attached to the Home Office.

Task group members will be attached to regional police headquarters, but will be deployed by the Independent Electoral Commission.

Lieutenant-General Basie Smit, deputy commissioner of the South African police, and Lieutenant-General Johan le Roux were due to return from "leave" today after giving the Goldstone Commission of inquiry 10 days to prove they were leaders of the so-called Third Force.

Judge Goldstone returned to Johannesburg yesterday after a visit to Britain, and said he had received substantial further information relating to his publication of the Third Force allegations last month. He said he would hand the material to an international team to assess the evidence.

He also criticised a fellow member of the bench who had suggested the commission be wound up after it had spread suspicion and distrust against the force internationally.

The attack on the commission came last week from Mr Justice Smit as he passed judgment on 17 hostel dwellers convicted of responsibility for the 1992 Boipatong massacre in which 45 people were killed. Judge Smit accused Judge Goldstone of accepting the evidence of two witnesses who were proven liars that police were responsible for the massacre.

In his statement yesterday, Judge Goldstone said the two witnesses were produced by the police, and that his report on the Boipatong inquiry still had to be published.

Fight goes out of Zulu warrior

INDEPENDENT ON SUNDAY
8 APRIL 1990

From John Carlin
in Johannesburg

THE writing is on the wall for Chief Mangosuthu Buthelezi, and he knows it.

The decision of President FW de Klerk on Thursday to send South African Defence Force troops into his KwaZulu fiefdom has shaken his will and destroyed his capacity to wreck the country's first democratic elections later this month.

The Zulu civil war between supporters of Chief Buthelezi's Inkatha party and Nelson Mandela's African National Congress will be contained sufficiently to allow reasonably free and fair elections, preventing Inkatha from undermining South Africa's nascent democracy.

Inkatha is now a wounded, cornered animal, and while its last throes will lead to more bloodshed, more piles of corpses in coming weeks, the best course left to Chief Buthelezi is to negotiate the terms of an honourable surrender. This he will hope to do when he and his nephew, Zulu king Goodwill Zwelithini, meet this week with Mr Mandela and Mr de Klerk.

Until February 1990, when Mr Mandela was released, Chief Buthelezi had entertained the notion that he could become president of South Africa. Then, upon discovering that, in terms of popular support, Inkatha was no match for the ANC, he settled for the idea that he could become governor of a new province, Natal / KwaZulu. When he realised on the evidence of all the opinion polls that the ANC would defeat him even on his Zulu turf, he made common cause with the racist white right, pulled out of constitutional negotiations and said he would not take part in the elections. His fall-back option was to seek refuge in patriotism and demand the establishment of a Zulu kingdom to rule all of Natal and KwaZulu.

Last Sunday, warning once more of imminent civil war, he declared the stage was set for "a fight to the finish with the ANC". What a difference a week makes.

Early on Monday morning Inkatha warriors invaded central Johannesburg. They arrived dancing, firing shots in the air, brandishing spears and shields. They marched past the ANC's national headquarters once, twice. The third time, ANC security personnel had had enough. Cold-bloodedly, they opened fire. Eight warriors lay dead on the street. Outside the main city library snipers opened fire on the main regiment, the "impi". Four or five died and scores lay wounded. At two in the afternoon the impi left town, heads bowed, dragging their spears behind them, escorted by the army and police.

The fear now was that the warriors would wreak vengeance on the townships. Instead they retreated to their hostels.

The next day Chief Buthelezi snarled and raged and called off, with King Goodwill's support, a summit planned for Wednesday with Mr de Klerk and Mr Mandela. The "war" shifted back to the Natal / KwaZulu cockpit. That night five young ANC officials were lured to an Inkatha hostel for "peace talks" and mown down with AK47s, in revenge for the events in Johannesburg. The Natal / KwaZulu death toll for March, the Human Rights Commission announced, was 266.

On Wednesday the cabinet met. Five days earlier, Mr Mandela had urged Mr de Klerk to impose a state of emergency. Mr de Klerk had demurred, suggesting instead that they wait for the outcome of the talks with the Zulu king and his uncle. But now the talks were off indefinitely, and things could no longer be allowed to drift. The cabinet seriously examined the prospect of a state of emergency. Early on Thursday morning, Mr de Klerk met his generals, and at 10.30 he announced the state of emergency. The army would go in "incrementally" over the next weeks. Rule of law would be suspended, the army and the police would be granted extraordinary powers of arrest, search and seizure.

The emergency regulations, as published by the government, were clearly targeted at Inkatha, in response to its well-chronicled tactics to disrupt the elections. Fines and/or imprisonment face those contravening regulations that prohibit:

- Organising unauthorised military or paramilitary training or the use and construction of weapons and ammunition;
- Interference with lawful gatherings (in terms of this regulation, no person may threaten others or intimidate them);
- Contravening the prohibition on the carrying and display of weapons, including firearms, assegais, spears, axes, pangas and knobkieries.

On Thursday night Chief Buthelezi appeared on a current affairs television programme called *Agenda*. When the presenter crossed to him in Ulundi, the capital of his one-party KwaZulu "homeland", the chief had his eyes shut. His head hung over his chest.

A top Inkatha official in Johannesburg had declared on Thursday afternoon that the imposition of a state of emergency meant the start of the civil war, the presenter said. Did Chief Buthelezi agree?

No he did not. The official was clearly "traumatised" by the killings on Monday and did not know what he was saying.

In the Durban studio, Jacob Zuma, the ANC's candidate for governor - or premier - of Natal / KwaZulu, expressed his horror at the killings of ANC and Inkatha officials, and noted his own homestead had been burnt down a few days earlier.

Chief Buthelezi came in and, meekness itself, said he agreed with much of what Mr Zuma had said and, "a fight to the finish" now apparently forgotten, expressed his deep sorrow at the burning of his homestead. He repeated three times how sorry he was to have heard this. "I would not want to have my homestead burnt down," the chief said.

Meanwhile King Goodwill, Natal newspapers reported yesterday, was telling a meeting of Zulu leaders that the time had come to pursue the cause of peace.

On Friday afternoon Chief Buthelezi put an end to doubts that the imposition of the state of emergency - which he at first characterised as an "invasion" - would rule out talks with Mr Mandela and Mr de Klerk. He declared that he and the king would attend, probably on Wednesday. And then, amazingly, he said: "Even at this late stage there is a chance the Inkatha Freedom Party may join the elections."

Why has Chief Buthelezi backpedalled so dramatically?

The point is that his power has never been at a lower ebb than it is today, the balance of forces never more unfavourable to his cause. Five years ago, before the democratic process began, everything seemed to be going his way. He enjoyed the enthusiastic support of the West, notably Margaret Thatcher, whose official doors were always open to him; he enjoyed the backing of South African business; he exercised unchallenged, autocratic rule over KwaZulu; he had the support of the Pretoria government and, above all, the security forces in his war against the ANC and its allies.

Now the international and the local business communities have turned against him. On Wednesday the US ambassador, Princeton Lyman, gave a speech in Durban before the leading lights of the Natal private sector. Chief Buthelezi was in attendance. The ambassador spoke out vigorously in favour of the new constitution and the elections. It was a slap in the face for Chief Buthelezi. At the end of the speech, the only member of the audience who

did not join in the enthusiastic applause was the Zulu leader.

