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# Independent Board of Inquiry

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**“ELECTION  
SPECIAL”**

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## INTRODUCTION:

As millions of South Africans went to the polls for the first time the increase in political violence predicted by many failed to materialise. Indeed, the opposite occurred. An uneasy calm reigned over most of Natal and the East Rand where just days before violence had claimed scores of lives. In the weeks leading up to the elections several bombs were detonated, killing at least 19 people and injuring 130. The bomb placed near the ANC's headquarters claimed nine lives including that of PWV ANC candidate for the provincial parliament, Susan Keane. The bomb placed at the Germiston taxi rank claimed a further 10 lives. (For details on the various bomb blasts see section entitled Right-Wing) Despite this attempt to undermine the election process, the polling days were by and large violence free. Reports emanating from Natal, however indicate that intimidation was rife and that many people were threatened by their local chiefs and forced to vote for a particular party.

On the whole, despite logistical problems in the former homelands and most parts of the East Rand, the election went off smoothly. In the East Rand townships of Thokoza, Katlehong and Vosloorus the South African National Defence Force (SANDF) saved the day after ballot boxes, papers and other equipment failed to arrive on time for the first days voting. The SANDF flew in ballot papers, boxes and equipment in its biggest peace time operation.

The South African Army's 1 Military Printing Regiment was also responsible for printing 653 250 additional ballot papers after hundreds of thousands of ballot papers were misplaced during the election, leading to a shortage in many rural areas, the former homelands and the East Rand. (See section entitled Election for further details.)

The peaceful poll was also due in part to the last minute decision by the Inkatha Freedom Party (IFP) and its leader, Mangosuthu Buthelezi, to participate in the election. Hopes for IFP participation were dashed in early April after international mediators like Dr Henry



Kissinger failed to make head way. The major stumbling block was the refusal of both the National Party government and the ANC to change the election date.

However, no sooner had the international mediation team left, that a new round of negotiations was initiated which eventually bore fruit. It is believed that a string of events, including an alleged threat by a group of senior IFP members to resign rather than join their leader in the political wilderness, led to the IFPs decision to participate in the election.

Most of the credit for the political deal has been given to Kenyan Professor Washington Okumu, an old friend of Buthelezi who stayed behind and continued working behind the scenes after international mediation efforts by Dr Kissinger and others failed. The breakthrough was also helped by indications from the Zulu monarch Goodwill Zwelithini, that he would accept government and ANC proposals on the Zulu Kingdom's future which undercut Buthelezi's opposition.

Following the IFPs decision to participate in the election, an agreement was reached that IFP stickers would be placed at the bottom of ballot papers. The stickers were to become the cause of many complaints brought to the attention of the Independent Electoral Commission (IEC) during the election. (See section entitled Election for further details)

An additional 700 polling stations had to be set up in KwaZulu Natal following the IFPs late entry bringing the total number of polling stations to 9 000. Controversy, later surrounded many of the polling stations set up in Northern Natal as many of them were allegedly "pirate" stations with no IEC officials or monitors present. At other polling stations there were reports of IEC officials and party monitors being chased away.

Although the election spread over four days was almost violence free, the preceding weeks saw the death toll in Natal soar. At least 337 people were killed in Natal during April, of which 21 were killed between April 26 and April 30. 80% of the deaths occurred prior to the April 19 decision by the IFP to participate in the elections.

Many of the deaths in Natal were election related. Seven young men were brutally murdered in Ndwedwe, Natal on Monday April 11 1994. The seven, along with two others who survived the brutal attack, had been hired to distribute Transitional Executive Council (TEC) leaflets encouraging people to vote. The victims were all in their teens or early twenties and were tortured for hours at a primary school in the Ndwedwe area before they were hacked and burnt to death.

A badly beaten survivor, Xolani Welcome Ngcamu, told of the chilling brutality and torture he and eight others endured. He described how he was punched, kicked and beaten until he bled. He was then ordered to lick his own blood up from the floor.

Ngcamu (22), an employee of Natal Pamphlet Distribution in Durban said, they arrived at the Tafamasi Primary School in Ndwedwe with the aim of distributing TEC pamphlets on voter education. As they got out of their cars, they were surrounded by a group of people and were asked what they wanted in the area. The young men were then rounded up and taken to the local chief where they were interrogated at length and then beaten and kicked and told to admit that they were "comrades".

*"Once in the classroom, our assailants took off their clothes and ordered us to lick their backsides."* Ngcamu said they were then tied in pairs and marched into the bush where they were told that they were going to be killed. A man only known as Mcwayizeni, who was tied up with Ngcamu, managed to break loose and this enabled the two to run away.

Police are holding six men suspected of carrying out the attack, including the local chief, under the recently imposed emergency regulations.

In another incident just three days before the election, two ANC members were shot dead in the KwaZulu capital Ulundi. During the same incident IEC monitors were forced to flee for their lives and sought refuge in the local police station.

IFP supporters gathered at the police station and a tense stand-off was only diffused with the personal intervention of Chief Minister Buthelezi. Buthelezi rushed to Ulundi to



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secure the safety of the besieged ANC and IEC members. However, another ANC member was shot dead in the premises of the police station after Buthelezi had arrived. The Chief Minister and the KZP said that it appeared he had accidentally shot himself. This version has been disputed by the ANC.

Reports from Ulundi allege that two trucks ferrying ANC members were ambushed by people travelling in mini-buses near a shopping centre. Posters and pamphlets were discovered inside the vehicles, and two people were shot dead. It is alleged that one of the two was set alight.

The ANC has demanded an independent inquiry into the above incident.

## 1. NATAL

Violence claimed the lives of scores of people in the run-up to the election and there seems little likelihood of the violence abating in the post election period. The ANC's decision to contest the validity of the Natal election results could possibly lead to more bloodshed.

In the period April 30 to May 4 thirty-two people died in politically motivated violence in the region. Revenge killings still account for a large proportion of the deaths in Natal.

Four young ANC supporters were slain in Folweni on Monday April 4 in what has been described as a revenge killing. The four, Edmund (18) and Mduduse Ndamande (17) and their friends Mandla Shange (18) and Xolane Shange (18) had gathered at the Ndamande home to watch television, when four gunmen arrived. Mrs Sarah Ndamande said she heard a voice demanding that they open the door. She said the men claimed they were policemen. She said all the men carried hand guns and one wore a camouflage uniform. The four gunmen demanded that the boys hand over firearms. The youths then tried to escape but were caught climbing through a window. They were told to lay face down on the ground. All four were executed with a shot to the back of the head.

A relative of the Ndamande family said that he believed the attackers were IFP supporters. He said that one of the four youths had argued with an IFP member the week before. He also said that shortly after a massacre at nearby Mpushini in 1992 in which 20 people died, IFP people accused the young men of being involved.

## 2. EAST RAND

Violence flared on the East Rand in April. Much of the violence has been attributed to the Transitional Executive Council's (TEC) decision to replace the SANDF task force with members of the National Peace Keeping Force (NPKF). The NPKF were not welcome by all township residents and by hostel residents in particular. The latter expressed fears that elements within the NPKF were sympathetic to the ANC especially those coming from the ANC military wing, Umkhonto we Sizwe and the Transkei Defence Force (TDF).

The NPKF prior to its deployment in one of the most volatile areas in the country was plagued with bad publicity about lack of discipline, drunkenness and insubordination.

Shortly after the TEC made the announcement, IFP East Rand organiser, Thabang Dlamini, said that Inkatha would unleash violence if the NPKF replaced the SANDF. Dlamini's statement is significant in that, on April 8 1994 a prominent hostel leader, Jeff Sibiya, was allegedly gunned down by members of the SANDF during a raid on the Buyafuthe hostel.

Sibiya was allegedly shot while attempting to negotiate with the SANDF. The SANDF claim, however, that they opened fire in self-defence when they were attacked. However, sources within the SAPS investigating the matter, alleged that Sibiya was gunned down in cold-blood by members of the SANDF and that his body was removed from the scene.

It is clear that despite the negative feelings towards the SANDF following the killing of Sibiya, they were still preferable to the NPKF.



The NPKF started patrolling the East Rand townships of Katlehong, Thokoza and Vosloorus in earnest on Wednesday April 13. On Sunday April 17, the Board received several telephone calls from residents of Mandela and Sisulu sections in Thokoza (areas adjacent to the Mashayazafe, Khutuza and Madala hostels) complaining of acts of arson and sporadic gunfire. Residents of Phenduka, an area which has seen hundreds of residents flee reported a number of indiscriminate attacks on their homes. The Board relayed this information to Colonel Chris Du Toit, head of the SANDF task force in the area. He informed the Board that he had also received reports of sporadic gunfire aimed at the hostel.

From the above it is clear that elements within the hostels took advantage of the SANDF's pull-out. Several houses were burnt in Slovo section, this led to SDUs from all other sections gathering in Slovo and Sisulu sections to defend the area from further attack. This led to confrontation with the hostel residents. By Monday April 18 a full-scale war had broken out in Thokoza particularly in the areas bordering the hostels. The NPKF were targeted by the hostel dwellers and local SDUs, who both now took full advantage of the ensuing chaos and vacuum created by the SANDF pull-out. Hostel residents claimed that they were attacked by members of the NPKF. The NPKF said that they had not returned fire but that SDU members had attached themselves to their vehicles and had used the NPKF as cover for their assault on the hostel. Perhaps the most tragic event of Monday April 18 was the death of *The Star's* chief photographer, Ken Oosterbroek, who was allegedly struck by a bullet in an exchange of fire between the NPKF and hostel dwellers.

The Board believes, however, that it was ill-advised to deploy the NPKF in the East Rand in the first place. They were not battle hardened and were not prepared for township warfare. They were ordered to use minimum force and this led to them being accused of cowardice by township residents who saw them as ineffectual when fired on.

There were also serious internal problems. It is alleged that many soldiers refused to obey their senior officers and at one stage the head of the NPKF, Colonel Quinton Painter, was locked up for three hours and only released when he threatened to call Nelson Mandela.

Other problems facing the NPKF were that they numbered 1 000 and were supposed to replace an army presence of 2 500. Logistical problems led to a loss of morale. There were not enough beds, showers and tents. Most members of the NPKF were inadequately briefed and had no idea what to expect. There was also a lack of communication between themselves and the remaining members of the SANDF. The ISU were re-deployed in the township on Monday April 18 without the consent of the NPKF and the SANDF and this led to even greater tension within the community.

On Tuesday April 19 the carnage continued. By the end of the day the death toll stood at 34 with scores of people injured. An appeal went out for the SANDF to be re-deployed. On Wednesday April 20 the SANDF were re-deployed and took over patrols. The NPKF were confined to base for the day. Later it was agreed that the NPKF would perform duties such as escorts, school protection, protection of essential services, protection of key points, water provision, protection of polling stations after hours and liaison with the community. It was agreed that the SANDF would handle road blocks, vehicle searches, control points, mobile/footpatrols, liaison forums and search operations.

Following the NPKFs deployment in the East Rand and the problems they subsequently faced, the TEC aborted a plan to deploy 1500 troops from the peacekeeping force in KwaZulu/Natal.

The TEC has since decided to remove the NPKF from the East Rand and on May 11 they were sent back to their base at De Brug. A decision still has to be made about their future. Valuable lessons can be learnt from the East Rand experience. The TEC should never have deployed an untested force in an area like the East Rand where the SANDF has only been able to achieve its measure of success through saturation tactics. The underlying causes of the violence - political intolerance, revenge killings and taxi wars continue to exist and will grasp every opportunity to surface. One such opportunity was the replacement of the SANDF with the NPKF.



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## 2.1 Death of Samuel Vilakazi

An NPKF member, facing two murder charges in the Vaal Triangle, allegedly shot dead a man and wounded a policeman before killing himself at the Sasolburg Police Station in the Free State on Friday April 8. Samuel Vilakazi (Montango) was a member of MK and leader of the Slovo camp in Sharpeville (for further information see IBI Oct/Nov 1993 report). According to the SAPS they drove Vilakazi to Sasolburg to fetch his personal belongings. Vilakazi allegedly pulled a gun and shot Assistant constable TJ Mbambo and David Motaung. Motaung a well known police informant later died in hospital. Vilakazi then allegedly shot himself in the head. Police believe he was handed the gun at the Vereeniging Magistrate's Court. Residents of Slovo camp deny providing Vilakazi with the firearm.

The NPKF has rejected the Police version of events and NPKF spokesperson Major Muff Andersson said that the force demanded an inquest and full inquiry into the shooting.

Although dubbed as the "Sharpeville Monster", by Vaal Triangle police and court officials, Vilakazi's funeral was attended by over 3 000 residents and is a measure of the support and respect he commanded within the community.

The police are still investigating.

## 3. RIGHT-WING

As the election date drew closer, right-wing resistance to political change was poised on a knife-edge and the only option open to the fanatical right-wing, who remained outside the election process, appeared to be an escalation of its terror campaign.

The extremists option came true for South Africa just days before the first ever democratic elections. A 90kg car bomb exploded in central Johannesburg on April 24 and the next day, a bigger 100kg car bomb ripped apart both people and taxis at a rank in Germiston.



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Then came the Jan Smuts Airport car bomb on the second day of polling, causing extensive structural damage.

If the forces bent on obstructing the transitional process succeeded in instilling fear into many South Africans, this was short-lived. The number of South Africans who cast their ballots bears testimony to this.

In a police swoop at the end of April, 34 right-wingers were arrested in connection with the wave of bomb blasts. All of these men are members of the Afrikaner Weerstandsbeweging's (AWB) elite Ystergarde (Iron Guard). The Ystergaard, apart from being the AWB leader's, Eugene Terre'Blanches' personal bodyguards, are also considered to be a cohesive fighting unit which could be likened to a special crack force. Amongst those arrested in the swoop was the AWB's secretary-general Nico Prinsloo, AWB Chief of Staff Alex Cruywagen and the commander of the Ystergarde, Leon van der Merwe. Cruywagen led the ill-fated AWB expedition into Bophuthatswana on the 10th March. A policeman and a police reservist were also amongst those arrested. All of those arrested have been charged with nineteen counts of murder and 191 counts of attempted murder. All 34 have been denied bail and remanded in custody.

It has subsequently emerged that a week before voting began, AWB generals had gathered in the Western Transvaal to hone a battle plan. It appears the AWB have been steadily preparing for the start of a terror campaign and subsequent guerrilla war, by sending women and children to safe havens on farms in the Western and Eastern Transvaal. Prior to his arrest Nico Prinsloo's claimed that the AWB had been "readying" itself through the years as a paramilitary defensive organisation and stocking up on all that is necessary to defend all that is dear to them.

