

POLITICAL VIOLENCE IN SOUTH AFRICA



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Political violence in South Africa is escalating, leading many to conclude that individuals and organizations in the democratic movement, and ordinary residents of the black townships, suffer more now than they ever did under states of emergency in the mid-1980s or under the Botha administration. Efforts to stem the violence have included a National Peace Accord signed in September by the South African government, the African National Congress, the Inkatha Freedom Party and a number of other parties. In addition, the government appointed a high-level commission of inquiry to investigate the violence, headed by Appellate Division Justice Richard Goldstone.

The alarming reports of violence coming out of the country have prompted a number of prominent human rights organizations from Europe and the United States to undertake fact-finding missions to uncover its causes and possible solutions. In late March of this year, a five-person delegation from the Geneva-based International Commission of Jurists spent two weeks in South Africa assessing the violence and the factors which contribute to it. In a press statement released at the end of its visit, the ICJ concluded that it "is clear that it would not be possible to hold free and fair elections on a one-person, one-vote basis today in the parts of South Africa we have visited. . . . It is our view that . . . [Chief Gatsha] Buthelezi carried a heavy responsibility for the escalation of violence. . . . [However], the ANC had resorted to more violence [recently, but,] in the absence of the effective enforcement of the laws, [retaliation by the ANC] is perhaps inevitable."¹

Amnesty International sent a delegation to South Africa at the end of 1991. In an address to the United Nations Commission on Human Rights in January, Amnesty concluded that "despite [President De Klerk's] public commitment to investigate vigorously all allegations of unlawful activity of the security forces, [Amnesty] continues to receive numerous reports of security force involvement in torture, extrajudicial executions and other human rights violations which result neither in the suspension of the security force members implicated nor their prosecution. . . . Unless and until the government takes adequate steps to demonstrate publicly and unequivocally that all members of the security forces who are involved directly or indirectly in . . . human rights violations will be brought to justice, the current climate of fear, frustration and

¹ Washington Post, March 29, 1992.

high loss of life will continue."²

In February, the New York-based Africa Fund sent a representative to conduct an investigation on the violence. Shortly thereafter, the Africa Fund launched a "Stop Apartheid's Violence" campaign designed to put pressure on the South African government to use its resources to bring an end to the violence and to put pressure on the U.S. government to: 1) hold President F.W. de Klerk responsible for the violence, and 2) terminate all government funding to the Inkatha Freedom Party, the organization that is widely believed to be the chief instigator of the violence.

The U.S. State Department, in its most recent report to Congress on human rights practices in South Africa, notes documented evidence of police bias and inaction. In reference to an incident occurring in May, 1991, the report notes: "[n]ews video footage showed men walking past police vehicles, and the police driving by twice without taking action. At least 24 were killed." The report also observes: "[d]espite many charges of abuse by lawyers and human rights activists, few security officials were suspended or prosecuted in 1991."³

In addition, the staff of the Southern Africa Project of the Lawyers' Committee for Civil Rights Under Law has undertaken an investigation into the violence. Lawyers' Committee staff spent the first two weeks of March in South Africa collecting documentation on the violence and conducting a series of interviews with human rights monitors, witnesses, field workers, and peace activists. Members of the South African Police were also interviewed. The findings from that mission are outlined below.

I. The statistics on political violence are staggering.

- On average, 10 people are killed each day in political violence.
- 437 people were killed in the month of March 1992 alone; 898 were injured. On average, 45 more people are currently being killed each month than died each month last year. The 1992 monthly average for injuries has increased by 176.
- While security force repression is continuing, it appears to have gone underground. Deaths attributed to security force actions have declined (from 323 in 1990 to 100 in 1991), but, professional assassinations of political activists carried out by faceless gunmen have tripled. Sixty political activists (all ANC) were killed in 1991 compared to 21 in 1990.

² Oral statement by Amnesty International the 48th Session of the United Nations Commission on Human Rights, January 31, 1992.

³United States Department of State, Country Report on South Africa for 1991, released February 7, 1992.

II. There are numerous credible allegations that security force personnel have actively participated in attacks on township residents, incited violence and managed the violence with a demonstrable bias in favor of the Inkatha Freedom Party. The following examples are representative of the pattern of police bias that has emerged.

