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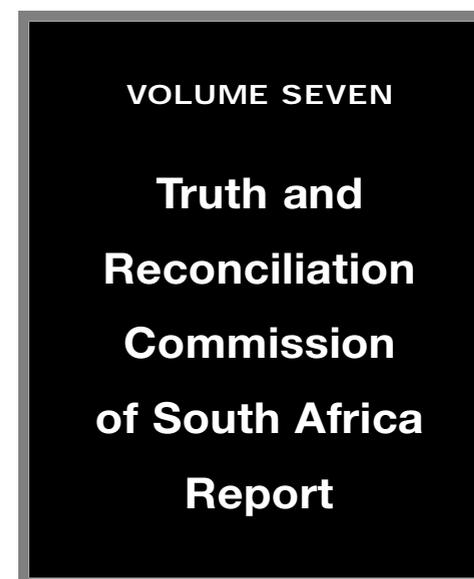
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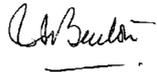
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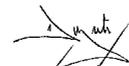
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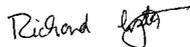
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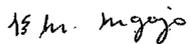
Ms Yasmin Sooka



Mr Wynand Malan



Ms Glenda Wildschut



Revd Khoza Mgogo

because of you

this country no longer lies

between us but within

it breathes becalmed

after being wounded

in its wondrous throat

in the cradle of my skull

it sings, it ignites

my tongue, my inner ear, the cavity of heart

shudders towards the outline

new in soft intimate clicks and gutturals

of my soul the retina learns to expand

daily because of a thousand stories

I was scorched

a new skin.

I am changed for ever. I want to say:

forgive me

forgive me

forgive me

You whom I have wronged, please

take me

with you.

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Volume **SEVEN**

Victim findings

■ FOREWORD

This volume is a tribute to the victims of Apartheid and a living monument to those who sacrificed so much in order that we could all enjoy the fruits of democracy. It contains the stories of those who came forward to speak of their suffering. Their stories symbolize the greater experience and suffering of our people, many of who were not able to come forward to tell their own story.

The Truth and Reconciliation Commission would not have happened without the victims. Their willingness to honour the agreements that brought the Commission into being allowed the foundations to be laid for a new society. Furthermore, their willingness to participate in the process enabled the Commission to carry out its task of establishing as complete a picture as is possible of the horrors of our past.

The Commission therefore dedicates this volume of its report to the victims of Apartheid.

Who are the victims?

Many people came forward to tell of their suffering during the period of repression and resistance. Some had been active participants in organised resistance; some had been identified as agents of the Apartheid state; others had been innocent, even ignorant, victims caught up in the wrong place at the wrong time.

The Commission received statements from 21290 (twenty one thousand two hundred and ninety people, of whom more than 19 050 (Nineteen thousand and fifty) were found to be victims of a gross violation of human rights. In addition, more than 2975 victims emerged from the amnesty process. It is regretted that in a number of cases, applicants were found not to have been a victim. This does not mean that their stories are untrue or that they did not endure suffering. Rather in these cases the Commission was unable to make a finding because so little corroborative information was available. In a small number of cases, victims' statements were turned down because the matter fell outside the mandate period, or because the matter could not be proved to be politically motivated.

Given the enormous number of statements, it has not been possible in the time available either to investigate every case, or to write in detail to each deponent. In all too many cases, no further information was found because documentation was either incomplete or had been destroyed. All the information received has been handed over to the National Archives. It is hoped that at some future date those archives will be made accessible to the general public and to the victims and their families in particular.

Many victims came forward to tell the story on behalf of loved ones, hoping that the Commission would be able to establish what happened to them. In some cases, this was possible; in others the Commission was unsuccessful.

Many of the victims asked for nothing more than information about who was responsible for what they had suffered. It is a matter of great regret that the Commission has only been able to furnish those answers in a few cases that have been well covered by the media, or where amnesty applications have been received.