The right-wing proved that while they are capable of anonymous terror tactics, they are not capable of disrupting the transition to democracy. If the right-wing were serious about the 'Third Boer War', they would have ensured that the elections did not take place and the inauguration of South Africa's first black President, in Pretoria, (the heart of the

Volkstaat) was stopped. The white right-wing now consists of two strands, those who participated in the election process and those who remained outside. Since their demands and strategies differ their threats need to be analysed separately.

The following is a tabulation of the right-wing's reign of terror proceeding the election.

- April 14, the Boere Weerstandsbeweging was believed to be responsible for two bomb explosions which rocked the western Transvaal town of Sannieshof. Damage estimated at about R1.4 million was caused by the blasts.

April 17, police were fired at after an attempt to apprehend two men at the site of a transmitter tower. The police suspect that the men were attempting to bomb the tower. In a separate incident on the same day three explosions occurred in Christiana at an SABC transmitter.

- April 21, two days after a bomb ripped out a door at the Makokskraal Community Hall, near Ventersdorp, the damage was discovered.
- The offices of the Independent Electoral Commission in Bloemfontein were bombed. The bomb destroyed furniture and equipment. Fortunately three charges of commercial explosives that were placed at a beerhall, an ANC members house and at a farm school in the nearby township of Tikwane failed to detonate.
- April 22, damage estimated at R2 million was caused by a fire that destroyed a telephone exchange near Nylstroom in the Transvaal.
- A Natref oil pipeline between Denysville and Viljoensdrif in the Northern Free State was damaged in an explosion.
- April 24, nine people, including ANC Johannesburg North secretary-general, Susan Keane were killed and 92 injured in central Johannesburg, in what was said to be one of South Africa's largest bomb blast. A 90kg car bomb, almost twice that of the 1983 Pretoria bombing, went off on the corner of Bree and Von Wiellig Streets. The bomb

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exploded in the vicinity of the offices of the ANC and PAC and near the barracks of the South African Police.

- April 25, A powerful car bomb exploded at a taxi-rank in central Germiston at nine o'clock in the morning. Ten people were killed and a approximately 100 people were injured. According to eye-witnesses, victims' body parts were scattered around the taxi-rank.
- A public toilet at the Randfontein taxi-rank was destroyed by a bomb. Nobody was injured but, damage was estimated at R40 000.
- A Potgietersrus polling station at the department of Home Affairs was bombed. There were no injuries.
- Steynsberg's Town Hall in the Karoo which was to be used as a polling station was damaged in an explosion. A short while later a polling station in the nearby township was also bombed.
- An explosion device was thrown into a crowded shebeen/restaurant in Pretoria, killing 2 and injuring 29 patrons. A white man was shot dead by members of the SAPS the following morning at the scene of the blast.
- East Rand - A polling station in Dinwiddie, Germiston, was petrol bombed. The Primrose Primary School Hall - which was going to be used as a polling station- was also petrol bombed.
- April 26, In the Western Transvaal town of Bloemhof, a bomb exploded at the Magistrates Court, which was to serve as a polling station.
- April 27, A powerful bomb ripped through Jan Smuts Airport causing serious structural damage.



According to right-wing political analyst, Dr Wim Booysse, the bombs used in the above attacks were made by the right-wing and clearly indicates that they do not have access to sophisticated resources.

However the bombings in Germiston and central Johannesburg, differed in important aspects from almost all previous right-wing acts of sabotage. The devices used were much bigger and more sophisticated

SAPS' liaison officer Colonel Steve Senekal said that the police were convinced that *"the brains behind the bombings were indeed behind bars"*.

The quick arrest of 34 right-wingers, suggests that the police have infiltrated the right-wing . Another contributory factor to the SAPS' success can be attributed to the bickering within right-wing ranks.

Police discovered that a shooting range outside Rustenberg was the site where the Johannesburg and Germiston bombs had been assembled. During the police swoop, a large quantity of arms, ammunition and explosives, including home made bombs were seized.

The arrests by the SAPS had effectively foiled the short term fanatical right-wing threat. This however does not mean that actions such as these will not take place in the future, bearing in mind that other cells are still active. Despite the existence of active cells, within elements of the right-wing , it does not have the capacity to sustain a low intensity war, let alone face the security forces in armed combat.

### 3.1 Freedom Front

The Freedom Front's General Constand Viljoen, contested the election using a Volkstaat platform to test support for a white homeland. The Freedom Front secured a little over two percent of the national vote. This entitles the Freedom Front to nine representatives in the National Assembly.

For Constand Viljoen and the Freedom Front, the election result is a double edged sword. Though it will be able to claim that several hundred thousand people want a Volkstaat, a closer look at the overall voting figures confirms the larger picture which makes the idea of a Volkstaat an impossible dream in a post apartheid South Africa. For the Fronts strongest showing is in areas like the Northern, Eastern, North-western Transvaal and the Free State, all these are areas where the ANC's own support exceeds 75%. The election results therefore demonstrate that Volkstaaters exist within tiny islands scattered around the country.

Thus when the Freedom Front initiates negotiations with the new government, they will have to do so with a less ambitious bottom line. At best the Freedom Front can expect that the so-called volkstaat council, agreed to by the Front and the ANC, be established as a permanent body. This council can be charged with looking after the cultural and linguistic interests of those Afrikaners who seek such protection. Dr Wim Booysse points out, that should the constitutional process not offer the Freedom Front all that it desires, the Front may as an alternate strategy call upon the elite "Volks Leer" (Peoples Army). The "Volks Leer" serves as a safety net for those Afrikaners in favour of negotiations. The Volks Leer will not engage in acts of violence while the Front remains a part of the negotiation process. However if the Freedom Front should withdraw from the process, there is every possibility that the Volks Leer would embark on a terror campaign.

Made up of ex-recces, ex-Koevoet, 32 Battalion officers, NCOs and ordinary troops, the Volks Leer operates under a commando control structure. The difference between the Volks Leer and the AWB lies in the fact that the former is much more disciplined and have commando control, knowledge and expertise. They are said to have good intelligence and counter intelligence sources within their ranks. It is also because of their experience and expertise that one would assume that the Volks Leer would have a better understanding of the consequences of war and have therefore chosen to support the negotiations option.

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### 3.2 Possible right-wing threat to future stability

The Board believes that the real military might of the right-wing exists around the structures of the SANDF's Citizen Force and commando system. Examples of such groups are the Eastern Transvaal Boerekommandos and the Pretoria Boerekommandos.

The Pretoria Boerekommando is led by Willem Ratte, a former intelligence officer with 32 Battalion and Jan Groenewald, brother of Major-General Tienie Groenewald of the Freedom Front. This group was central in the creation of Radio Pretoria. This group is highly politicised and is organised along the lines of a "community watch". Similar groups organised along community watch lines have also been formed in the Vaal and other parts of the country.

There are basically three types of commandos

- Urban commandos based in the urban areas.
- Rural commandos based in the rural areas.
- Industrial commandos based at National key points (ESCOM, SASOL etc.)

Tasks of the commandos include the following:

- Supporting the SAPS with regard to home and hearth protection
- Assistance to civilian authorities
- Counter-insurgency activities
- Intelligence
- Supporting the SAPS in roadblocks, cordons, searches, crowd control etc.

The commandos are made up of conscripts of all able bodied men and women serving primarily on a voluntary basis as back-up. The commandos are lightly armed militias and



possess weapons which are within the standard infantry issue like: R1 rifles, R4 rifles and 9mm submachine guns (50 rounds) for women.

Commandos are also equipped with light vehicles like landrovers and bakkies. Their communication system consists of two way HF radios. However in the late 1970's the SANDF instituted a system known as the Military Area Radio Network (MARNET) which aimed to link farmers to one another and to the local commando HQ. The aim of MARNET was threefold:

- To provide an SOS system for farmers in distress
- To act as an early warning system for local SANDF units
- To act as an intelligence gathering system for the commando network and to integrate farmers into the SANDF's counter-insurgency network.

### 3.2.1 The Right-wing presence within the commando system

Most rural commandos are situated in areas where the right-wing enjoys a considerable support within the white community i.e., Western Transvaal, Northern Transvaal, Free State, Northern Cape etc.

Similarly many of the urban commandos are also based in areas where the right-wing enjoys support i.e.; Sasolburg, Vaal, Benoni and Krugersdorp. Right-wing support within the commandos is further entrenched by the fact that the underlying culture of the commando system is traditional Afrikaner in orientation.

Thus it can be said that the commando system could provide the basis for legal arming of the right-wing. It also provides access to ammunition, military and police networks and it provides them with a logistical infrastructure and a co-ordinated communication system.

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Whilst not overstating their danger it is clear that the arming of the right-wing via the commando system does pose a possible threat to future stability if the command structures of the new SANDF are unable to impose control over all its components.

#### 4. PRISONERS FRANCHISE

Those campaigning for the extension of the franchise to all prisoners in South African prisons were very close to their goal at the end of March. Protests in prisons around the country, spearheaded by the South African Prisoners Organisation for Human Rights (SAPOHR), had turned ugly leading to twenty three deaths and hundreds being injured. On March 22 the TEC reversed their earlier decision that the franchise would not be extended, and agreed by sufficient consensus that all prisoners should be given the right to vote. The IEC supported their call for an extension, particularly in the light of possible further loss of life and injury, and the severe logistical problems that the IEC said it would face in determining exactly which prisoners were eligible to vote.

Lawyers for Human Rights brought an urgent application to the Supreme Court on behalf of two prisoners. They claimed that being denied the vote actually violated the interim constitution that would come into effect on April 27, and that Section 16(d) of the Electoral Act which defined who could not vote was therefore unconstitutional. Judge Eloff ruled that the decision was outside of his jurisdiction, that he did not have the authority to make a decision on the matter and that it would have to be dealt with by the future Constitutional Court. The final decision therefore rested with the then State President De Klerk. The National Party (NP) stated that its opposition to the extension had not changed. SAPOHR demanded some form of response from De Klerk. They accused the NP and De Klerk of exercising minority rule, of being racist, unconstitutional and hypocritical. They pointed to the fact that the NP had criminals on its electoral lists, and that they had supported amnesties which had released criminals charged with offences they were now discriminating against. They criticised the NP for creating the impression that only murderers and rapists were excluded from voting, and added that well over



70% of those incarcerated were there for other crimes. SAPOHR claimed that if the Act was not amended over 95% of the prison population (excluding remand prisoners) would be excluded from the vote. The DCS have said that SAPOHR's figures are grossly exaggerated. On April 21, SAPOHR announced that it was re-launching its "rolling mass action" in the prisons to protest against De Klerk's failure to make a decision and end everyone's uncertainty. Protests were more isolated than the wave of demonstrations that hit South Africa's prisons in March, but again allegations of extreme brutality by members of the DCS and SAPS against protesting prisoners have been made.

On April 25, the day before voting in the prisons was to begin, De Klerk amended section 16(d) of the Electoral Act. This amendment extended the vote to all prisoners with the exception of those convicted of murder, rape and robbery with aggravating circumstances. This effectively enabled thousands of prisoners to vote, but fell short of total inclusion. SAPOHR conceded "defeat" and called off its mass action. The elections went ahead in South Africa's prisons over the next two days and the DCS have claimed that 94% of the 87 000 prisoners who were eligible to vote did so. SAPOHR have dismissed this figure as grossly exaggerated. In a letter to the *Star* newspaper, Marcus Cox of SAPOHR claimed that De Klerk's amendment was open to manipulation by members of the DCS. They claimed to have received a letter from the State President's Office which indicated that those prisoners who did not have the option of a fine would remain excluded from the franchise (*Star* 29/4/94). SAPOHR representatives have said that this manipulation has been borne out by information received from various prisons, which indicate that there was not a clear interpretation of De Klerk's amendment. They claim that factors such as whether the warders were "verkrampste" (conservative) or "verligte" (enlightened) played an important role.

Whether or not there will be an accurate account of who voted in the prisons is yet to be seen. The IEC who claimed that they would face severe logistical problems in the prisons have been conspicuously silent as to whether or not such problems actually arose.



# NATIONAL ASSEMBLY

African National Congress	252
National Party	82
Inkatha Freedom Party (IFP)	43
Freedom Front (FF)	9
Democratic Party (DP)	7
Pan Africanist Congress (PAC)	5
African Christian Democratic Party (ACDP)	2
<b>Total number of seats</b>	<b>400</b>

## Provincial Legislature

### Western Cape

NP	23
ANC	14
DP	3
FF	1
ACDP	1
<b>Total</b>	<b>42</b>

### Northern Cape

ANC	15
NP	12
FF	2
DP	1
<b>Total</b>	<b>30</b>

### North West

ANC	26
NP	1
FF	1
<b>Total</b>	<b>30</b>

### Orange Free State

ANC	24
NP	4
FF	2
<b>Total</b>	<b>30</b>

### Eastern Cape

ANC	48
NP	6
PAC	1
DP	1
<b>Total</b>	<b>56</b>

### Natal/KwaZulu

IFP	41
ANC	26
NP	9
DP	2
PAC	1
ACDP	1
MF	1
<b>Total</b>	<b>81</b>

### Northern Transvaal

ANC	38
NP	1
FF	1
<b>Total</b>	<b>40</b>

### Eastern Transvaal

ANC	25
NP	3
FF	2
<b>Total</b>	<b>30</b>

## PWV

ANC	50
NP	21
DP	5
FF	5
IFP	3
PAC	1
ACDP	1
<b>Total</b>	<b>86</b>

SAPOHR and other human rights organisations will undoubtedly publicise any further irregularities brought to their attention.

#### 4.1 Human Rights Violations in Prisons

On April 19, SAPOHR released a twelve page document entitled, "SAPOHR Interim Report on Recent Violence and Abuse of Human Rights in South African Prisons: Urgent Need for Action/Intervention". The report provides summaries of some of the incidents of violence and abuse that had been brought to the organisation's attention during the period of February 28 and April 19. SAPOHR accuses the DCS of systematically attempting to cover up the acute levels of abuse that continue inside the prisons and the role that certain prison warders play in this violence. SAPOHR has also been critical of the SAPS whose special Task Forces are used by the DCS when the latter requires back-up and /or special assistance. As of yet there have been no prosecutions of either DCS or SAPS members relating to these incidents.