His hold over the KwaZulu administration is shaky. After the elections, the funds from Pretoria on which the homeland depends for 90 per cent of its budget will dry up, and the civil servants, KwaZulu police included, are already restless.

The National Party government of Mr de Klerk, as officials will readily concede in private, has lost all patience with Chief Buthelezi. It views him as an anti-democrat and a volatile troublemaker. The ANC, the government-in-waiting, believes him to be unpredictable and dangerous.

Most important, for a man who has relied on terror as his principal instrument of political persuasion, he no longer has the unconditional support of the security forces. The "third force" connection between Inkatha and the security police was shamefully and conclusively exposed by the Goldstone Commission two weeks ago. Ordinary policemen in Natal have not been providing Inkatha killers with immunity from arrest in the last two years. And now the SADF, a force far mightier than the rag-tag army of semi-trained warriors Inkatha has put together in recent months, has been let loose on Inkatha.

Chief Buthelezi became accustomed, during the apartheid years, to play the game against the ANC with loaded dice. When states of emergency were imposed in the 1980s, it was only ANC loyalists who were detained, never Inkatha supporters, however heinous their crimes. That has now changed forever, and Chief Buthelezi is faced with two choices.

Either he takes part in the elections and prepares himself for the prospect of opposition politics - although this option might be logistically impossible at this late stage, or, more likely, he cuts a deal this week with Mr Mandela and Mr de Klerk, whereby King Goodwill is constitutionally assured of his kingdom, a new monarchic tier of government is created, with largely symbolic powers, and he prepares to serve out his days in politics as prince and traditional chief minister to the king.

Nelson Mandela will have the power, but Chief Buthelezi, if he can muster some method, has one last opportunity to save some face and salvage a political role for himself after the elections. The alternative, a fight to the finish, means only one thing: oblivion.



The Buthelezi henchman who leaves mass murder in his wake

THERE can be few societies where a man implicated by a judicial commission in mass murder and named as an agent of sinister forces whose aim is to sabotage democratic reforms could 10 days later organise public chaos in the country's commercial capital and blame it on his rivals.

Themba Khoza, the Transvaal leader of Chief Mangosuthu Buthelezi's Inkatha Freedom Party, is not a man to fall on his sword. As organiser of Inkatha's bloody incursion into Johannesburg last Monday, in which 31 people died, he has made an enormous amount of political capital, condemning the African National Congress for the massacre of his followers.

Four weeks ago, *The Observer* named Khoza as a suspect in last November's Nqutu massacre in Natal province in which 11 ANC supporters died and where a promising investigation by police was quashed by Inkatha loyalists in the KwaZulu homeland.

Four years ago, Khoza was caught at a roadblock with AK-47 assault rifles and a bomb in his boot, driving from a battle at a Witwatersrand hostel in which 30 people had just died. A magistrate accepted Khoza's story that the arms were a plant.

Two weeks ago, the Goldstone Commission publicised *prima facie* evidence that Khoza was a paid police agent and central organiser of so-called Third Force activities, including the planning of massacres on trains and from the hostels on the Reef, the townships around Johannesburg.

Khoza's march into Johannesburg last Monday dramatically furthered the agenda of the Third Force. It discredited the ANC, panicked whites, clouded the

election and destabilised the country. Two events sparked the violence. Snipers in the buildings surrounding Library Gardens fired on the crowd there. Meanwhile, eight blocks away at Shell House, the ANC's headquarters, ANC guards opened fire on the crowd. Both events happened at about the same time, but it is the first that holds the most unanswered questions.

Who were the snipers who fired on Library Gardens, resulting in counter-fire, confusion and death? Inkatha blamed the ANC. However, it would have been virtually impossible for ANC guerrillas armed with AK-47s to gain access to high-security buildings and leave again, undetected. At the very least, why were they not spotted by police, who, according to Major Kobus Peche, set up observation posts on top of the buildings?



Buthelezi: New evidence of Inkatha's sinister links.

Lood, the pseudonym of the political columnist in *Beeld*, the largest Afrikaans-language daily newspaper in South Africa, sketched a more plausible scenario, pointing out that a key aspect of the Goldstone Commission's investigations is the involvement of private security companies in Third Force operations.

'Who else, other than trusted and known security guards, could gain access to office blocks around the Library Gardens with weapons, gain access to the roof, fire a few shots at the crowd and leave the building unhindered — or, even better, continue with the security of the building?' he wrote.

The common point between Inkatha's and the ANC's versions is that the massacre resulted from a conspiracy. The question is: whose conspiracy? Khoza, by his own admission, had foreknowledge of the events. He had such 'reliable information' that the ANC was going to infiltrate *agents provocateurs* into the march that he informed the Commissioner of Police on Sunday night.

As Lood points out, Khoza could have known in advance what was going to happen and was setting up the ANC. Shortly before the shooting at Library Gardens, Khoza — who was there — received a message on his pager from Inkatha's 'Durban Information Office': 'ANC provocateurs placed among marchers. Instructed to begin random shooting'. Was that a warning for Khoza to pass on or a command paged to Inkatha agents placed throughout the crowd and on the buildings?

The explanation that the ANC planned the operation lacks the

crucial piece of evidence that a detective looks for: motive. The ANC, apparently assured of victory in the election, had least to gain from turning Johannesburg into a bloodbath.

Also puzzling is the assault on Shell House. ANC intelligence had forewarned the police of this possibility but inexplicably they did nothing to cordon off or protect the building. According to eyewitnesses, ANC security guards opened fire on a provocative but not immediately threatening crowd. Their trigger-happy behaviour handed Khoza an unexpected bonus.

At his first press conference last Monday, Khoza blamed 'ANC agents provocateurs' for the chaos, but by the next day the focus had switched exclusively to the 'massacre of Shell House', the more clear-cut instance of ANC wrongdoing.

Last Thursday night, Khoza appeared on *Talk At Nine*, a popular radio talk show in the Witwatersrand. Mary, an Afrikaner from south Johannesburg, assured Khoza that 'many thousands of whites are right behind you'. Eddie, a neo-Nazi from the Orange Free State, offered Khoza the support of the Boer nation. Moses from Soweto was less complimentary. 'When I hear your voice on the radio, I'm always depressed simply because you always come to the radio on top of the corpses of our people. When our people die, Themba Khoza can be found.'

The urbane, heartfelt pose that Khoza had been adopting all week, to match his West African robe, slipped for an instant, and the voice snapped: 'If you don't know what you're talking about, you better shut up.'

Phillip van Niekerk

24 The Guardian
Inkatha thugs
write 'Don't
vote' in bloodRage and fear in a
town rent asunder

Chris McGreal
reports from
Empangeni, Natal,
on the volatile
mood after a killing

PROVOCATION is easy in Empangeni, and retribution swift. All Mkhapheni Mpanza, aged 19, had to do to be shot dead under the noses of local detectives in the Natal town was rip up an election poster. Mpanza was not particularly noteworthy in violence-torn Empangeni, but his alleged killers are. The regional ANC leader, Senzo Mchunu, and his bodyguards face murder and attempted murder charges for a killing in broad daylight described by the police as a "cold-blooded political murder". Local people fear it will lead to many more.