Every person who made a statement to the Commission received a letter acknowledging the statement and thereafter notification of the finding made. In the case of a person being identified as a 'victim of a gross violation of human rights', that person was informed about how to apply for reparations.

For a number of reasons, many people were not able to access the Commission. Some people learnt too late about the process or the Commission was not able to make contact with them. Others were unable to gain access to a statement-taker. Since the Commission stopped taking statements in December 1997, hundreds of people have come forward to make statements. Unfortunately, the Commission had to make the painful decision to restrict the list of victims to those who came forward before the cut-off date. This means that many victims have been left out of the process with no hope of reparation.

There were other reasons why many people did not come forward to tell their stories. Some were afraid; some chose not to participate because they did not support the process, particularly the concept of granting amnesty. The choice not to make a statement had to be respected by the Commission and as a consequence, many cases that may be expected to appear here do not, including those of a number of well-known victims. Despite their exclusion from these summaries, we recognise that their stories too form part of this period of the history of South Africa.

Others did not wish to be portrayed as a 'victim'. Indeed, many said expressly that they regarded themselves instead as soldiers who had voluntarily paid the price of their struggle. The Commission resolved to use the terms 'victim' and 'perpetrator' as they are used in the Act, remaining sensitive to the problems experienced with these terms. Many

have expressed reservations about the very notion of a 'victim', a term which is felt to denote a certain passivity and helplessness. Some prefer the term 'survivor' although this applies to cases where a violation did not result in death. There were also problems with the term 'perpetrator' which makes no distinction between different motivations and moral contexts, or between a person who commits one violation and those whose careers were based upon perpetrating such violations. In some cases an individual was both a victim and a perpetrator.

Victim statements versus amnesty applications

In general, there was only a limited overlap between victim statements and amnesty applications. In other words, in many cases perpetrators applied for amnesty in respect of cases for which no victim statements had been made. The victims named in amnesty statements are therefore listed in this volume. This applies to applications that were found to be politically motivated but were, for other reasons, refused amnesty.

In a few amnesty cases dealing with deaths and disappearances, the Commission had no other source of verification of the information received and was forced to rely on the information in the amnesty application in order to make a finding or decision.

The Commission wanted to ensure that the summaries tell the stories of the victims and do not become about the *perpetrators*. It is about reclaiming victims' spaces. For that reason, the summaries do not name individual perpetrators but specify the group to which they belonged. If the specific identity of the perpetrator is known, the summary usually indicates this. For example, "Mr Martins was shot dead by a named member of the SAP". In instances where there were amnesty applications, this is indicated by the final sentence of the summary and a reference to the Amnesty decision number (For example, "Four members of the Eastern Cape Security Branch applied for and were granted amnesty for this incident (AC/2001/433)").

The summaries

This volume records the names of those who have been found to be victims of gross human rights violations and a brief summary of each victim's story. We acknowledge that the brevity of each story in no way provides a complete picture of the pain and suffering of the many thousands of victims who came forward.

The names listed in this volume are those victims of gross human rights violations who emerged through statements made to the Human Rights Violations Committee (HRVC) and in applications for amnesty before the Amnesty Committee (AC). The list is not intended to be exhaustive of all those who may be defined as victims of Apartheid.

This volume is therefore intended to acknowledge those who did come forward to tell their stories.

In recording these summaries, the Commission has made use of a similar template for each story and has endeavoured to be as accurate as possible. The summaries are listed alphabetically according to victims' names and indicate the age of the victim, if known, at the time the violation occurred. Name spellings are generally those used by the deponent in their HRV statement. In amnesty cases where the victim could not be traced, the spellings are not verified. The names reflect those in use at the time the violation was committed although name changes are sometimes indicated. In a few cases, where only part of the name is known, the victim may be listed by this partial name. Generally these cases arise from the amnesty process where a perpetrator did not know the identity or full name of the victim.