Despite the litany of abuses that continue, an incident at Witbank Prison in the Eastern Transvaal in early May has indicated that further abuse of prisoners will not necessarily continue with impunity. On May 4, a number of prisoners were seriously assaulted, some hospitalised, by members of the prison task force supported by members of the SAPS and SANDF. There had been the possibility of a serious confrontation between this force and the prisoners who were demanding the removal of racist white warders. According to a POPCRU prison warder at Witbank, the prisoners were armed with bricks, sharpened spoons and nails, but had put down their weapons at the request of a POPCRU official who was trying to initiate a discussion between prisoners and authorities about the problems raised. It was at this point that the Task Force allegedly attacked, assaulting the unarmed prisoners with batons and setting dogs on them. IBI has been informed that the dogs caused a number of very serious wounds on prisoners. The DCS initially dismissed the incident as another prison "riot" connected to protests about the prisoners franchise. The local ANC branch in Witbank, then instructed a local lawyer to take steps to address the incident. By Friday, fifteenth members of the DCS and SAPS, including the



commanding officer of the prison had been suspended, pending further investigations. Over 140 charges have been laid against the prison authorities. Both commanding officers of the SAPS (General Johan van der Merwe) and DCS (General Henk Bruyn) have ordered a top-level investigation.

## 5. ELECTION

South Africa's elections were held over four days from April 26 to April 29. After only a few hours on the first voting day, allocated for "special voters", it became apparent that the Independent Electoral Commission (IEC), charged with the responsibility of administering this awesome task, were struggling to effectively address the logistical problems facing it. As many as 15 % of polling stations did not open at all. Many others were unable to obtain the necessary voting materials, as pensioners queued for hours, in the hot sun, waiting patiently for IEC officials to deliver what they had been promising in the media over preceding days and weeks, "The Election You Want".

The first days' glitches were small compared to the pandemonium that reigned on April 27 (the first full day of voting), as literally millions of South Africans took the opportunity, most for the first time, to exercise their right to vote. The IEC later admitted that they were completely overwhelmed by the numbers that turned out early that morning. Across the country reports flooded in from polling stations experiencing severe problems. Most common were the non-arrival of ballot papers and other voting materials. In some areas, polling stations received all materials, bar one or two essential items, thus delaying the process. Apart from the non-arrival of ballot papers, the issue of IFP stickers became a sticking point in many areas. Due to the last minute agreement made between Mandela, De Klerk and Buthelezi, it was impossible to reprint the eighty million ballot papers that had been rolling off British printing presses for the last few weeks. A company was contracted to print millions of stickers that would be affixed to the bottom of the ballot paper at the polling stations. In theory this sounded fine. The printer delivered on time, but distribution proved to be another matter. Without stickers the voting was unable to



begin, even in areas where IFP support was non-existent. Confusion reigned when rumours circulated of a directive that would enable voters to write the name of IFP in the allotted area. The IFP complained that this could adversely effect the secrecy of the vote as many illiterate votes would require the assistance of electoral officials. Eventually the directive was accepted.

Worst affected were rural areas, particularly in the Eastern Cape, KwaZulu/ Natal and the Northern Transvaal as well as the urban conurbation's Soweto, Khayalitsha and the East Rand townships of Katlehong and Thokoza. The IEC promised to address problems as they arose, but were soon overwhelmed, at the number of logistical problems brought to their attention outstripped their ability to deal with them. Consequently they were unable to keep pace of what materials were available, where they were, why some areas experienced severe problems and others ran smoothly. The control and accountability over materials and their transportation to the polling stations completely collapsed in many areas. IEC officials at polling stations struggled to obtain materials in the face of crowds growing restless from waiting and in many instances left their polling stations to find out where they could obtain them. They bartered with one another, and sheer initiative by officials managed to get some stations operative after hours of delay. The electorate also used their initiative to get themselves to the polls. Many voters from African townships went to neighbouring white suburbs where by and large voting was proceeding albeit with some delays. In some areas, whites voted in nearby townships and squatter camps. The IEC put on a brave face, ensuring the public that everything was under control, but it was clear that this was not the case. April 27 is best described by some of the newspaper headlines the following day: *"Unforgettable Birth Pains"*, *"Millions line up for freedom"*, *Voters brave all odds to cast ballots*", *"IEC under fire as voters swamp polls"*. Politicians across the political spectrum flooded the IEC with complaints about electoral infringements, irregularities and the partiality of IEC officials. They also accused the IEC of gross incompetence, and some politicians prematurely declared that they would not accept the election result.

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Judge Kriegler, Chairperson of the IEC, hurriedly convened meetings with the major political players, and urged President De Klerk to declare April 28 a public holiday in order to afford millions of voters a fair chance to get to the polls. De Klerk obliged, provoking criticism from the business community that the economy could not afford another lost day of production. It is clear that the politicians believed that the economy and the future welfare of the country could not afford this election being declared unfree and unfair. Attempts were made to pacify Buthelezi, who hinted that the IFP might have no other choice than to reject the results, such was the chaos in the IFP stronghold of KwaZulu/Natal. De Klerk and Mandela also offered the IEC state resources as it was clear the election was on the verge of collapse and needed resuscitation and logistical support. The services of the SANDF were to be utilised extensively over the next forty eight hours and became a crucial element in maintaining the flow and allocation of much needed materials. Kriegler informed the country that, because of the unknown whereabouts of millions of ballot papers, printing presses around the country had already begun printing an extra 9,3 million ballot papers. Suspicion of foul play abounded following this revelation. Kriegler announced that the SAPS had been commissioned to investigate the system of ballot paper allocation. IEC officials played down the prospects of uncovering widespread sabotage suggesting the cause was more likely to be the result of miscalculations and maladministration. The Administrative Department of the IEC has been held responsible for the massive maladministration and polling inefficiencies experienced. This incompetence was compounded by the apparent complete lack of contingency plans to deal with the acute problems that arose. This only hampered initiatives and efforts to secure materials through other channels other than the administration. It was at this stage that the Monitoring Department of the IEC took over much of the remaining administrative co-ordination, particularly in areas that had been badly affected, in what was described as a "palace coup" by one local newspaper.

Despite continuing to register their complaints the following day, April 28, major political parties, and most poignantly their leaders, rallied around the IEC making public statements to the effect that they were extremely confident the elections would be



declared free and fair and that the IEC was to be commended. Serious allegations of electoral fraud were made around the country and particularly in KwaZulu Natal, where the ANC alleged that the IFP had set up a number of "pirate" polling stations and were involved in widespread coercion. Administrative co-ordination and problem solving improved dramatically on the 28th. This enabled the IEC, now with the support of the SANDF to focus its attention on the worst affected areas. There was a dramatic reversal of the previous days events in areas such as Katsiwhong and Soweto. Materials arrived and voting progressed smoothly. Far fewer people were at the voting stations, suggesting that most had either voted the previous day or were unable or unwilling to return, despite the public holiday. Indeed in some areas, many people returned to work, unaware that a holiday had been declared or fearing possible disciplinary action from unsympathetic employers.

However there was a rush on of another kind, as thousands around the country queued to obtain voters cards, enabling them to vote. The Department of Home Affairs and IEC officials worked flat out before and during the elections to ensure that as many people as possible got the necessary documentation. The Electoral Act had been amended the previous week and made it clear that TBVC travel documents were valid identity documents. However it became obvious that large numbers of South Africans had not heeded months of warning that they needed specific identification in order to vote, as thousands of people queued for hours to obtain the necessary documentation. As the hours ticked away on April 28, it became clear that the election was not over and that more time was needed, particularly in some of the rural areas where administration and distribution of resources remained problematic. Presiding IEC officers at polling stations around the country were given the choice to stay open until midnight in order to accommodate last minute voters. Judge Kriegler announced that the IEC was not satisfied voters had had a fair chance to vote in the former homelands and self-governing territories of Transkei, Ciskei, Venda, Gazankulu, Lebowa and KwaZulu and that after consultation with political parties, (many of whom had allegedly been publicly recommending a further day for voting) had decided to extend the voting period for a



further day in these areas. In the Transkei for example, as many as one million voters had not been able to vote by the close of polling on April 28.

Judge Kriegler revealed that over five hundred complaints were being investigated by the SAPS and "independent agents".

Voting on April 29 proceeded smoothly, and as voting stations finally closed the country held its breath for a long wait as the process of getting ballot boxes to counting stations got underway. Counting was to officially start on Saturday morning, but in many areas only got going by Sunday afternoon. Delays were attributed to a number of factors, but the chaos that was reported at some locations does not appear to have been widespread. Counting was slow as the process first required reconciling the number of ballot papers counted from ballot boxes with the number of votes cast from each polling station. Results literally trickled in as election commentators struggled to hold their audiences' attention. By Tuesday, May 2 just over half the votes had been counted. The results continued to come in slowly as the ANC passed the 60% mark and edged towards the 67% majority required in order to be in a position to write the new constitution. The National Party vote had slipped down to just over 20% of the vote and were in danger of losing another cabinet post. However there was still over one third of the vote to be counted. There then followed a 32 hour break in the announcement of election results. The IEC eventually broke the silence and results began to come in once again. However it appeared that the serious number and nature of allegations made by political parties about the IEC and each other had forced the fate of the elections away from the counting machines and into the political arena. From March 29 to May 4 political parties had been engaged in discussions and horse-trading with the IEC and began bargaining their complaints for votes. The results could only be settled on the basis that political parties withdrew their objections. Compounding this problem were others: Counting machines had broken down delaying the count increasing time pressures on the IEC. The IEC also revealed that someone had been tampering with their main data recording system. This they stressed had only affected a few thousand votes but had increased the percentage points of three minor

parties. The IEC informed the world that the final results were subject to bartering by political parties because of counting machine glitches. The IEC said this had to be done in order to secure legitimacy for the results, thus avoiding continued valid claims of irregularities. This was to be done for the national interest. Judge Kriegler pointed out that the IEC was never asked to certify the accuracy of the results only that the political process was substantially free and fair.

Bearing in mind the nature of current South African politics maybe this is the nearest to "free and fair" that could be achieved. In many countries around the world this election would have not been declared free and fair. However South Africa's unique circumstances dictated that a solution had to be found if an impasse was to be avoided and the likelihood of increased violence averted. The fact that the election period itself was so peaceful must have spurred many to push for this solution. The SAPS has continued its investigations. In the most serious incidents involving tracking down the missing ballot papers, hundreds of thousands of ballot papers and other essential materials were found in warehouses on the East and West Rand as well as Pretoria. Five IEC officials (three of whom were seconded from the Department of Home Affairs) are being investigated for the concealment of materials.

One can only speculate on what deals were made, but the final result had important implications. The ANC did not achieve the target of 67%, with "some relief" claimed Mr Mandela. It did however command over 62% of the vote and secured its dominance for the next five years at a national level, as well as winning seven of the nine provinces with some convincing wins. In the Eastern Transvaal the ANC won over 90% of the vote. The National Party slipped marginally but held its position getting just over 20% of the vote and securing four cabinet posts. The NP won the Western Cape and the region is now under the Premiership of former Law and Order Minister Hernus Kriel. The IFP gained two percentage points putting it into third position with over 10% of the vote and three cabinet posts. The IFP also won control of KwaZulu/Natal, with IFP National Chairman, Frank Mdlalose becoming Premier. Despite having been sworn in as legislators for the



province, the Natal ANC is continuing a legal battle to have the result in KwaZulu nullified.

South Africa's elections however imperfect have been largely accepted domestically and applauded across the world. The fact that there were so many irregularities is a reflection of the IEC's inexperience as well as other factors. They were charged with facilitating what Cyril Ramaphosa, the ANC's chief negotiator, described as "Mission Impossible". The results despite the irregularities have been accepted and there will not be a post mortem of the process. The parties have taken a non-confrontational route and accepted that the results were a relatively accurate reflection of current political support for each others parties. However IBI hopes that a precedent for future elections has not been set.

## 6. GOLDSTONE COMMISSION

### 5.1 Aborted Escom Arms Deal

Between April 15 and 19, the Goldstone Commission held a preliminary inquiry into the attempted purchase of firearms by the KwaZulu government from Escom. The inquiry revealed top level communication between the SAPS and the KwaZulu Police (KZP), and once again General Johan van der Merwe found himself under the spotlight, accused of endorsing the sale by giving permission that the required export permits were issued, and of not informing former Law and Order Minister Hernus Kriel, about the nature of this deal.

Escom officials alerted the Goldstone Commission about an attempted unauthorised sale of one thousand LM4 semi automatic rifles from its surplus stocks by Mr Johan van der Walt, the Manager of Escom's Department of National Protective Services. The sale was stopped.

The sale was discovered by another Escom employee on March 25, when he came across Mr van der Walt, Mr Phillip Powell (IFP Central Committee member and responsible for



training of IFP Self Protection Unit paramilitaries, one thousand of whom joined the KZP before the elections), and Mr Garb, director of J Garb & Co (arms dealers) in the parking garage at Escom. The employee found the three men supervising the loading of boxes containing LM4s onto the back of two open trucks. It was disclosed that the weapons were destined for the KZP through Garb who was to act as the middleman.

The employee contacted Mr Henk Pienaar, head of Escom's Protective Security, and it was confirmed that he knew nothing of the deal. Escom says that it had a license to sell weapons abroad, but alerted the Goldstone Commission when it discovered that the weapons were to be sold within South Africa's borders. Escom launched an internal investigation and suspended all employees who were suspected of involvement.

Escom officials claim that they had no knowledge at any time that the real buyers of the arms were the KwaZulu police and consequently brought the matter to the Commission's attention when it was discovered that was the weapons destination. This position has been severely criticised by the KZP commanding officer, Lt General R P During, who in a highly charged political statement asserted that Escom officials were making *"a pathetic attempt to exonerate themselves from blame for daring to deal with the political adversaries of the ANC"*. Lt-General During said that he was aware of the deal, but claimed that there was nothing untoward or covert about it. The KZP had had certain difficulties obtaining arms recently, and therefore used sources at its disposal. As far as the KZP were concerned they were negotiating for the purchase of firearms through a weapons dealer whom they considered to be *"Escom's duly authorised agent"*. Lt-General During further stated that the KZP was obliged to apply for an export permit which would verify the documentation because self-governing territories such as KwaZulu had to do so under the Arms and Ammunition Act. During rebutted Escom's assertion that anything illegal had transpired and dismissed the whole matter as unworthy of the Commission's time and energy.

General Johan van der Merwe, in a letter to the Goldstone Commission justified the sale of arms, supporting During's claim that it was a legitimate sale and that it involved firearms

that were not as dangerous as the R4s issued to members of the National Peace Keeping Force, who in his opinion were less adequately trained than the KZP. It is not clear why General van der Merwe attempted to justify the arms sale by comparing the weapons and training of the NPKF to the KZP, particularly as a number of sources have indicated that the LM4s were destined for Powell's SPUs. The attempt to link the two forces in this way has made General van der Merwe look, at best, badly misinformed.