Not unusually, the two sides agree on some but not all the circumstances of the killing. Mpanza was spotted with a handful of other young Inkatha supporters in central Empangeni holding an ANC poster. The youths say they found it lying on the ground. The ANC says it was ripped from a lamp-post.

There is no argument that, as Mr Mchunu's car swung around and passed again, the Inkatha supporters were ripping the poster to shreds. Three of the five men in the car were armed. They stopped and, as the argument intensified, leapt out and fired a couple of shots. The youths scattered.

Some of the men pursued Mkhapheni Mpanza into an alley beside the police criminal investigation department offices. Two shots went through the CID's windows. A bullet struck Mpanza in the chest. He was found slumped over a car at the end of the alley, with nowhere else to run. He died 10 minutes later.

Robert Mkhize, the regional Inkatha leader, says Mpanza was shot without provocation. The ANC men said one of the youths drew a pistol and they were forced to defend themselves.

A witness told the police the Inkatha supporters were indeed ripping down ANC posters, but were not armed. No gun was found anywhere near Mpanza.

The witness described the

killing as tantamount to execution because the youth had nowhere to run and no way of defending himself.

The ANC officials' claim of self-defence has not been helped by their attempt to get away. Someone took their car number and the CID caught them 500 yards down the road.

Empangeni is no stranger to political killings but Mpanza's death has angered a community which fears it will tip the scales toward another bout of killing. The local Inkatha leader suggests exactly that.

"This has upset the members of the Inkatha and they are still deciding what steps to take, and they've reached certain conclusions which have yet to be revealed," Mr Mkhize said.

If some of the young men at the Inkatha office are any indication, Mr Mkhize means more bloodletting. Several dozen were signing up for "training". Mr Mkhize said they were being taught to march demonstrations. But these days, Inkatha's young recruits usually learn how to fight, and that is what these young men expect.

"We are here to show the ANC," said one. "We will show them our fists and our spears and our guns. This area is for Inkatha. Come back soon, there will be no more ANC."

The fear shows at the ANC office, under siege in the heart of Inkatha territory.

"ANC people do not even board taxis from this rank here because it's too dangerous," Mr Mchunu said.

"There have been people dragged out of the taxis and attacked. There have been many killings here. I don't know what those deaths the other day will mean for us now. There are lots of rumours and they are very destabilising because they could be true, which means Easter weekend could be the beginning of new violence."

As he spoke a group of young men passed on the opposite side of the street, gesturing at the ANC office. Within seconds a young ANC comrade with a shotgun ran out the door. Another whipped a pistol from his belt. Some of their companions urged them to shoot.

A white woman parked in front of the office panicked, shoved her schoolboy son into her car, and nearly ran over black onlookers as she sped away.

Chris McGreal
in Gamalake, southern Natal

WARRIORS of the mainly Zulu Inkatha Freedom Party fought back yesterday against the state of emergency in Natal with further massacres which troops appeared powerless to prevent.

Despite emergency powers which come close to martial law, at least 40 people have died in political violence in Natal since the army moved in on Friday. The continued killings will compound fears that, no matter the guarantees the government offers, to be Zulu and vote in South Africa's first democratic elections on April 27-28 will be to invite a death sentence.

In southern Natal, almost all the women in a family were hacked to death on Saturday night. In Bambhayi squatter camp near Durban, where the army has been on regular patrol, seven people were killed, including a woman shot dead while worshipping at a cross erected from the wood of burned homes as a symbol of peace. In rural Eshowe a man was found with the skin peeled from his face and his genitals cut off. No arrests have been made for any of the attacks.

Yesterday the ANC leader, Nelson Mandela, said a summit meeting with Chief Mangosuthu Buthelezi, leader of Inkatha, the Zulu King Goodwill Zwelithini and President F. W. de Klerk will finally go ahead on Friday. The aim is to offer the Zulu leaders guarantees about the king's status after the elections in return for their blessing for the vote.

But the latest round of killings suggested that Inkatha and others interested in destabilising the election are prepared to continue their campaign.

The South African Defence Force has begun to round up some of those identified with efforts to wreck the elections, and Inkatha's military training camps have emptied, although the thousands that went through them are still on the loose.

In Natal, the South African police have effectively fallen under military control, but the future of the force widely seen as Chief Buthelezi's private army, the KwaZulu police, has yet to be settled. Mr Mandela

wants it confined to barracks.

In townships, ANC sympathisers cheered some of the 1,200 men the South African Defence Force is deploying. But the army faces a difficult task preventing attacks in the townships where most of its forces are concentrated, let alone the vast rural areas where intimidation is most effective.

An attack on the edge of Port Shepstone's Gamalake township wiped out almost all the women in a family. The nine dead included a five-month-old baby, four teenage girls and a great-grandmother, aged 70.

The killers arrived after dusk on Saturday night looking for the only man present, Ndukuze Mzelemu. First they knocked on the door of his daughter, Elizabeth. "They said I must open up, they are police," she said. "We came to the door and one of them asked where is my father."

"He slapped me on my face and they asked us to come out. But I wouldn't go and I managed to hide in the wardrobe with three of the children. They did not come back. All I heard them say was 'Let's go and finish with these other ones'."

As the killers moved to Mr Mzelemu's small brick home, he fled up the hill, from where he watched them surround the house, where most of the women were cowering. The killers hacked their way through the door, and dragged their prey out. Although the walls are speckled with bullet holes, the victims all died from machete wounds to the head.

"The women and children were still inside because they heard the guns," Mr Mzelemu said. "When they couldn't find me, they were banging on the doors and shooting windows. The women were begging and crying... Then they were hitting them with building blocks, shooting them with guns and putting in the knives."

Mr Mzelemu says he believes they were attacked because one of his sons who lives in Durban has recently joined the ANC. Mr Mzelemu is himself an ANC sympathiser, although not a member.

Elizabeth said the entire family had bought Inkatha party cards because they thought that would save their lives. "There was a time when we were told it would be better to join. Everyone had to," she said.

WEDNESDAY 30 MARCH 1994

SA army throws in its lot with ANC

HAD YOU told any self-respecting black activist two years ago that there would come a time when he would view the soldiers of the South African Defence Force (SADF) as liberators and heroes he would have looked at you very strangely indeed. Not any more.

At noon on Monday, amid the mayhem of an Inkatha protest that left more than 30 people dead, 300 young black "comrades" gathered outside the Johannesburg headquarters of the African National Congress. The building had already come under attack and, the word was, another sortie by the Inkatha Zulus was imminent. The ANC comrades were angry, spoiling for a fight. In the absence of any Inkatha warriors on the street, they shouted abuse at the police. They performed war dances, fired mock rifles.

Suddenly an army armoured car appeared. The comrades politely made way, waving at the soldiers in welcome. They smiled, made "V" for victory signs and started a new chant: "Peace! Peace! Peace!"