- In April, a judge of the Supreme Court found a white police captain and 5 black junior officers guilty of murdering 11 black villagers whom they mistakenly identified as ANC-sympathizers in Trust Feed, a small settlement near Pietermaritzburg, Natal.⁴ At trial, the prosecution charged that the men found guilty had planned the attack as part of a conspiracy with Inkatha to drive out the United Democratic Front, a now defunct political organization strongly aligned with the ANC, out of Natal. In his decision, the judge condemned police attempts to conceal their involvement.
- Residents of Esikhawini (Northern Natal) reported that on February 16, 13 busloads of Inkatha members were aided by members of the KwaZulu Police, the South African Police and the South African Defence Force in an attack on township residents where 1) police failed to disarm Inkatha; 2) police instead disarmed the victims of the attacks thereby, pre-empting self-defense; 3) Police assaulted and arrested victims; 4) High ranking police officials failed to respond to calls from the victims for assistance.
- On February 24, members of the KwaZulu Police allegedly stopped a vehicle occupied by a health worker and his assistant. They called on Inkatha members to come and attack the vehicle. The Inkatha members responded to the call by shooting the two men and setting the vehicle on fire. Both men were killed in the attack.

III. The government has failed to impose an effective ban on dangerous weapons.

- Members of Inkatha have been permitted to carry spears, axes and fighting sticks in public as "cultural symbols." They have been used often in attacks in townships and on commuter train which have resulted in deaths or serious injuries. In August 1991, President de Klerk amended a law prohibiting the carrying of dangerous weapons to exempt those who carried the weapons in accordance with "Zulu" custom. The following month, the death rate rose to 274, the second highest monthly death rate for 1991.

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

- At the ceremonial signing of the National Peace Accord in September 1991, President de Klerk defended the right of Inkatha members who had gathered by the thousands outside the hotel to carry cultural weapons to the event. During the signing, Inkatha members brandished their weapons in a menacing fashion. One person was killed and three injured in an attack involving cultural weapons after the signing.
- In February 1992, President de Klerk finally responded to pressures to ban cultural weapons by issuing a proclamation which bans "dangerous" weapons only at political meetings. However, the largely ineffective rule gives wide discretion to police to determine whether a weapon is "dangerous" or whether a meeting is "political".

IV. The government has failed to protect key witnesses prepared to testify against Inkatha or the security forces.

- On March 22, a staff member of the South African Council of Churches, Saul Tsotetsi, was killed by a hand grenade explosion just two days before he was scheduled to testify before the Goldstone Commission.
- In August of 1991, an important witness in the inquest into the assassination in February 1991 of Chief Mhlabunzima Maphamulo, an ANC-sympathetic traditional leader, was killed the day before the inquest was scheduled to begin.
- In March, Mbongeni Khumalo, a former member of Inkatha who has given testimony before the Goldstone Commission regarding government sponsorship of hit squads told the staff attorney of the Southern Africa Project of the Lawyers' Committee that he was not receiving government protection, notwithstanding the fact that he has been threatened with death repeatedly.

- In September 1990, the editorial staff of "The Natal Witness," observed: "The simple fact is that witnesses do not testify because they are terrified of the consequences of doing so, and do not trust the ability, and in some cases the will, of the police to protect them. It is this failure to protect that is the fundamental cause of the breakdown of the administration of justice." ⁵

V. Allegations of police failure to conduct proper investigations into attacks on victims not affiliated with Inkatha are also numerous. The following is a particularly telling illustration of this phenomenon.

- On February 8th, a group of American business professionals were present during the assassination of ANC-affiliated peace activist S'khumbuzu [Mbatha] Ngwenya in Pietermaritzburg. In a press statement, the group alleged that the "numerous witnesses present at the scene were never interviewed by police. The area was not cordoned off to conduct a search for evidence. We observed some police joking and laughing at the scene." ⁶ The judge's decision in the Trust Feed case similarly denounced the Pietermaritzburg police, calling them "incompetent or not interested." Such assessments are borne out by the Pietermaritzburg police force's callous response to the Americans' statement in the Ngwenya case. A high level police official condemned their observations as "inaccurate" and urged that their statement be treated "with the contempt it deserves." ⁷
- In a report issued by the Joint Working Committee of Natal (JWC), it is alleged that weapons issued by the KwaZulu government are often found in the possession of Inkatha members. ⁸

⁵Natal Witness, September 1990.