The summary also indicates the date(s) of the violation(s) as accurately as possible. Victims were frequently unable to specify dates accurately. As a result, many summaries contain only the year in which the violation took place. Several victims experienced multiple arrests and periods of detention over decades. This is sometimes specified simply as, for example, 'repeated detentions in the period 1976 to 1989' where it was impossible to cite each and every detention.

Where possible, a victim's political affiliation at the time of the violation is recorded. In several cases this could not be determined, or the victim claimed to be non-partisan. The Commission had some difficulty in that many victims described themselves as ANC *members* prior to the unbanning of the ANC where, unless they were members of the ANC's underground, they were clearly far more likely to have been ANC *supporters*, or indeed UDF supporters. In drafting the summaries, the Commission has largely used the affiliations specified by victims in their HRV statements.

In cases where amnesty applications have generated the victim summary, political affiliation becomes a more complex issue. For example, Security Branch amnesty applicants may have asserted that their victim was an MK operative, or Self-Defence Unit applicants may have claimed that their victim was an informer or an IFP member. The Commission treated these alleged political affiliations of the victim with circumspection. Where victims or their families could be traced, these political affiliations were often denied or disputed. While the Commission may have accepted that the purported political affiliation was the bona fide perception of the perpetrator, it could not accept it as fact. The summaries try to indicate this by using terms such as "an *alleged* IFP supporter", or "the perpetrator *believed* he was an ANC member", while still attempting to retain a sense of the reason for the violation.

Places where violations occurred are recorded by their generally accepted names during the 1960 to 1994 period. These include the four provinces of Natal, Cape, Transvaal, and Orange Free State. Large cities around the country are not further defined by provincial references.

It should be noted however that during this period, some place names and regional boundaries were subject to change, particularly as the status of homelands and self-governing territories changed. In the case of Bophuthatswana and KwaZulu, where territories were scattered rather than confined to a single identifiable area, homeland place names have been set in reference to the nearest large town, for example, Esikhawini, KwaZulu, near Empangeni, Natal. The purpose of this approach is to illustrate that Esikhawini was under the administrative control of the KwaZulu territory. In order to assist readers in locating Esikhawini, the nearest obvious map entry has been supplied.

Each summary contains a brief description of violations reported to the Commission and found to be gross human rights violations, according to the categories defined in the Act, i.e. killing, torture, abduction and severe ill treatment. As far as possible, the summaries record a brief sketch of the political context in which a violation took place. The summary contains, in essence, the outcome of investigations and reflects the 'finding' of the Commission on each case. Certain summaries may contain other information for the sake of completeness and context.

While a person may have reported many violations, the summaries tend to confine themselves to the violations that could be corroborated by the Commission. The Commission may have accepted certain aspects of the statement as gross human rights violations and rejected others, because of a lack of corroboration, inadequate information, absence of political context and so on. This may be confusing for victims whose summaries are included here as aspects of their experience may be excluded. However, since the Commission took the route of corroborating statements, it was deemed appropriate to only include corroborated violations in these summaries.

It has been very difficult to describe acts of torture in these summaries. In most cases, acts of torture have been abbreviated to state that a person was tortured without necessarily specifying each method such as electric shocks, suspension from a tree, the 'helicopter' method¹, attempted suffocation by the 'tubing' method², submersion in water and so on. Although rape and other forms of sexual torture were undoubtedly part of the repertoire of torturers, details are generally not included. Where details are specified in the summaries, these should serve to remind readers of the full horror and scope of the use of torture in South Africa during the mandate period.

¹ Victim is handcuffed behind the back and forced into a crouching position then suspended from a rod thrust under the victim's knees.

² Victim has a rubber tube tied around the face.

Silences in the summaries

Some victim groupings are poorly represented in the summaries. For example, military operatives of the liberation movements generally did not report violations they experienced to the Commission, although many who were arrested experienced severe torture. This is in all likelihood a result of their reluctance to be seen as ‘victims’ as opposed to combatants fighting for a moral cause for which they were prepared to suffer such violations. The same can be said for most prominent political activists and leadership figures. The overwhelming majority of cases here come from ordinary South Africans who were either mobilised into political action or caught up in an environment in which they became victims of gross human rights violations.