Two years back a favourite ANC slogan was, "SADF out of the townships!" Today the cry from every activist is "Bring them in".

Take the East Rand townships, Katlehong and Tokoza. Long after the political violence died down in Soweto early last year the killing continued there unabated. Between May 1993 and January this year 1,800 people were killed in clashes ostensibly between ANC and Inkatha supporters. For months East Rand residents clamoured for the police to be pulled out and the army to deploy in their place. Finally, last month, it happened. Since then the violence has all but come to an end. People stroll the streets at night. No-go zones are virtually a thing of the past. The ANC has organised rallies officially welcoming the SADF, whose soldiers may be seen any day of the week in Katlehong playing soccer matches against local youth teams.

Inkatha executes five ANC Zulus

FIVE Zulu youths loyal to the ANC were executed yesterday in Natal province, South Africa's bloodiest political battlefield, after being lured into an Inkatha area by a promise of peace talks.

The killings, in revenge for the deaths of eight Inkatha men outside the ANC's Johannesburg headquarters on Monday, brought the March death toll in Natal to 266, according to the Human Rights Commission.

Cyril Ramaphosa, the ANC's secretary-general, said it was clear Mangosuthu Buthelezi's Inkatha Freedom Party was "determined to drown the country in blood".

Mr Ramaphosa is a key figure in the Transitional Executive Council (TEC), which called on Tuesday night for a state of emergency to be declared in Natal and the homeland that lies within its borders, KwaZulu. President F W de Klerk, who met his cabinet yesterday, called an afternoon press conference at which it had been expected that he would give the government's stamp of approval to the proposal of the multi-party TEC. However the press conference was postponed at the last minute, and without explanation, until nine o'clock this morning.

The speculation in political circles last night was that Mr de Klerk simply did not know how best to deal with the growing belligerence of Chief Buthelezi and his nephew, the Zulu king, Goodwill Zwelithini, both of whom have called on their supporters to boycott the general elections due in four weeks.

On Tuesday Chief Buthelezi,

JOHN CARLIN in Johannesburg

leader of the only black party not taking part in the country's first democratic poll, warned of a "final struggle to the finish between the ANC and the Zulu nation".

The distinction would have mystified many Zulus, 70,000 of whom marched in Durban on Friday in support of the ANC. The conflict in Natal is not so much ethnic, the participants on both sides being Zulus, as a struggle for power between ANC progressives and Inkatha conservatives.

The five young ANC men were lured to their deaths in KwaMashu, a large black township outside Durban. Inkatha officials had invited them to a migrant workers' hostel to talk peace.

Nine youths in all went to the meeting in the hope of defusing the violence in KwaMashu. According to survivors, upon arrival at the hostel they were met by three men in a mini-bus. They were dragged into a room at gun-point, kept there for two hours and then ordered to leave the room one by one, whereupon they were met by a hail of AK47 bullets. "I came out and I ran. There was a big crowd of people with AK47s and I ran right through them," one of the four survivors said. He added that an Inkatha Youth Brigade leader had told them earlier he was very angry about Monday's killings in Johannesburg.

The response of the ANC in Durban yesterday only increased fears that the violence in Natal will esca-

late during the run-up to the elections. Spokesman Dumisani Makhaya warned that ANC members would not take this latest attack lying down.

The ANC leader, Nelson Mandela, was in no mood yesterday to buckle to armed Inkatha pressure for the elections to be suspended pending agreement on Chief Buthelezi's confusing demand for the establishment of a "Zulu kingdom". In the same way that the white right have proved unable to explain what they visualise when they call for a separate Afrikaner state, so the government and the ANC — who between them command the support of 85 per cent of the population — have been unable to fathom what the Inkatha leader wants.

Under the new constitution agreed by the majority of South Africa's political parties, Natal will have an elected provincial parliament and the Zulu king will continue to be the king, with the same powers he has enjoyed for more than 20 years within the KwaZulu homeland, under the guidance of his uncle the chief minister.

Mr Mandela said yesterday he could only conclude that King Goodwill was labouring under "a misunderstanding" as to his future status under an ANC government. The ANC president declared: "An attempt to postpone the elections or drown them in blood cannot be countenanced."

The only effective response, ANC officials were saying yesterday, would be to send in the army.

After the East Rand fires had been put out there came the crises in Bophuthatswana and Ciskei, each of which was resolved to the satisfaction of the vast majority of the black inhabitants after the SADF armoured cars rolled in.

What has been shown is that the army is both politically more neutral and professionally far more efficient than the police. What is happening now is that as democratic elections draw near and tension mounts

as to whether the transition to black rule will be effected peacefully, the great truth at the heart of South African politics since the arrival of the white man in 1652 is being laid bare: that the army is the most critical institution of state.

The success or failure of the transition depends ultimately on the loyalty of the army. That, defence sources say, has been secured.

After more than a year of talks with the ANC, the SADF high command was persuaded that under a Mandela government, Communism, contrary to the old fears, would not be on the agenda; that the defence budget would not be slashed; that officers' jobs would be secure. General Georg Meiring, overall chief of the SADF (army, navy and air force), will probably keep his job for an-

JOHANNESBURG — Peace talks planned for today between F W de Klerk, Nelson Mandela, Mangosuthu Buthelezi and the Zulu King Goodwill Zwelithini have been postponed until next week after the king said it would not be the appropriate Christian thing to join such a meeting during Easter Week. The talks were agreed to on Monday by Inkatha officials and representatives of the Zulu royal family.

other two or three years.

The SADF, accordingly, is with the democratic reforms. ANC leaders confidently say so and so do members of the defence establishment. General Meiring himself has said that the SADF will be "the anchor" of the new constitution, the servant of the new order.

That message, according to government officials, has been forcefully communicated to the retired generals who until recently headed the right-wing Afrikaner Volksfront. Which is in large measure why General Constand Viljoen, who held General Meiring's position in the mid-Eighties, announced two weeks ago that he would break away from Volksfront hardliners, take part in the elections and, in the process, dramatically reduce the risk of civil war.

The word also is that if the order comes from the government to go and do in Kwa-Zulu, the fiefdom of Inkatha chief Mangosuthu Buthelezi, what the army did in "Bop" and Ciskei, it shall be done.

JOHN CARLIN
in Johannesburg

Zulu wars haunt S. Africa

Brother is fighting brother as a proud martial nation tears itself apart, writes **Phillip van Niekerk** in Empangeni, Natal.

WHAT is remarkable about brothers Vini and Bheki Mthethwa is that they are still on speaking terms. What is not unusual in the current state of Zulu politics is that they are also trying to kill each other.

The two Mthethwas are senior sons of one of the most powerful chiefs near Empangeni in the Zulu heartland of South Africa's Natal province.

Vini is the local warlord for the Inkatha Freedom Party. He never travels to the post office without two armed bodyguards. Recently, it was reported to him that he was on a hit-list of Inkatha leaders targeted for assassination, which had been drawn up by his brother. Bheki is the local kingpin of the African National Congress 'comrades', unemployed youths who lurk outside his general store in case of an attack by Vini's gang.