The Goldstone Commission determined that Powell had been put in touch with Mr Garb through an official in **Gintans Security** in Durban. Garb, having been aware that there was a surplus of arms at Escom then contacted Van der Walt. (The Commission was satisfied that Escom's surplus of just under five and a half thousand weapons, including the LM4s, was justified in the light of significant scaling down of security around Escom installations) Gintans arranged the sale of the arms to the KwaZulu government through an associate company, **Seyah**. Garb's first attempt to obtain the necessary export permit was refused by the SAPS. The second application was accompanied by a letter of authorisation from Major General S M Mathe, the Deputy Commissioner of the KZP. The SAPS officials dealing with the application referred the matter to the Commissioner's office as they were aware of the March 2 Cabinet decision that prohibited any further sales of arms to the TBVC (The former independent homelands of Transkei, Bophuthatswana, Venda and Ciskei) states. The Commissioner, General van der Merwe and his staff officer, Brigadier Maritz, decided that the prohibition did not apply to self-governing states such as KwaZulu and that a permit could be approved. The permit which usually takes three weeks to process was rushed through in 24 hours. Van der Merwe initially denied any knowledge of the deal, stating that he was only aware of the request to clarify the Cabinet decision (*Star* 16/4/94). A few days later, before the Commission, he acknowledged that the permit was authorised by a Brigadier Blaauw from his office and that Blaauw had been aware that the permit was for the KZP (*Business Day* 21/4/94).

Van der Merwe was criticised by the Commission for not having referred the matter to the then Minister of Law and Order, Hernus Kriel. The relationship between the SAPS and



KZP is politically sensitive in the light of Third Force revelations made in March (see IBI February & March report). Why then were such transactions not more closely scrutinised, particularly as senior SAPS generals were then suspended pending other investigations linking them to illegal activities with the KZP and IFP?

Lt General During's assertion that this was a legitimate arms deal must also be considered in the light of the deal itself. The KwaZulu government paid R2 100 000 to Seyah for the LM4s. In turn, Seyah paid Garb R1 070 000. Mr John Sleep, a director of both Gintans and Seyah made a profit of R1 030 000. R850 000 in cash was withdrawn from Seyah's account by two directors. Garb's profit was R395 000. The Commission chastised the KwaZulu government for its incompetence. It had paid three times the actual price (Escom sold the weapons for R675 000). It bought the weapons from an unknown source without having examined the goods prior to purchase. The Commission also pointed out that it was also a measure of their competence that they sent two open lorries to pick up the weapons on a night when it was pouring with rain.

The deal was stopped, and all the moneys paid out were returned. It has been relatively easy for the commission to obtain substantial amounts of information, some of which it has discredited (i.e. assertion made in the *Saturday Star* that another 10 LM4s had been signed out of Escom's arsenal and were seen being loaded into a truck that was escorted by a Mercedes Benz, that was traced to National Intelligence Services - 9/4/94), and some which requires further clarification. Central to the controversy is Mr van der Walt and the security companies involved in procuring the arms. KZPs counsel was unable to inform the Commission in which way the KZP usually obtained its arms, and why such elaborate subterfuge was necessary, which also appeared to involve enormous pay offs. According to Escom, Van der Walt was also involved in the unauthorised sale of another 50 LM4s to an arms dealer in Kempton Park. This case is also being investigated. It also needs to be determined whether Escom was indeed aware of the true nature of the transaction or is, as General During has stated, covering its back for the sake of political expediency. Either Escom or During are lying. Further investigation may determine who. It is also worth



noting the attitude of both During and Van der Merwe. The former's reference to Escom being afraid to admit dealing with the KwaZulu government because of the potential wrath of the ANC is a highly irresponsible statement coming from a man whose constituents include both Inkatha and ANC residents. Van der Merwe's underhanded references to the NPKF must also be regarded as somewhat irresponsible in the light of the current debate surrounding the role and conduct of the force. His failure to alert the Minister of Law and Order has further damaged his credibility to perform his duties in an impartial manner. Suspicion of more sinister involvement by Escom employees remains. The Goldstone Commission has begun an investigation into a previous arms sale of 1000 G 3s from Escom to the KZP. The National Union of Mineworkers who were represented at the Inquiry have also complained that there was a consistent threat of IFP attacks on its members at a number of Escom plants in the Eastern Transvaal and alleged that Escom's Security Department at the Kendal power station near Witbank were training IFP members.

## 5.2 Johannesburg Massacre

The Goldstone Commission have also released their "Report on the Shooting Incidents which took place in the Centre of Johannesburg on Monday 28 March 1994", that left 53 dead and over 200 injured. The Commission stated that it was unable to make any findings at this stage but made recommendations to reconvene in order to hear submissions concerning policing problems that arose from the 28/3/94, as well as submissions from all the parties concerning the actual shootings at the Library Gardens, Selby Hostel, Shell House (ANC HQ) and Lancet Hall (ANC Regional HQ). The Commission also recommended that the conduct of Mr Humphrey Ndlovu (IFP) be referred to the Independent Electoral Commission.

The Commission dismissed as *"fanciful and disingenuous"* the IFP and KwaZulu government's argument that Mr Ndlovu's application for the march, written on IFP letterhead and in his capacity as an IFP official, was actually done so in his capacity as a Zulu cultural leader.

Both the IFP and ANC were extremely critical of the role (or lack of it) of the SAPS. The Commission thanked the SAPS for its detailed submissions and assistance and commented on the difficulty the police faced in dealing with such situations. The ANC were particularly critical of the SAPS' failure to secure the area around Shell House despite their prior request for security and disputed the SAPS' version of events that led to eight marchers being shot dead by ANC security guards. The ANC claimed that no policemen were deployed there before 10.15am and that when ten policemen were deployed they were simply overcome by the situation and fled. The SAPS admitted that they had received calls from the ANC including a call from Nelson Mandela about the proposed attack. The SAPS' counsel denied that the ANC's warnings were not heeded. The SAPS alleged that ANC guards shot at marchers when they were between 50 and 70 metres from Shell House and that shots were also fired from a parapet in Shell House. The ANC argued that the shootings at both Shell House and Lancet Hall were in self-defence. The IFP however allege that marchers were shot at without good cause.

The ANC and SAPS agreed that the shootings at the Library Gardens, resulted from the SAPS shooting in self defence and that the ANC was *"in no way involved"*. The IFP rejected this version and alleged that the shooting was precipitated by criminal elements from within the SAPS and ANC. They charged that neither ANC or SAPS wanted the incident investigated because they were the cause of it. The IFP reiterated an earlier police statement that indicated that there were snipers on the roofs around the gardens.

The Commission found that further investigations by itself and the SAPS were necessary if criminal proceeding were to be instituted. Further submissions from the involved parties to the Commission must be made by May 31.

### 5.3 Third Force Activities and the Generals

Controversy continued to plague the Generals who were implicated in the Goldstone Commission's preliminary inquiry into illegal activities that were instrumental in the internal destabilisation of South Africa. Having challenged F W De Klerk's request that all



three senior generals, Smit, Le Roux and Engelbrecht be suspended, the Commissioner of Police, General Johan van de Merwe said he would resign if the generals were found guilty of any wrongdoing (*Sunday Times* 27/3/94). Senior police, both retired and active closed ranks in defence of the implicated men. The head of SAPS Public Relations Department, Major General Leon Mellet accused De Klerk of attempting to buy political support from black communities by turning on the generals. The ANC claimed the police were acting in a treasonable manner and called for De Klerk to act. Temperatures were cooled when Smit and Le Roux (Engelbrecht had already gone) agreed to take voluntary leave for a short period. General van der Merwe challenged the Goldstone Commission to come up with some evidence against his men within 10 days. The period was extended throughout April, whilst the Commissions' specially appointed team under the leadership of Dr D'Oliveira, Transvaal Attorney General continued to gather evidence. A number of witnesses remain in Witness Protection Programmes both inside and outside the country. The investigation team's task is awesome. IBI has been informed by sources close to the Commission that only 2% of the information thus far gathered had been disclosed to the public and that as many as three thousand police personnel could have been involved in the network. The investigation has therefore focused on key figures including senior policemen, in order to decapitate the network. The Goldstone Commission simply does not have the resources to extensively penetrate such a network if indeed it exists. At this stage the network remains an unknown quantity and consequently there has been much speculation as to how much of the recent violence has been spawned and sustained by this element. The implications for future policing are enormous if criminal elements are to remain active in the force.

During April, Allied Banks of South Africa (ABSA) continued its internal investigation into those employees who were implicated in the Goldstone report. Brood Van Heerden, a senior manager in ABSA security and a former Vlakplaas operative who is alleged to have played a key role in facilitating the supply of arms from the police to Inkatha was dismissed from ABSA on April 19. Victor and James Ndlovu, both IFP members named in the report remain suspended pending further investigations. The Goldstone Commission

informed ABSA on May 5 that their investigations had cleared ABSA of having institutionalised involvement in the allegations and cleared the name of one of Van Heerden's colleagues who was also implicated by Goldstone's key witness "Q".

Amidst the euphoria and wrangling surrounding the election and its results, General Engelbrecht officially retired from the SAPS on May 1. The official reason given was ill health. Of the three generals implicated Engelbrecht has remained conspicuously quiet whilst his colleagues Generals Le Roux and Smit loudly voiced their innocence.

On May 2, General van der Merwe ordered Le Roux and Smit back to work. Van der Merwe said he had taken the decision after discussions with the Dr D'Oliveira, and had concluded that the Commission did not have enough information that could warrant the generals continued suspension. Van der Merwe in a bid to offset growing concern about growing conflict between the SAPS and the Goldstone Commission reaffirmed the SAPS' full support and co-operation with the Commission's investigation. General Smit told the media that it was good to be back at work after more than a month of uncertainty and that he felt positive about the future and about continuing his career. Less than forty hours later General Smit announced his retirement from the force at the end of May. He blamed the unfounded allegations made by the Commission that had irreparably damaged his career prospects. (Both he and General van der Merwe believed he was in contention for the Commissioners post) Having returned for only a few hours, Dr D'Oliveira issued a statement that completely contradicted Van der Merwe's reasoning behind re-instituting the two men. D'Oliveira announced that *prima facie* evidence existed of SAPS involvement in murder, bombings, unlawful possession and supplying of arms and ammunition etc. He said there were indications of Smit and Le Roux's involvement in two incidents. The Goldstone Commission issued a statement saying that they found it *"inappropriate"* for Smit and Le Roux to return to their desks. *"We are not able at this stage to say whether evidence exists for a prosecution nor are we able to exonerate them"*. General Le Roux remains at his desk whilst General van der Merwe failed to give an adequate explanation as to Smit's sudden retirement. It is questionable whether the



Commission's statement would have had any further negative impact on Smit's career than that which has been already done by the earlier revelations. General van der Merwe has stated that he will resign if his colleagues are involved. The investigation continues.

#### 5.4 Unita Gun-running

The Goldstone Commission has begun investigating allegations that Unita has been selling arms to both right-wing and IFP sources within South Africa. This follows revelations made by Mr Lafrus Luitingh on TV1's Agenda programme. Luitingh who works for "Executive Outcomes", a company providing South African mercenaries employment opportunities to work for the Angolan MPLA government, alleged that a South African company Namib Trading has been involved in the gun running and that he had evidence of elements within South Africa actively supporting Unita's leader Jonas Savimbi. Luitingh said that he would reveal this information to the new South African government and the Goldstone Commission. Two directors, Mr Barend van Heerden and Mr Brian Atwell of Namib Trading have secured temporary interdicts against the SABC, Luitingh, Executive Outcomes and others, prohibiting the publicising or broadcasting of the claims.

### 6. OTHER

#### 6.1 ANC PWV Lancet House "prison"

The African National Congress (ANC) PWV region suspended a security official after police raided the basement of their PWV office in Johannesburg on Sunday April 17 and released four people allegedly being held prisoners in a metal cage.

The security official, Mxolisi Kali was suspended by the ANC and faces charges of kidnapping and assault along with six other people.

The police claim they were alerted to the plight of the prisoners by a man who escaped from lancet House in Jeppe Street. Those released by the police included a 14-year-old boy had been badly beaten and have subsequently laid charges of assault.

The IFP has alleged that the men were abducted in Hillbrow because they were Zulu speaking or had Zulu sounding names. The ANC however claims that the incident followed a private investigation by a security official regarding a break-in into his car. The ANC admitted that people had been brought to their office but said the alleged prisoners had nothing to do with *"organisational matters"*.

IFP spokesperson Suzanne Vos said six people had been abducted in separate incidents and that one had his toenails pulled out and had been badly beaten on the head.

Kali confirmed the ANC version of events saying that he was *"conducting an investigation"* after his car was broken into twice.

On May 2 1994, seven men appeared in the Johannesburg Magistrate's Court on charges of kidnapping and assault in regard to the above incident. All seven - Mxolisi Kali (23), Paul Mokwena (26), Lawrence Mofokeng (26), Maphelo Makhuna (24), Jeff Kembo (24), Ntozonke Ngwenya (28) and Petros Mkhwanazi (27) were remanded to May 16.

## 6.2 Kriel shreds official documents

Hernus Kriel, the outgoing Minister of Law and Order, and new Premier of the Western Cape was sharply criticised by the ANC and others for having shred a number of official documents before leaving office. Kriel explained that the documents were of no further importance as they were simply such documentation as official invitations etc. The ANC has accused Kriel of covering up evidence that revealed how the National Party manipulated the SAPS for its own aims and suggested that the shredded documents could be related to Third Force activities.



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## 7. CONCLUSION

South Africa's first democratic election which saw the ANC sweep to power has been heralded as the birth of a new era. However much of the administration of the old apartheid era remains intact. It remains to be seen how changes to the status quo can be brought about.

Concern about the "third force" remains. Do the recent "third force" revelations stop at the generals?. Was there political involvement outside of what has already been revealed?. The National Party for example has a history of such activity. Do the ANC know ?. Have deals been struck? Will they be relentless in their quest to discover what actually transpired and what role did individuals and groups play ?

It is also evident that despite the "changes" torture and abuse of suspects and political activists continues in certain areas. The discovery of an electric shock machine by Dutch policemen on May 3 at the offices of the Unrest and Violent Crime Investigation Unit in Vanderbijlpark and the increasing number of complaints of torture and abuse by this and other units in the Vaal Triangle brought to the Boards attention in the last few days have highlighted the importance of a thorough and comprehensive investigation of security force abuses.