Violations during the course of imprisonment and detention are also under-represented in the cases that came to the Commission, unless they were specifically linked to other violations such as torture. It is estimated that over 70 000³ people experienced periods of detention without trial in the period from 1960 to 1994. A small fraction of these appear here. Furthermore, prisoners who spent years, even decades, on Robben Island prison or in other such prisons for political offences are also poorly represented in the summaries. The Commission did not, for example, receive a single Human Rights Violation statement from any of the Rivonia trialists.

These summaries cannot do justice to the magnitude of the violations experienced by victims. They do not always convey a sense of the lasting impact of the violations, nor do they describe the wider picture of abuse, discrimination and human rights violations that Apartheid wreaked primarily upon the black citizens of the country.

In certain cases, there is some detail of physical effects such as the loss of sight, the loss of a limb or other forms of permanent disablement. However, readers are asked to consult the other volumes of the Commission’s report to determine the far-reaching consequences of violations. We have not, for example, had the space to speak here of the years of depression and anxiety that could follow periods in detention without trial, or of how injuries, hospitalisation, or political stigmatisation may have resulted in the loss of a job and thus family income, leading to evictions and the break-up of families.

Take the case of Pringle Ntando ‘Oscar’ Mrubata from Worcester, Cape. In 1986, at the age of 17, Pringle was shot and paralysed. He died of sepsis on 10 February 1999. Before he died, he told the Commission:

“I was shot in 1986 and I stayed in hospital for a long time. I went back to school but I had to have breaks when I had bedsores. It had been difficult for me because I wanted to learn, to be somebody with a good job. The Std 10

classes are all upstairs, I had to leave school. It was sore. I cried almost every day that year because the school is near my home. I won’t forget that. We live in a 3-roomed house. We boys sleep at the shack at the backyard. It is very wet in winter and very hot in summer. The wind comes in. It is uncomfortable. The toilet is outside. It is very hard to live in a shack. I need a shelter very much. I have a difficulty in transport. I also need urgently a suitable wheelchair and cushion, a lighter one because this one I’m using it’s very heavy.”

An entry for Pringle does not convey much more than how the shooting made him a victim of a gross violation of human rights.

Although they are not recorded, we have been struck by particular trends that emerged in the compiling of the summaries. It was striking how many persons subjected to severe assaults reported developing epilepsy subsequently. Similarly, many of those held on Robben Island appear to have had their health permanently affected and died soon after their release from prison. These permanently altered life trajectories are not covered in these summaries.

One violation could lead to a series of consequences that are also not fully covered in the summaries. For example, 11-year-old Mzoxolo Sogiba’s fatal shooting by the SAP in Nyanga, Cape Town, on 12 October 1976, led to his brother’s flight for exile, from which he has never returned. Another brother told the Commission:

“My little brother Mzoxolo was shot dead by the policeman while he and other boys were watching the garage that was burning in Nyanga East. One of his friends Neo came crying telling me and my mother that the policeman has shot Mzoxolo and they took him to the back of the police van. When we asked the policemen what he has done they said they found a lighter in his pocket, so it’s he who burnt that garage. We asked them where the lighter was. They didn’t show us. It was impossible for a 12-year-old boy to do that. We went to Salt River Mortuary we found him with a bullet hole in his chest. After we buried Mzoxolo my elder brother Zamubuntu who was an ANC member was very upset about what the policemen have done. He crossed the border to the ANC camps. He never wrote even a letter. We never saw him again, even until today. Our mother died in 1980 crying for him.”

The summaries are regrettably not able to convey a full picture of the suffering of the Sogibo family and many others.

³ M Coleman (ed), *A Crime Against Humanity*, David Philip Publishers, Cape Town, page 50.