The latest chapter in nearly a decade of political conflict in the homesteads and rolling hills of Natal has left more than 330 dead during the past six weeks.

Supporters of the two brothers declare in the language of their favourite sport, football, that the two factions will be playing a 'final' against each other this weekend.

In the area near the town of Empangeni, dozens have died in the past few weeks — brother against brother, Zulu against Zulu, blacks slaughtering blacks over the election to end white minority rule.

President F. W. de Klerk yesterday travelled to Durban, in Natal, to meet the homeland's Chief Minister and Inkatha president, Mangosuthu Buthelezi. It was one last attempt to secure, if not Buthelezi's participation in the election, at least his promise to allow free and fair elections in KwaZulu, which lies inside Natal, and to avoid what De Klerk calls 'painful action'.

This followed the failed mission on Wednesday by the chairman of the Independent Electoral Commission, Mr Justice Johann Kriegler. Kriegler and his team were jeered and heckled at the KwaZulu Legislative Assembly, which was packed with chiefs and loyal civil servants, when he went to plead with Buthelezi to permit free and fair elections.

Cheered on by the gallery, seven KwaZulu leaders rose one by one to declare their resistance to the elections and the 'destruction of the Zulu kingdom'.

Kriegler, who has repeatedly proved himself tough enough for the electoral hot seat, reported to De Klerk and ANC president Nelson Mandela that, under current conditions, electioneering in KwaZulu would be frustrated, with the 'grave risk' of violence and the possibility of only severely limited balloting.

The implication of Kriegler's report is that Buthelezi is now skirting close to defying the law — and that only a massive security intervention will save the election on 26-28 April. This has strengthened the ANC's position that strict measures be taken, to the extent of replacing the KwaZulu administration. At the very least, the mass deployment of South African troops in the area is imminent.

The answer to the puzzle of why Buthelezi would want to obstruct an election that transfers power to the black majority is because the alternative is oblivion. The election signals the end of the KwaZulu homeland. Participation would have meant the probable defeat of Inkatha even in Natal, and Buthelezi's relegation to a minor provincial functionary.

The fact that he is able to carry so many people with him into this last desperate stand can only be understood from the vantage point of the KwaZulu capital of Ulundi, a town where there are no independent newspapers and no opposition, where the networks of tribal chiefs and the KwaZulu police have become fearsome instruments of the ruling Inkatha Freedom Party.

Buthelezi has secured active enthusiasm for his regime by skilfully using the proud symbols of Zulu martial tradition, and manipulating King Goodwill Zwelithini to reinforce people's loyalties.

The Zulu political tradition was not always so reactionary. Old Zulu chiefs, such as 89-year-old James Mthembu, remember working with ANC Zulu leaders including John Dube and Albert Luthuli in Natal between the Twenties and Sixties, before Buthelezi hijacked the Zulu political tradition and split it from the rest of the liberation movement.

Nor is loyalty to the king absolute. King Goodwill has called for an election boycott by his subjects and is demanding Zulu sovereignty over the entire Natal province. While he is revered by most Zulus, however, his word is not law and he has alienated thousands of Zulus who want to vote and support the ANC in the election.

King Goodwill's position was rejected on Friday by tens of thousands of Zulus who took part in a march in Durban. They declared that he had betrayed them and he no longer represented

them. 'No longer our king — You've taken sides,' read one of the banners.

While the Durban townships are ANC strongholds, the hold of the chiefs and the Zulu traditionalists north of the important geographic marker, the Tugela River, is pervasive and is being reinforced by Inkatha fighters who are being trained in military camps in northern Natal.

The ANC, which has been embroiled in its own factional disputes north of the river, is in no position to fight back, says the former northern Natal chairman, Aaron Ndlovu.

Ndlovu says that, when he was chairman, he used guerillas to train the youths in the forests. He admits that they killed Inkatha leaders, though 'we did not aim to engage in the kind of wholesale slaughter that Inkatha does. We were simply identifying the warlords and meeting them on their terms'.



Buthelezi: Faces future as minor provincial functionary.

Despite the ANC's disarray on the ground, the end of the road is at last in sight for Buthelezi. Last week, other homelands collapsed all around him, the police generals who connived with his movement in the violence were exposed and suspended, and his arch-rivals, the ANC, tightened its grip on power.

De Klerk's visit to Ulundi was a last attempt to knock some sense into Buthelezi, to let him know that the National Party's soft-peddalling with Inkatha is over, and that De Klerk no longer has the power to defend his erstwhile allies. The tanks are literally waiting to roll in.

The final act of a political drama is drawing near.

In the Zulu tradition, history is very important. Chief Mthembu fondly holds up the *assegai* [stabbing spear] that his father used when the Zulus defeated the British at the battle of Isandlwana in 1879.

It is a war that Buthelezi knows well, not only because he is an avid student of Zulu history, but because he played King Cetewayo in *Zulu*, the film version of that war.

Mthembu remembers the last time a Zulu king got bad advice. 'My father told me that some advisers told King Cetewayo not to fight the British, but a certain regiment was confident they would win and incited the king to rebel.

'At first, we won at Isandlwana, but then we were defeated and we lost our land.'

They ought to have known, said Mthembu, shaking his head. 'The Zulus were carrying spears and the British had guns.'

'Police mafia threatens endless war in South Africa'

John Carlin in Pretoria spoke to Dirk Coetzee, in the former assassin's first press interview since returning to his homeland

THE outcome of the battle raging between President FW de Klerk and his police generals following the "third force" revelations last week will determine whether South Africa plunges into war or emerges after next month's elections as a peaceful, stable democracy.

Dirk Coetzee, a former police captain and self-confessed state assassin, said yesterday that the future of the country depended on Mr de Klerk's resolve to arrest the senior police officers implicated with the Inkatha Freedom Party in a four-year terror conspiracy that has led to the deaths of thousands.

"De Klerk has always feared the police generals, that's why he's been led by the nose by them," Mr Coetzee said. "He's known they can destabilise the whole democratic process. That's why he hasn't acted against them before. But he knows that they are a monster on the loose, that the security police set-up is a huge mafia. If he'd cracked the mafia four years ago so many lives could have been saved. Now he can't delay the crunch any longer. He must hit them hard or the killings will just go on and on and we'll have Bosnia on the horizon. Break them and we'll have peace."

Mr Coetzee knows "the mafia" well. He served in a police hit-squad during the Eighties alongside Eugene de Kock, the colonel identified by Judge Richard Goldstone in his report last week as the individual arming, training and leading the Inkatha murder machine.

Mr Coetzee revealed all about his unit, CI (now renamed C10) in November 1989 and then fled into exile. He lived in London for most of the time after fleeing and it was while he was living there that Colonel de Kock organised a plot to assassinate him, as disclosed in the *Independent* in July 1992. Scotland Yard provided him with round-the-

clock protection for nearly two years.

He returned to South Africa in July last year and has been working for the intelligence service of the African National Congress. He gathered information on the state's terror networks by reactivating links with his old partners in crime. Judge Goldstone's revelations were an endorsement of everything Mr Coetzee has been alleging.