AG 2543-

2.2.42

# Independent Board of Inquiry

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**“ELECTION  
SPECIAL”**



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## INTRODUCTION:

As millions of South Africans went to the polls for the first time the increase in political violence predicted by many failed to materialise. Indeed, the opposite occurred. An uneasy calm reigned over most of Natal and the East Rand where just days before violence had claimed scores of lives. In the weeks leading up to the elections several bombs were detonated, killing at least 19 people and injuring 130. The bomb placed near the ANC's headquarters claimed nine lives including that of PWV ANC candidate for the provincial parliament, Susan Keane. The bomb placed at the Germiston taxi rank claimed a further 10 lives. (For details on the various bomb blasts see section entitled Right-Wing) Despite this attempt to undermine the election process, the polling days were by and large violence free. Reports emanating from Natal, however indicate that intimidation was rife and that many people were threatened by their local chiefs and forced to vote for a particular party.

On the whole, despite logistical problems in the former homelands and most parts of the East Rand, the election went off smoothly. In the East Rand townships of Thokoza, Katlehong and Vosloorus the South African National Defence Force (SANDF) saved the day after ballot boxes, papers and other equipment failed to arrive on time for the first days voting. The SANDF flew in ballot papers, boxes and equipment in its biggest peace time operation.

The South African Army's 1 Military Printing Regiment was also responsible for printing 653 250 additional ballot papers after hundreds of thousands of ballot papers were misplaced during the election, leading to a shortage in many rural areas, the former homelands and the East Rand. (See section entitled Election for further details.)

The peaceful poll was also due in part to the last minute decision by the Inkatha Freedom Party (IFP) and its leader, Mangosuthu Buthelezi, to participate in the election. Hopes for IFP participation were dashed in early April after international mediators like Dr Henry

Kissinger failed to make head way. The major stumbling block was the refusal of both the National Party government and the ANC to change the election date.

However, no sooner had the international mediation team left, that a new round of negotiations was initiated which eventually bore fruit. It is believed that a string of events, including an alleged threat by a group of senior IFP members to resign rather than join their leader in the political wilderness, led to the IFPs decision to participate in the election.

Most of the credit for the political deal has been given to Kenyan Professor Washington Okumu, an old friend of Buthelezi who stayed behind and continued working behind the scenes after international mediation efforts by Dr Kissinger and others failed. The breakthrough was also helped by indications from the Zulu monarch Goodwill Zwelithini, that he would accept government and ANC proposals on the Zulu Kingdom's future which undercut Buthelezi's opposition.

Following the IFPs decision to participate in the election, an agreement was reached that IFP stickers would be placed at the bottom of ballot papers. The stickers were to become the cause of many complaints brought to the attention of the Independent Electoral Commission (IEC) during the election. (See section entitled Election for further details)

An additional 700 polling stations had to be set up in KwaZulu Natal following the IFPs late entry bringing the total number of polling stations to 9 000. Controversy, later surrounded many of the polling stations set up in Northern Natal as many of them were allegedly "pirate" stations with no IEC officials or monitors present. At other polling stations there were reports of IEC officials and party monitors being chased away.

Although the election spread over four days was almost violence free, the preceding weeks saw the death toll in Natal soar. At least 337 people were killed in Natal during April, of which 21 were killed between April 26 and April 30. 80% of the deaths occurred prior to the April 19 decision by the IFP to participate in the elections.



Many of the deaths in Natal were election related. Seven young men were brutally murdered in Ndwedwe, Natal on Monday April 11 1994. The seven, along with two others who survived the brutal attack, had been hired to distribute Transitional Executive Council (TEC) leaflets encouraging people to vote. The victims were all in their teens or early twenties and were tortured for hours at a primary school in the Ndwedwe area before they were hacked and burnt to death.

A badly beaten survivor, Xolani Welcome Ngcamu, told of the chilling brutality and torture he and eight others endured. He described how he was punched, kicked and beaten until he bled. He was then ordered to lick his own blood up from the floor.

Ngcamu (22), an employee of Natal Pamphlet Distribution in Durban said, they arrived at the Tafamasi Primary School in Ndwedwe with the aim of distributing TEC pamphlets on voter education. As they got out of their cars, they were surrounded by a group of people and were asked what they wanted in the area. The young men were then rounded up and taken to the local chief where they were interrogated at length and then beaten and kicked and told to admit that they were "comrades".

*"Once in the classroom, our assailants took off their clothes and ordered us to lick their backsides."* Ngcamu said they were then tied in pairs and marched into the bush where they were told that they were going to be killed. A man only known as Mcwayizeni, who was tied up with Ngcamu, managed to break loose and this enabled the two to run away.

Police are holding six men suspected of carrying out the attack, including the local chief, under the recently imposed emergency regulations.

In another incident just three days before the election, two ANC members were shot dead in the KwaZulu capital Ulundi. During the same incident IEC monitors were forced to flee for their lives and sought refuge in the local police station.

IFP supporters gathered at the police station and a tense stand-off was only diffused with the personal intervention of Chief Minister Buthelezi. Buthelezi rushed to Ulundi to

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secure the safety of the besieged ANC and IEC members. However, another ANC member was shot dead in the premises of the police station after Buthelezi had arrived. The Chief Minister and the KZP said that it appeared he had accidentally shot himself. This version has been disputed by the ANC.

Reports from Ulundi allege that two trucks ferrying ANC members were ambushed by people travelling in mini-buses near a shopping centre. Posters and pamphlets were discovered inside the vehicles, and two people were shot dead. It is alleged that one of the two was set alight.

The ANC has demanded an independent inquiry into the above incident.

## 1. NATAL

Violence claimed the lives of scores of people in the run-up to the election and there seems little likelihood of the violence abating in the post election period. The ANC's decision to contest the validity of the Natal election results could possibly lead to more bloodshed.

In the period April 30 to May 4 thirty-two people died in politically motivated violence in the region. Revenge killings still account for a large proportion of the deaths in Natal.

Four young ANC supporters were slain in Folweni on Monday April 4 in what has been described as a revenge killing. The four, Edmund (18) and Mduduse Ndamande (17) and their friends Mandla Shange (18) and Xolane Shange (18) had gathered at the Ndamande home to watch television, when four gunmen arrived. Mrs Sarah Ndamande said she heard a voice demanding that they open the door. She said the men claimed they were policemen. She said all the men carried hand guns and one wore a camouflage uniform. The four gunmen demanded that the boys hand over firearms. The youths then tried to escape but were caught climbing through a window. They were told to lay face down on the ground. All four were executed with a shot to the back of the head.



A relative of the Ndamande family said that he believed the attackers were IFP supporters. He said that one of the four youths had argued with an IFP member the week before. He also said that shortly after a massacre at nearby Mpushini in 1992 in which 20 people died, IFP people accused the young men of being involved.

## 2. EAST RAND

Violence flared on the East Rand in April. Much of the violence has been attributed to the Transitional Executive Council's (TEC) decision to replace the SANDF task force with members of the National Peace Keeping Force (NPKF). The NPKF were not welcome by all township residents and by hostel residents in particular. The latter expressed fears that elements within the NPKF were sympathetic to the ANC especially those coming from the ANC military wing, Umkhonto we Sizwe and the Transkei Defence Force (TDF).

The NPKF prior to its deployment in one of the most volatile areas in the country was plagued with bad publicity about lack of discipline, drunkenness and insubordination.

Shortly after the TEC made the announcement, IFP East Rand organiser, Thabang Dlamini, said that Inkatha would unleash violence if the NPKF replaced the SANDF. Dlamini's statement is significant in that, on April 8 1994 a prominent hostel leader, Jeff Sibiya, was allegedly gunned down by members of the SANDF during a raid on the Buyafuthe hostel.

Sibiya was allegedly shot while attempting to negotiate with the SANDF. The SANDF claim, however, that they opened fire in self-defence when they were attacked. However, sources within the SAPS investigating the matter, alleged that Sibiya was gunned down in cold-blood by members of the SANDF and that his body was removed from the scene.

It is clear that despite the negative feelings towards the SANDF following the killing of Sibiya, they were still preferable to the NPKF.

The NPKF started patrolling the East Rand townships of Katlehong, Thokoza and Vosloorus in earnest on Wednesday April 13. On Sunday April 17, the Board received several telephone calls from residents of Mandela and Sisulu sections in Thokoza (areas adjacent to the Mashayazafe, Khutuza and Madala hostels) complaining of acts of arson and sporadic gunfire. Residents of Phenduka, an area which has seen hundreds of residents flee reported a number of indiscriminate attacks on their homes. The Board relayed this information to Colonel Chris Du Toit, head of the SANDF task force in the area. He informed the Board that he had also received reports of sporadic gunfire aimed at the hostel.

From the above it is clear that elements within the hostels took advantage of the SANDF's pull-out. Several houses were burnt in Slovo section, this led to SDUs from all other sections gathering in Slovo and Sisulu sections to defend the area from further attack. This led to confrontation with the hostel residents. By Monday April 18 a full-scale war had broken out in Thokoza particularly in the areas bordering the hostels. The NPKF were targeted by the hostel dwellers and local SDUs, who both now took full advantage of the ensuing chaos and vacuum created by the SANDF pull-out. Hostel residents claimed that they were attacked by members of the NPKF. The NPKF said that they had not returned fire but that SDU members had attached themselves to their vehicles and had used the NPKF as cover for their assault on the hostel. Perhaps the most tragic event of Monday April 18 was the death of *The Star's* chief photographer, Ken Oosterbroek, who was allegedly struck by a bullet in an exchange of fire between the NPKF and hostel dwellers.

The Board believes, however, that it was ill-advised to deploy the NPKF in the East Rand in the first place. They were not battle hardened and were not prepared for township warfare. They were ordered to use minimum force and this led to them being accused of cowardice by township residents who saw them as ineffectual when fired on.

There were also serious internal problems. It is alleged that many soldiers refused to obey their senior officers and at one stage the head of the NPKF, Colonel Quinton Painter, was locked up for three hours and only released when he threatened to call Nelson Mandela.



Other problems facing the NPKF were that they numbered 1 000 and were supposed to replace an army presence of 2 500. Logistical problems led to a loss of morale. There were not enough beds, showers and tents. Most members of the NPKF were inadequately briefed and had no idea what to expect. There was also a lack of communication between themselves and the remaining members of the SANDF. The ISU were re-deployed in the township on Monday April 18 without the consent of the NPKF and the SANDF and this led to even greater tension within the community.

On Tuesday April 19 the carnage continued. By the end of the day the death toll stood at 34 with scores of people injured. An appeal went out for the SANDF to be re-deployed. On Wednesday April 20 the SANDF were re-deployed and took over patrols. The NPKF were confined to base for the day. Later it was agreed that the NPKF would perform duties such as escorts, school protection, protection of essential services, protection of key points, water provision, protection of polling stations after hours and liaison with the community. It was agreed that the SANDF would handle road blocks, vehicle searches, control points, mobile/footpatrols, liaison forums and search operations.

Following the NPKFs deployment in the East Rand and the problems they subsequently faced, the TEC aborted a plan to deploy 1500 troops from the peacekeeping force in KwaZulu/Natal.

The TEC has since decided to remove the NPKF from the East Rand and on May 11 they were sent back to their base at De Brug. A decision still has to be made about their future. Valuable lessons can be learnt from the East Rand experience. The TEC should never have deployed an untested force in an area like the East Rand where the SANDF has only been able to achieve its measure of success through saturation tactics. The underlying causes of the violence - political intolerance, revenge killings and taxi wars continue to exist and will grasp every opportunity to surface. One such opportunity was the replacement of the SANDF with the NPKF.

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## 2.1 Death of Samuel Vilakazi

An NPKF member, facing two murder charges in the Vaal Triangle, allegedly shot dead a man and wounded a policeman before killing himself at the Sasolburg Police Station in the Free State on Friday April 8. Samuel Vilakazi (Montango) was a member of MK and leader of the Slovo camp in Sharpeville (for further information see IBI Oct/Nov 1993 report). According to the SAPS they drove Vilakazi to Sasolburg to fetch his personal belongings. Vilakazi allegedly pulled a gun and shot Assistant constable TJ Mbambo and David Motaung. Motaung a well known police informant later died in hospital. Vilakazi then allegedly shot himself in the head. Police believe he was handed the gun at the Vereeniging Magistrate's Court. Residents of Slovo camp deny providing Vilakazi with the firearm.

The NPKF has rejected the Police version of events and NPKF spokesperson Major Muff Andersson said that the force demanded an inquest and full inquiry into the shooting.

Although dubbed as the "Sharpeville Monster", by Vaal Triangle police and court officials, Vilakazi's funeral was attended by over 3 000 residents and is a measure of the support and respect he commanded within the community.

The police are still investigating.

## 3. RIGHT-WING

As the election date drew closer, right-wing resistance to political change was poised on a knife-edge and the only option open to the fanatical right-wing, who remained outside the election process, appeared to be an escalation of its terror campaign.

The extremists option came true for South Africa just days before the first ever democratic elections. A 90kg car bomb exploded in central Johannesburg on April 24 and the next day, a bigger 100kg car bomb ripped apart both people and taxis at a rank in Germiston.



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Then came the Jan Smuts Airport car bomb on the second day of polling, causing extensive structural damage.

If the forces bent on obstructing the transitional process succeeded in instilling fear into many South Africans, this was short-lived. The number of South Africans who cast their ballots bears testimony to this.

In a police swoop at the end of April, 34 right-wingers were arrested in connection with the wave of bomb blasts. All of these men are members of the Afrikaner Weerstandsbeweging's (AWB) elite Ystergarde (Iron Guard). The Ystergaard, apart from being the AWB leader's, Eugene Terre'Blanches' personal bodyguards, are also considered to be a cohesive fighting unit which could be likened to a special crack force. Amongst those arrested in the swoop was the AWB's secretary-general Nico Prinsloo, AWB Chief of Staff Alex Cruywagen and the commander of the Ystergarde, Leon van der Merwe. Cruywagen led the ill-fated AWB expedition into Bophuthatswana on the 10th March. A policeman and a police reservist were also amongst those arrested. All of those arrested have been charged with nineteen counts of murder and 191 counts of attempted murder. All 34 have been denied bail and remanded in custody.

It has subsequently emerged that a week before voting began, AWB generals had gathered in the Western Transvaal to hone a battle plan. It appears the AWB have been steadily preparing for the start of a terror campaign and subsequent guerrilla war, by sending women and children to safe havens on farms in the Western and Eastern Transvaal. Prior to his arrest Nico Prinsloo's claimed that the AWB had been "readying" itself through the years as a paramilitary defensive organisation and stocking up on all that is necessary to defend all that is dear to them.