Associated violations are also not always included in the summaries. For example, several victims described how members of the medical profession ignored their plight. Mr Ratshivhanda Samson Ndou told how badly medical personnel treated him when he tried to get medical attention for the injuries he suffered during torture.

“I showed the doctor the marks on my right wrist and on my right shin which was still very prominent. The doctor was extremely rude. He said he could see that these were handcuff marks but these had been healed and that I was not feeling any pain and that I was wasting everybody’s time. He wrote something on that document. I was not allowed to explain anything because he was extremely rude and hostile.”

In many instances, the Commission heard of cases where parents endured horrors in their encounters with the police and other officials who insulted them while they were looking for their children after they had been shot. Their frantic searches often ended at the mortuary. The police often placed funerals under restrictions, and mourners at vigils and the cemetery were frequently teargassed.

In many instances, families endured a pitiless encounter with the judicial system, with inquests conducted in Afrikaans, and the family ignored. Inquests often ended with the absolution of the perpetrators involved. An alarming number of victims reported that although they attempted to take legal action, they never even heard the outcome from their own lawyers. Worse still, many victims reported that they were informed they had been awarded damages yet they never received any money or only a small fraction of the amount. Mr Sydney Yabo, shot and blinded in both eyes by police in 1988 in Beaufort West, Cape, told the Commission that

“In 1988 I put in a claim against the state, but I cannot remember the amount claimed for. We managed to get a R150 000 settlement. The only time I received money from my lawyers was in 1996 in February when I received R12 500. The letter which I got from them in February also stated that I would receive a monthly income which would be deposited into my banking account, but up till now I have not received a cent from them.”

The summaries are clearly not able to do justice to these and the many other similar stories heard.

Violations involving sexual torture are also inadequately documented in these summaries. Despite the fact that rape formed part of the fabric of political conflict in the East Rand townships and in the bloody battles in KwaZulu Natal during the early nineties, it was infrequently reported in HRV statements to the Commission.

In many ways, women’s experiences in the political conflicts of the past are not evident in these summaries. Males dominate as victims within the narrow mandate of violations examined by the Commission – killings, torture, abduction, and severe ill treatment. The gender profile of those killed inside South Africa, those shot in street protests, the MK operatives arrested, imprisoned, tortured and killed is largely male. The hundreds of female political prisoners is far less than the thousands of male prisoners on Robben Island and elsewhere. The thousands of people detained under the State of Emergency were largely male, and as a result, those tortured were largely male.

What is not adequately captured is the story of the thousands of women in South Africa who were left behind to fend for themselves and who experienced the brutality of the Apartheid system, particularly where their loved ones had left the country or had been identified by the Apartheid apparatus as opposing the state. Another story that is untold is that of the many women who went into exile to join the liberation movements. We have not been able to do justice to them. This remains unfinished business.

Although there are necessary areas of omission, the Commission has published these summaries in acknowledgement of those whose rights were violated in the struggle for justice in our country.

The writing of the summaries has been done by a dedicated team of TRC staff, with the assistance of several volunteers, and themselves often working extra hours on a voluntary basis. Their efforts have been inspired by the courage of those who have suffered.

We apologise if there are any factual errors remaining in the summaries. Researchers and analysts in the future will take up the challenge to elaborate and interpret these stories more fully. This volume is a contribution to their archive and as such, it is probably the richest legacy the Commission is able to leave for the future. The names of the people in this volume will remain as a memorial and testimony to the suffering endured during a time of conflict which must now be put behind the nation as a whole: not to be forgotten, but to be transcended in the building of a different and better society for all.

Glossary and List of Abbreviations

In order to save space, a glossary was compiled to provide further information on an event or a violation. These entries generally derive from multiple statements and amnesty applications arising from the same event. Glossary entries in the summaries are marked by terms in SMALL CAPS. A list of abbreviations and acronyms is supplied at the back of the volume.