"I flew into Johannesburg on Sunday 4 July last year without anyone — not the ANC, not Scotland Yard — knowing about it. I was isolated and lonely in London and above all desperate because I knew that I had the information to stop the killings. I had to come back to do my bit.

"One thing I can do now is talk to the international team of investigators coming out to look at Goldstone's findings. The one thing they must understand is that they're dealing with a mafia. A big police

mafia working with a junior partner, the smaller Inkatha mafia. Just look! Themba Khoza, the top Inkatha man in the Transvaal, working for De Kock on a police informer's wages!

"They're like a close-knit family, the senior officers in the security police — they don't call it the secu-

rity police any more but it's still there, tapping ANC phones, files on ANC people still open. They go to each other's weddings, baptisms, birthdays. They know all each other's sins. And I'm talking about the Commissioner of Police, Johan van der Merwe, who used to be chief of the security police, the guys named

by Goldstone, like Basie Smit the deputy commissioner, De Kock, everybody. I mean, don't tell me that De Kock could have brought three truck-loads of AK-47s from Namibia in 1989, just before independence there, without the generals knowing about it!"

Mr Coetzee drew another analogy. "They're like the J Edgar Hoover set-up. One reason why De Klerk and his ministers haven't gone after them is that they have all the inside stuff, the personal stories, about the ministers themselves. They have been the real power in the country."

What was the motivation behind the decision of the police to use Inkatha to orchestrate the war on the townships, to organise the killings on the trains? "First, they can't bear the idea of serving under the old 'Communist', 'terrorist', 'anti-Christ' enemy, the ANC. They still think they can cause havoc to prevent democracy and majority rule — look at Natal right now.

Second, they love the power they have in the family. They've been governing the country, for God's sake! Look at Basie Smit defying De Klerk and saying he's being treated like a prostitute — that's what he said in the papers on Sunday. But a prostitute is more honest,

far, far more than these guys."

Proof of the hold the police have on De Klerk is provided, according to Mr Coetzee, by the way in which he has dealt with Colonel de Kock. "De Kock is the biggest killer of them all. In Namibia, at the head of the *Koevoet* (Crowbar) unit, he would wipe out entire communities loyal to Swapo. He killed over the border in Swaziland, where he'd go under the name of Parker on a false passport. He's gunned down dozens of ANC activists and now he's been organising the killings in the townships. Then there was the plot to kill me in London. De Klerk was told about that by John Major's office. He would have known too that the British authorities deported him after he came in on another false passport under the name of 'de Wet'. The British government made a big stink about it, especially as he was working with Protestant Ulster terrorists.

"And then what happens? On 30 April last year De Kock officially leaves the police force with a payout of 1.2m Rand (£240,000) authorised by the cabinet! A lieutenant-colonel can't get that sort of package. Obviously the police told the cabinet what to do — it was keep-your-mouth-shut money."

The way to make amends now for De Klerk, to whom Mr Coetzee wrote in February 1991 to tell him what he knew, was to treat them as common criminals. "You've got to put them behind bars, especially De Kock because then others will come forward and tell their stories who would otherwise be too terrified by him to talk. And then, you'll see, they'll split on each other. Without all that power, too, they'll show how stupid they are. Just watch. Break them, break that mafia and we'll have peace, even in Natal where Inkatha will collapse without the big godfathers to watch over them."



Dirk Coetzee — 'You've got to put them behind bars, especially De Kock, because then others will come forward and tell their stories who would be too terrified. And then, you'll see, they'll split on each other. Without that power, too, they'll show how stupid they are'

In Pretoria's cesspit

The commission claiming credit for exposing the arms-to-Inkatha scandal is hardly first with the news

David Beresford

THE "Iron Man" was how one Johannesburg newspaper yesterday described Mr Justice Richard Goldstone, the Supreme Court judge who has supposedly bust South Africa's "Third Force". The hero of the moment had his face plastered across the front page, gazing pensively out of a hotel window. An accompanying story suggested the secret of his personal dynamism lay in a combination of adrenalin and a sense of achievement and vindication after he had named Deputy Commissioner Basie Smit and two other police generals as having allegedly been behind political violence.

If the judge does nurse any such feelings they might well be described as misplaced. Because the report he released so dramatically on Friday night will be seen by many as evidence that his much vaunted judicial commission of inquiry has failed dismally.

The report which has caused

all the excitement — "The interim report on criminal political violence by elements within the South African Police, the KwaZulu Police and the Inkatha Freedom Party" — is an extraordinary document in many respects. Curiously, the least of them is the disclosures it makes, few of which amount to much that is new to those who have had the frustrating experience of following the "Third Force" controversy. More striking is the illustration the report provides of the style of the judge and the character of the commission.

In the legal fraternity, Mr Justice Goldstone is known fondly, if a little cruelly, as "Richard-Richard". Cruelly, because the nickname is a play on Boutros Boutros-Ghali and is intended to suggest that the judge's ambitions include the UN Secretary-General's post.

While there is no suggestion that such ambitions have any influence on his work on the bench — he is recognised as a brilliant member of South Africa's highest court, the Appellate Division — his overt polit-

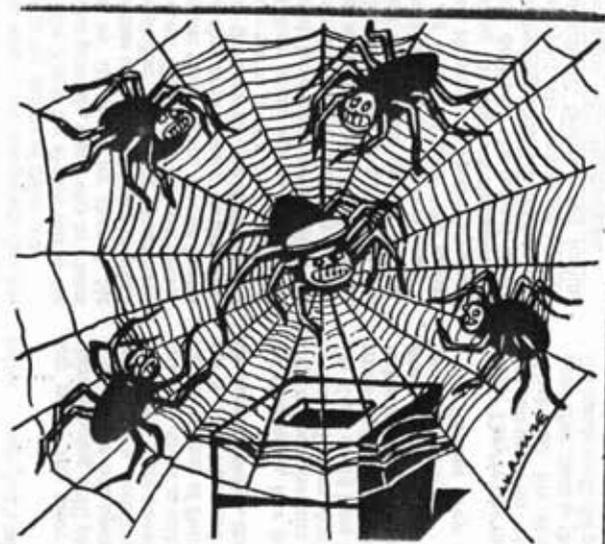
ical "sensitivity" where the activities of the Commission is concerned is disturbing.

The essence of a judicial commission of inquiry is its independence of political influence. Once it has been granted its terms of reference and powers by government, it should proceed with its investigations without reference back until the time comes for a report to be presented. Judge Goldstone, however, has shown himself at pains to involve the politically distinguished in the conduct of his inquiry.

Last week, for example, when he released a press statement announcing a delay in the release of the report, he declared that he was keeping Nelson Mandela briefed on his progress. Why he should find it necessary to confide in the leader of a political party, and why he should exclude from his confidence the leaders of rival parties — the Pan Africanist Party or, for that matter, the Soccer Party, which is also fighting next month's election — is difficult to imagine.

But the judge clearly feels himself to be at the centre of a political drama, as is evident from the breathless narrative of the report. And he shows himself constantly open to outside advice. On March 15, for example, "at the request of the State President", he informed the Minister of Law and Order, HERNUS KRIEL, of the allegations being made against the generals. "The Minister then requested that the allegations be put to the Commissioner of Police." The Commissioner "expressed the view that it would be fair and just" if the allegations were put to the three accused police generals. The learned judge, having thus been apprised of the "audi alteram partem" rule, duly agreed.