The right-wing proved that while they are capable of anonymous terror tactics, they are not capable of disrupting the transition to democracy. If the right-wing were serious about the 'Third Boer War', they would have ensured that the elections did not take place and the inauguration of South Africa's first black President, in Pretoria, (the heart of the

Volkstaat) was stopped. The white right-wing now consists of two strands, those who participated in the election process and those who remained outside. Since their demands and strategies differ their threats need to be analysed separately.

The following is a tabulation of the right-wing's reign of terror proceeding the election.

- April 14, the Boere Weerstandsbeweging was believed to be responsible for two bomb explosions which rocked the western Transvaal town of Sannieshof. Damage estimated at about R1.4 million was caused by the blasts.

April 17, police were fired at after an attempt to apprehend two men at the site of a transmitter tower. The police suspect that the men were attempting to bomb the tower. In a separate incident on the same day three explosions occurred in Christiana at an SABC transmitter.

- April 21, two days after a bomb ripped out a door at the Makokskraal Community Hall, near Ventersdorp, the damage was discovered.
- The offices of the Independent Electoral Commission in Bloemfontein were bombed. The bomb destroyed furniture and equipment. Fortunately three charges of commercial explosives that were placed at a beerhall, an ANC members house and at a farm school in the nearby township of Tikwane failed to detonate.
- April 22, damage estimated at R2 million was caused by a fire that destroyed a telephone exchange near Nylstroom in the Transvaal.
- A Natref oil pipeline between Denysville and Viljoensdrif in the Northern Free State was damaged in an explosion.
- April 24, nine people, including ANC Johannesburg North secretary-general, Susan Keane were killed and 92 injured in central Johannesburg, in what was said to be one of South Africa's largest bomb blast. A 90kg car bomb, almost twice that of the 1983 Pretoria bombing, went off on the corner of Bree and Von Wiellig Streets. The bomb



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exploded in the vicinity of the offices of the ANC and PAC and near the barracks of the South African Police.

- April 25, A powerful car bomb exploded at a taxi-rank in central Germiston at nine o'clock in the morning. Ten people were killed and a approximately 100 people were injured. According to eye-witnesses, victims' body parts were scattered around the taxi-rank.
- A public toilet at the Randfontein taxi-rank was destroyed by a bomb. Nobody was injured but, damage was estimated at R40 000.
- A Potgietersrus polling station at the department of Home Affairs was bombed. There were no injuries.
- Steynsberg's Town Hall in the Karoo which was to be used as a polling station was damaged in an explosion. A short while later a polling station in the nearby township was also bombed.
- An explosion device was thrown into a crowded shebeen/restaurant in Pretoria, killing 2 and injuring 29 patrons. A white man was shot dead by members of the SAPS the following morning at the scene of the blast.
- East Rand - A polling station in Dinwiddie, Germiston, was petrol bombed. The Primrose Primary School Hall - which was going to be used as a polling station- was also petrol bombed.
- April 26, In the Western Transvaal town of Bloemhof, a bomb exploded at the Magistrates Court, which was to serve as a polling station.
- April 27, A powerful bomb ripped through Jan Smuts Airport causing serious structural damage.

According to right-wing political analyst, Dr Wim Booysse, the bombs used in the above attacks were made by the right-wing and clearly indicates that they do not have access to sophisticated resources.

However the bombings in Germiston and central Johannesburg, differed in important aspects from almost all previous right-wing acts of sabotage. The devices used were much bigger and more sophisticated

SAPS' liaison officer Colonel Steve Senekal said that the police were convinced that *"the brains behind the bombings were indeed behind bars"*.

The quick arrest of 34 right-wingers, suggests that the police have infiltrated the right-wing . Another contributory factor to the SAPS' success can be attributed to the bickering within right-wing ranks.

Police discovered that a shooting range outside Rustenberg was the site where the Johannesburg and Germiston bombs had been assembled. During the police swoop, a large quantity of arms, ammunition and explosives, including home made bombs were seized.

The arrests by the SAPS had effectively foiled the short term fanatical right-wing threat. This however does not mean that actions such as these will not take place in the future, bearing in mind that other cells are still active. Despite the existence of active cells, within elements of the right-wing , it does not have the capacity to sustain a low intensity war, let alone face the security forces in armed combat.

### 3.1 Freedom Front

The Freedom Front's General Constand Viljoen, contested the election using a Volkstaat platform to test support for a white homeland. The Freedom Front secured a little over two percent of the national vote. This entitles the Freedom Front to nine representatives in the National Assembly.



For Constand Viljoen and the Freedom Front, the election result is a double edged sword. Though it will be able to claim that several hundred thousand people want a Volkstaat, a closer look at the overall voting figures confirms the larger picture which makes the idea of a Volkstaat an impossible dream in a post apartheid South Africa. For the Fronts strongest showing is in areas like the Northern, Eastern, North-western Transvaal and the Free State, all these are areas where the ANC's own support exceeds 75%. The election results therefore demonstrate that Volkstaaters exist within tiny islands scattered around the country.

Thus when the Freedom Front initiates negotiations with the new government, they will have to do so with a less ambitious bottom line. At best the Freedom Front can expect that the so-called volkstaat council, agreed to by the Front and the ANC, be established as a permanent body. This council can be charged with looking after the cultural and linguistic interests of those Afrikaners who seek such protection. Dr Wim Booysse points out, that should the constitutional process not offer the Freedom Front all that it desires, the Front may as an alternate strategy call upon the elite "Volks Leer" (Peoples Army). The "Volks Leer" serves as a safety net for those Afrikaners in favour of negotiations. The Volks Leer will not engage in acts of violence while the Front remains a part of the negotiation process. However if the Freedom Front should withdraw from the process, there is every possibility that the Volks Leer would embark on a terror campaign.

Made up of ex-recces, ex-Koevoet, 32 Battalion officers, NCOs and ordinary troops, the Volks Leer operates under a commando control structure. The difference between the Volks Leer and the AWB lies in the fact that the former is much more disciplined and have commando control, knowledge and expertise. They are said to have good intelligence and counter intelligence sources within their ranks. It is also because of their experience and expertise that one would assume that the Volks Leer would have a better understanding of the consequences of war and have therefore chosen to support the negotiations option.

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### 3.2 Possible right-wing threat to future stability

The Board believes that the real military might of the right-wing exists around the structures of the SANDF's Citizen Force and commando system. Examples of such groups are the Eastern Transvaal Boerekommandos and the Pretoria Boerekommandos.

The Pretoria Boerekommando is led by Willem Ratte, a former intelligence officer with 32 Battalion and Jan Groenewald, brother of Major-General Tienie Groenewald of the Freedom Front. This group was central in the creation of Radio Pretoria. This group is highly politicised and is organised along the lines of a "community watch". Similar groups organised along community watch lines have also been formed in the Vaal and other parts of the country.

There are basically three types of commandos

- Urban commandos based in the urban areas.
- Rural commandos based in the rural areas.
- Industrial commandos based at National key points (ESCOM, SASOL etc.)

Tasks of the commandos include the following:

- Supporting the SAPS with regard to home and hearth protection
- Assistance to civilian authorities
- Counter-insurgency activities
- Intelligence
- Supporting the SAPS in roadblocks, cordons, searches, crowd control etc.

The commandos are made up of conscripts of all able bodied men and women serving primarily on a voluntary basis as back-up. The commandos are lightly armed militias and



possess weapons which are within the standard infantry issue like: R1 rifles, R4 rifles and 9mm submachine guns (50 rounds) for women.

Commandos are also equipped with light vehicles like landrovers and bakkies. Their communication system consists of two way HF radios. However in the late 1970's the SANDF instituted a system known as the Military Area Radio Network (MARNET) which aimed to link farmers to one another and to the local commando HQ. The aim of MARNET was threefold:

- To provide an SOS system for farmers in distress
- To act as an early warning system for local SANDF units
- To act as an intelligence gathering system for the commando network and to integrate farmers into the SANDF's counter-insurgency network.

### 3.2.1 The Right-wing presence within the commando system

Most rural commandos are situated in areas where the right-wing enjoys a considerable support within the white community i.e., Western Transvaal, Northern Transvaal, Free State, Northern Cape etc.

Similarly many of the urban commandos are also based in areas where the right-wing enjoys support i.e.; Sasolburg, Vaal, Benoni and Krugersdorp. Right-wing support within the commandos is further entrenched by the fact that the underlying culture of the commando system is traditional Afrikaner in orientation.

Thus it can be said that the commando system could provide the basis for legal arming of the right-wing. It also provides access to ammunition, military and police networks and it provides them with a logistical infrastructure and a co-ordinated communication system.

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Whilst not overstating their danger it is clear that the arming of the right-wing via the commando system does pose a possible threat to future stability if the command structures of the new SANDF are unable to impose control over all its components.

#### 4. PRISONERS FRANCHISE

Those campaigning for the extension of the franchise to all prisoners in South African prisons were very close to their goal at the end of March. Protests in prisons around the country, spearheaded by the South African Prisoners Organisation for Human Rights (SAPOHR), had turned ugly leading to twenty three deaths and hundreds being injured. On March 22 the TEC reversed their earlier decision that the franchise would not be extended, and agreed by sufficient consensus that all prisoners should be given the right to vote. The IEC supported their call for an extension, particularly in the light of possible further loss of life and injury, and the severe logistical problems that the IEC said it would face in determining exactly which prisoners were eligible to vote.

Lawyers for Human Rights brought an urgent application to the Supreme Court on behalf of two prisoners. They claimed that being denied the vote actually violated the interim constitution that would come into effect on April 27, and that Section 16(d) of the Electoral Act which defined who could not vote was therefore unconstitutional. Judge Eloff ruled that the decision was outside of his jurisdiction, that he did not have the authority to make a decision on the matter and that it would have to be dealt with by the future Constitutional Court. The final decision therefore rested with the then State President De Klerk. The National Party (NP) stated that its opposition to the extension had not changed. SAPOHR demanded some form of response from De Klerk. They accused the NP and De Klerk of exercising minority rule, of being racist, unconstitutional and hypocritical. They pointed to the fact that the NP had criminals on its electoral lists, and that they had supported amnesties which had released criminals charged with offences they were now discriminating against. They criticised the NP for creating the impression that only murderers and rapists were excluded from voting, and added that well over



70% of those incarcerated were there for other crimes. SAPOHR claimed that if the Act was not amended over 95% of the prison population (excluding remand prisoners) would be excluded from the vote. The DCS have said that SAPOHR's figures are grossly exaggerated. On April 21, SAPOHR announced that it was re-launching its "rolling mass action" in the prisons to protest against De Klerk's failure to make a decision and end everyone's uncertainty. Protests were more isolated than the wave of demonstrations that hit South Africa's prisons in March, but again allegations of extreme brutality by members of the DCS and SAPS against protesting prisoners have been made.

On April 25, the day before voting in the prisons was to begin, De Klerk amended section 16(d) of the Electoral Act. This amendment extended the vote to all prisoners with the exception of those convicted of murder, rape and robbery with aggravating circumstances. This effectively enabled thousands of prisoners to vote, but fell short of total inclusion. SAPOHR conceded "defeat" and called off its mass action. The elections went ahead in South Africa's prisons over the next two days and the DCS have claimed that 94% of the 87 000 prisoners who were eligible to vote did so. SAPOHR have dismissed this figure as grossly exaggerated. In a letter to the *Star* newspaper, Marcus Cox of SAPOHR claimed that De Klerk's amendment was open to manipulation by members of the DCS. They claimed to have received a letter from the State President's Office which indicated that those prisoners who did not have the option of a fine would remain excluded from the franchise (*Star* 29/4/94). SAPOHR representatives have said that this manipulation has been borne out by information received from various prisons, which indicate that there was not a clear interpretation of De Klerk's amendment. They claim that factors such as whether the warders were "verkrampste" (conservative) or "verligte" (enlightened) played an important role.

Whether or not there will be an accurate account of who voted in the prisons is yet to be seen. The IEC who claimed that they would face severe logistical problems in the prisons have been conspicuously silent as to whether or not such problems actually arose.

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African National Congress	252
National Party	82
Inkatha Freedom Party (IFP)	43
Freedom Front (FF)	9
Democratic Party (DP)	7
Pan Africanist Congress (PAC)	5
African Christian Democratic Party (ACDP)	2
<b>Total number of seats</b>	<b>400</b>

## Provincial Legislature

### Western Cape

NP	23
ANC	14
DP	3
FF	1
ACDP	1
<b>Total</b>	<b>42</b>

### Northern Cape

ANC	15
NP	12
FF	2
DP	1
<b>Total</b>	<b>30</b>

### North West

ANC	26
NP	1
FF	1
<b>Total</b>	<b>30</b>

### Orange Free State

ANC	24
NP	4
FF	2
<b>Total</b>	<b>30</b>

### Eastern Cape

ANC	48
NP	6
PAC	1
DP	1
<b>Total</b>	<b>56</b>

### Natal/KwaZulu

IFP	41
ANC	26
NP	9
DP	2
PAC	1
ACDP	1
MF	1
<b>Total</b>	<b>81</b>

### Northern Transvaal

ANC	38
NP	1
FF	1
<b>Total</b>	<b>40</b>

### Eastern Transvaal

ANC	25
NP	3
FF	2
<b>Total</b>	<b>30</b>

<b>PWV</b>	
ANC	50
NP	21
DP	5
FF	5
IFP	3
PAC	1
ACDP	1
<b>Total</b>	<b>86</b>



SAPOHR and other human rights organisations will undoubtedly publicise any further irregularities brought to their attention.

#### 4.1 Human Rights Violations in Prisons

On April 19, SAPOHR released a twelve page document entitled, "SAPOHR Interim Report on Recent Violence and Abuse of Human Rights in South African Prisons: Urgent Need for Action/Intervention". The report provides summaries of some of the incidents of violence and abuse that had been brought to the organisation's attention during the period of February 28 and April 19. SAPOHR accuses the DCS of systematically attempting to cover up the acute levels of abuse that continue inside the prisons and the role that certain prison warders play in this violence. SAPOHR has also been critical of the SAPS whose special Task Forces are used by the DCS when the latter requires back-up and /or special assistance. As of yet there have been no prosecutions of either DCS or SAPS members relating to these incidents.