⁶The Natal Witness, February 10, 1992. It should be noted here that the "numerous witnesses" referred to in this statement were not actually eyewitnesses to the assassination. The group of Americans were still inside the restaurant, where Ngwenya had joined them for dinner, when the assassination occurred. They discovered Ngwenya outside the restaurant only after shots were heard and the assassins had fled.

⁷ The Natal Witness, February 11, 1992.

⁸The Joint Working Committee (JWC) was formed in 1988 through the coordinated efforts of the Congress of South African Trade Unions (Cosatu) and the now defunct United Democratic Front (UDF). The genesis of the JWC was triggered by a peace accord introduced in the Pietermaritzburg region. Since the resources of Cosatu and UDF were insufficient to

According to the report, on the rare occasions that such weapons are confiscated by police, "the [weapons] are speedily returned to owners without any ballistic tests being carried out in order to ascertain whether these weapons have been used in any acts of political violence. Opponents of Inkatha whose weapons have been confiscated [sic] have in every case had to wait until ballistic tests have been carried out before their weapons are returned." ⁹

VI. Despite death threats, several former members of the security forces, Inkatha and Inkatha-affiliated gangs have gone public with admissions of their own involvement, under government orders or sponsorship, in assassinations of anti-apartheid activists and in efforts to destabilize life in the townships through violence and intimidation.

- Johannes Dirk Coetzee, a former captain in the South African Security Police, confessed to heading an official police hit squad during the 1980s. Also, based on information provided by Coetzee, the Rand Supreme Court found in July 1991 that the chief of the South African Police forensics unit, General Lothar Neethling, personally distributed poison to South African Police agents to be used to assassinate ANC leaders. Despite such incriminating evidence, the forensic officer named, still remains at his post. Coetzee has fled to Europe.
- Jacques van der Merwe, a former member of Civil Co-operation Bureau (CCB), a now disbanded branch of the military heavily involved in hit squad activity, reported that he took part in the 1989 assassination of four people in Namibia and was offered a job by a South African Police Colonel to be an assassin in Natal as recently as June, 1991. When asked what kind of work he was asked to do, Mr. van der Merwe responded, "the usual - killing." ¹⁰ Mr. van der Merwe left the CCB in 1990 and has not resurfaced since he made his claims in July 1991. In March 1990 a high ranking official in the CCB admitted that the South African government spent R28 million on CCB operations annually (approximately U.S. \$10 million).
- Felix Ndimene, formerly an army sergeant with the 5th

address adequately, issues arising out of the peace accord, a separate structure designed to serve this function exclusively, was needed. The JWC was therefore formed as an independent, non-partisan body dedicated to issues related to peace and community stabilization.

⁹Report of the Joint Working Committee on "Obstacles to the Peace Process in Natal" at p. 7 March 26, 1992.

¹⁰ The Independent, July 23, 1991.

Reconnaissance Commando (the elite troops of South Africa's "special forces"), claims that the unit was involved in hit squad attacks on commuter trains, particularly one in September 1990 in which 26 people were killed. As recently as July 1991, he maintained that junior officers in the security forces were still operating under instructions from senior officers to regard members of the ANC as "the enemy." He further alleges that the "total onslaught" strategy openly implemented to repress black insurrection in the past, is still in effect underground. He is believed to have fled to his native Mozambique.