The Goldstone Commission is probably the most powerful judicial inquiry in South African legal history. Armed with extremely wide terms of reference, with its own task force of "untouchables", with powers of subpoena and search and seemingly limitless funding (there is now even a Goldstone research institute), he has been ideally placed to rip open the cesspit of



conspiracy and murder to be found among the foundations of the governance of South Africa.

His lamentable failure to do so — lamentable because it has incalculable consequences in terms of lives — has been underlined by the reverse achievements of the press; by the breakthroughs of investigative journalism which the Commission has, ironically, only impeded. In June last year, for example, the Commission effectively shot down an investigation by the small Johannesburg newspaper, the Weekly Mail, showing that graduates of a combat school run for Inkatha members by South African military intelligence were central to "hit squad" activities in Natal and the Transvaal. Friday's report adds weight to the original allegations.

The characters and units named in Friday's report are almost all familiar, at least to readers of South Africa's "alternative" press: the assassination unit on the farm, Vlakplaas; its commander, Eugene De Kock; his mysterious "Badger Unit" (mis)representing itself as an old boys' club of laid-off state assassins; Jan Buchner, a key figure in the "dirty war" against the ANC who became commissioner of police in Kwa-

Zulu; Leon Flores, sent to London to plan the murder of Captain Dirk Coetzee, De Kock's

predecessor. Sections of the report could almost be paraphrases of press cuttings now yellowing with age. "A large quantity of weapons from Koevoet in the former South West Africa was transported to Vlakplaas in the late 1980s. They included AK-47s, mortars, RPG-7s, hand grenades among others," reported the commission on Friday. In an interview with the Guardian published in August 1991, Captain Coetzee was quoted as saying: "De Kock went to Namibia with some of his men from Vlakplaas and came back with truck-loads of Russian arms from Koevoet-captured arms caches: unregistered weapons, land mines, SKSs (assault rifles), AK-47s, and bullets by the million." It was these weapons, the captain went on to say, which were being used by the Third Force to destabilise South Africa.

It was already clear then that the Third Force was, as Captain Coetzee described it, "a loose alliance between the dirty tricks departments of the military and the police, involving personnel and equipment from South Africa's frontline wars, notably in

Rhodesia, Mozambique, and Namibia". The strategy, the Captain went on, "based on that used by the security forces against Swapo, is one of undermining the ANC and boosting its political opponents in order to cheat it at least of overall political control of the country." The guilty men, he added, were headed by former commanders of the security branch; men he named, like General Basie Smit.

In the two and a half years since Captain Coetzee made those allegations, the guilty men have gone a long way towards achieving the goals he accused them of pursuing. Distributing weapons, training dissidents, fostering hatred, fear and polarisation, they have brought closer than ever before the civil war which is their only chance of cheating the ANC of its populist heritage.

During that time the Goldstone enquiry has been little more than a rubbish bin, used by the government — whether or not as co-conspirators — to avoid public confrontation with the reality of the rottenness of South Africa. The Goldstone Commission's "disclosure" of the Third Force offers little ground for celebration. It amounts to little more than a demonstration of the inadequacy of judges when engaged in the deadly game which is South African politics.

THE GUARDIAN
Monday March 21 1994



P.O. BOX 32723
 BRAAMFONTEIN
 2017
 South Africa
 Tel: (011) 403-4450/1
 Fax: (011) 339-1422

BRIEFING PAPER BP - 1/94
 March 1994

THROWING LIGHT ON DETENTION WITHOUT TRIAL

Considerable confusion and misconceptions have recently arisen over the current status of DETENTION WITHOUT TRIAL in South Africa. In an effort to dispel this confusion, HRC presents this Briefing Paper and at the same time takes this opportunity of re-stating its own position on the issue of Detention Without Trial (D.W.T.)

THE SORRY RECORD OF THE PAST

The practice of DWT by the Apartheid Government over the last 34 years resulted in the following:-

- ➔ The detention of 80 000 persons including
 - ➔ around 10 000 women
 - ➔ over 15 000 children (under 18)
 and for periods of up to 30 months.
- ➔ The torture and abuse of countless thousands.
- ➔ The deaths of 73 people while in detention.
- ➔ The eventual release without any charge whatsoever of 75% to 80% of all detainees.
- ➔ The serving of banning orders on over a thousand released detainees.
- ➔ The conviction of only 2% to 4% of all those detained.

CURRENT POWERS AND PRACTICE

Powers to detain without trial currently exist under

- ➔ Internal Security Act (ISA)
- ➔ Public Safety Act (PSA)
- ➔ TBVC Legislation

Internal Security Act (ISA)

The ISA is legislation which is in permanent operation. In 1982, numerous predecessor Acts were streamlined into one omnibus security statute known as the Internal Security Act No 74 of 1982 and this has since been amended on a few occasions. In terms of its powers of detention without trial it provided for 3 forms:-

- | | |
|-------------------------------|-------------------------|
| ➔ Detention for interrogation | Section 29 |
| ➔ Preventive detention | Sections 28, 50 and 50A |
| ➔ Witness detention | Section 31 |

During 1991 and 1992 amendments to the ISA repealed Sections 28, 50A and 31 and at the same time reduced the possible period of detention under Section 29 from effectively unlimited, down to 10 days (repeatable); Section 50 was left unchanged at 14 days.

During 1993, Section 29 and 50 were in constant use and HRC recorded 197 detentions under Section 29 and 93 under Section 50. This activity has continued into 1994 and during the months of January and February, HRC recorded a further 93 detentions under Section 29 and a further 18 under Section 50.

During December 1993, legislation entitled the Abolition of Restrictions on Free Political Activity Act No 206 of 1993, was adopted by a special sitting of Parliament and included a clause, Section 7, whereby Section 29 of the ISA would be repealed. Act No 206 of 1993 was to come into operation on a date to be proclaimed by the State President in consultation with the T.E.C. This proclamation was duly made on 28 January 1994, but excluded Section 7. In other words, detention under Section 29 was to continue until further notice, and the Police were free to exercise this power which they duly did, with some vigour as will be seen from the figures above. The final end of Section 29 came on 8 February 1994 when the TEC agreed to recommend its repeal by bringing Section 7 of Act 206 of 1993 into operation.

However, amidst all of the (justified) public outcry accompanying the dragging of feet on the Section 29 issue, Section 50 appears to have escaped attention and has survived virtually intact, with no provision being made for its repeal. At the time of writing, 18 persons are incarcerated and being denied their right of access to the courts, by Section 50.

Public Safety Act (PSA)

The PSA is legislation which may be invoked in an emergency. It was of course used to declare States of Emergency in 1960, 1985 and 1986 to 1990. It was also amended to declare localised "mini-emergencies" called Unrest Areas and this practice commenced in August 1990 and continues to the present day.

Amongst the vast array of powers under the PSA is detention without trial for periods effectively limited only by the period of the declaration. The purposes of such detention may be for interrogation as well as for "prevention", and is thereby prone to all of the dangers and abuses of ISA detention of the past.