Despite the litany of abuses that continue, an incident at Witbank Prison in the Eastern Transvaal in early May has indicated that further abuse of prisoners will not necessarily continue with impunity. On May 4, a number of prisoners were seriously assaulted, some hospitalised, by members of the prison task force supported by members of the SAPS and SANDF. There had been the possibility of a serious confrontation between this force and the prisoners who were demanding the removal of racist white warders. According to a POPCRU prison warder at Witbank, the prisoners were armed with bricks, sharpened spoons and nails, but had put down their weapons at the request of a POPCRU official who was trying to initiate a discussion between prisoners and authorities about the problems raised. It was at this point that the Task Force allegedly attacked, assaulting the unarmed prisoners with batons and setting dogs on them. IBI has been informed that the dogs caused a number of very serious wounds on prisoners. The DCS initially dismissed the incident as another prison "riot" connected to protests about the prisoners franchise. The local ANC branch in Witbank, then instructed a local lawyer to take steps to address the incident. By Friday, fifteenth members of the DCS and SAPS, including the

commanding officer of the prison had been suspended, pending further investigations. Over 140 charges have been laid against the prison authorities. Both commanding officers of the SAPS (General Johan van der Merwe) and DCS (General Henk Bruyn) have ordered a top-level investigation.

## 5. ELECTION

South Africa's elections were held over four days from April 26 to April 29. After only a few hours on the first voting day, allocated for "special voters", it became apparent that the Independent Electoral Commission (IEC), charged with the responsibility of administering this awesome task, were struggling to effectively address the logistical problems facing it. As many as 15 % of polling stations did not open at all. Many others were unable to obtain the necessary voting materials, as pensioners queued for hours, in the hot sun, waiting patiently for IEC officials to deliver what they had been promising in the media over preceding days and weeks, "The Election You Want".

The first days' glitches were small compared to the pandemonium that reigned on April 27 (the first full day of voting), as literally millions of South Africans took the opportunity, most for the first time, to exercise their right to vote. The IEC later admitted that they were completely overwhelmed by the numbers that turned out early that morning. Across the country reports flooded in from polling stations experiencing severe problems. Most common were the non-arrival of ballot papers and other voting materials. In some areas, polling stations received all materials, bar one or two essential items, thus delaying the process. Apart from the non-arrival of ballot papers, the issue of IFP stickers became a sticking point in many areas. Due to the last minute agreement made between Mandela, De Klerk and Buthelezi, it was impossible to reprint the eighty million ballot papers that had been rolling off British printing presses for the last few weeks. A company was contracted to print millions of stickers that would be affixed to the bottom of the ballot paper at the polling stations. In theory this sounded fine. The printer delivered on time, but distribution proved to be another matter. Without stickers the voting was unable to



begin, even in areas where IFP support was non-existent. Confusion reigned when rumours circulated of a directive that would enable voters to write the name of IFP in the allotted area. The IFP complained that this could adversely effect the secrecy of the vote as many illiterate votes would require the assistance of electoral officials. Eventually the directive was accepted.

Worst affected were rural areas, particularly in the Eastern Cape, KwaZulu/ Natal and the Northern Transvaal as well as the urban conurbation's Soweto, Khayalitsha and the East Rand townships of Katlehong and Thokoza. The IEC promised to address problems as they arose, but were soon overwhelmed, at the number of logistical problems brought to their attention outstripped their ability to deal with them. Consequently they were unable to keep pace of what materials were available, where they were, why some areas experienced severe problems and others ran smoothly. The control and accountability over materials and their transportation to the polling stations completely collapsed in many areas. IEC officials at polling stations struggled to obtain materials in the face of crowds growing restless from waiting and in many instances left their polling stations to find out where they could obtain them. They bartered with one another, and sheer initiative by officials managed to get some stations operative after hours of delay. The electorate also used their initiative to get themselves to the polls. Many voters from African townships went to neighbouring white suburbs where by and large voting was proceeding albeit with some delays. In some areas, whites voted in nearby townships and squatter camps. The IEC put on a brave face, ensuring the public that everything was under control, but it was clear that this was not the case. April 27 is best described by some of the newspaper headlines the following day: *"Unforgettable Birth Pains"*, *"Millions line up for freedom"*, *Voters brave all odds to cast ballots*, *"IEC under fire as voters swamp polls"*. Politicians across the political spectrum flooded the IEC with complaints about electoral infringements, irregularities and the partiality of IEC officials. They also accused the IEC of gross incompetence, and some politicians prematurely declared that they would not accept the election result.

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Judge Kriegler, Chairperson of the IEC, hurriedly convened meetings with the major political players, and urged President De Klerk to declare April 28 a public holiday in order to afford millions of voters a fair chance to get to the polls. De Klerk obliged, provoking criticism from the business community that the economy could not afford another lost day of production. It is clear that the politicians believed that the economy and the future welfare of the country could not afford this election being declared unfree and unfair. Attempts were made to pacify Buthelezi, who hinted that the IFP might have no other choice than to reject the results, such was the chaos in the IFP stronghold of KwaZulu/Natal. De Klerk and Mandela also offered the IEC state resources as it was clear the election was on the verge of collapse and needed resuscitation and logistical support. The services of the SANDF were to be utilised extensively over the next forty eight hours and became a crucial element in maintaining the flow and allocation of much needed materials. Kriegler informed the country that, because of the unknown whereabouts of millions of ballot papers, printing presses around the country had already begun printing an extra 9,3 million ballot papers. Suspicion of foul play abounded following this revelation. Kriegler announced that the SAPS had been commissioned to investigate the system of ballot paper allocation. IEC officials played down the prospects of uncovering widespread sabotage suggesting the cause was more likely to be the result of miscalculations and maladministration. The Administrative Department of the IEC has been held responsible for the massive maladministration and polling inefficiencies experienced. This incompetence was compounded by the apparent complete lack of contingency plans to deal with the acute problems that arose. This only hampered initiatives and efforts to secure materials through other channels other than the administration. It was at this stage that the Monitoring Department of the IEC took over much of the remaining administrative co-ordination, particularly in areas that had been badly affected, in what was described as a "palace coup" by one local newspaper.

Despite continuing to register their complaints the following day, April 28, major political parties, and most poignantly their leaders, rallied around the IEC making public statements to the effect that they were extremely confident the elections would be



declared free and fair and that the IEC was to be commended. Serious allegations of electoral fraud were made around the country and particularly in KwaZulu Natal, where the ANC alleged that the IFP had set up a number of "pirate" polling stations and were involved in widespread coercion. Administrative co-ordination and problem solving improved dramatically on the 28th. This enabled the IEC, now with the support of the SANDF to focus its attention on the worst affected areas. There was a dramatic reversal of the previous days events in areas such as Katsiwhong and Soweto. Materials arrived and voting progressed smoothly. Far fewer people were at the voting stations, suggesting that most had either voted the previous day or were unable or unwilling to return, despite the public holiday. Indeed in some areas, many people returned to work, unaware that a holiday had been declared or fearing possible disciplinary action from unsympathetic employers.

However there was a rush on of another kind, as thousands around the country queued to obtain voters cards, enabling them to vote. The Department of Home Affairs and IEC officials worked flat out before and during the elections to ensure that as many people as possible got the necessary documentation. The Electoral Act had been amended the previous week and made it clear that TBVC travel documents were valid identity documents. However it became obvious that large numbers of South Africans had not heeded months of warning that they needed specific identification in order to vote, as thousands of people queued for hours to obtain the necessary documentation. As the hours ticked away on April 28, it became clear that the election was not over and that more time was needed, particularly in some of the rural areas where administration and distribution of resources remained problematic. Presiding IEC officers at polling stations around the country were given the choice to stay open until midnight in order to accommodate last minute voters. Judge Kriegler announced that the IEC was not satisfied voters had had a fair chance to vote in the former homelands and self-governing territories of Transkei, Ciskei, Venda, Gazankulu, Lebowa and KwaZulu and that after consultation with political parties, (many of whom had allegedly been publicly recommending a further day for voting) had decided to extend the voting period for a

further day in these areas. In the Transkei for example, as many as one million voters had not been able to vote by the close of polling on April 28.

Judge Kriegler revealed that over five hundred complaints were being investigated by the SAPS and "independent agents".

Voting on April 29 proceeded smoothly, and as voting stations finally closed the country held its breath for a long wait as the process of getting ballot boxes to counting stations got underway. Counting was to officially start on Saturday morning, but in many areas only got going by Sunday afternoon. Delays were attributed to a number of factors, but the chaos that was reported at some locations does not appear to have been widespread. Counting was slow as the process first required reconciling the number of ballot papers counted from ballot boxes with the number of votes cast from each polling station. Results literally trickled in as election commentators struggled to hold their audiences' attention. By Tuesday, May 2 just over half the votes had been counted. The results continued to come in slowly as the ANC passed the 60% mark and edged towards the 67% majority required in order to be in a position to write the new constitution. The National Party vote had slipped down to just over 20% of the vote and were in danger of losing another cabinet post. However there was still over one third of the vote to be counted. There then followed a 32 hour break in the announcement of election results. The IEC eventually broke the silence and results began to come in once again. However it appeared that the serious number and nature of allegations made by political parties about the IEC and each other had forced the fate of the elections away from the counting machines and into the political arena. From March 29 to May 4 political parties had been engaged in discussions and horse-trading with the IEC and began bargaining their complaints for votes. The results could only be settled on the basis that political parties withdrew their objections. Compounding this problem were others: Counting machines had broken down delaying the count increasing time pressures on the IEC. The IEC also revealed that someone had been tampering with their main data recording system. This they stressed had only affected a few thousand votes but had increased the percentage points of three minor



parties. The IEC informed the world that the final results were subject to bartering by political parties because of counting machine glitches. The IEC said this had to be done in order to secure legitimacy for the results, thus avoiding continued valid claims of irregularities. This was to be done for the national interest. Judge Kriegler pointed out that the IEC was never asked to certify the accuracy of the results only that the political process was substantially free and fair.

Bearing in mind the nature of current South African politics maybe this is the nearest to "free and fair" that could be achieved. In many countries around the world this election would have not been declared free and fair. However South Africa's unique circumstances dictated that a solution had to be found if an impasse was to be avoided and the likelihood of increased violence averted. The fact that the election period itself was so peaceful must have spurred many to push for this solution. The SAPS has continued its investigations. In the most serious incidents involving tracking down the missing ballot papers, hundreds of thousands of ballot papers and other essential materials were found in warehouses on the East and West Rand as well as Pretoria. Five IEC officials (three of whom were seconded from the Department of Home Affairs) are being investigated for the concealment of materials.

One can only speculate on what deals were made, but the final result had important implications. The ANC did not achieve the target of 67%, with "some relief" claimed Mr Mandela. It did however command over 62% of the vote and secured its dominance for the next five years at a national level, as well as winning seven of the nine provinces with some convincing wins. In the Eastern Transvaal the ANC won over 90% of the vote. The National Party slipped marginally but held its position getting just over 20% of the vote and securing four cabinet posts. The NP won the Western Cape and the region is now under the Premiership of former Law and Order Minister Hernus Kriel. The IFP gained two percentage points putting it into third position with over 10% of the vote and three cabinet posts. The IFP also won control of KwaZulu/Natal, with IFP National Chairman, Frank Mdlalose becoming Premier. Despite having been sworn in as legislators for the

province, the Natal ANC is continuing a legal battle to have the result in KwaZulu nullified.

South Africa's elections however imperfect have been largely accepted domestically and applauded across the world. The fact that there were so many irregularities is a reflection of the IEC's inexperience as well as other factors. They were charged with facilitating what Cyril Ramaphosa, the ANC's chief negotiator, described as "Mission Impossible". The results despite the irregularities have been accepted and there will not be a post mortem of the process. The parties have taken a non-confrontational route and accepted that the results were a relatively accurate reflection of current political support for each others parties. However IBI hopes that a precedent for future elections has not been set.

## 6. GOLDSTONE COMMISSION

### 5.1 Aborted Escom Arms Deal

Between April 15 and 19, the Goldstone Commission held a preliminary inquiry into the attempted purchase of firearms by the KwaZulu government from Escom. The inquiry revealed top level communication between the SAPS and the KwaZulu Police (KZP), and once again General Johan van der Merwe found himself under the spotlight, accused of endorsing the sale by giving permission that the required export permits were issued, and of not informing former Law and Order Minister Hernus Kriel, about the nature of this deal.

Escom officials alerted the Goldstone Commission about an attempted unauthorised sale of one thousand LM4 semi automatic rifles from its surplus stocks by Mr Johan van der Walt, the Manager of Escom's Department of National Protective Services. The sale was stopped.

The sale was discovered by another Escom employee on March 25, when he came across Mr van der Walt, Mr Phillip Powell (IFP Central Committee member and responsible for



training of IFP Self Protection Unit paramilitaries, one thousand of whom joined the KZP before the elections), and Mr Garb, director of J Garb & Co (arms dealers) in the parking garage at Escom. The employee found the three men supervising the loading of boxes containing LM4s onto the back of two open trucks. It was disclosed that the weapons were destined for the KZP through Garb who was to act as the middleman.

The employee contacted Mr Henk Pienaar, head of Escom's Protective Security, and it was confirmed that he knew nothing of the deal. Escom says that it had a license to sell weapons abroad, but alerted the Goldstone Commission when it discovered that the weapons were to be sold within South Africa's borders. Escom launched an internal investigation and suspended all employees who were suspected of involvement.

Escom officials claim that they had no knowledge at any time that the real buyers of the arms were the KwaZulu police and consequently brought the matter to the Commission's attention when it was discovered that was the weapons destination. This position has been severely criticised by the KZP commanding officer, Lt General R P During, who in a highly charged political statement asserted that Escom officials were making *"a pathetic attempt to exonerate themselves from blame for daring to deal with the political adversaries of the ANC"*. Lt-General During said that he was aware of the deal, but claimed that there was nothing untoward or covert about it. The KZP had had certain difficulties obtaining arms recently, and therefore used sources at its disposal. As far as the KZP were concerned they were negotiating for the purchase of firearms through a weapons dealer whom they considered to be *"Escom's duly authorised agent"*. Lt-General During further stated that the KZP was obliged to apply for an export permit which would verify the documentation because self-governing territories such as KwaZulu had to do so under the Arms and Ammunition Act. During rebutted Escom's assertion that anything illegal had transpired and dismissed the whole matter as unworthy of the Commission's time and energy.

General Johan van der Merwe, in a letter to the Goldstone Commission justified the sale of arms, supporting During's claim that it was a legitimate sale and that it involved firearms

that were not as dangerous as the R4s issued to members of the National Peace Keeping Force, who in his opinion were less adequately trained than the KZP. It is not clear why General van der Merwe attempted to justify the arms sale by comparing the weapons and training of the NPKF to the KZP, particularly as a number of sources have indicated that the LM4s were destined for Powell's SPUs. The attempt to link the two forces in this way has made General van der Merwe look, at best, badly misinformed.