- **Henry Martin and Adriaan Maritz**, former members of the right wing Afrikaner group Orde Boerevolk (OB), revealed in November 1991 that assassinations of ANC members by OB operatives were linked to State agencies. They maintain that all their actions were carried out on the orders of government security forces. They also claimed that the South African Defense Force gave Inkatha 10,000 AK47 and R4 assault rifles. In December, it was reported that the two men fled to Great Britain after they were released on bail after being jailed on charges of murder and attempted murder.
- **Sipho Madlala**, was a hit squad operative who claims to have been hired by the security police to participate in the assassination of a Chief Maphamulo. The chief was killed by a hit squad in February 1991. Madlala testified that a police warrant officer in Pietermaritzburg, Natal called him and three others to the police station there, showed them a picture of Maphamulo and instructed them to "eliminate him." According to Madlala, "he told us that [the chief] was a danger to the government and that he had a bad influence on the general public."¹¹ According to Madlala, he did not take part in the killings. However, he has confessed to other assassinations on behalf of the police. The judge hearing the Maphamulo case concluded recently that Madlala's testimony was false. In his decision, the judge stressed the need to protect the image of the security forces against damaging accusations.
- **Mr. A.** A former member of a township gang called the Black Cats, notorious for its brutal attacks on township residents, testified anonymously as Mr. A before the Goldstone Commission that Black Cat members were recruited by Inkatha and taken to the Mkuze training camp in 1990, the year that the ANC was unbanned. He claims that while at the camp he saw clear evidence that the camp was sponsored by the South African government. At the camp, recruits received "physical training, drilling, lectures in

¹¹ The Independent, September 9, 1991.

politics and such skills as how to abduct people or rescue our friends if attacked by the enemy."¹² He reported that he was personally present when a white Warrant Officer instructed a group of Black Cats to attack the offices of human rights lawyer Steve Ngwenya. The office was then burned down. Mr. A is in hiding.

- **Mbongeni Khumalo**, a former Inkatha Youth Brigade official testified before the Goldstone Commission that in 1986 the Military Intelligence Unit of the South African security forces paid the salaries of Inkatha personnel whom they trained to become assassins at a remote camp outside South Africa. He has specifically named individuals responsible for murders of ANC activists. He maintains that these assassins are still in operation. He told the staff attorney of the Southern Africa Project of the Lawyers' Committee, in a personal interview, that on the night of the interview he had spotted two of the assassins who had apparently been following him. Mr. Khumalo, who has received several death threats, is still in South Africa, relying primarily on his attorneys for protection.
- **Nico Basson**, a former member of the security forces claims that he was part of a covert South African government scheme called "Operation Agree" which sought to destabilize SWAPO, the government's chief opponent in Namibia during the 1989 elections there. He claimed that de Klerk, who at the time was a member of the cabinet, was briefed in detail about the plan on a daily basis and that Operation Agree was merely a "dress rehearsal" for what was to come during the process in South Africa. Mr. Basson is now in private life in Johannesburg.

For obvious reasons, none of the claims have been vigorously investigated by the police. Therefore, several of these allegations have been rejected by courts, commissions of inquiry or attorneys general. For instance, last month the judge who conducted the inquest into the Maphamulo assassination concluded that Madlala's testimony was false and, as is often the case, was content to conclude that the chief was killed "by unknown persons."¹³ When the key witness in the Maphamulo case was assassinated just prior his scheduled testimony, the judge displayed only passing concern.

And just last year, Natal Attorney General Mike Imber, ruled that there would be no prosecutions in connection with the death of human rights lawyer, Griffiths Mxenge, notwithstanding confessions by Dirk Coetzee and two other accomplices that they were involved in his assassination. All three were able to provide accurate descriptions of Mxenge's assassination

¹² The Weekly Mail, February 7-13, 1992.

¹³ March 16 report of the South African Broadcasting Company.

not generally known by the public.

In addition, an earlier commission of inquiry into allegations of government death squads chaired by Justice Louis Harms, found sufficient evidence to recommend several prosecutions. The Harms Commission concluded that the "actions of the CCB have contaminated the whole security arm of the State. Their conduct before and during the Commission creates suspicions that they have been involved in more crimes of violence than the evidence shows." However, to date, the attorney general has refused to act on the Harms Commission's findings.

The failure on the part of governmental commissions of inquiry into the violence to either produce substantive findings or exert influence on the enforcement branch to act on the findings that are made, lead many to the conclusion that their sole *raison d'etre* is to lend credence to government claims of sincerity. Government agencies everywhere are typically reluctant to undertake vigorous investigations of themselves.

Thus without the intervention of truly independent investigators, charges of security force involvement in assassinations and township violence will be neither confidently rejected nor fully substantiated and acted upon. If these charges are true, then failure to investigate them will mean that the current violence will continue unchecked and will likely escalate as the time for democratic elections nears.