During 1993, HRC recorded 285 such detentions as well as numerous reports of torture and other abuse. As with the remnants of the ISA, we are still unaware of any proposed amendments to the PSA and its powers of detention without trial.

TBVC Legislation

The Internal Security Act is mirrored by legislation in the TBVC "states". Detention without trial forms part of the repressive powers under this legislation, but currently Bophuthatswana is the only one which routinely engages in this practice. HRC recorded 153 such detentions during 1993 and another 17 during the first two months of 1994.

It can be assumed that all of this legislation will disappear when the "states" themselves cease to exist on 27 April 1994, or earlier, as the commencement date of the Interim Constitution is proclaimed.

THE FUTURE OF DETENTION WITHOUT TRIAL

An encouraging feature of the Interim Constitution under the Chapter headed "Fundamental Rights" is Section 11 (1) which states: "Every person shall have the right to freedom and security of the person, which shall include the right not to be detained without trial". This is clear enough and would seem to put an end to detention without trial. However the right expressed in Section 11 (1) is then suspended by Section 34 (6) in a situation of a State of Emergency.

The HRC acknowledges that any state is entitled to declare a state of emergency in order to preserve and defend its integrity against threats whether external or internal. However it rejects the notion that detention without trial can ever be justified; and maintains that whatever the safeguards, experience has shown that "cruel, inhuman or degrading treatment" will inevitably occur, especially where interrogation is the purpose of detention, or is permitted.

At most the HRC believes that some form of internment under international supervision (International Red Cross or equivalent) and subject to international protocols, could meet the needs of an emergency situation.

Postal Add:

Box 23900
Joubert Park
2044
SOUTH AFRICA

The Welcome Home Centre

Second Floor, 36 Davies Street
Doornfontein

Fund Raising Number: ~~01 10190 000 6~~

new no: 01 101010 000 6
FAX (011) 339 5770

Contact: Emelda 6425295 or Eddie

THE POWER OF LOVE TEL (011) 339 5545

The entrance of the building is quite brightly lit; a few people are making a fire outside on the pavement on this cold July evening in Doornfontein, Johannesburg. You climb two steep flights of stairs and reach the security gate puffing a little. You push open the door and are met with a sight of order, peace, warmth. Over 200 destitute people — men, women, children — the homeless, unemployed, returned exiles and victims of township violence are having their supper. Some are sitting on chairs or on the floor with their plates on their laps. Others are still queuing for food. A rented television set is playing against the far wall,

and some are watching it whilst eating their food. The kitchen staff are busily dishing up food, whilst in a back room, where the women sleep, a few mothers are tending their babies. Part of the factory floor had been partitioned off with lockers to form another room of sorts where some young men are sitting on mattresses eating their food. A few others are in the bathrooms, washing in plastic bowls on the floor. The plumbing presents grave problems, but somehow they cope, manage to keep themselves and their home clean and respectable. At bed time the office too becomes a bedroom. There is hardly any privacy, certainly nowhere to play if you're little, but there is safety, warmth, kindness.

This is the Welcome Home Centre. The force behind this incredible place is Emelda Damani. Emelda came to the assistance of these unfortunate people on the edge of our society in April 1992, when they were evicted from the old factory building which they had regarded as

Of course political factors play a part, but the greatest single cause is unemployment — brought on mainly by sanctions, job reservation and lack of training. There are thousands of blacks who have never worked. They hunt for work, day after day, always ending up with nothing, until frustration and despair eventually take over. They have nothing, they have

never had anything, and therefore have nothing to lose. The escape route is found in a life of crime. A man who has to face each day without knowing where to find a meal for himself or his loved ones — can we really blame him for resorting to crime? Today, in South Africa, no one is completely secure because of the



Emelda (fourth from the left) with a few of the residents of the Welcome Home Centre, Doornfontein.

home, and the Pastor who had been running Christian Fellowship, as it was called then, had left for the United States.

Emelda, like many of us, had looked upon street people as hobos, alcoholics, people who had ended up in the gutter as a result of their own bad judgement. "I would sometimes give them some money or food as a gesture of being 'nice to sinners'. Within the first week of inheriting the abandoned residents of Christian Fellowship I had learned so much and regretted my ignorance and blindness towards the realities of homelessness.

crime rate. The rich and poor are bound together by their shared fear of tomorrow."

Emelda changed the name of the centre to Welcome Home Centre, because she wanted to change the whole aspect of running a home for the homeless. Having received advanced leadership training in Singapore, she has managed through love and respect and individual counselling to change the lives of many of these people in radical ways. Some have been offered temporary jobs, some permanent employment; they are able to leave the Centre and return to society.

Suzanne, a fourteen year old, who was brought to the Centre after attempting suicide, was restored

mentally and physically through much love and prayer. A school was found for her, and today she is a good looking happy teenager, doing very well at school, and the pride of

over their heads, food to eat and clothes to wear, but also education, training that will help them to find their aptitudes and limitations, to cultivate a sense of responsibility, to prepare them to return to society as

lead, in the case of theatricals, for instance, to fund raising for the Centre. The Centre is in dire need of blankets, mattresses, lockers, clothes, furniture, kitchen appliances, food and money.

"The people of the Centre are ready to face the world, but they need training. There have been offers of training equipment etc, but there is no room as the present premises are bursting with refugees from Tokoza and other violence-torn townships."

Emelda has found a building which lends itself perfectly to the needs of the Centre. It consists of 7 storeys, with 62 rooms, each with bathroom and toilet, offering accommodation for 400 people, and also have halls which could be used for training purposes. In addition, there are beds, blankets, chairs, stoves, fridges — literally everything the Centre needs.



Emelda and Suzanne

everyone in the Centre. A bursary is needed to pay for her continued studies, however.

Another resident, Mr X, a talented artist, had lost his job, home and family. He was drinking heavily when he came to the Centre. Emelda, through counselling, helped him to come to terms with his problems. New clothes and lots of encouragement helped him back to normality, and today, his dignity restored, he is preparing to leave for the States to demonstrate his talents there next year.

Who provides the funds for running this centre? Most of it has come from Emelda herself. In her own words, "With my R61,000 God has helped me to help others to find themselves. The successes achieved by the residents are the factors that have kept me going for the past 17 months without a salary. I don't regret my investment when I see the change of attitudes and revived hopes."

It does not end there, however. Emelda has a dream, a vision, of a centre that will provide not only a roof



Residents queue for their evening meal after a hard day trudging the streets looking for work.

useful citizens. She envisages training in health care, economics, social sciences, and various technical fields.

"For proper self-esteem people should receive a stipend — perhaps R10 a month. This would be a form of power — a necessity in our capital-centred world". They need recreational facilities, which could

"The owner is emigrating to Europe, and is prepared to let the building go for R1.5 million. In a country where millions are spent annually on sports promotions etc, surely this is not too much to ask for a Centre to rebuild the shattered lives of people, many of whom are children, the future of our country?"

You are welcome to visit the Centre at any time should you be interested to see what Emelda is achieving with the very meagre resources at her disposal.