The Goldstone Commission determined that Powell had been put in touch with Mr Garb through an official in **Gintans Security** in Durban. Garb, having been aware that there was a surplus of arms at Escom then contacted Van der Walt. (The Commission was satisfied that Escom's surplus of just under five and a half thousand weapons, including the LM4s, was justified in the light of significant scaling down of security around Escom installations) Gintans arranged the sale of the arms to the KwaZulu government through an associate company, **Seyah**. Garb's first attempt to obtain the necessary export permit was refused by the SAPS. The second application was accompanied by a letter of authorisation from Major General S M Mathe, the Deputy Commissioner of the KZP. The SAPS officials dealing with the application referred the matter to the Commissioner's office as they were aware of the March 2 Cabinet decision that prohibited any further sales of arms to the TBVC (The former independent homelands of Transkei, Bophuthatswana, Venda and Ciskei) states. The Commissioner, General van der Merwe and his staff officer, Brigadier Maritz, decided that the prohibition did not apply to self-governing states such as KwaZulu and that a permit could be approved. The permit which usually takes three weeks to process was rushed through in 24 hours. Van der Merwe initially denied any knowledge of the deal, stating that he was only aware of the request to clarify the Cabinet decision (*Star* 16/4/94). A few days later, before the Commission, he acknowledged that the permit was authorised by a Brigadier Blaauw from his office and that Blaauw had been aware that the permit was for the KZP (*Business Day* 21/4/94).

Van der Merwe was criticised by the Commission for not having referred the matter to the then Minister of Law and Order, Hernus Kriel. The relationship between the SAPS and



KZP is politically sensitive in the light of Third Force revelations made in March (see IBI February & March report). Why then were such transactions not more closely scrutinised, particularly as senior SAPS generals were then suspended pending other investigations linking them to illegal activities with the KZP and IFP?

Lt General During's assertion that this was a legitimate arms deal must also be considered in the light of the deal itself. The KwaZulu government paid R2 100 000 to Seyah for the LM4s. In turn, Seyah paid Garb R1 070 000. Mr John Sleep, a director of both Gintans and Seyah made a profit of R1 030 000. R850 000 in cash was withdrawn from Seyah's account by two directors. Garb's profit was R395 000. The Commission chastised the KwaZulu government for its incompetence. It had paid three times the actual price (Escom sold the weapons for R675 000). It bought the weapons from an unknown source without having examined the goods prior to purchase. The Commission also pointed out that it was also a measure of their competence that they sent two open lorries to pick up the weapons on a night when it was pouring with rain.

The deal was stopped, and all the moneys paid out were returned. It has been relatively easy for the commission to obtain substantial amounts of information, some of which it has discredited (i.e. assertion made in the *Saturday Star* that another 10 LM4s had been signed out of Escom's arsenal and were seen being loaded into a truck that was escorted by a Mercedes Benz, that was traced to National Intelligence Services - 9/4/94), and some which requires further clarification. Central to the controversy is Mr van der Walt and the security companies involved in procuring the arms. KZPs counsel was unable to inform the Commission in which way the KZP usually obtained its arms, and why such elaborate subterfuge was necessary, which also appeared to involve enormous pay offs. According to Escom, Van der Walt was also involved in the unauthorised sale of another 50 LM4s to an arms dealer in Kempton Park. This case is also being investigated. It also needs to be determined whether Escom was indeed aware of the true nature of the transaction or is, as General During has stated, covering its back for the sake of political expediency. Either Escom or During are lying. Further investigation may determine who. It is also worth

noting the attitude of both During and Van der Merwe. The former's reference to Escom being afraid to admit dealing with the KwaZulu government because of the potential wrath of the ANC is a highly irresponsible statement coming from a man whose constituents include both Inkatha and ANC residents. Van der Merwe's underhanded references to the NPKF must also be regarded as somewhat irresponsible in the light of the current debate surrounding the role and conduct of the force. His failure to alert the Minister of Law and Order has further damaged his credibility to perform his duties in an impartial manner. Suspicion of more sinister involvement by Escom employees remains. The Goldstone Commission has begun an investigation into a previous arms sale of 1000 G 3s from Escom to the KZP. The National Union of Mineworkers who were represented at the Inquiry have also complained that there was a consistent threat of IFP attacks on its members at a number of Escom plants in the Eastern Transvaal and alleged that Escom's Security Department at the Kendal power station near Witbank were training IFP members.

## 5.2 Johannesburg Massacre

The Goldstone Commission have also released their "Report on the Shooting Incidents which took place in the Centre of Johannesburg on Monday 28 March 1994", that left 53 dead and over 200 injured. The Commission stated that it was unable to make any findings at this stage but made recommendations to reconvene in order to hear submissions concerning policing problems that arose from the 28/3/94, as well as submissions from all the parties concerning the actual shootings at the Library Gardens, Selby Hostel, Shell House (ANC HQ) and Lancet Hall (ANC Regional HQ). The Commission also recommended that the conduct of Mr Humphrey Ndlovu (IFP) be referred to the Independent Electoral Commission.

The Commission dismissed as *"fanciful and disingenuous"* the IFP and KwaZulu government's argument that Mr Ndlovu's application for the march, written on IFP letterhead and in his capacity as an IFP official, was actually done so in his capacity as a Zulu cultural leader.



Both the IFP and ANC were extremely critical of the role (or lack of it) of the SAPS. The Commission thanked the SAPS for its detailed submissions and assistance and commented on the difficulty the police faced in dealing with such situations. The ANC were particularly critical of the SAPS' failure to secure the area around Shell House despite their prior request for security and disputed the SAPS' version of events that led to eight marchers being shot dead by ANC security guards. The ANC claimed that no policemen were deployed there before 10.15am and that when ten policemen were deployed they were simply overcome by the situation and fled. The SAPS admitted that they had received calls from the ANC including a call from Nelson Mandela about the proposed attack. The SAPS' counsel denied that the ANC's warnings were not heeded. The SAPS alleged that ANC guards shot at marchers when they were between 50 and 70 metres from Shell House and that shots were also fired from a parapet in Shell House. The ANC argued that the shootings at both Shell House and Lancet Hall were in self-defence. The IFP however allege that marchers were shot at without good cause.

The ANC and SAPS agreed that the shootings at the Library Gardens, resulted from the SAPS shooting in self defence and that the ANC was *"in no way involved"*. The IFP rejected this version and alleged that the shooting was precipitated by criminal elements from within the SAPS and ANC. They charged that neither ANC or SAPS wanted the incident investigated because they were the cause of it. The IFP reiterated an earlier police statement that indicated that there were snipers on the roofs around the gardens.

The Commission found that further investigations by itself and the SAPS were necessary if criminal proceeding were to be instituted. Further submissions from the involved parties to the Commission must be made by May 31.

### 5.3 Third Force Activities and the Generals

Controversy continued to plague the Generals who were implicated in the Goldstone Commission's preliminary inquiry into illegal activities that were instrumental in the internal destabilisation of South Africa. Having challenged F W De Klerk's request that all

three senior generals, Smit, Le Roux and Engelbrecht be suspended, the Commissioner of Police, General Johan van de Merwe said he would resign if the generals were found guilty of any wrongdoing (*Sunday Times* 27/3/94). Senior police, both retired and active closed ranks in defence of the implicated men. The head of SAPS Public Relations Department, Major General Leon Mellet accused De Klerk of attempting to buy political support from black communities by turning on the generals. The ANC claimed the police were acting in a treasonable manner and called for De Klerk to act. Temperatures were cooled when Smit and Le Roux (Engelbrecht had already gone) agreed to take voluntary leave for a short period. General van der Merwe challenged the Goldstone Commission to come up with some evidence against his men within 10 days. The period was extended throughout April, whilst the Commissions' specially appointed team under the leadership of Dr D'Oliveira, Transvaal Attorney General continued to gather evidence. A number of witnesses remain in Witness Protection Programmes both inside and outside the country. The investigation team's task is awesome. IBI has been informed by sources close to the Commission that only 2% of the information thus far gathered had been disclosed to the public and that as many as three thousand police personnel could have been involved in the network. The investigation has therefore focused on key figures including senior policemen, in order to decapitate the network. The Goldstone Commission simply does not have the resources to extensively penetrate such a network if indeed it exists. At this stage the network remains an unknown quantity and consequently there has been much speculation as to how much of the recent violence has been spawned and sustained by this element. The implications for future policing are enormous if criminal elements are to remain active in the force.

During April, Allied Banks of South Africa (ABSA) continued its internal investigation into those employees who were implicated in the Goldstone report. Brood Van Heerden, a senior manager in ABSA security and a former Vlakplaas operative who is alleged to have played a key role in facilitating the supply of arms from the police to Inkatha was dismissed from ABSA on April 19. Victor and James Ndlovu, both IFP members named in the report remain suspended pending further investigations. The Goldstone Commission



informed ABSA on May 5 that their investigations had cleared ABSA of having institutionalised involvement in the allegations and cleared the name of one of Van Heerden's colleagues who was also implicated by Goldstone's key witness "Q".

Amidst the euphoria and wrangling surrounding the election and its results, General Engelbrecht officially retired from the SAPS on May 1. The official reason given was ill health. Of the three generals implicated Engelbrecht has remained conspicuously quiet whilst his colleagues Generals Le Roux and Smit loudly voiced their innocence.

On May 2, General van der Merwe ordered Le Roux and Smit back to work. Van der Merwe said he had taken the decision after discussions with the Dr D'Oliveira, and had concluded that the Commission did not have enough information that could warrant the generals continued suspension. Van der Merwe in a bid to offset growing concern about growing conflict between the SAPS and the Goldstone Commission reaffirmed the SAPS' full support and co-operation with the Commission's investigation. General Smit told the media that it was good to be back at work after more than a month of uncertainty and that he felt positive about the future and about continuing his career. Less than forty hours later General Smit announced his retirement from the force at the end of May. He blamed the unfounded allegations made by the Commission that had irreparably damaged his career prospects. (Both he and General van der Merwe believed he was in contention for the Commissioners post) Having returned for only a few hours, Dr D'Oliveira issued a statement that completely contradicted Van der Merwe's reasoning behind re-instituting the two men. D'Oliveira announced that *prima facie* evidence existed of SAPS involvement in murder, bombings, unlawful possession and supplying of arms and ammunition etc. He said there were indications of Smit and Le Roux's involvement in two incidents. The Goldstone Commission issued a statement saying that they found it *"inappropriate"* for Smit and Le Roux to return to their desks. *"We are not able at this stage to say whether evidence exists for a prosecution nor are we able to exonerate them"*. General Le Roux remains at his desk whilst General van der Merwe failed to give an adequate explanation as to Smit's sudden retirement. It is questionable whether the

Commission's statement would have had any further negative impact on Smit's career than that which has been already done by the earlier revelations. General van der Merwe has stated that he will resign if his colleagues are involved. The investigation continues.

#### 5.4 Unita Gun-running

The Goldstone Commission has begun investigating allegations that Unita has been selling arms to both right-wing and IFP sources within South Africa. This follows revelations made by Mr Lafrus Luitingh on TV1's Agenda programme. Luitingh who works for "Executive Outcomes", a company providing South African mercenaries employment opportunities to work for the Angolan MPLA government, alleged that a South African company Namib Trading has been involved in the gun running and that he had evidence of elements within South Africa actively supporting Unita's leader Jonas Savimbi. Luitingh said that he would reveal this information to the new South African government and the Goldstone Commission. Two directors, Mr Barend van Heerden and Mr Brian Atwell of Namib Trading have secured temporary interdicts against the SABC, Luitingh, Executive Outcomes and others, prohibiting the publicising or broadcasting of the claims.

### 6. OTHER

#### 6.1 ANC PWV Lancet House "prison"

The African National Congress (ANC) PWV region suspended a security official after police raided the basement of their PWV office in Johannesburg on Sunday April 17 and released four people allegedly being held prisoners in a metal cage.

The security official, Mxolisi Kali was suspended by the ANC and faces charges of kidnapping and assault along with six other people.



The police claim they were alerted to the plight of the prisoners by a man who escaped from lancet House in Jeppe Street. Those released by the police included a 14-year-old boy had been badly beaten and have subsequently laid charges of assault.

The IFP has alleged that the men were abducted in Hillbrow because they were Zulu speaking or had Zulu sounding names. The ANC however claims that the incident followed a private investigation by a security official regarding a break-in into his car. The ANC admitted that people had been brought to their office but said the alleged prisoners had nothing to do with *"organisational matters"*.

IFP spokesperson Suzanne Vos said six people had been abducted in separate incidents and that one had his toenails pulled out and had been badly beaten on the head.

Kali confirmed the ANC version of events saying that he was *"conducting an investigation"* after his car was broken into twice.

On May 2 1994, seven men appeared in the Johannesburg Magistrate's Court on charges of kidnapping and assault in regard to the above incident. All seven - Mxolisi Kali (23), Paul Mokwena (26), Lawrence Mofokeng (26), Maphelo Makhuna (24), Jeff Kembo (24), Ntozonke Ngwenya (28) and Petros Mkhwanazi (27) were remanded to May 16.

## 6.2 Kriel shreds official documents

Hernus Kriel, the outgoing Minister of Law and Order, and new Premier of the Western Cape was sharply criticised by the ANC and others for having shred a number of official documents before leaving office. Kriel explained that the documents were of no further importance as they were simply such documentation as official invitations etc. The ANC has accused Kriel of covering up evidence that revealed how the National Party manipulated the SAPS for its own aims and suggested that the shredded documents could be related to Third Force activities.

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## 7. CONCLUSION

South Africa's first democratic election which saw the ANC sweep to power has been heralded as the birth of a new era. However much of the administration of the old apartheid era remains intact. It remains to be seen how changes to the status quo can be brought about.

Concern about the "third force" remains. Do the recent "third force" revelations stop at the generals?. Was there political involvement outside of what has already been revealed?. The National Party for example has a history of such activity. Do the ANC know ?. Have deals been struck? Will they be relentless in their quest to discover what actually transpired and what role did individuals and groups play ?

It is also evident that despite the "changes" torture and abuse of suspects and political activists continues in certain areas. The discovery of an electric shock machine by Dutch policemen on May 3 at the offices of the Unrest and Violent Crime Investigation Unit in Vanderbijlpark and the increasing number of complaints of torture and abuse by this and other units in the Vaal Triangle brought to the Boards attention in the last few days have highlighted the importance of a thorough and comprehensive investigation of security force abuses.



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